

# Ōhiwa Harbour Implementation Forum

## NOTICE IS GIVEN

that the next meeting of the **Ōhiwa Harbour Implementation Forum** will be held in the wharenuui at **Kutarere Marae, State Highway 2, Kutarere** on:

---

**Monday, 13 March 2017 commencing at 9.30 am.**

---

Please note that a pōwhiri/welcome will take place at 9.30 am prior to the commencement of the meeting.

Mary-Anne Macleod  
**Chief Executive**  
**Bay of Plenty Regional Council Toi Moana (Administering Authority)**  
**6 March 2017**

*Ōhiwa Harbour Implementation Forum:*





# Ōhiwa Harbour Implementation Forum Terms of Reference

## Delegated Function

To oversee and monitor the implementation of the Ohiwa Harbour Strategy.

## Membership

Membership will consist of an appointed councillor from each of the three Councils and appointed representatives of local Iwi as follows:

- One representative - Opotiki District Council;
- One representative - Whakatane District Council;
- One representative - Bay of Plenty Regional Council;
- Four appointees (Tangata Whenua) representing Whakatōhea, Upokorehe, Ngāti Awa and Ngāi Tahu.

The Forum (made up of the representatives as outlined above) will specifically invite attendance by organisations/groups which they believe will be interested (such as the Department of Conservation, Ministry of Fisheries, Nukuhou Salt Marsh Care Group). The meetings will also be publicly advertised so that members of the wider community can also attend.

## Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the Joint Committee is four members, consisting of the majority of the number of members.

## Standing Orders

The Bay of Plenty Regional Council Standing Orders will apply to this Joint Committee, except as varied by these Terms of Reference or unless the members of the Joint Committee unanimously agree to vary those standing orders as they apply to the Joint Committee.

## Chair

The 'Ōhiwa Harbour Implementation Forum' elects a Chairperson at its first meeting each Triennium.

## Frequency of meetings

Meetings will be held every six months or as required.

## Term of the Committee

The need for and purpose of 'Ōhiwa Harbour Implementation Forum' will be revisited every three years from the date of the first meeting. The establishment of the 'Ōhiwa Harbour Implementation Forum' is subject to review 3 - yearly following local authority elections. Subject to the Forum being

re-appointed, Councillor and appointed tangata whenua representatives are appointed by the incoming Councils.

## Specific Responsibilities and Delegated Authority

The 'Ōhiwa Harbour Implementation Forum':

- Is the sponsor of the Ōhiwa Harbour Strategy;
- Is responsible for overseeing the implementation of the actions in the Strategy;
- Has an overall monitoring role in terms of timeframes and deliverables;
- Maintains a general awareness of the issues surrounding the Ōhiwa Harbour Catchment; and
- Is responsible for reporting back to the strategic partners and to the community.

The 'Ōhiwa Harbour Implementation Forum' will:

- Receive reports (including those prepared by staff of the three Councils) of what has recently been achieved with regards to implementing the Strategy, and outlining what the next targets for implementation could be;
- Provide a sounding board for officers to test implementation ideas against;
- Provide recommendations that can be reported back to councils; and
- Promote links with the Ōhiwa Harbour Catchment community.

## Administering Authority

Bay of Plenty Regional Council is responsible for the administration of the 'Ōhiwa Harbour Implementation Forum'.

### **Note:**

The Ōhiwa Harbour Implementation Forum reports directly to the Regional Council.

The 'Ōhiwa Harbour Implementation Forum' has no delegated authority for financial expenditure.

The costs of attendance at meetings lie where they fall. The exception to this is that a standard meeting fee will be provided for Iwi representation. The cost of this will be borne by the Bay of Plenty Regional Council. The actions to give effect to the Strategy itself and costs associated with reporting to the Committee are funded from within the budgets of participating councils.

## Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
  - name of participant;
  - organisation represented (if any);
  - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.



# Membership

<b>Chairperson:</b>	To be elected
<b>Deputy Chairperson:</b>	To be elected
<b>Appointees:</b>	<p><b>Bay of Plenty Regional Council</b> Councillor T Marr, Councillor W Clark (Alternate)</p> <p><b>Ōpōtiki District Council</b> Councillor L Riesterer, Councillor K Young (Alternate)</p> <p><b>Te Runanga o Ngāti Awa</b> C Bluett</p> <p><b>Whakatāne District Council</b> Councillor A Iles, Councillor N Tánčzos (Alternate)</p> <p><b>Te Waimana Kaaku (Ngai Tuhoe)</b> R Kora, K Te Pou (Alternate)</p> <p><b>Te Upokorehe</b> T Ransfield, M Manuel (Alternate)</p> <p><b>Whakatōhea Māori Trust Board</b> G Tuari-Kohunui</p>
<b>Committee Advisor:</b>	S Kameta

Recommendations in reports are not to be construed as policy until adopted.

## Agenda

### 1 Opening Karakia/Welcome

### 2 Apologies

### 3 First Meeting Matters

<b>3.1 First Meeting Matters</b>	<b>21</b>
APPENDIX 1 - 2016-2019 Ohiwa Harbour Implementation Forum Terms of Reference	27
APPENDIX 2 - Bay of Plenty Regional Council Standing Orders: Tenth Triennium 2016-2019 (adopted 15 November 2016)	31

## **4 General Business and Tabled Items**

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be delayed until a subsequent meeting.

## **5 Public Forum**

## **6 Declarations of Conflicts of Interests**

## **7 Previous Minutes**

### **7.1 Ōhiwa Harbour Implementation Forum minutes - 12 September 2016 11**

## **8 Reports**

### **8.1 Road safety improvements, Ohope to Ōpōtiki 87**

PRESENTATION - Safe Roads presentation by Mr Justin Rae Community Engagement Manager Safe Roads Team

### **8.2 Ōhiwa Harbour Catchment Work Programme 91**

APPENDIX 1 - 2016-17 Ohiwa Harbour Strategy annual work programme report to January 2017 95

APPENDIX 2 - Ohiwa Harbour Strategy Coordination Group Terms of Reference 101

APPENDIX 3 - 2017-18 Proposed Ohiwa Harbour Strategy annual work programme 105

PRESENTATION - Ohiwa Harbour Catchment Work Programme presentation

### **8.3 Restoration of Shellfish Populations and Seastar Management in Ōhiwa Harbour 113**

### **8.4 Onekawa Te Mawhai Regional Park Update 117**

### **8.5 Nga Haerenga Cycle Trails - Great Ride Extensions 121**

### **8.6 Bay of Plenty Regional Navigation Safety Bylaw 2017 125**

## **9 Consideration of General Business**

## **10 Closing Karakia**



## Previous Minutes



# **Minutes of the Ōhiwa Harbour Implementation Forum Meeting held in Boardroom, Whakatōhea Māori Trust Board, 122 St John Street, Ōpōtiki on Monday, 12 September 2016 commencing at 9.30 a.m.**

---

## **Present:**

**Chairman:** T Marr (Bay of Plenty Regional Council)

**Appointees:** Councillor A Iles (Whakatāne District Council), M Manuel (Alternate, Upokorehe), Councillor L Riesterer (Ōpōtiki District Council), G Tuari-Kohunui (Whakatōhea Māori Trust Board), R Kora (Waimana Kaaku)

**In Attendance:** Alternate members: K Te Pou (Waimana Kaaku), Chairman D Leeder (Bay of Plenty Regional Council); Iwi representative: T Ransfield (Te Upokorehe); Bay of Plenty Regional Council: S Stokes (Manager Eastern Catchments), T Senior (Land Management Officer), L Bevan (Environmental Data Officer), S Kameta (Committee Advisor); M Houghton (Community Facilities Manager, Ōpōtiki District Council); M Naude (Manager Open Spaces, Whakatāne District Council); M Jones (Department of Conservation); S van der Boom (Cheeky Rooster Consultants), Dr K Paul-Burke, J Burke (MUSA Dive – Marine & Environmental Services), T Rother

**Apologies:** K Merito (Te Runanga o Ngāti Awa)

---

## **1 Opening announcements**

The Chairman opened the meeting with a mihi. He acknowledged Whakatōhea Māori Trust Board for hosting the meeting and welcomed everyone in attendance.

The Chairman welcomed newly appointed member Rachael Kora from Waimana Kaaku, whose nomination had been confirmed by Council at its 25 August meeting.

He further advised that Te Rūnanga o Ngāti member Te Kei Merito had given notice of his resignation on the Forum, in the week prior to the meeting and that a replacement member would be sought from the runanga.

## **2 Declaration of conflicts of interest**

No conflicts of interest were declared.

## **3 Previous minutes**

### **3.1 Ōhiwa Harbour Implementation Forum minutes - 14 March 2016**

Clarification was sought on the following matters:

Item 4, Membership updates – it was confirmed that an appointed member for Te Upokorehe was still to be confirmed following the resignation of Maude Edwards. Further to the opening announcements, the appointment of Waimana Kaaku member Rachael Kora had been confirmed at the Regional Council meeting on 25 August 2016.

Item 8.2, Navigation Safety Bylaw – It was clarified that jet skis were prohibited in the harbour, but were permitted to use the western boat ramp to exit the harbour. A call for the registrations of jet skis was to be decided as part of the Bylaw review. A member requested that information on jet ski restrictions be conveyed to harbour residents and holidaymakers during the summer season, which was noted by staff.

## Resolved

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Confirms the minutes of the Ōhiwa Harbour Implementation Forum meeting held 14 March 2016.**

**Iles/Tuari-Kohunui  
CARRIED**

## 4 Reports

### 4.1 Ōhiwa Harbour Programme Annual Work Results for 2015-16

*Refer PowerPoint Presentation Objective ID A2435774.*

The report provided a summary of work carried out over the 2015/16 financial year against deliverables in the Ōhiwa Harbour Programme Annual Work Results for 2015/16.

Regarding the entry submitted to the Local Government New Zealand Awards on behalf of the Ōhiwa Strategy partners, as referred in the next report, Council Chairman Doug Leeder presented the Forum with the certificate of award received by the Regional Council. Chairman Leeder acknowledged the Morgan Foundation award recently attained for the Nukuhou River in recognition of the work of the Forum partners and community. The Forum Chair accepted the certificate on behalf of the Forum partners. He acknowledged the Forum partners, staff, farmers and care groups for their collective work. A member explained that recognition had been conveyed at the LGNZ Conference for the Forum's collective governance ability, which reflected the importance of working together for the care of the harbour. She further noted that the Forum and Strategy was recognised as a leading example, which others wanted to emulate. Members asked if the certificate of award could be shared with Forum partners and it was noted that copies could be arranged for distribution.

Land Management Officer Tim Senior gave a presentation on key achievements for the 2015/16 year. Whakatāne District Council Manager Open Spaces Mike Naude outlined the Ōhope Wharf area upgrade and Ōpōtiki District Council Community Facilities Manager Mike Houghton advised members of the upcoming opening of the Ōhiwa Spit carpark, which invitation would be sent to members in due course.

Staff answered questions on the annual work programme and results. Focus on the management of black swans was a priority for the coming year. On-land improvements in the catchment depended on a number of considerations which needed to be worked through closely with farmers. Regarding considerations to upgrade the regional park dwellings, guidance would be sought from Te Upokorehe and the wider community. It

was noted that national freshwater reforms had signalled the requirement to exclude stock from waterbodies in the near future, which would require in-paddock management that was critical to the long-term health of harbours and rivers.

A query was raised regarding mangrove management in the harbour and the potential to utilise Regional Council's hovercraft to assist with maintaining vegetation. Mr Stokes advised that staff would raise the matter with Te Upokorehe as the consent holders, noting that a variation to the consent would need to go through a formal consent process.

An error was noted within the report appendix on page 18 of the agenda. Under action 3.4, Ōhiwa Walkway Stage 3, Mr Trevor Ransfield advised that Te Upokorehe had not declined their support, but were still in discussion on the matter.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Ōhiwa Harbour Programme Annual Work Results for 2015-16.**

**Iles/Manuel  
CARRIED**

### **4.2 Ōhiwa Harbour Programme Annual Plan 2016-2017 update**

The report provided an update on progress made towards implementing the 2016/17 Ōhiwa Harbour annual work programme for the period from July to August 2016. The report was taken as read and received without further discussion.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Ōhiwa Harbour Programme Annual Plan 2016-2017 update.**

**Iles/Riesterer  
CARRIED**

## **Adjournment**

The meeting adjourned at 10:40 am and reconvened at 11:00 am.

### **4.3 Ōhiwa Harbour Catchment Interim Monitoring Report 2016**

*Refer PowerPoint Presentation Objective ID A2433951.*

The report was presented by Environmental Data Officer Lisa Bevan and provided the Ōhiwa Harbour Catchment monitoring results for the 2015/16 financial year. Ms Bevan gave a summary of the keys risks and issues for the harbour catchment and outlined the monitoring result findings. It was confirmed that overall results showed the harbour and catchment environment had improved and were in good health, noting shellfish limits were within safe limits for consumption and water quality trends were positive. No significant decrease to seagrass had occurred since the last mapping in 2011. Ms

Bevan noted sediment plates had been installed at sites in the harbour and that additional water flow sampling was proposed in the 2016/17 financial year to extend knowledge of sediment and nutrient loading. Eastern Catchments Manager Simon Stokes explained that as seagrass was an important source of food and habitat for fish, it was critical to sustain existing areas and manage the black swan issue to prevent degradation of seagrass.

Members asked questions of clarification. Regarding future goals and measures, Mr Stokes said this was difficult to forecast, but that the annual work programme achievements were ahead of schedule.

## Resolved

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Ōhiwa Harbour Catchment Interim Monitoring Report 2016.**

**Riesterer/Manuel  
CARRIED**

## 4.4 Findings of Green Lipped Mussel sub-tidal sampling surveys in Ōhiwa Harbour 2016

*Refer PowerPoint Presentation Objective ID A244234.*

Dr Kura Paul-Burke presented her report findings on sub-tidal sampling surveys of mussel undertaken in Ōhiwa Harbour. A presentation outlined previous findings, steps taken in 2014 to implement the mussel management action plan (MMAP) and the basis, outcomes and recommendations from the sub-tidal survey conducted in 2016.

