

Notice is given that an ordinary meeting of the Motueka Community Board will be held on:

Date: Tuesday 19 March 2024
Time: 4:00 pm
Meeting Room: Motueka Library
Venue: Wallace Street, Motueka
Zoom conference link: <https://us02web.zoom.us/j/82685642935?pwd=QIRTaGV2YXF5aTNJSgczbVVONXIEQT09>
Meeting ID: 826 8564 2935
Meeting Passcode: 706138

Motueka Community Board

Hapori Whānui ō Motueka

AGENDA

MEMBERSHIP

Chairperson	T Graham
Deputy Chairperson	C Hutt
Members	D Armstrong
	N Hughes
	Cr B Dowler
	Cr B Maru
	Cr T Walker

(Quorum 4 members)

Contact Telephone: 03 528 2015
Email: emma.gee@tasman.govt.nz
Website: www.tasman.govt.nz

AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

Nil

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF [MINUTES](#)

That the minutes of the Motueka Community Board meeting held on Tuesday, 20 February 2024, be confirmed as a true and correct record of the meeting.

7 PRESENTATIONS

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8 REPORTS

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8.2 Adoption of Motueka Community Board Code of Conduct 2024 47

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8.5 Special Projects Action List 100

9 CORRESPONDENCE

Nil

10 CONFIDENTIAL SESSION

Nil

11 CLOSING KARAKIA

7 PRESENTATIONS

7.1 TRANSPORT CHOICES MOTUEKA

Report To: Motueka Community Board

Meeting Date: 19 March 2024

Report Author: Emma Gee, Team Leader - Customer Services (Motueka)



Report Authorisers:

Report Number:

1. Presentation / Whakatakotoranga

Team Leader – Project Managers, Rob O’Grady, will make a presentation to the Motueka Community Board on Transport Choices Motueka via Zoom.

2. Attachments / Tuhinga tāpiri

1.   Transport Choices Motueka

5

Community Board Update – for meeting on 19 March 24

1. Manoy Path

- Construction recently completed.
- Recommend allowing more time for grass to grow and not opening for parking on grass until April.

2. Footpath widening corner High Street and Old Wharf Road

- Construction recently completed.

3. Wallace Street Bus Stop

- Bus stop relocation underway.
- Piles drilled and concrete poured.
- Works due for completion late March / early April.

4. Lower Moutere Store Cycle Path Diversion

- Construction underway.
- Forecast completion date 22 March 24.

5. Motueka West Works – Pah / Queen Vic / Whakarewa

- Consultation with property owners (Te Āwhina Marae, Whakatū) ongoing and progressing well.
- Currently awaiting construction pricing.

8 REPORTS

8.1 DISCRETIONARY FUND APPLICATION

Report To: Motueka Community Board

Meeting Date: 19 March 2024

Report Author: Emma Gee, Team Leader - Customer Services (Motueka)

Report Authorisers:

Report Number: RMCB24-03-1

Summary

- 1.1 Three applications have been received for the March 2024 round of Discretionary Funding.
 - 1.1.1 Historical Wharf Restoration - \$700.00
 - 1.1.2 Motueka Riding Disabled Association - \$700.00
 - 1.1.3 Big Brothers Big Sisters - \$700.00
- 1.2 The applications comply with the Board guidelines, Attachment 1.
- 1.3 The applications are attached, Attachment 2-4. The applicants have been asked to attend the meeting to speak to the application.
- 1.4 The Motueka Community Board Discretionary Fund currently has a balance of \$11,980.
- 1.5 If any application is approved, payment will be made to the applicant by direct credit within ten working days of receiving the bank account details.









2. Recommendation

That the Motueka Community Board

1. receives the Discretionary Fund Application report RMCB24-03-1; and
2. grants or declines applications as follows:

Applicant	Request	Grant/Decline
Historical Wharf Restoration	\$ 700.00	
Motueka Riding Disabled Association	\$ 700.00	
Big Brothers Big Sisters	\$ 700.00	
Total:	\$2,100.00	

3. Attachments / Tuhinga tāpiri
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- | | | | |
|----|---|-------------------------------------|----|
| 1. |   | Board guidelines | 8 |
| 2. |   | Historical Wharf Restoration | 11 |
| 3. |   | Motueka Riding Disabled Association | 41 |
| 4. |   | Big Brothers Big Sisters | 44 |