Dr Paul-Burke explained that only two small traditional mussel beds remained on the western side of the harbour and only one on the eastern side. Other observations identified significant silt layers, small populations of cockle, scallops and horse mussels and significant mussel attached to buoys and anchored vessels. Further to the recommendations outlined her report, Dr Paul-Burke emphasized the importance of continued monitoring and involvement of Iwi/hapū, to build on existing information, sustain momentum and Iwi and hapū participation, knowledge and interest.

Members asked questions of clarification. Regarding the potential of seastar removal, Dr Paul-Burke explained that the management of seastar needed careful consideration and that best practice management advice was appended to her report. Investigation was sought on leather jackets as a natural predator of seastar, along with gathering evidence on oysters to provide an overall picture of shellfish within the harbour. In terms of the MBIE Tangaroa programme as potential funding source, it was explained that the funding round was due to close in November and that funding criteria did not align well, therefore other considerations would need investigating.

Manager Eastern Catchments Simon Stokes commended the work undertaken by Dr Paul-Burke and fellow researchers and considered the recommendations put forward was sound quality advice. Mr Stokes noted that if the Forum wished to endorse the recommendations contained in section 5 of the report, some actions could be funded through Regional Council's annual plan activity, while others could be pursued by the Forum through Council's Ten Year Plan process.

The Forum agreed to endorse the recommendations within section 5 of the report.

## Resolved

That the Ōhiwa Harbour Implementation Forum under its delegated authority:

- 1 Receives the report, Findings of Green Lipped Mussels sub-tidal sampling surveys in Ōhiwa Harbour 2016.
- 2 Endorses the recommendations in section 5 of the report, that recommend:
  - (a) Sub-tidal monitoring and reporting on the state of mussel populations in Ōhiwa harbour be continued for a minimum total of three years.
  - (b) Technical designs for the restoration and re-invigoration of mussel populations inclusive of mātauranga Māori with western science be developed.
  - (c) Best practice seastar management plan for Ōhiwa harbour be initiated.
  - (d) Opportunities for capability building of hapū/iwi kaitiaki be included into future field based research and/or monitoring for mussels and other shellfish programs in Ōhiwa harbour.
  - (e) Collate and regularly report the findings of catchment wide information pertaining to sedimentation and silt deposits into the harbour.
  - (f) Consideration be given to the establishment of a harbour wide shellfish monitoring program.

Marr/Kora  
CARRIED

### 4.5 Ōhiwa Harbour Strategy Communications Plan 2016

*Refer PowerPoint Presentation Objective ID A2433600.*

Cheeky Rooster Communications & PR Consultant Sarah van der Boom gave a presentation on the revised Ōhiwa Harbour Strategy Communications Plan. Ms van der Boom advised the plan provided coverage for Strategy actions over the next three years and that an annual communications action plan would be developed to support the plan and any adjustments during each year. Using IAP2 best practice standards for public participation, Ms van der Boom said that communications would be moving to a model of collaboration. An outline was given on the objectives, strategies and key communication priorities over the coming year.

Regarding the strategy for celebrating success, covered in the communications plan, a member queried whether a list of appropriate national award categories could be included.

## Resolved

That the Ōhiwa Harbour Implementation Forum under its delegated authority:

- 1 Receives the report, Updated Ōhiwa Harbour Strategy Communications Plan.

**Marr/Manuel  
CARRIED**

#### 4.6 **Care Group activities around the Ōhiwa Harbour**

*Refer PowerPoint Presentation Objective ID A2435773.*

The report was provided by Land Management Officer Tim Senior and updated the Forum on the work care groups and volunteers do around the Ōhiwa harbour. A presentation highlighted some of the activities and achievements that care groups had accomplished. Mr Senior noted care group involvement with schools and the community and advised of work occurring to manage weeds within the shellfish bank in the middle of the harbour and tracking of weka at the two spits by the Department of Conservation.

The Chair acknowledged the achievements and work of care groups and the importance of the part they played in the success of Council's work.

#### **Resolved**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Care Group activities around the Ōhiwa Harbour.**

**Manuel/Marr  
CARRIED**

#### **Attendance**

Council Chairman Doug Leeder left the meeting at 12:44 pm.

#### 4.7 **Ōhiwa Harbour Implementation Forum and Ōhiwa Strategy Co-ordination Group combined workshop proposal**

The report proposed the Forum hold a workshop/field trip every six months between Forum meetings to allow for closer collaboration between the Forum and the Ōhiwa Harbour Strategy Coordinating Group (OHSCG), which was in response to feedback received from Forum members. Land Management Officer Tim Senior said the first workshop was proposed to be held in November or December. Suggested dates would be advised in due course following local body elections.

#### **Resolved**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Ōhiwa Harbour Implementation Forum and Ōhiwa Strategy Co-ordination Group combined workshop proposal.**

**Marr/Tuari-Kohunui  
CARRIED**



#### 4.8 **Shared Landscapes – Ownership and Governance of Ōhiwa Harbour PhD Thesis**

*Refer PowerPoint Presentation Objective ID A2442739.*

Tanja Rother presented findings from her doctoral thesis on ownership and governance concepts and practices in natural resources for Ōhiwa Harbour. Eastern Catchments Manager Simon Stokes introduced Ms Rother and congratulated her on attaining her PhD. Ms Rother said it had been a privilege to work on the thesis and thanked Forum members and the Ōhiwa Harbour Strategy Coordinating Group (OHSCG) for their support and involvement.

Ms Rother gave a presentation on her observations of basic human relationships, shared connections, disconnections and differences in culture. From her assessment, she identified minimal cross-connections between Iwi/Māori and pakeha. She viewed the Forum and OHSCG provided an important role in bridging the gaps in cross-cultural connections, but saw system limitations with local government in terms of empowering rangatiratanga. Ms Rother concluded there was scope to build on future opportunities to improve social and cross-cultural connections, which were outlined and provided in her report for the Forum to consider in their future work.

The Chair commended Ms Rother for her presentation and findings. Manager Eastern Catchments Simon Stokes acknowledged Ms Rother's thesis provided some useful learning for Council and staff to consider. Cheeky Rooster Consultant Sarah van der Boom noted Ms Rother's thesis aligned well with the communications plan objective for engagement. A member advised he would be extending an invitation to Ms Rother to provide her presentation to Whakatāne District Council.

#### **Resolved**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Shared Landscapes – Ownership and Governance of Ōhiwa Harbour PhD Thesis.**

**Marr/ Tuari-Kohunui  
CARRIED**

#### 5 **Karakia whakamutunga**

A closing karakia was provided by Trevor Ransfield.

**The meeting closed at 1:10 pm.**



# Reports



**Report To:** Ōhiwa Harbour Implementation Forum

**Meeting Date:** 13 March 2017

**Report From:** Yvonne Tatton , Interim Governance Manager

---

## **First Meeting Matters**

---

### **Executive Summary**

This report informs the Ōhiwa Harbour Implementation Forum (the Forum) of first meeting matters for the 2016-2019 Triennium. This includes the election of a Chairperson and Deputy Chairperson for the three year term of the Triennium. The report sets out the process to be used to conduct the election. Until a Chairperson has been appointed, Eastern Catchments Manager Simon Stokes will open and chair the meeting.

The report also provides background on the Forum and seeks confirmation of the Forum's membership, Terms of Reference, Standing Orders to be used for Forum meetings and a schedule of meetings for 2017.

### **Recommendations**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, First Meeting Matters.**
- 2 Selects System B as the voting system to elect the Chairperson and Deputy Chairperson.**
- 3 Agrees that in the event of a tie between the highest polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate drawn out, by an independent person (such as the Committee Advisor), is deemed to be elected.**
- 4 Elects \_\_\_\_\_ as the Chairperson for the 2016-2019 Triennium.**
- 5 Elects \_\_\_\_\_ as the Deputy Chairperson for the 2016-2019 Triennium.**
- 6 Notes The Forum's Terms of Reference, attached as Appendix 1 to the report.**
- 7 Notes the Standing Orders to be used for the conduct of its meetings, attached as Appendix 2, as adopted by the administering authority (Bay of Plenty Regional Council) on 15 November 2016.**

## **8 Confirms its membership:**

- **Bay of Plenty Regional Council; Councillor Tiipene Marr and Councillor Bill Clark (alternate)**
- **Ōpōtiki District Council; Councillor Lyn Riesterer and Councillor Ken Young (alternate)**
- **Te Runanga o Ngāti Awa; Charlie Bluett**
- **Te Upokorehe; Trevor Ransfield and Maui Manuel (alternate)**
- **Te Waimana Kaaku; Rachel Kora and Kero Te Pou (alternate)**
- **Whakatane District Council; Councillor Andrew Iles and Councillor Nándor Tánczos (alternate)**
- **Whakatōhea Māori Trust Board; Gaylene Tuari-Kohunui**

## **9 Confirms the following 2017 meeting and workshop dates:**

- **23 May 2017 – Combined Ōhiwa Harbour Strategy Coordination Group (OHSCG) Workshop**
- **12 September 2017 – Ōhiwa Harbour Implementation Forum hui**
- **23 November 2017 – Combined OHSCG Field Trip**

# **1 Election of a Chairperson and Deputy Chairperson**

At the first meeting of the Triennium, the Forum must elect a Chairperson for the three year term. The process for how the Chairperson is elected is determined by Clause 24, Schedule 7, of the Local Government Act 2002 (LGA), which states; the acts of a local authority must be done, and the questions before the local authority must be decided at a meeting by –

- (a) vote; and
- (b) the majority of members that are present and voting.

## **1.1 Voting Systems**

Under Clause 25, Schedule 7 of the LGA, when electing a Chairperson, a committee must resolve to use one of the following two voting systems:

### **System A**

- (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
- (b) *has the following characteristics:*
  - (i) *there is a first round of voting for all candidates; and*
  - (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*

- (iii) *If no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
- (iv) *In any round of voting if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot."*

### **System B**

- (a) *requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*
- (b) *has the following characteristics:*
  - (i) *there is only one round of voting; and*
  - (ii) *if two or more candidates tie for the most votes, the tie is resolved by lot."*

It is recommended that the Forum selects System B as its voting system.

## **1.2 The voting process step**

- a) The Forum resolves to adopt a voting system and the procedure in the event of a tie.
- b) Nominations for Chairperson are called for (nominated and seconded).
- c) Nominees may be allowed up to 10 minutes to make a presentation.
- d) Voting for the election of the Chairperson as per agreed system.
- e) Chairperson declared elected and presides over the meeting.

In agreeing the voting process, ground rules need to also be agreed.

## **1.3 Ground rules**

- a) A member may nominate or second themselves.
- b) Any member can call for a Division.
- c) Standing Orders apply – Divisions will be carried out with names called in random order.
- d) Any member can abstain from voting.

In the event of a tie between the highest (and/or lowest) polling candidates, the names of the candidates receiving an equal number of votes be put into a container and the candidate drawn out, by an independent person (such as the Chief Executive or Committee Advisor), is deemed to be elected

# **2 Background to First Meeting Matters**

## **2.1 Establishment of the Ōhiwa Harbour Implementation Forum**

The Forum was first formed in July 2007 by the Bay of Plenty Regional Council in conjunction with the Ōpōtiki District Council and Whakatāne District Council, following the approval of the Ōhiwa Harbour Strategy (Strategy).

The development of the Strategy was a joint project of the three local councils and local iwi, Te Upokorehe, Te Whakatōhea, Ngāti Awa and Ngāi Tūhoe. While the Forum's formation was approved, a review of the terms of reference was needed and was subsequently updated in February 2010, prior to the Forum's inaugural meeting taking place in May 2010.

## 2.2 Purpose of Ōhiwa Harbour Implementation Forum

The role of the Forum is to oversee and monitor the implementation of the Strategy; receive reports progress of Strategy actions; and to make recommendations back to their respective organisations regarding the management of Ōhiwa Harbour and its catchment. Further information on the Forum's responsibilities are outlined under the terms of reference (refer Appendix 1).

## 2.3 Forum Membership

The table below provides the current membership of the Forum. Where possible and at the request of the Forum, partner members have appointed alternate members to attend Forum meetings when the primary member cannot attend.

Appointed Members	Alternate Members	Iwi/Partner Organisation
Councillor Tīpene Marr	Councillor Bill Clark	Bay of Plenty Regional Council
Councillor Lyn Riesterer	Councillor Ken Young	Ōpōtiki District Council
Charlie Bluett	<i>To be advised</i>	Te Runanga o Ngāti Awa
Trevor Ransfield	Maui Manuel	Te Upokorehe
Rachel Kora	Kero Te Pou	Te Waimana Kaaku (Ngai Tuhoe)
Councillor Andrew Iles	Councillor Nándor Tánczos	Whakatane District Council
Gaylene Tuari-Kohunui	N/A	Whakatōhea Māori Trust Board

It is noted that further consideration is being sought from Te Rūnanga o Ngāti Awa regarding the appointment of an alternate member(s).

## 2.4 Terms of Reference

At Bay of Plenty Regional Council's first meeting of the new triennium, held on 15 November 2016, Council adopted its governance structure including re-establishing the Ōhiwa Harbour Implementation Forum and its terms of reference. The same process occurred within Whakatāne District Council and Ōpōtiki District Council. The Ōhiwa Harbour Implementation Forum was established as a non-statutory joint committee.

The Forum can seek a change to the terms of reference by way of consensus and make a recommendation to the three Council partners to alter its terms of reference. All three Council partners must agree before any changes are implemented.

The Forum's Terms of Reference are attached as Appendix 1 to the report for information.

## 2.5 Standing Orders

Bay of Plenty Regional Council's Standing Orders are to be used for the operation and conduct of the Forum's meetings, as set out under the Forum's Terms of Reference.



The Regional Council adopted new model Standing Orders on 15 November 2016, which were developed in August 2016 by a Local Government New Zealand Standing Orders' Working Party to provide plain English wording where practicable, more clarity, further scope for moving and seconding amendments and inclusion of recent legislative changes affecting Standing Orders.

These Standing Orders are attached as Appendix 2 to the report for information.

## **2.6 Meeting schedule and frequency**

The Forum meets twice a year with additional workshops and events scheduled if required or requested. The following dates have been confirmed for the remaining Forum meetings and events for 2017:

- 23 May 2017 – Combined OHSCG Workshop
- 12 September 2017 – Meeting
- 23 November 2017 – Combined OHSCG Field Trip

## **2.7 Administration and costs**

Each Council is responsible for bearing the cost of their representation.

As the administering authority, costs involved with running Forum meetings (i.e. general administration, catering, venue) is borne by the Bay of Plenty Regional Council regardless of venue location. Where possible, all partner members have the opportunity to host Forum meetings on a rotational basis.

Bay of Plenty Regional Council provides a meeting fee and mileage to iwi appointed representatives based on Council's standard meeting fee rates. Currently, Council policy entitles only the appointed member or alternate member to claim a meeting fee.

# **3 Current Budget Implications**

There are no specific financial implications arising from this report.

## **Future Budget Implications**

There are no future financial implications associated with the continued first meeting administration matters.

Shari Kameta  
**Committee Advisor**

**Interim Governance Manager**

**6 March 2017**



# **APPENDIX 1**

## **2016-2019 Ohiwa Harbour Implementation Forum Terms of Reference**



# Ōhiwa Harbour Implementation Forum Terms of Reference

## Delegated Function

To oversee and monitor the implementation of the Ohiwa Harbour Strategy.

## Membership

Membership will consist of an appointed councillor from each of the three Councils and appointed representatives of local Iwi as follows:

- One representative - Opotiki District Council;
- One representative - Whakatane District Council;
- One representative - Bay of Plenty Regional Council;
- Four appointees (Tangata Whenua) representing Whakatōhea, Upokorehe, Ngāti Awa and Ngāi Tahu.

The Forum (made up of the representatives as outlined above) will specifically invite attendance by organisations/groups which they believe will be interested (such as the Department of Conservation, Ministry of Fisheries, Nukuhou Salt Marsh Care Group). The meetings will also be publicly advertised so that members of the wider community can also attend.

## Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the Joint Committee is four members, consisting of the majority of the number of members.

## Standing Orders

The Bay of Plenty Regional Council Standing Orders will apply to this Joint Committee, except as varied by these Terms of Reference or unless the members of the Joint Committee unanimously agree to vary those standing orders as they apply to the Joint Committee.

## Chair

The 'Ōhiwa Harbour Implementation Forum' elects a Chairperson at its first meeting each Triennium.

## Frequency of meetings

Meetings will be held every six months or as required.

## Term of the Committee

The need for and purpose of 'Ōhiwa Harbour Implementation Forum' will be revisited every three years from the date of the first meeting. The establishment of the 'Ōhiwa Harbour Implementation Forum' is subject to review 3 - yearly following local authority elections. Subject to the Forum being

re-appointed, Councillor and appointed tangata whenua representatives are appointed by the incoming Councils.

## Specific Responsibilities and Delegated Authority

The 'Ōhiwa Harbour Implementation Forum':

- Is the sponsor of the Ōhiwa Harbour Strategy;
- Is responsible for overseeing the implementation of the actions in the Strategy;
- Has an overall monitoring role in terms of timeframes and deliverables;
- Maintains a general awareness of the issues surrounding the Ōhiwa Harbour Catchment; and
- Is responsible for reporting back to the strategic partners and to the community.

The 'Ōhiwa Harbour Implementation Forum' will:

- Receive reports (including those prepared by staff of the three Councils) of what has recently been achieved with regards to implementing the Strategy, and outlining what the next targets for implementation could be;
- Provide a sounding board for officers to test implementation ideas against;
- Provide recommendations that can be reported back to councils; and
- Promote links with the Ōhiwa Harbour Catchment community.

## Administering Authority

Bay of Plenty Regional Council is responsible for the administration of the 'Ōhiwa Harbour Implementation Forum'.

### **Note:**

The Ōhiwa Harbour Implementation Forum reports directly to the Regional Council.

The 'Ōhiwa Harbour Implementation Forum' has no delegated authority for financial expenditure.

The costs of attendance at meetings lie where they fall. The exception to this is that a standard meeting fee will be provided for Iwi representation. The cost of this will be borne by the Bay of Plenty Regional Council. The actions to give effect to the Strategy itself and costs associated with reporting to the Committee are funded from within the budgets of participating councils.

## **APPENDIX 2**

### **Bay of Plenty Regional Council Standing Orders: Tenth Triennium 2016-2019 (adopted 15 November 2016)**







# **Bay of Plenty Regional Council Standing Orders Tenth Triennium 2016-2019**

**Adopted 15 November 2016**



# Preface

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

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

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

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

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

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

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

## *Copyright Notice:*

The Bay of Plenty Regional Council (**Council**) has been granted a royalty-free, non-exclusive, non-transferable and revocable licence to:

- amend the standing orders (**Amended Standing Orders**) so that they are suitable for the Council's specific context and needs;
- copy the Amended Standing Orders for use by the Council's employees and elected members and the public; and
- place the Amended Standing Orders on the Council or public website.

The Council will not supply or make available to any third party a copy of the Guide, the Standing Orders or the Amended Standing Orders other than as permitted by this licence. All other rights are reserved by EquiP, the copyright owner, under the Copyright Act 1994. Any request to use the standing orders for purposes other than those described above should be made directly to EquiP.

EquiP has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.



# Contents

<b>Preface</b>	<b>i</b>
<b>Contents</b>	<b>iii</b>
<b>Introduction</b>	<b>1</b>
<b>Principles</b>	<b>1</b>
<b>Statutory references</b>	<b>1</b>
<b>Acronyms</b>	<b>2</b>
<b>Application</b>	<b>2</b>
<b>Definitions</b>	<b>3</b>
<b>General matters</b>	<b>6</b>
3 <b>Standing orders</b>	<b>6</b>
4 <b>Meetings</b>	<b>6</b>
5 <b>Appointments and elections</b>	<b>8</b>
6 <b>Delegations</b>	<b>8</b>
7 <b>Committees</b>	<b>9</b>
<b>Pre-meeting</b>	<b>11</b>
8 <b>Giving notice</b>	<b>11</b>
9 <b>Meeting agenda</b>	<b>13</b>
<b>Meeting Procedures</b>	<b>15</b>
10 <b>Quorum</b>	<b>15</b>
11 <b>Public access and recording</b>	<b>16</b>
12 <b>Attendance</b>	<b>16</b>
13 <b>Chairperson's role in meetings</b>	<b>18</b>
14 <b>Public Forums</b>	<b>19</b>
15 <b>Deputations</b>	<b>20</b>
16 <b>Petitions</b>	<b>20</b>
17 <b>Exclusion of public</b>	<b>21</b>
18 <b>Voting</b>	<b>21</b>
19 <b>Conduct</b>	<b>22</b>
20 <b>General rules of debate</b>	<b>24</b>

<b>21</b>	<b>General procedures for speaking and moving motions</b>	<b>25</b>
<b>22</b>	<b>Motions and amendments</b>	<b>26</b>
<b>23</b>	<b>Revocation or alteration of resolutions</b>	<b>27</b>
<b>24</b>	<b>Procedural motions</b>	<b>28</b>
<b>25</b>	<b>Points of order</b>	<b>28</b>
<b>26</b>	<b>Notices of motion</b>	<b>29</b>
<b>27</b>	<b>Minutes</b>	<b>30</b>
<b>28</b>	<b>Minute books</b>	<b>31</b>
	<b>Referenced documents</b>	<b>32</b>
	<b>Appendix 1: Grounds to exclude the public</b>	<b>33</b>
	<b>Appendix 2: Sample resolution to exclude the public</b>	<b>35</b>
	<b>Appendix 3: Motions and amendments (Option A)</b>	<b>38</b>
	<b>Appendix 4: Table of procedural motions</b>	<b>39</b>
	<b>Appendix 5: Webcasting protocols</b>	<b>41</b>
	<b>Appendix 6: Powers of a Chairperson</b>	<b>42</b>
	<b>Appendix 7: Process for removing a Chairperson and deputy Chairperson from office</b>	<b>45</b>
	<b>Appendix 8: Workshops</b>	<b>46</b>
	<b>Appendix 9: Sample order of business</b>	<b>47</b>
	<b>Appendix 10: Process for raising matters for a decision</b>	<b>48</b>

# Introduction

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

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

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

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

## Principles

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

- conduct its business in an open, transparent and democratically accountable manner,
- give effect to its identified priorities and desired outcomes in an efficient and effective manner,

- make itself aware of, and have regard to, the views of all of its communities,
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well,
- ensure that any decisions made under these standing order comply with the decision-making provisions of Part 6 of the LGA, and
- ensure that decision-making procedures and practices meet the standards of natural justice.

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

## Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

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

## Acronyms

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

## Application

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



# Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Karakia timatanga** means an opening prayer.

**Karakia whakamutunga** means a closing prayer.

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

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

**Meeting** means any first, inaugural, ordinary, or extraordinary meeting of a regional council convened under the provisions of LGOIMA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Subordinate decision-making body** means committees, subcommittees, and any other bodies established by a regional council that have decision-making authority, excluding joint committees.

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

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

**Subcommittee** means a subordinate decision-making body established by a regional council, or a committee of a regional council.

**Working day** means any day of the week other than:

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

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

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

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

# General matters

## 3 Standing orders

### 3.1 Obligation to adopt standing orders

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

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

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

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present.

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

### 3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

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

### 3.4 Application of standing orders

These standing orders apply to all meetings of the regional council, its committees, subcommittees and subordinate decision-making bodies. This includes meetings and parts of meetings that the public are excluded from.

### 3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at

least 75 per cent of the members present and voting must support the motion for it to be carried.

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

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

### 3.6 Quasi-judicial proceedings

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

### 3.7 Physical address of members

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

## 4 Meetings

### 4.1 Legal requirement to hold meetings

The regional council must hold meetings for the good government of its region. Meetings must be called and conducted in accordance with:

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

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

## 4.2 Meeting duration

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

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

## 4.3 Language

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

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

## 4.4 Webcasting meetings

Webcast meetings will be provided when available in accordance with the protocols contained in Appendix 5.

## 4.5 First meeting (inaugural)

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

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

## 4.6 Requirements for the first meeting

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

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

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

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

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



## 5 Appointments and elections

### 5.1 Elections of a Chairperson and deputy Chairperson

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

- the Chairperson and deputy Chairperson,
- the Chairperson and deputy Chairperson of a committee, and
- a representative of the regional council.

*cl. 25 Schedule 7, LGA 2002.*

### 5.2 Voting system for Chairpersons and committee chairs

When electing a Chairperson a committee chair the regional council must resolve to use one of the following two voting systems.

#### System A

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

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

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

#### System B

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

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

*cl. 25 Schedule 7, LGA 2002.*

## 6 Delegations

### 6.1 Limits on delegations

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

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

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

### 6.2 Committees may delegate

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

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

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

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

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

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

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

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

### **6.5 Committees and subcommittees subject to the direction of the council**

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

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

## **7 Committees**

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

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

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

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

Unless expressly provided otherwise in legislation or regulation:

- a the council may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body, and
- b a committee may discharge or reconstitute a subcommittee.

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

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

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

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

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

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

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

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

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of

their employment, can be a member of a subcommittee but not a committee.

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

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

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

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

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

- a For the purpose of these standing orders a decision of a local authority, committee, or subcommittee is not invalidated if:
- b there is a vacancy in the membership of the local authority, committee or subcommittee at the time of the decision, or
- c following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

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

## **7.7 Appointment of joint committees**

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

- a the number of members each party may appoint, and
- b how the Chairperson and deputy Chairperson are to be appointed, and
- c the terms of reference of the committee, and

- d what responsibilities, if any, are to be delegated to the committee by each party, and

- e how the agreement may be varied.

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

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

## **7.8 Status of joint committees**

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

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

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

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

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



# Pre-meeting

## 8 Giving notice

### 8.1 Public notice – ordinary meetings

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

s. 46, LGOIMA.

### 8.2 Notice to members - ordinary meetings

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

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

### 8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

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

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

### 8.4 Notice to members - extraordinary meetings

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

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

### 8.5 Public notice - extraordinary meetings

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

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

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

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

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

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

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

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

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

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

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

*s. 46(5) LGOIMA.*

## **8.9 Meetings not invalid**

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

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

*s. 46 (6), LGOIMA.*

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

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

- a the resolution was passed at a meeting or part of a meeting from which the public was excluded, or

- b the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

*s. 51A, LGOIMA.*

## **8.11 Meeting schedules**

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

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

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

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

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

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

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

## **8.13 Meeting cancellations**

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

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

## 9 Meeting agenda

### 9.1 Preparation of the agenda

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

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

### 9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 10.

### 9.3 Chief executive may delay or refuse request

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

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

### 9.4 Order of business

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

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

### 9.5 Chairperson's recommendation

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

### 9.6 Chairperson's report

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

### 9.7 Public availability of the agenda

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

s. 5 & 46A, LGOIMA.

### 9.8 Public inspection of agenda

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

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

- ii a notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

## 9.9 Withdrawal of agenda items

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

## 9.10 Distribution of the agenda

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

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

## 9.11 Status of agenda

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

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

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

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

s. 46A (7), LGOIMA

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

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

## 9.13 Discussion of minor matters not on the agenda

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

s. 46A (7A), LGOIMA.

## 9.14 Public excluded business on the agenda

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

s. 46A (9), LGOIMA.

## 9.15 Qualified privilege relating to agenda and minutes

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

s. 52, LGOIMA.

# Meeting Procedures

## Opening and closing

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

## 10 Quorum

### 10.1 Councils

The quorum for a meeting of the council is:

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

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

### 10.2 Committees and subcommittees

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

In the case of committees and subcommittees the quorum will be half the number of members physically present, where the number of members (including vacancies) is even and a majority of the members physically present, where the number of members (including vacancies) is odd unless otherwise stated in the Terms of Reference.

In the case of committees and subcommittees at least two members of the quorum must be a member of the council.