TASMAN DISTRICT COUNCIL POLICY ON COMMUNITY BOARD DISCRETIONARY FUNDS

POLICY REFERENCES

• Sponsor:	Group Manager Finance - Mike Drummond
• Effective date:	27 April 2023
• Review due:	Five yearly
• Legal compliance:	Council approval of the Policy, which requires to comply with Council's Revenue and Financing Policy
• Associated Documents/References	Tasman District Council Revenue and Financing Policy
• Policy Number	P100
• Approved by Council (If Applicable)	27 April 2023

1. Purpose of the Community Boards' Discretionary Funding

Each of the two community boards in Tasman District receive funding from Council through targeted rates. The Boards may use part of the funding as a discretionary fund to allocate funding:

- a) for community projects and initiatives in their Ward that their Community Board considers will benefit their community; and
- b) to support their Community Board functions, including:
 - I. Board members attendance at conferences or training workshops;
 - II. Board advertising and communication;
 - III. Board community surveys;
 - IV. and for Board functions; and
- c) to support youth related activities in their Ward.

2. Application

This policy applies to the disbursement of funds from the Motueka and Golden Bay Community Board Discretionary Funds.



3. Review of this Policy

This policy may be amended either as part of a five yearly review or where one or both community boards have requested a review and proposed changes to the Policy.

4. Generic criteria for the allocation of Discretionary Funds by either the Motueka or the Golden Bay Community Board:

- 4.1 All approved projects and initiatives must contribute to Tasman District Council's Community Outcomes as set out in Council's 10 Year Plan;
- 4.2 Projects need to demonstrate local community support.
- 4.3 Projects must take place within the ward of the Community Board which has allocated funding for the project and demonstrate a clear benefit to that community, including addressing an identified community need.
- 4.4 Discretionary funding will not be provided for:
 - Ongoing operational costs that are not project specific;
 - Costs that cannot be verified with appropriate quotes;
 - Projects that have already been completed.
- 4.5 Funding is for not for individuals, and not to be for a project that is the responsibility of Central Government or other agencies.
- 4.6 Applications must be for a specific project and disclose any other Council funding applied for, e.g., Community Grants.
- 4.7 An organisation may receive only one Discretionary Fund grant a year.
- 4.8 Applications should be made three weeks before the Community Board receiving the application meets to consider funding allocations.
- 4.9 Applicants should provide appropriate financial statements e.g., a statement of financial position (balance sheet) and a statement of financial performance (profit and loss).
- 4.10 Where appropriate (for example a public event), funding applications should be supported by an appropriate Health and Safety Plan. Funds will be allocated through monthly funding rounds. Applicants may be given less funding than they apply for.
- 4.11 Applicants are strongly encouraged to attend the meeting at which applications are considered, in order to speak to their request and answer any questions on the information supplied.
- 4.12 All decisions made by a community board to award funding to an applicant for a project will become public information following the meeting and be included in the minutes of the Board meeting. Applications and supporting information submitted to one of the community boards for funding will be included in an agenda for a meeting of that community board but be subject to the requirements of the Local Government Official Information and Meetings Act 1987 (which may require certain information to not be disclosed as part of a public agenda but distributed separately to Board members - for example financial or commercially sensitive information, personal information).
- 4.13 Funding is to be used only for the purpose approved. Unused funding must be returned to the Board at the termination or completion of the project.



- 4.14 Each year more project funding requests will be received than funds available and not all requests will be successful. The Board's decision on project funding is final and no correspondence will be entered into.
- 4.15 The Motueka and Golden Bay Community Boards acknowledge that there could be extraordinary situations with applications which do not fully meet the criteria described in this policy. The Community Boards reserve the right to consider and approve such applications where there are exceptional and unique circumstances, with the reasons for the approval to be recorded in the resolution.

5. Specific criteria for the allocation of Discretionary Funding by Motueka Community Board

- 5.1 Applications are to follow the Motueka Community Board Discretionary Fund application form template, available from the Council's website, the Motueka Council Office or Motueka Library
- 5.2 Written applications can be delivered to the Motueka Council office or sent to the Motueka Community Board, C/- Tasman District Council, 7 Hickmott Place, Motueka.
- 5.3 There is a \$700 maximum for applications for projects.
- 5.4 Projects must be completed within 12 months of receiving funding.
- 5.5 Successful applicants will report back to the Motueka Community Board on the project and how the funding was used, within 12 months of receiving funding. Community Board support staff will follow up with each organisation that has been provided funding.