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

### 10.3 Joint Committees

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

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

### 10.4 Requirement for a quorum

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

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

### 10.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 15 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

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

### 10.6 Business from lapsed meetings

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



## **11 Public access and recording**

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

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

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

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

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

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

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

### **11.4 Public may record meetings**

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

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

## **12 Attendance**

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

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

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

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

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

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

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

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

### **12.3 Leave of absence**

The council delegates the power to grant a leave of absence to the Chairperson, following an application from that member, in order to protect a member's privacy. The Chairperson will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

### **12.4 Apologies**

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

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

### **12.5 Recording apologies**

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

## 12.6 Absent without leave

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

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

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

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

## 12.8 Member's status: quorum

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

## 12.9 Member's status: voting

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

## 12.10 Chairperson's duties

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

- a the technology for the link is available and of suitable quality;
- b procedures for using the technology in the meeting will ensure that:
  - i everyone participating in the meeting can hear each other,
  - ii the member's attendance by audio or audio visual link does not reduce their accountability

or accessibility of that person in relation to the meeting,

- iii the requirements of Part 7 of LGOIMA are met, and
- iv the requirements in these standing orders are met.

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

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

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

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

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

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

Where possible, a member will give the Chairperson and the chief executive as much notice as possible but at least 3 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

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

Approved participation by audio-visual link is available at designated council offices as the preferred venues, or alternate venues as determined by the Chairperson and co-ordinated by the chief executive.

If the member's request cannot be accommodated, or there is a technological

issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

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

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

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

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

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

- a transmitting it electronically,
- b using the audio visual link, or
- c any other manner that the Chairperson thinks fit.

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

### **12.15 Link failure**

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

### **12.16 Confidentiality**

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

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

### **13.1 Council meetings**

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

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

### **13.2 Committee meetings**

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

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

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

### **13.3 Addressing the Chairperson**

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

### **13.4 Chairperson's rulings**

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



### 13.5 Chairperson standing

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

### 13.6 Member's right to speak

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

### 13.7 Chairperson may prioritise speakers

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

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

## 14 Public Forums

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

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

### 14.1 Time limits

A period of up to 15 minutes, or such longer time as the Chairperson may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the meeting secretary at least one clear day before the meeting;

however this requirement may be waived by the Chairperson.

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

Representatives of tangata whenua can address the meeting for a period of 15 minutes in total without restrictions on the number of speakers within the time period.

### 14.2 Restrictions

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

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

### 14.3 Questions at public forums

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

### 14.4 No resolutions

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

## 15 Deputations

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

### 15.1 Time limits

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

### 15.2 Restrictions

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

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

### 15.3 Questions of a deputation

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

### 15.4 Resolutions

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

## 16 Petitions

### 16.1 Form of petitions

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

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

### 16.2 Petition presented by petitioner

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

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

### 16.3 Petition presented by member

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

- a the petition,
- b the petitioners' statement, and
- c the number of signatures.

## 17 Exclusion of public

### 17.1 Motions and resolutions to exclude the public

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

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

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

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

*s. 48 LGOIMA.*

### 17.2 Specified people may remain

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

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

*s.48 (6) LGOIMA.*

### 17.3 Public excluded items

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

the subject matter of the item and the reason the public are excluded.

*s.46A (8) LGOIMA.*

### 17.4 Non-disclosure of information

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

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

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

### 17.5 Release of information from public excluded session

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

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

## 18 Voting

### 18.1 Decisions by majority vote

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

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

## 18.2 Open voting

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

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

## 18.3 Chairperson has a casting vote

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

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

## 18.4 Method of voting

The method of voting must be as follows:

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

## 18.5 Calling for a division

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

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

## 18.6 Request to have votes recorded

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

## 18.7 Members may abstain

Any member may abstain from voting.

# 19 Conduct

## 19.1 Calling to order

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

## 19.2 Disrespect

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

## 19.3 Retractions and apologies

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

## 19.4 Disorderly conduct

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

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

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

### **19.5 Contempt**

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

### **19.6 Removal from meeting**

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

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

### **19.7 Financial conflicts of interests**

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

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

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

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

s. 6 & 7 LAMIA.

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

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

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

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

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

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

s. 53, LGOIMA.

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

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

s. 53, LGOIMA.

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

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

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its



business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

## **20 General rules of debate**

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

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

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

The following time limits apply to members speaking at meetings:

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

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

### **20.3 Questions to staff**

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

### **20.4 Questions of clarification**

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

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

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

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

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

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

### **20.7 Seconder may reserve speech**

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

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

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

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

### **20.9 Restating motions**

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

### **20.10 Criticism of resolutions**

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

### **20.11 Objecting to words**

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

## 20.12 Right of reply

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

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

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

## 20.13 No other member may speak

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

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

## 20.14 Adjournment motions

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

## 20.15 Chairperson's acceptance of closure motions

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

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

# 21 General procedures for speaking and moving motions

## 21.1 Options for speaking and moving

The following applies for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees. (Option B).

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

- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

## **21.2 Procedure if no resolution reached**

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

# **22 Motions and amendments**

## **22.1 Proposing and seconding motions**

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

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

## **22.2 Motions in writing**

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

## **22.3 Motions expressed in parts**

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

## **22.4 Substituted motion**

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

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

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an

amendment that has already been lost. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

## **22.6 Foreshadowed amendments**

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

## **22.7 Lost amendments**

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

## **22.8 Carried amendments**

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

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

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

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

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

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either



been lost or withdrawn by agreement, as above.

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

A member may not speak to any motion once:

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

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

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

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, committee or subcommittee. The notice must set out:

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

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

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

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a committee, subcommittee or subordinate body.

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

### **23.3 Requirement to give notice**

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

### **23.4 Restrictions on actions under the affected resolution**

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- a the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked,
- b by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

### **23.5 Revocation or alteration by resolution at same meeting**

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

### **23.6 Revocation or alteration by recommendation in report**

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

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

## **24 Procedural motions**

### **24.1 Procedural motions must be taken immediately**

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

### **24.2 Procedural motions to close or adjourn a debate**

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- a that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place),
- b that the motion under debate should now be put (a closure motion),
- c that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting,
- d that the item of business being discussed should lie on the table and not be further discussed at this meeting,
- e that the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

### **24.3 Voting on procedural motions**

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

### **24.4 Debate on adjourned items**

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

### **24.5 Remaining business at adjourned meetings**

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

### **24.6 Business referred to the relevant committee**

Where an item of business is referred (or referred back) to a committee the committee will consider the item at its next meeting unless the meeting resolves otherwise.

### **24.7 Other types of procedural motions**

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

## **25 Points of order**

### **25.1 Members may raise points of order**

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

### **25.2 Subjects for points of order**

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- a disorder – bringing disorder to the attention of the Chairperson,
- b language – use of disrespectful, offensive or malicious language,
- c irrelevance – the topic being discussed is not the matter currently before the meeting,
- d misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee,
- e breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach,
- f request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

### 25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

### 25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

### 25.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

## 26 Notices of motion

### 26.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended

motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

### 26.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- a is disrespectful or which contains offensive language or statements made with malice, or
- b is not related to the role or functions of the local authority or meeting concerned, or
- c contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make, or
- d is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned, or
- e fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002, or
- f concerns a matter where decision-making authority has been delegated to a committee, subcommittee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

### 26.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

### 26.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

## **26.5 When notices of motion lapse**

Notices of motion that are not put when called by the Chairperson must lapse.

## **26.6 Referral of notices of motion**

Any notice of motion received that refers to a matter ordinarily dealt with by a committee or subcommittee of the local authority must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion must, if not a member of that committee, have the right to move that motion, and have the right of reply, as if a committee member.

## **26.7 Repeat notices of motion**

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

# **27 Minutes**

## **27.1 Minutes to be evidence of proceedings**

The local authority, committees, subcommittees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

*cl. 28, Schedule 7, LGA 2002.*

## **27.2 Matters recorded in minutes**

The chief executive must keep the minutes of meetings. The minutes must record:

- a the date, time and venue of the meeting,
- b the names of the members present,
- c the Chairperson,
- d any apologies or leaves of absences,
- e the arrival and departure times of members,
- f any failure of a quorum,
- g a list of any external speakers and the topics they addressed,
- h a list of the items considered,
- i the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders,
- j the names of all movers, and seconders,
- k any objections made to words used,
- l all divisions taken and, if taken, a record of each members' vote,
- m the names of any members requesting that votes or abstentions be recorded,
- n any declarations of financial or non-financial conflicts of interest,
- o the contempt, censure and removal of any members,
- p any resolutions to exclude members of the public,
- q the time at which the meeting concludes or adjourns,
- r the names of people permitted to stay in public excluded.

**Please Note:** hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

## **27.3 No discussion on minutes**

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

#### **27.4 Minutes of last meeting before election**

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority before the next election of members.

### **28 Minute books**

#### **28.1 Inspection**

A hard copy of the local authority's minute books must be kept by the chief executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

#### **28.2 Inspection of public excluded matters**

The chief executive must consider any request for the minutes of a meeting or part of a meeting from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

# Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

# Appendix 1:

## Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- |   |   |
|---|---|
| <p>A1 That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:</p> <ul style="list-style-type: none"> <li>a to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial, or</li> <li>b to endanger the safety of any person.</li> </ul> <p>A2 That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:</p> <ul style="list-style-type: none"> <li>a Protect the privacy of natural persons, including that of deceased natural persons, or</li> <li>b Protect information where the making available of the information would:</li> <li>c disclose a trade secret, or               <ul style="list-style-type: none"> <li>i be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information, or,</li> </ul> </li> <li>d In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource</li> </ul> | <ul style="list-style-type: none"> <li>e Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:               <ul style="list-style-type: none"> <li>i be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied, or</li> <li>ii be likely otherwise to damage the public interest, or</li> </ul> </li> <li>f Avoid prejudice to measures protecting the health or safety of members of the public, or</li> <li>g Avoid prejudice to measures that prevent or mitigate material loss to members of the public, or</li> <li>h Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment, or</li> <li>i Maintain legal professional privilege, or</li> <li>j Enable any Council holding the information to carry out,</li> </ul> |
|---|---|

Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu, or



	without prejudice or disadvantage, commercial activities, or	A4	That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
k	Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations), or		
l	Prevent the disclosure or use of official information for improper gain or improper advantage.	A5	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
m	Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.		
A3	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:		
a	Be contrary to the provisions of a specified enactment, or		
b	Constitute contempt of Court or of the House of Representatives.		
		a	Any proceedings before a Council where
		i	A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings, or
		ii	The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings, and
		b	Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.



# Appendix 2:

## Sample resolution to exclude the public

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

*Name of report(s)* .....

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1 <i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
4 <i>Hearings Committee</i>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <p>i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings, or</p> <p>ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.</p> <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>

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

Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))
	<p>Protect information where the making available of the information</p> <p>(i) would disclose a trade secret, or</p> <p>(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))</p>

Item No	Interest
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori , or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba))
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied, or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

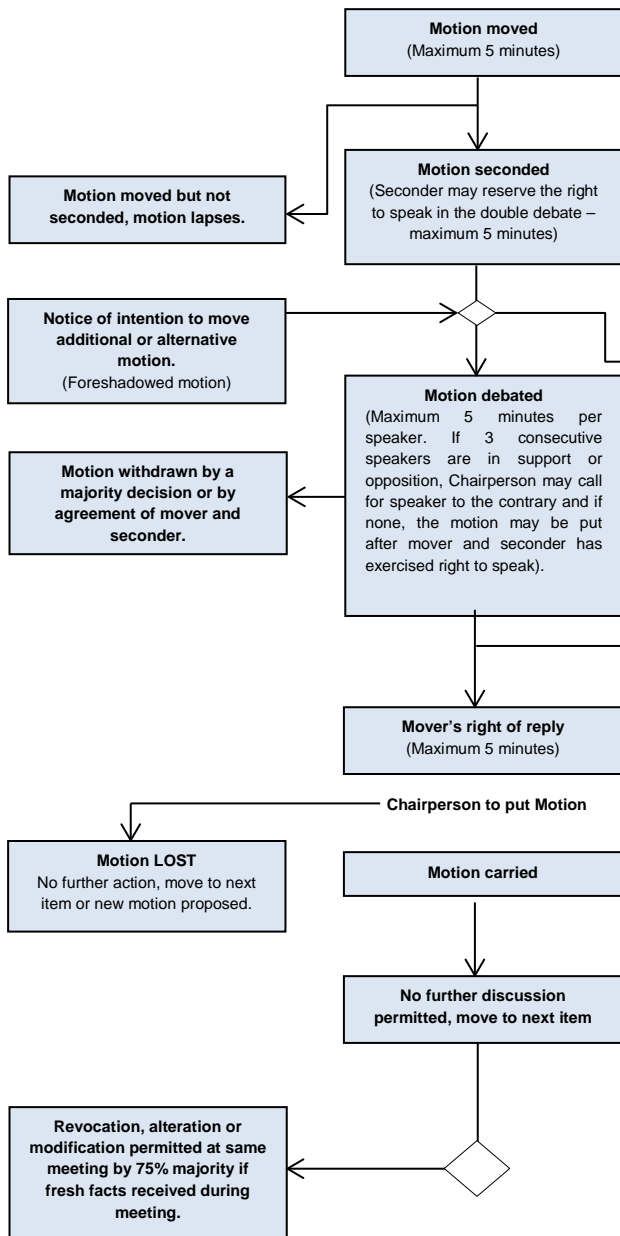
**THAT** XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

# Appendix 3:

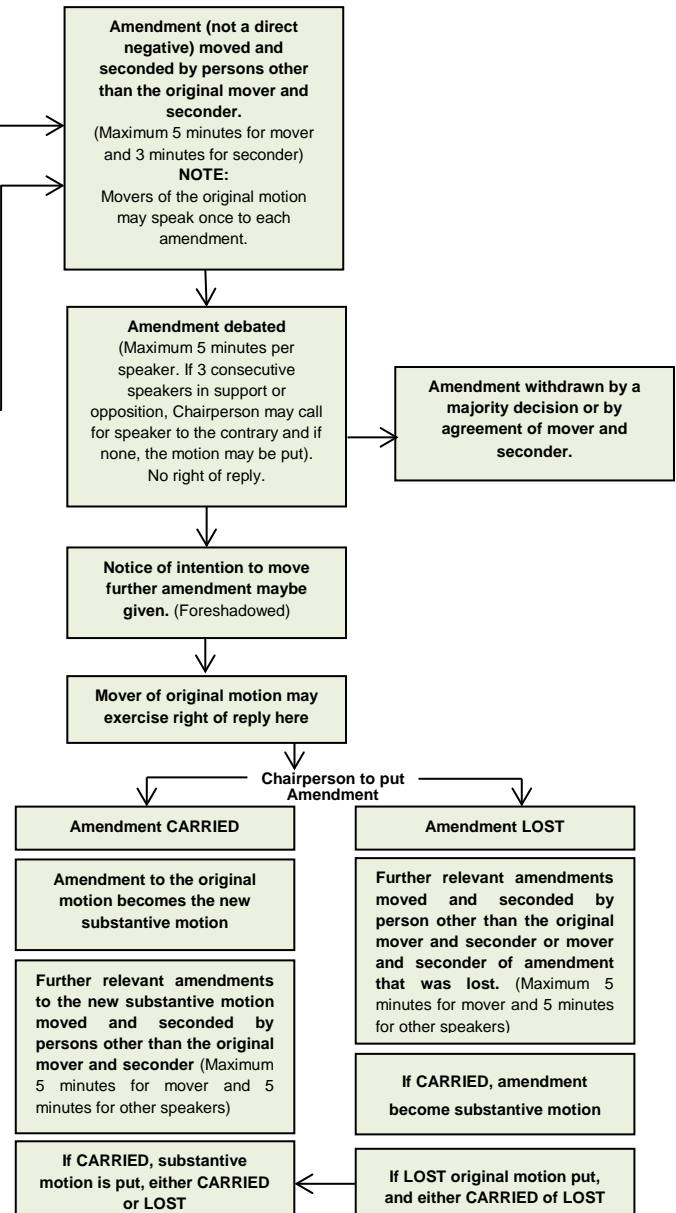
## Motions and amendments

### (Option B)

#### Motions without amendments



#### Motions with amendments



# Appendix 4:

## Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
										adjourned	
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14 * Discussion is in order at discretion of Chairperson

# Appendix 5:

## Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

- 1 The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
- 2 Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
- 3 Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.

- 4 PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
- 5 Shots unrelated to the proceedings, or not in the public interest, are not permitted.
- 6 If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
- 7 Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

# Appendix 6:

## Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

### **Chairperson to decide all questions**

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

### **Chairperson to decide points of order**

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

### **Items not on the agenda**

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

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

### **Chairperson's report**

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

### **Chairperson's recommendation**

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

### **Chairperson's voting**

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

### **Motion in writing**

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

### **Motion in parts**

The Chairperson may require any motion expressed in parts to be decided part by part.

### **Notice of motion**

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- a Is disrespectful or which contains offensive language or statements made with malice; or
- b Is not within the scope of the role or functions of the local authority; or
- c Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has



declined to comply with such requirements as the chief executive may have made; or

- d Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

### **Action on previous resolutions**

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

### **Repeat notice of motion**

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

### **Revocation or alteration of previous resolution**

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

## **Chairperson may call a meeting**

The Chairperson:

- a May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- b May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

## **Irrelevant matter and needless repetition**

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

## **Taking down words**

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

## **Explanations**

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

## **Chairperson rising**

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

## **Members may leave places**

The Chairperson may permit members to leave their place while speaking.

## **Priority of speakers**

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

## Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

## Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

## Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

## Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

## Disorderly behaviour

The Chairperson may:

- a Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- b Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

## Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's

ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

## Audio or audio visual attendance

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

- a the technology for the link is available and of suitable quality
- b procedures for using the technology in the meeting will ensure that:
  - i everyone participating in the meeting can hear each other
  - ii the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
  - iii the requirements of Part 7 of LGOIMA are met
  - iv the requirements in these standing orders are met.

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

# Appendix 7:

## Process for removing a Chairperson and deputy Chairperson from office

- |   |  |   |  |
|---|--|---|--|
| 1 | At a meeting that is in accordance with this clause a regional council may remove its Chairperson or deputy Chairperson from office.   | 5 | A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.   |
| 2 | If a Chairperson or deputy Chairperson is removed from office at that meeting the council may elect a new Chairperson or deputy Chairperson at that meeting.   | 6 | The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting. |
| 3 | A meeting to remove a Chairperson or deputy Chairperson may be called by:<br><br>a     a resolution of the council; or<br><br>b     a requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).   | 7 | A resolution removing a Chairperson or deputy Chairperson carries if a majority of the total membership of the council (excluding vacancies) votes in favour of the resolution.<br><br><i>cl. 18 Schedule 7, LGA 2002.</i>                 |
| 4 | A resolution or requisition must:<br><br>a     specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and<br><br>b     indicate whether or not, if the Chairperson or deputy Chairperson is removed from office, a new Chairperson or deputy Chairperson is to be elected at the meeting should a majority of the total membership of the council (excluding vacancies) so resolve. |   |  |

# Appendix 8:

## Workshops

### Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

### Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

### Calling a workshop

Workshops, briefings and working parties may be called by:

- a a resolution of the local authority or its committees
- b the Chairperson,
- c a committee Chairperson or
- d the chief executive.

### Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- a state that the meeting is a workshop
- b advise the date, time and place
- c confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

# Appendix 9:

## Sample order of business

### Open section

- a Apologies
- b Declarations of interest
- c Confirmation of minutes
- d Leave of absence
- e Acknowledgements and tributes
- f Petitions
- g Public input
- h Extraordinary business
- i Notices of motion
- j Reports of committees
- k Reports of the chief executive and staff
- l Chairperson, deputy Chairperson and elected members' reports (information)

### Public excluded section

- a Reports of committees
- b Reports of the chief executive and staff
- c Chairperson, deputy Chairperson and elected members' reports (information)

# Appendix 10:

## Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

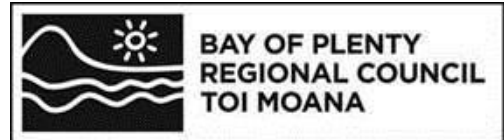
- report of chief executive
- report of a Chairperson
- report of a committee
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

**Receives Only – No Decisions**



**Report To:** Ōhiwa Harbour Implementation Forum

**Meeting Date:** 13 March 2017

**Report From:** Simon Stokes, Eastern Catchments Manager

---

## **Road safety improvements, Ōhope to Ōpotiki**

---

### **Executive Summary**

The purpose of this report is to present an update to the Forum about road safety issues on Wainui Road and SH2 between Ōhope and Ōpōtiki, by the New Zealand Transport Agency's Safe Roads team. The New Zealand Transport Agency is considering improvements to safety measures along the road and is currently engaging with the local community about this.

### **Recommendations**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the presentation by the New Zealand Transport Agency Safe Roads Team.**

### **1 Background**

Wainui Road and SH2 between Ōhope and Ōpōtiki is classified as a high-risk rural road. There have been 8 deaths and 38 serious injuries along the road in the last ten years. The NZ transport Agency, through its Safe Roads programme, is investigating measures that could be put in place to make the road safer. To this end, the Safe Roads team are currently engaging with the local community to suggest their own possible solutions before making any final decisions.

This project is supported by Action 3.13 of the Ōhiwa Harbour Strategy which is to "Advocate for health and safety within the harbour and its catchment".

The Safe Roads team is led by Justin Rae, Community Engagement Manager Safe Roads who will provide the Forum with a presentation about this project.

Tim Senior  
**Land Management Officer**

**for Eastern Catchments Manager**

**3 March 2017**



# **PRESENTATION - Safe Roads presentation by Mr Justin Rae Community Engagement Manager Safe Roads Team**





**Report To:** Ōhiwa Harbour Implementation Forum

**Meeting Date:** 13 March 2017

**Report From:** Simon Stokes, Eastern Catchments Manager

---

## Ohiwa Harbour Catchment Work Programme

---

### Executive Summary

This report updates the Ōhiwa Harbour Implementation Forum (the Forum) on the progress of the Ohiwa Harbour Catchment Work Programme 2016-2017. This work programme delivers to the Ōhiwa Harbour Strategy actions.

The report also seeks endorsement for the Ohiwa Harbour Catchment Work Programme 2017-2018.

### Recommendations

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Ōhiwa Harbour Catchment Work Programme**
- 2 Seeks endorsement of the Ōhiwa Harbour Catchment Work Programme 2017-2018**

### 1 Background

The Ōhiwa Harbour Strategy (The 'Strategy') covers the Ōhiwa Harbour and its land catchment area. The purpose of this report is to:

- 1) Update the Ōhiwa Harbour Implementation Forum (the Forum) on the progress of the Ohiwa Harbour Catchment Work Programme 2016-2017. This work programme delivers to the Ōhiwa Harbour Strategy actions. A full annual report on the completion of the Ohiwa Harbour Catchment Work Programme 2016-2017 implementation of the work programme is presented to the Forum in September.
- 2) Seek endorsement for the Ohiwa Harbour Catchment Work Programme 2017-2018. This work programme will continue implementation of the actions contained within the Ōhiwa Harbour Strategy (the Strategy). The Ohiwa Harbour Catchment work programme was developed by OHSCG members and approved at their February hui. The programme lists all the strategy actions, their completion dates and the deliverables for the coming year against the actions.

Planning and coordination of operational work undertaken is overseen by the Ōhiwa Harbour Strategy Coordination Group (OHSCG) where all partners have representation.

## **2 Key achievements for 2016-2017**

Key achievements since the beginning of the financial year on 1<sup>st</sup> July are highlighted below. A table showing all the results against the deliverables to 31<sup>st</sup> January is presented in Appendix 1.

### **2.1 Action 1.1**

A successful nutrient management workshop was held for Nukuhou farmers and this has led to consultant Alison Dewes conducting a full assessment of nutrient management on 8 farms which will provide those farmers with suggested improvements to their farming systems to minimise nutrient leaching into the river.

### **2.2 Action 1.2**

A further 2km of riparian fencing has been completed in the Nukuhou catchment bringing the total stream length protected to over 94%.

### **2.3 Action 1.5**

Tanja Rother has taken over responsibility for running the mangrove removal working bees. 25 people attended the first working bee at Kutarere in December. Work has subsequently progressed to the western side of the harbour south of the oyster farm.

### **2.4 Action 1.7**

The owners of a property at Cheddar Valley have begun an ambitious plan to return a straight drain in a bare paddock back to a more natural meandering course with associated ponds and wetlands. The whole area will be planted with appropriate natives. This work is supported by a grant from BOPRC.

### **2.5 Action 1.9**

Extensive predator control continues at many locations around the harbour. On Uretara Island, fernbird monitoring has shown a doubling of bird numbers every year since pest control began, from 10 birds in 2014 to 42 in 2016.

A new care group has begun work and set out another 20 DOC200 traps around the Hurike lagoon, Reeves Road.

The Ōhiwa Headland Sanctuary Trust has begun predator control, building on the work already done by care groups at Ōhiwa and Waiōtahe and in the regional park.

A recent DOC survey of bittern using remote sound recorders has found 5 male bittern in several different wetlands around the harbour margin.

Whakatāne District Council and BOPRC have agreed to collaborate on a rabbit and rat control programme at the Ōhope spit.

## **2.6 Action 1.14**

Whakatane Rotary have been granted resource consent for their Ōhope harbourside walkway proposal.

## **2.7 Action 2.1**

MUSA DIVE have developed a proposal for trialling methods to assist in the retention and restoration of mussels in the harbour and to identify possible seastar management methods.

## **2.8 Action 3.1**

A draft outline of a recreation strategy has been completed. This will be fleshed out amongst the partners in the coming months and an external consultant will assist with the document

## **2.9 Action 3.4**

Ōpōtiki District Council have completed an extensive walking track upgrade and completed the public toilet and upgraded the parking area at the Ohiwa spit. A purchase of a further 9.4ha will allow for a further walking track to be developed.

## **2.10 Action 3.7**

Whakatāne District Council plan to have the redevelopment of the Ōhope Wharf largely completed by the end of the year.

## **2.11 Action 3.8**

The installation by Ōpōtiki District Council of 'vehicles prohibited' signs adjacent to the pipi bed on the eastern side of the harbour has solved the problem of many vehicles driving across the mudflats to the beds.

## **2.12 Terms of Reference**

Terms of reference have been developed for the Ōhiwa Harbour Strategy coordination group (see Appendix 2).

# **3 Ohiwa Harbour Catchment Work Programme 2017-2018**

The Ohiwa Harbour Catchment Work Programme 2017-2018 is presented in full in Appendix 3. Much of the work is of an ongoing nature but some of the more significant items of work proposed are as follows:

- implementation of the recommendations which flow from the nutrient assessments currently being carried out on 8 farms
- fencing of a further 2km of riparian margin in the Ōhiwa catchment
- establishment of comprehensive and regular pest control at the eastern end of the Ōhope Spit
- provision of support for the Ōhiwa Headland Sanctuary Trust to establish pest control on the harbour margins at Ōhiwa

- implementation of the mussel retention and restoration trials developed by MUSA DIVE
- finalising of the recreation strategy
- establishment of a stand-alone website for Ōhiwa Harbour
- establishment of stage 2 of the heritage trail
- provision of support for the Ōhope harbour side trail.
- monitoring of the potential impacts of safety improvements on Wainui Road.

## **4 Council's Accountability Framework**

### **4.1 Community Outcomes**

This project directly contributes to the water quality and quantity, environmental protection, resilience and safety, regional collaboration and leadership Community Outcomes in the council's Long Term Plan 2015-2025.

### **4.2 Long Term Plan Alignment**

This work is planned under the Eastern Catchments Activity in the Long Term Plan 2015-2025.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Eastern Catchments Activity in Year 2 and Year 3 of the Long Term Plan 2015-2025.

#### **Future Budget Implications**

Future work is provided for in Council's Long Term Plan 2015-2025.