6. Specific criteria for the allocation of Discretionary Funding by the Golden Bay Community Board

- 6.1 Application forms are available from the Council website, or the Takaka Service Centre.
- 6.2 Written applications can be dropped off at the council office or sent to the Golden Bay Community Board, C/- Tasman District Council.
- 6.3 There is a \$500 maximum for applications for projects.
- 6.4 Projects must be completed within 6 months of receiving funding.
- 6.5 Successful applicants will report back to the Golden Bay Community Board on the project and how the funding was used, within 6 months of receiving funding. Community Board support staff will follow up with each organisation that has been provided funding.

Adopted by Tasman District Council

Date of approval: 27 April 2023

From: website@tasman.govt.nz
Sent: Thursday, 7 March 2024 10:24 am
To: Democracy; Emma Gee
Subject: Grant Application - Motueka Community Board Discretionary Fund
Attachments: [Form-submissionspage-760upload-field-2563Historical-Wharf-Discretionery-Funds-Application-March-2024.pdf](#); [Form-submissionspage-760upload-field-237Historic-Motueka-Wharf-Ownership-Investigation-281223.pdf](#)

Follow Up Flag: Follow up
Flag Status: Flagged

The following application to the Discretionary Fund has been received.

Name of organisation*

Historical Wharf Restoration Group

Address

Contact person*

Claire Hutt / Isobel Mosley

Contact phone*

Email address*

What is the purpose of your organisation?

To restore the damage done to the stone wall of the Motueka Historical Wharf at Motueka Quay.

Amount applied for - up to \$700

\$700

Details of project to be funded:

In order for the project to commence we require an up to date archeological report. One was done some years ago, which now needs updating. The cost of which is estimated at \$1,400.

Please provide a detailed budget or quote for your funding application..

Historical-Wharf-Discretionery-Funds-Application-March-2024.pdf - You don't have the right permissions to download this file

Benefits - Who or what will benefit from the project in the Motueka community?

All members of the community will benefit from the restoration of the stone wall. This in particular poses a health & safety issue when children climb on the wall.

Describe any voluntary time and any other funding contributions received for this project

The Historical Wharf Group are all made up of volunteers working with TDC & Heritage NZ for advice and regulations.

Who else have you asked for funding for this project?

TDC (Stephen Richards) are funding the remaining 50% of the cost of the archeological report.

Bank account number

TBC

You can upload a file to support your application

Historic-Motueka-Wharf-Ownership-Investigation-281223.pdf - *You don't have the right permissions to download this file*

Privacy Statement

Quote/Estimate for Archaeological report for the Motueka Historical Wharf

In terms of cost, sorry a bit hard to estimate when I'm not sure what the Historical Wharf Committee plans are. It sounds like they probably need an authority based on the required work. The wharf is defined as a structure therefore even modification needs an authority - as long as it is pre-1900 components that are being modified. Maybe about 10 - 12 hours to do a site visit and update the report to fit in with their application, and help with the authority application form. However, the larger and more complex the project design and the more help needed (i.e. with iwi consultation) that may add more hours on. Remind them that iwi consultation is compulsory for all applications including for historic buildings and structures, and it can't just be with later iwi (i.e. Te Awhina Marae). It needs to be with other iwi too. Any monitoring / authority requirements will be additional although I'll keep everything down as much as I can.

I currently charge \$120 an hour plus GST for report writing, monitoring, site visits etc. Travel time is \$60 an hour plus GST and plus milage at IRD rate.

Regards

Amanda

Heritage NZ defines buildings and structures as follows -

"The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) require an Archaeological Authority where a pre-1900 building is being demolished or a pre-1900 structure is being modified or demolished."

A building is:

"For the purposes of the HNZPTA a building is defined as a "structure that is temporary or permanent, whether movable or not, and which is fixed to land and intended for occupation by any person, animal, machinery, or chattel".

"An Archaeological Authority is required to be obtained under the HNZPTA when a pre-1900 building will be demolished at one time or in stages over a period of time. An Archaeological Authority is not required for invasive work above ground or modifications to a pre-1900 building. An Archaeological Authority is not required where a building is to be relocated from a site so as to reinstate and preserve it elsewhere. However, where relocation is proposed, an Archaeological Authority is required to be obtained for any works that may affect subsurface archaeological remains associated with a pre-1900 building or previous pre-1900 occupation of the property, including the site to which the relocation of a pre-1900 building is to take place.