Tim Senior  
**Land Management Officer**

**for Eastern Catchments Manager**

**6 March 2017**

# **APPENDIX 1**

## **2016-17 Ohiwa Harbour Strategy annual work programme report to January 2017**





## Ōhiwa Harbour Strategy Annual Work Programme report 2016-17

OHS Action no.	Action Title	Completion date	Deliverable 2016-2017	Progress	Results to January 2017
<b>Action Area 1. Catchment Management</b>					
1.1	Improve water quality into the Ōhiwa Harbour	Ongoing	• Hold nutrient management workshop for Nukuhou farmers	Completed	- Nutrient management workshop was led by consultant Alison Dewes from Tipu Whenua. About 30 people attended. - This has led to Alison doing a full assessment of nutrient management on 8 farms and investigating ways that those farmers can improve their systems and management (and save \$\$ at the same time). Investigating mapping the catchment to help us make more sense of the water quality data from the river.
					Investigating mapping the catchment to help us make more sense of the water quality data from the river.
1.2	Reduce sedimentation within the catchment	Ongoing	• Deliver 2 kms new riparian fencing in Nukuhou catchment	Completed	- Another 4 km of stream has been fenced in the Nukuhou catchment. - Another 5km in Nukuhou and 1.2km in Ōhiwa at the proposal stage. - Summer student Lucas is ground truthing riparian fencing in the catchment.
			• Complete Japanese walnut removal from lower catchment, landowners permitting	On hold	One key landowner not willing to allow trees to be removed on his property.
1.3	Reduce contamination from urban activities	Ongoing			
1.4	Encourage the introduction and use of farm stewardship plans	Ongoing	• Hold 2 meetings with Nukuhou farmers group	In progress	One meeting held. Meeting planned for December cancelled.
1.5	Manage mangroves in line with the resource consent held by Te Upokorehe	30/12/2020	• Hold 6 working bees to remove mangrove seedlings and complete annual report	In progress	Tanja has taken over responsibility for running 8 working bees. The first was held on Nov 26th at Ruatuna Rd with 25 people attending. 2nd was on Dec 10th at Kutarere with 10 people attending (it was raining). After that will be moving to western side of harbour.
1.6	Investigate classifications for Ōhiwa Harbour to reflect its special ecological character	30/06/2018			
1.7	Protect and enhance wetlands, saltmarsh and estuarine margins and explore opportunities to construct new areas	Ongoing	• Implement Yr5 Nukuhou Saltmarsh/Uretara BMP and review BMP for further 5 yrs.	In progress	- Usual monitoring and predator control continuing. - Red eared slider caught by whitebaiter in the Nukuhou River. - Owners of block at S bends plan to transform bare paddock with straightened stream into wetland with funding from BOPRC. Earthworks have begun.
1.8	Monitor and assess the health of Ōhiwa Harbour and its catchment	Ongoing	• Carry out monitoring/management of rare plants	In progress	This work has been planned and will start in the new year.
			• Undertake Pukeruru kiwi monitoring	In progress	An informal survey has found evidence of kiwi. Has stimulated further interest in predator control by care group.
			• Complete annual monitoring summary	Completed	Monitoring summary for last year has been completed.
1.9	Protect and manage habitat and species	Ongoing	• Implement Yr5 Nukuhou Saltmarsh/Uretara BMP (see 1.7)	In progress	Spring baiting (pindone) of Uretara has been done. Fernbird monitoring on the island has shown doubling of fernbird every year since pest control began. Numbers have increased from 10 in 2014 to 42 in 2016.
			• Implement Yr2 Ruatuna/Pukeruru EEF	In progress	Trap/bait station network around lagoons is being extended.

			<ul style="list-style-type: none"> <li>• Implement Yr 2 Kutarere Sch EEF</li> </ul>	Completed	Area prepared and planting completed.
			<ul style="list-style-type: none"> <li>• Implement pest control by Ohiwa Reserves CG</li> </ul>	In progress	Spring baiting (pindone) completed on Whangakopikopiko and Ōhiwa Domain.
			<ul style="list-style-type: none"> <li>• Implement pest control Onekawa Te Mawhai Regional Park</li> </ul>	Completed	Spring baiting (pindone) completed.
			<ul style="list-style-type: none"> <li>• Implement control of selected weeds under RPMP</li> </ul>		
			<ul style="list-style-type: none"> <li>• Increase area of harbour margin covered by pest control</li> </ul>	In progress	Hurike care group has been set up under leadership of Hori Barsdell. 20 DOC200's have been deployed around inlet margin
			<ul style="list-style-type: none"> <li>• Implement weed control on DOC reserves</li> </ul>	In progress	Work is in progress by DOC
			<ul style="list-style-type: none"> <li>• Implement shore bird management</li> </ul>	Completed	DOC have fenced off dotterel nesting sites and trapping is in progress with volunteer assistance. Nesting had mixed success owing to king tides.
					BOPRC staff met with Emma Williams, DOC's bittern expert. She is going to devise a plan to find out more about them here and what can be done to protect them. DOC have deployed 10 remote sound recorders to gather more data about bittern presence.
1.10	Investigate the presence of indigenous freshwater fish species and identify opportunities to manage	Ongoing			
1.11	Investigate the potential impacts of climate change on the Ohiwa Harbour	30/06/2019			
1.12	Support appropriate regional, district and iwi plan provisions to achieve sustainable management of the Ōhiwa Harbour and	Ongoing	<ul style="list-style-type: none"> <li>• Ensure provision of appropriate rules for ODC district plan review</li> </ul>	In progress	Submissions closed. BOPRC made submission concerning Ōhiwa zone to ensure match with WDC provisions.
1.13	Develop data sets to augment resource management protocols	30/06/2020			
1.14	Support and implement consenting, bylaw and statutory responsibilities	Ongoing		Ongoing	<ul style="list-style-type: none"> <li>- Rotary have been granted resource consent for their Ōhope harbourside trail proposal.</li> <li>- Submissions to Navigation safety bylaw review appear to be in favour of registering jet boats and naming of vessels. About even for tighter restrictions on wearing lifejackets.</li> <li>- Unauthorised jetty has been built on Ohiwa Harbour Rd. but since removed after action by BOPRC compliance staff.</li> </ul>
<b>Action Area 2. Harbour Management</b>					
2.1	Investigate shellfish populations and advocate for their sustainable management	Ongoing	<ul style="list-style-type: none"> <li>• Assess results of mussel monitoring and consider phase 3 options. Continue monitoring</li> </ul>	Completed	Mussel survey completed. Kura is preparing a suggested plan as to where to next, which may involve some small scale trials. Other scientists and community are likely to be involved.
			<ul style="list-style-type: none"> <li>• Regularly monitor kaimoana collection during summer (eastern side, Upokorehe)</li> </ul>	In progress	MPI have been engaged to check possible infringement of pipi take limits, have visited site and the situation will need to be monitored carefully.

2.2	Investigate wetfish populations and advocate for their sustainable management	Ongoing	• Respond to fisheries issues and advocate to MPI as required	Ongoing	Eugene Hunia attended OHSCG.
2.3	Support mahinga mataitai status for Ōhiwa Harbour	Ongoing			
<b>Action Area 3. People and Communities</b>					
3.1	Develop and implement a recreation strategy	30/06/2017	• Develop a recreation strategy	In progress	A brief outline has been developed for this.
3.2	Promote awareness of the cultural heritage of Ōhiwa Harbour	Ongoing	• Incorporate Māori placenames and stories on signage wherever appropriate		
3.3	Recognise and apply the principles of kaitiakitanga and stewardship in management of the harbour and its catchment	Ongoing	• Seek opportunities to promote kaitiakitanga and stewardship	In progress	One person interested in becoming a volunteer harbour warden volunteer has put their hand up (Kenny McCracken).
3.4	Retain Onekawa Te Mawhai Regional Park and manage according to the park management plan	Ongoing	• Implement the Onekawa Te Mawhai annual plan	In progress	- Domain walking track has been upgraded by ODC/BOPRC. - 9.4ha of mostly regenerating bush are being purchased from Judy Lewis and Ross Pierson. This will allow the development of a new walking track.
			• Decide on use of vacant building	In progress	Discussions held with BOPRC corporate GM. Building is likely to be developed as a meeting/workshop space. Will need to be assessed by structural engineer.
3.5	Ensure information distribution (including signage around the harbour) is current, appropriate and coordinated	Ongoing			Tanja has begun working with agencies to progress the 'instructional' signage rationalisation as per Sarah's recommendations
			• Complete and install 2nd theme of heritage trail interp	In progress	- Tanja has been employed on contract to assist with progressing this. - Tanja has compiled text. Text and photos have been sent to graphics consultant.
3.6	Continue to implement comms/education plan	Ongoing	• Complete 4 newsletters	In progress	September and December newsletters completed.
			• Complete 4 minutes summaries	In progress	September and December summary completed.
			• Complete 4 web page updates	In progress	One update completed.
			• Hold workshop for OHSCG/OHIF	Completed	Dates proposed to OHIF for summer and winter workshops/field trips. First field trip on 13th Dec.
			• Hold 1 community social event	Completed	Community lunch was held 13th Dec
3.7	Develop a coordinated approach to, and implement management of, public reserves	Ongoing	• Carry out maintenance of reserves	In progress	Ōhiwa project was highly commended at LGNZ awards.
					ODC have installed public toilet at Ōhiwa spit. Toilet and carpark area at Ōhiwa spit have been completed and landscaped. WDC continuing planning process for Ōhope wharf and reserve redevelopment.
3.8	Support the implementation of regulations for controlling vehicles on tidal flats and beaches	Ongoing	• WDC and ODC implement bylaws	Ongoing	Tim and Devon St George (ODC compliance) have been dealing with people driving onto mudflats to collect (probably too many) pipi. Devon has erected prohibited signs.
3.9	Support appropriate harbour and catchment research opportunities	Ongoing	• Discuss opportunities for research with Awanuiarangi		
3.10	Develop protocols between the Ōhiwa partners and other statutory agencies	Ongoing			

3.11	Support the work of landowners and community groups	Ongoing	• Provide support as required to groups as in 1.9	Ongoing	400 native plants planted at Nukuhou North School.
			• Provide support to landowners as and when required	Ongoing	- Biodiversity management plan in development for Ringatu Trust at Wainui Marae. - Advice and support on pest control provided to several landowners
			• Provide support for BirdsAPlenty festival	Completed	Introduction and catering provided for evening talk and materials and BBQ provided for 'The Flock' bird painting event at Ōhiwa Spit.
			• Provide plants for community planting initiatives		
3.12	Support the involvement of local people in education initiatives and in the management of the Ōhiwa Harbour and its catchment	Ongoing	• Provide support to Waiotaha School work at Ōhiwa		
3.13	Advocate for health and safety within the harbour and catchment	Ongoing			Consultation in progress with NZTA concerning safety improvements on Wainui Rd.
<b>Other / admin</b>					
	Admin (meetings, preparation etc.)		• Hold 4 OHSCG hui	In progress	2 OHSCG hui held (August, December)
			• Hold 2 OHIF hui	In progress	1 hui held (September)
			• Create TOR for OHSCG	In progress	Draft completed

## **APPENDIX 2**

### **Ohiwa Harbour Strategy Coordination Group Terms of Reference**



# **Ōhiwa Strategy Coordination Group (OHSCG) – Terms of Reference**

## **1. Purpose**

To implement the actions of the Ōhiwa Harbour Strategy (OHS)

## **2. Membership**

Membership consists of one nominated representative from each of the following organisations:

- Ōpōtiki District Council
- Whakatāne District Council
- Bay of Plenty Regional Council
- Whakatōhea
- Upokorehe
- Ngāti Awa
- Waimana Kaaku (Ngāi Tūhoe)

OHSCG may, from time to time, as deemed appropriate by the group, invite representatives of other groups to either join the group as long term representatives or to attend specific meetings. The aim is for OHSCG to represent the Ōhiwa catchment community as inclusively as possible.

## **3. Quorum**

There is no quorum and decisions are made by consensus. Every effort is made to ensure that those not attending any given meeting will be involved subsequently in any decision making.

## **4. Chair**

The Bay of Plenty Regional Council Eastern Catchments Manager is the chairperson. In his absence, the group will agree on a substitute on the day.

## **5. Frequency of meetings**

Meetings are held every three months with dates set and agreed to at the end of each calendar year. The venue is rotated around the member agencies. Additional meetings and waananga may be added to the calendar as required.

## **6. Term of the Group**

The need for, and function of, the group will be reviewed concurrently with the next review of the OHS in 2021.

## 7. Function

The Ōhiwa Strategy Coordination Group will:

- prepare an **annual work programme** based on the OHS actions and present this to OHIF in March each year for endorsement
- report on the progress of the **annual work programme** to OHIF in September each year
- prepare reports for OHIF to ensure Forum members are well informed about the OHS implementation programme
- from time to time, in consultation with the Ōhiwa catchment community (including residents and visitors), review the OHS and recommend any changes to it for endorsement by OHIF
- ensure engagement with the Ōhiwa catchment community in the implementation of the OHS actions.

The Ōhiwa Strategy Coordination Group representatives individually:

- will provide financial or in kind contributions and input from their respective organisations to the work of OHSCG as appropriate
- are responsible for reporting the activities of OHSCG to their respective OHIF members and wider organisation membership
- will ensure that the business of their own agencies or groups is in keeping with the objectives of the OHS
- will keep OHSCG informed about the business of their own agencies or bodies where it involves the Ōhiwa catchment
- will keep themselves informed about issues affecting the Ōhiwa catchment.

## 8. Administering authority

The Bay of Plenty Regional Council (BOPRC) is responsible for the administration of OHSCG.

Specifically, BOPRC:

- provides staff time for the co-ordination of the implementation of the OHS actions
- pays a standard meeting fee for iwi representation
- covers the cost of catering, venue hire and other incidental costs associated with the administration of OHSCG
- provides a staff member to take meeting minutes.



## **APPENDIX 3**

### **2017-18 Proposed Ohiwa Harbour Strategy annual work programme**



## Ōhiwa Harbour Strategy Annual Work Programme 2017-18

OHS Action no.	Action Title	Completion date	Deliverable 2017-2018
<b>Action Area 1. Catchment Management</b>			
1.1	Improve water quality into the Ohiwa Harbour	Ongoing	• Support farmers to implement outcomes from Tipu Whenua nutrient assessment
1.2	Reduce sedimentation within the catchment	Ongoing	• Deliver 2 kms new riparian fencing in Ohiwa catchment • Complete Japanese walnut removal from lower catchment, landowners permitting
1.3	Reduce contamination from urban activities	Ongoing	
1.4	Encourage the introduction and use of farm	Ongoing	• Hold 2 meetings with Nukuhou farmers group
1.5	Manage mangroves in line with the resource consent held by Te Upokorehe	30/12/2020	• Hold 6 working bees to remove mangrove seedlings and complete annual report
1.6	Investigate classifications for Ōhiwa Harbour to reflect its special ecological character		
1.7	Protect and enhance wetlands, saltmarsh and estuarine margins and explore opportunities to construct new areas	Ongoing	• Support Care Group saltmarsh protection as in 1.9 below • Support development of wetland (Dee/Cottle property)
1.8	Monitor and assess the health of Ohiwa Harbour and its catchment	Ongoing	• Complete monitoring as per monitoring timetable • Complete annual monitoring summary
1.9	Protect and manage habitat and species	Ongoing	• Implement Yr5 Nukuhou Saltmarsh/Uretara BMP (see 1.7) • Implement Yr2 Ruatuna/Pukeruru care group • Implement Yr2 Hurike care group • Implement Yr3 Kutarere Sch EEf • Implement pest control by Ohiwa Reserves CG and Bryan's Beach CG • Implement pest control Onekawa Te Mawhai Regional Park • Implement control of selected weeds under RPMP • Implement pest control on east end of Ōhope spit • Implement weed control on DOC reserves • Implement shore bird management • Support Ōhiwa Headland Sanctuary Trust as and where appropriate
1.10	Investigate the presence of indigenous freshwater fish species and identify opportunities to manage	Ongoing	
1.11	Investigate the potential impacts of climate change on the Ohiwa Harbour	30/06/2019	

1.12	Support appropriate regional, district and iwi plan provisions to achieve sustainable management of the Ōhiwa Harbour and catchment	Ongoing	• Ensure provision of appropriate rules for ODC district plan review
1.13	Develop data sets to augment resource management protocols	30/06/2020	
1.14	Support and implement consenting, bylaw and statutory responsibilities	Ongoing	
<b>Action Area 2. Harbour Management</b>			
2.1	Investigate shellfish populations and advocate for their sustainable management	Ongoing	<ul style="list-style-type: none"> <li>• Implement shellfish retention, restoration and reef construction trials as per MUSA proposal</li> <li>• Regularly monitor kaimoana collection during summer (eastern side, Upokorehe)</li> </ul>
2.2	Investigate wetfish populations and advocate for their sustainable management	Ongoing	• Respond to fisheries issues and advocate to MPI as required
2.3	Support mahinga mataitai status for Ohiwa Harbour	Ongoing	
<b>Action Area 3. People and Communities</b>			
3.1	Develop and implement a recreation strategy	30/06/2017	• Finalise recreation strategy
3.2	Promote awareness of the cultural heritage of Ohiwa Harbour	Ongoing	• Incorporate Māori placenames and stories on signage wherever appropriate
3.3	Recognise and apply the principles of kaitiakitanga and stewardship in management of the harbour and its catchment	Ongoing	• Seek opportunities to promote kaitiakitanga and stewardship
3.4	Retain Onekawa Te Mawhai Regional Park and manage according to the park management plan	Ongoing	<ul style="list-style-type: none"> <li>• Implement the Onekawa Te Mawhai annual plan</li> <li>• Complete incorporation of new 9.4ha into the park</li> </ul>
3.5	Ensure information distribution (including signage around the harbour) is current, appropriate and	Ongoing	<ul style="list-style-type: none"> <li>• Continue upgrading of instructional signage</li> <li>• Complete and install 2nd theme of heritage trail interp</li> </ul>
3.6	Continue to implement comms/education plan	Ongoing	<ul style="list-style-type: none"> <li>• Complete 4 newsletters</li> <li>• Complete 4 minutes summaries</li> <li>• Create stand alone Ōhiwa web pages</li> <li>• Hold 2 X workshop/field trip for OHSCG/ OHIF</li> <li>• Hold 1 community social event</li> </ul>
3.7	Develop a coordinated approach to, and implement management of, public reserves	Ongoing	<ul style="list-style-type: none"> <li>• Carry out maintenance of reserves</li> <li>• Carry out upgrading of Ōhope Wharf reserve</li> <li>• Provide support to Rotary Ōhope harbourside trail project</li> </ul>
3.8	Support the implementation of regulations for controlling vehicles on tidal flats and beaches	Ongoing	• WDC and ODC implement bylaws

3.9	Support appropriate harbour and catchment research opportunities	Ongoing	
3.10	Develop protocols between the Ōhiwa partners and other statutory agencies	Ongoing	
3.11	Support the work of landowners and community groups	Ongoing	<ul style="list-style-type: none"> <li>• Provide support as required to groups as in 1.9</li> <li>• Provide support to landowners as and when required</li> <li>• Provide support for BirdsAPlenty festival and other events as required</li> <li>• Provide plants for community planting initiatives as required</li> </ul>
3.12	Support the involvement of local people in education initiatives and in the management of the Ōhiwa Harbour and its catchment	Ongoing	
3.13	Advocate for health and safety within the harbour and catchment	Ongoing	<ul style="list-style-type: none"> <li>• Ensure the Safe Roads project provides appropriate safety improvements which do not impact negatively on other harbour values</li> </ul>
<b>Other / admin</b>			
	Admin (meetings, preparation etc.)		<ul style="list-style-type: none"> <li>• Hold 4 OHSCG hui</li> </ul>
			<ul style="list-style-type: none"> <li>• Hold 2 OHIF hui</li> </ul>
			<ul style="list-style-type: none"> <li>• Hold 2 X workshop/field trip for OHSCG/ OHIF</li> </ul>



# **PRESENTATION - Ohiwa Harbour Catchment Work Programme presentation**





**Report to:** Ōhiwa Harbour Implementation Forum

**Meeting date:** 13 March 2017

**Report from:** Dr Kura Paul-Burke, MUSA Dive – Marine & Environmental Services

---

## **Restoration of Shellfish Populations & Seastar Management in Ōhiwa Harbour**

---

### **1.0 Summary:**

The Ōhiwa Harbour Strategy contains an action 2.1, to investigate shellfish populations and advocate for sustainable shellfish management. This action has led to a proposal to build on investigations already carried out, into the state of the mussel beds in Ōhiwa harbour.

A mussel management action plan (MMAp) was written by Paul-Burke (2014) and has been adopted by the Ōhiwa Harbour Strategy Coordination Group (OHSCG). Phase one the MMAp proposed a monitoring regime in the western side of the harbour and at the same time establish new baseline information in the eastern side of the harbour. Phase two of the MMAp proposed the development of technical designs for the restoration and re-invigoration of mussel populations and best practice seastar management in Ōhiwa harbour.

This report provides an overview of the MMAp phase two, proposed shellfish restoration and the development of best practice seastar management in Ōhiwa harbour.

### **2.0 Recommendations**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Restoration of Shellfish Populations and Seastar Management in Ōhiwa harbour;**
- 2 Endorses the proposed actions.**

### **3.0 Introduction**

In August 2016, there were 2 remaining mussel population sites identified in the western side of the harbour. Sub-tidal monitoring surveys found that 99.6% of the original 2007 mussel population and 99.6% of the 2009 seastar populations were no longer present. An estimated 485,000 mussels remain in the western side of the harbour.

In the eastern side of the harbour, it was found that 2 of the 3 identified traditional mussel bed areas were no longer present. The site where mussels were recorded was located in the

entrance to the harbour and is subject to significant tidal flow with an estimated 59,000 mussels present in the eastern side.

In 2007 there were an estimated 112 million mussels in the western side of the harbour in 2016 an estimated 544,000 mussels remain in the whole of Ōhiwa harbour.

## **4.0 Proposed Actions**

Consistent with phase two of the MMAP, the purpose of the proposed actions is to assist in the retention and restoration of mussel populations in Ōhiwa harbour and to investigate mātauranga Māori understandings and methods to assist mussel restoration activities and identify best practice seastar management methods for the harbour.

The proposed actions may be conducted in three parts: Step One, includes the implementation of spat collection lines (mussel grow lines) for the recruitment of juvenile mussels in the harbour. It is anticipated that spat collection lines will be located adjacent to mussel cages (discussed in step two) with navigation floats at the surface.

Step Two West Side, includes the placement of 6x (2 metres long, 1 metre wide, 1 metre high) cages in Bed 1 of the 2 remaining mussel beds in the western side of the harbour. Bed 2 is intended as a control site. The cages are intended to encircle the mussels to allow them respite from seastar predation. The sizing of the cages has been calculated to allow for monitoring of abundance and growth rates of mussels. Consistent with advice from the BOPRC harbour master and senior maritime officer (eastern) the cages pose no navigational hazard in the harbour.

Step Two East Side, includes the reconstruction of mussel reefs using dead shell debris and cages at identified sites. It is intended that dead shell debris will be collected from within the harbour and relocated to cages positioned on the bottom substrate in the eastern side. After which, living mussels currently attached to navigation floats in the harbour will be collected and relocated into the cages on the eastern side. It is anticipated that dead shell debris will provide a firm substrate for relocated mussels to attach too, and at the same time stop mussels from being subsumed into the soft-bottom harbour floor.

Step Three includes the maintenance and monitoring of equipment and populations in the harbour. It is anticipated that debris will be trapped against the sides of the cages (leaves, twigs etc.) on the incoming and outgoing tides. A build-up of debris can restrict water flow and food supply to mussels. Monitoring of the populations will involve distribution mapping, abundance and sizing of mussels (in and out of cages), seastars, control sites and traditional bed boundaries in the harbour.

A resource consent is required for the proposed restoration actions in the harbour. It has been advised that the consenting process should be straightforward. However, the lodgement of an application with the Bay of Plenty Regional Council (BOPRC) is required. Timeframes for the proposed actions will be subject to the conditions of the resource consent. However it is anticipated that if funding is successful (discussed in 6.0 of this report) the duration of the proposed actions will be for 5 years.

In spite of the extensive literature search and conversations with marine scientists, aquaculture experts and international seastar management specialists, the best approach to

managing seastar populations in Ōhiwa harbour remains uncertain. A potential collaborative research proposal to investigate best practice seastar management in Ōhiwa harbour is in process and discussed further in 6.0 of this report.

## **5.0 Consultation**

Significant consultation has been undertaken to inform the proposed actions outlined in this report with the following parties; Te Upokorehe Hapū representatives; Te Rūnanga o Ngāti Awa environmental manager and Ngāti Awa customary fisheries authority representatives; Mai i ngā Kuri a Whareki Tihirau (BOP Iwi Customary Fisheries Forum) and MPI representative; marine scientists from Auckland University and NIWA; mussel aquaculture experts – eastern seafarms and northern quest monitoring and maintenance of in-water equipment; steel tech engineering; BOPRC land management manager and senior officer, harbour master and senior maritime officer (eastern), among others.

## **6.0 Funding**

A collaborative scientific funding proposal was submitted to the Ministry of Business of Innovation and Employment (MBIE) in February 2017. The funding proposal brings together marine scientists from Auckland and Waikato Universities, NIWA and MUSA Dive. The funding proposal involves five harbour sites throughout the North Island and focusses on the restoration of shellfish populations and mātauranga Māori. The sites are identified as Ōhiwa harbour, Te Awanui (Tauranga harbour), Hauraki Gulf, Far North and Whangārei.

Ōhiwa harbour will also lead investigations on predation and management of seastars on shellfish populations. If the funding proposal is successful Ōhiwa harbour will receive \$50,000 for 5 consecutive years to conduct shellfish restoration and seastar management actions, commencing 2018. The outcome of the funding round will be announced late 2017.

Dr Kura Paul-Burke  
**Director and Research Leader**

**MUSA Dive – Marine & Environmental Services**  
**13 March 2017**



Receives Only – No Decisions



**Report To:** Ōhiwa Harbour Implementation Forum

**Meeting Date:** 13 March 2017

**Report From:** Pim De Monchy, Kaituna Catchments Manager

---

## **Onekawa Te Mawhai Regional Park Update**

---

### **Executive Summary**

The purpose of this report is to update the members on recent activities in the Onekawa Te Mawhai Regional Park. The park has recently expanded by a further 9.4ha and a number of improvements to the park visitor facilities, environment and farm have been carried out over the last year, with more planned for the future.

### **Recommendations**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Onekawa Te Mawhai Regional Park Update;**

### **1 Background**

The Onekawa Te Mawhai Regional Park currently covers a total area of 53 hectares. Of this, Bay of Plenty Regional Council (BOPRC) own 36ha and Ōpōtiki District Council (ODC) own 17ha. The park is managed collaboratively by the two councils in order to provide a seamless experience for visitors. The operational expenditure for each part is provided by the two councils respectively. The site is very significant for Upokorehe as it contains numerous pa sites and was the stronghold of many of their tipuna. Both councils work closely with them (and our local archaeologist, Lynda Walter) to ensure these sites and their cultural values are managed sensitively.

### **2 Recent expansion of the park**

Late last year, a neighbouring landowner offered to sell the BOPRC 9.4 ha of their property adjacent to the park at a very reasonable price and it was finally purchased in January. This 9.4 ha is included in the 53ha described above. The new area is mostly covered in regenerating coastal forest and also contains a healthy wetland. It will allow the development of a further walking track loop which will allow visitors to make full use of the whole park area and from which there will be spectacular views. It's hoped that the track will be developed over the coming year.

### **3 The future of park buildings**

There are two residential dwellings in the BOPRC component of the park. One of these has been vacant for some time and there are plans for this to be developed as a meeting venue/visitor centre in the future. The second is currently tenanted but this tenancy is to be terminated at the end of June at which time it will be removed.

### **4 Visitor facilities**

A number of improvements have been made to the visitor facilities in the last year or so:

- ŌDC have upgraded the track through the bush on the harbour side of the park involving the construction of new steps, culverts and bridges
- ODC have constructed a new public toilet and redeveloped the parking area on the Ōhiwa Spit.
- BOPRC have provided new entrance signs and track signage.

These developments have resulted in positive feedback from visitors. During the height of the summer period, several hundred people were reportedly walking through the park each day. The installation of a track counter is planned before next summer.

There is a huge opportunity in the future to illustrate the unique Māori and colonial history of the park to enable a better appreciation of our past.

### **5 Farm management**

Approximately 10ha of the BOPRC component of the park is run as a small farm, currently carrying 31 weaners, 25 ewes and 80 lambs. One of the reasons for keeping much of the park in pasture is that this is the best way of preserving the archaeological features, as long as the stock are light. Over the last two years a comprehensive upgrading of the farm has been carried out, including:

- replacing most of the farm boundary fences
- new subdivision fencing to maximise grazing efficiency
- new troughs
- capital application of fertilizer
- weed control
- tree planting for stock shade
- major repairs to barn, stockyards etc.
- upgrading the access road

## **6 Environmental and management**

Over the last two years:

- weed infested slopes have been systematically replaced with native trees
- a small trial woodlot has been established and will be extended
- pindone is laid in bait stations every spring to control rats
- various other weeds are being progressively controlled

## **7 The future**

Over the course of the next few years:

- the fencing replacement programme will be completed
- weed and pest control will continue
- the new track will be developed
- further native planting will be carried out
- the Ōhiwa entrance and carpark will be re-configured
- track marker signs will be upgraded
- visitor interpretation signage will be installed
- the archaeological sites may be mapped
- one dwelling will be removed and the other upgraded
- further promotion of the park will take place

## **8 In conclusion**

The park is good example of two councils working closely together and also working closely with tangata whenua. It is a very valuable visitor asset for the eastern bay and every effort is being made to ensure that it's an attractive and worthwhile destination. It is also an important historic and cultural site and this is well understood and respected by all the parties involved.

## **9 Council's Accountability Framework**

### **9.1 Community Outcomes**

This project/proposal directly contributes to the Environmental Protection and Regional Collaboration and Leadership Community Outcome/s in the council's Long Term Plan 2015-2025.

### **9.2 Long Term Plan Alignment**

This work is planned under the Regional Parks Activity in the Long Term Plan 2015/25.

The regional park is managed for the enjoyment of the community and to protect its heritage values.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Regional Parks Activity in the Annual Plan 2016/17

#### **Future Budget Implications**

Future work on Onekawa Te Mawhai Regional Park is provided for in Council's Long Term Plan 2015-2025.

Tim Senior  
**Land Management Officer**

**for Kaituna Catchments Manager**

**28 February 2017**





## REPORT

Date : 22 February 2017

To : Ōhiwa Harbour Implementation Forum

From : Mike Houghton, Community Facilities Manager, Ōpōtiki District Council

Paula Chapman, Manager Community Services, Whakatāne District Council

Subject : **NGA HAERENGA CYCLE TRAILS – GREAT RIDE EXTENSIONS**

File ID :

---

### EXECUTIVE SUMMARY

A proposal to extend Mōtū Trails Cycle Trail from Ōpōtiki to Whakatāne has won tentative support from MBIE for funding and inclusion as a Great Ride. Part of the proposed route would be located within the Ōhiwa Harbour environment. A description of the proposal is presented for the Forum's consideration and support in principle is requested.

### PURPOSE

To present information on a proposal to extend Mōtū Trails Cycle Trail from Ōpōtiki to Whakatāne with special reference to where the Trail will be located within the Ōhiwa Harbour catchment and; request support in principle from the Forum.

### BACKGROUND

Mōtū Trails Cycle Trail was opened in May 2015. Partners to the project are the Ōpōtiki and Gisborne District Councils; Department of Conservation and Whakatōhea Māori Trust Board. Costs for the construction of the Trail - in excess of \$3M – were largely met by MBIE as an economic development and tourism outcomes. The Trails have proved very successful especially the coastal Dunes Trail east of Ōpōtiki which experiences 54,000 users per year. The Trail contributes to the local economy, visitor industry and promotion of Ōpōtiki and the wider Eastern BOP.

Following the success of Mōtū Trails Ōpōtiki, Whakatāne and Kawerau District Council's and BOP Regional Council developed an Eastern BOP Cycle Strategy the basis of which is that the partner agencies would collaborate to develop cycle trails in the sub region.

In mid-2016 the Government announced funding would be available for Great Ride Extensions and Enhancements – an initial investment of \$16M followed by \$6M annually for approved proposals. Conditions of the funding are that proposals must extend or enhance an existing Great Ride and that Trails be constructed to prescribed standards to appeal to the wider visitor industry. More cycle cruising than technical challenging mountain biking. Linking visitor destinations is also important.

Partners to the EBOP Strategy plus NZTA and Rotorua Lakes Council submitted a Proposal / Ten Year Vision to extend Mōtū Trails west to Whakatāne, Thornton, inland to Kawerau and then to Rotorua. The proposal was received favourably and a workshop was held in Ōpōtiki in late January with Government officials from MBIE, NZTA and Nga Haerenga /NZCT. Feedback from this workshop indicated strong support to extend Mōtū Trails from Ōpōtiki to Whakatāne Airport. A revised proposal for this route is in preparation to be submitted for funding to MBIE by the end of March.

### Ōhiwa

In the Ōhiwa environment the proposed route is intended to be located on existing formed or consented trails.

In the Ōpōtiki District on the existing Ōhiwa Trail from Ōhiwa Holiday Park to the Ōhiwa Loop Road boatramp.

In the Whakatāne District on the consented (yet to be constructed) Ōhope Harbourside Trail from the Ōhope Wharf to the Waterways subdivision (a Whakatāne Rotary Project). The planned trail is approximately 2.89km and extends from the Waterways (west) to the Port Ōhope Wharf. The terrain is a relatively flat grade and mainly maintained grass (mown parkland) interspersed with grasses including rushes, smaller estuarine vegetation and lower lying intertidal areas plus a low number of small Pohutukawa trees and flaxes. The western section of the proposed route is currently grassed and maintained as reserve and will largely remain in its current form. In low lying areas a combination of boardwalk and pumice track will be installed (in keeping with consent conditions) to ensure that public is isolated to a defined path and to protect the underlying ecosystems. The Rotary Club of Whakatane has met with staff at the Whakatane District Council to progress the project to a stage where the club can apply for external funding.

These existing Trails may however require some modification in places in order to comply with NZCT specifications in terms of width, safety and gradient. Some of these modifications may require consent but it is anticipated that there will be only be minor effects on the Ōhiwa Harbour environment.

One opportunity associated with this proposal will be the requirement for a service to ferry users between Ōhope and Ōhiwa Loop Rd boatramp.

### Timeline

Revised proposals are to be submitted to NZCT by the end of March.

A decision is expected within a month on those proposals that have been selected to proceed to the next stage of developing a detailed Business Case which MBIE will assist with.

A decision on funding will be subject to the outcomes of the Business Case.

### **CONCLUSION**

While the proposal is at an early conceptual stage the Government agencies involved appear to be moving rapidly through to the next selection phase.

If successful to the next stage, the detailed Business Case will require detailed design and assessment, wide consultation and stakeholder engagement – this will naturally include OHIF.

### **RECOMMENDATIONS**

1. That the report titled " Nga Haerenga Cycle Trail – Great Ride Extensions " be received.
2. That the Ōhiwa Harbour Implementation Forum supports in principle, the proposal to extend the Mōtū Trail journey to the Whakatāne Airport where it passes through the Ōhiwa Harbour environment

Mike Houghton

**COMMUNITY FACILITES MANAGER  
OPOTIKI DISTRICT COUNCIL**

Paula Chapman

**MANAGER COMMUNITY SERVICES  
WHAKATĀNE DISTRICT COUNCIL**



**Receives Only – No Decisions**



**Report To:** Ōhiwa Harbour Implementation Forum

**Meeting Date:** 13 March 2017

**Report From:** Mark Le Comte, Organisational Planning Manager

---

## **Bay of Plenty Regional Navigation Safety Bylaw 2017**

---

### **Executive Summary**

The Bay of Plenty Regional Council has a statutory role in managing the Region's coastal waters, including harbours, estuaries and coastal water extending to a 12 nautical mile seaward limit, and includes Ohiwa Harbour. This statutory role includes responsibilities relating to navigation safety under the Maritime Transport Act 1994. The Navigation Safety Bylaw is one tool that Council has to fulfil this role.

The Navigation Safety Bylaw has been in a review process since late 2015. An initial report and presentation was made to the Ohiwa Harbour Implementation Forum in March 2016. That presentation sought feedback from the Forum on Navigation Safety issues that impact on Ohiwa Harbour and other areas in the Eastern Bay of Plenty. Since that time, Council has undertaken further consultation with the community, key stakeholders and iwi. A formal consultation process under the Local Government Act Special Consultative Procedures has also been undertaken.

Council formally adopted the new Bylaw at its 14 February 2017 meeting, to become operative on 1 July 2017. This Report provides the Ohiwa Harbour Forum an outline of some of the decisions made and how they may affect users of Ohiwa Harbour.

### **Recommendations**

**That the Ōhiwa Harbour Implementation Forum under its delegated authority:**

- 1 Receives the report, Bay of Plenty Regional Navigation Safety Bylaw 2017**

### **1 Navigation Safety Bylaw Background**

The Bay of Plenty Regional Council has a statutory role in managing the Region's coastal waters, including harbours, estuaries and coastal water extending to a 12 nautical mile seaward limit, and includes the Ohiwa Harbour. This role also extends to freshwater resources, including lakes and rivers.

The Bay of Plenty Regional Council has a Maritime Team, including the Harbourmaster, Maritime Officers and a network of wardens to assist in exercising

Council's maritime roles and responsibilities. The Navigation Safety Bylaw is one tool that Council has to fulfil its roles.

The Navigation Safety Bylaw is made under the Maritime Transport Act 2004, with process and consultation requirements set by the Local Government Act 2002. The purpose of the Bylaw is defined in section 33M of the MTA as '*ensuring maritime safety in its region*'.

The Navigation Safety Bylaw has been in a review process since late 2015. The Forum provided feedback on Ohiwa Harbour issues following a presentation made to it at the March 2016 meeting. The feedback received was incorporated into the review and the notified Statement of Proposal and Draft Bylaw.

The formal submission process did not give rise to any specific submission relating to Ohiwa Harbour.

## 2 Key Issues

The key issues relating to Ohiwa Harbour are:

- Carrying and Wearing of Lifejackets
- Registration of Personal Water Craft
- Naming of Vessels
- Personal Water Craft exclusion area

### Carrying and Wearing of Lifejackets

The Draft Bylaw proposing rules similar to those of the Auckland region. The proposed rules mean that:

- You will still have to carry a properly fitting, readily accessible lifejacket for every person on board (you are required to do this under the existing Bylaw).
- You will still have to wear a lifejacket during times of heightened risk, including when you are crossing a bar (you are required to do this under the existing Bylaw).
- If you are making way (i.e. under propulsion) and in a vessel 6 m and under, you will be required to wear your lifejacket, unless the skipper has assessed the risk and specifically authorises that it is not required to wear one (this is new).

New Zealand Maritime Rules require all vessels to carry a correctly fitting lifejacket for all persons on board the vessel, and that lifejackets are required to be worn at times of heightened risk, for example, when crossing a Bar. This rule provides a national baseline that must be complied with.

A number of submitters stated that it was safe to row a dinghy or tender ashore without carrying or wearing a lifejacket. Not carrying a lifejacket in a dinghy or tender is currently illegal in New Zealand, and the Bylaw cannot legalise the non-**carrying** of a lifejacket. Under the Bylaw the skipper of a dinghy or tender may authorise the non-**wearing** of a lifejacket.

A concern was raised that, under the rules as notified, a child under 15 years old could make the decision not to wear a lifejacket if they were the only person on board (eg: in a dinghy) or out with young friends. Given that Maritime Rules state that no person under the age of 15 can have sole charge of a vessel capable of more than 10 knots, it was considered reasonable that a person under 15 should not be able to make a decision not to wear lifejackets, given the potential life threatening situation this could lead to.

Council has adopted the commissioners recommendation to amend the Draft Bylaw (lifejacket provisions) so that no person under 15 years can authorise the non-wearing of lifejackets.

### **Registration of Personal Water Craft**

The Registration of Personal Water Craft (Jet Ski's) was supported by the Ohiwa Harbour Implementation Forum.

Council has adopted the registration of Personal Water Craft across the region. Registration will be a "one-off", and will be valid for other regions that have a Personal Water Craft registration scheme in place. Registration in another region will also be valid in the Bay of Plenty.

### **Naming of Vessels**

A "naming of vessels" provision was adopted. This provision requires a name on any power driven vessel that is 4m or over, or on a non-powered vessel 4m and over.

The purpose of the naming requirement is to enable vessels to be identified, whether for search and rescue purposes, or for enforcement purposes.

It should be noted that naming of vessels is not a requirement for them to be registered.

### **Personal Water Craft Exclusion Area**

A large area of Ohiwa Harbour is a Personal Water Craft Exclusion Area. During the pre-engagement phase of the Bylaw review, consideration was given to changing this designation, or enabling Personal Water Craft for activities such as fishing. The Forum expressed a strong view that the Personal Water Craft Exclusion Area remain.

Council decision is to retain the Personal Water Craft Exclusion Area in Ohiwa Harbour in its entirety.

## **3 Council's Accountability Framework**

### **3.1 Community Outcomes**

This project/proposal directly contributes to the Resilience and Safety Community Outcome in the council's Long Term Plan 2015-2025.

The Navigation Safety Bylaw directly contributes to community safety by providing a set of navigation and safety rules when utilising the Region's marine areas.

### **3.2 Long Term Plan Alignment**

This work is planned under the Maritime Operations and Organisational Planning and Reporting Activities in the Long Term Plan 2015-2025.

**Current Budget Implications**

This work is being undertaken within the current budget for the x Activity in the Annual Plan 2016/17 or Year 2 of the Long Term Plan 2015-2025.

**Future Budget Implications**

Future work on the adoption of the Navigation Safety Bylaw 2017 is provided for in Council's Long Term Plan 2015-2025.

Shawn Baker

**Senior Planner (Council Strategy)**

**for Organisational Planning Manager**

**3 March 2017**