Structural/seismic strengthening of a building does not require an Archaeological Authority, unless the works have the potential to impact on subsurface archaeological material."

"Demolition means the destruction or removal of pre-1900 elements of a building by one or a series of related actions causing such modification that the pre-1900 elements no longer exist in their context and as an integrated whole."

A structure is:

According to the HNZPTA 2014, a structure "a) means a thing made by people, whether movable or not, and fixed to the land; and b) includes equipment or machinery". Structures may include bridges, wharves, dams, culverts, railway tracks, fences, stamper batteries, water races, street furniture and grave markers, for example.

An Archaeological Authority is required to be obtained when a pre-1900 structure that meets the definition of an archaeological site will be modified or destroyed.

28 December 2023

Graham Rimmer
Project Manager
Tasman District Council
189 Queen Street
Private Bag 4
RICHMOND 7050

Dear Graham

OWNERSHIP INVESTIGATION – HISTORIC MOTUEKA WHARF

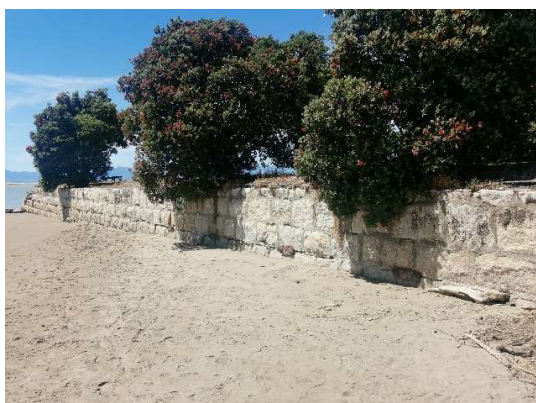
In accordance with your instruction from 17 November 2023, I have undertaken an investigation into the ownership of the historic wharf in Motueka in connection with a programme of works required on the land and report as follows.

Description

The former Motueka Wharf is located on the shoreline of the township of Motueka, approximately 1.3 kilometres north of Port Motueka. The wharf sits adjacent to a section of the Great Taste Cycle Trail network extending from Nelson City out to Kaiteriteri, this particular section running along the shoreline.



The aerial photography and photos from Heritage New Zealand both confirm the manmade nature of the former wharf, extending approximately 90 metres from the location of the Trooper Tarrant Memorial. The finger shaped extension of the structure is approximately 10 metres wide and contains remnants of its docking features as part of the coastal shipping network at the top of the South Island.



Heritage New Zealand notes the wharf as being of granite construction and nationally rare amongst other wharf structures in the country, reflected in its Category 2 Historic Listing¹. Information on the Heritage New Zealand website notes the structure as being constructed in 1877.

“The increased trade that Motueka Wharf enabled was eventually its downfall as industry developed to a point that the existing wharf facilities became insufficient. As such, the port was moved to a new location in 1916 and Motueka Wharf became redundant in terms of its original function.” [www.heritage.org.nz – list number 2985]

Significance of the locality to Te Tau Ihu Maori

The wharf is located adjacent to sections which were originally granted to the New Zealand Company as an endowment estate for the benefit of Te Tau Ihu Maori, referred to as the “Nelson Tenth’s Reserves”.

Te Atiawa, Ngati Rarua and Ngati Tama, Ngati Koata and Wakatu Incorporation all have ongoing interest in this locality, with multiple claims lodged for recognition of customary interest under the Marine and Coastal Area (Takutai Moana) Act 2011 as follows:

- | | |
|--|---------------|
| - Ngāti Apa ki te Ra To | MAC-01-12-006 |
| - Ngāti Tama ki Te Tau Ihu | MAC-01-12-009 |
| - Ngāti Toa Rangatira | MAC-01-12-021 |
| - Te Atiawa o Te Waka a Maui Trust (Mapua) | MAC-01-12-015 |
| - Te Runanga o Ngati Rarua | MAC-01-12-008 |

¹ www.heritage.org.nz List number 2985

9-3.1(i)

TE TAU IHU O TE WAKA A MAUI

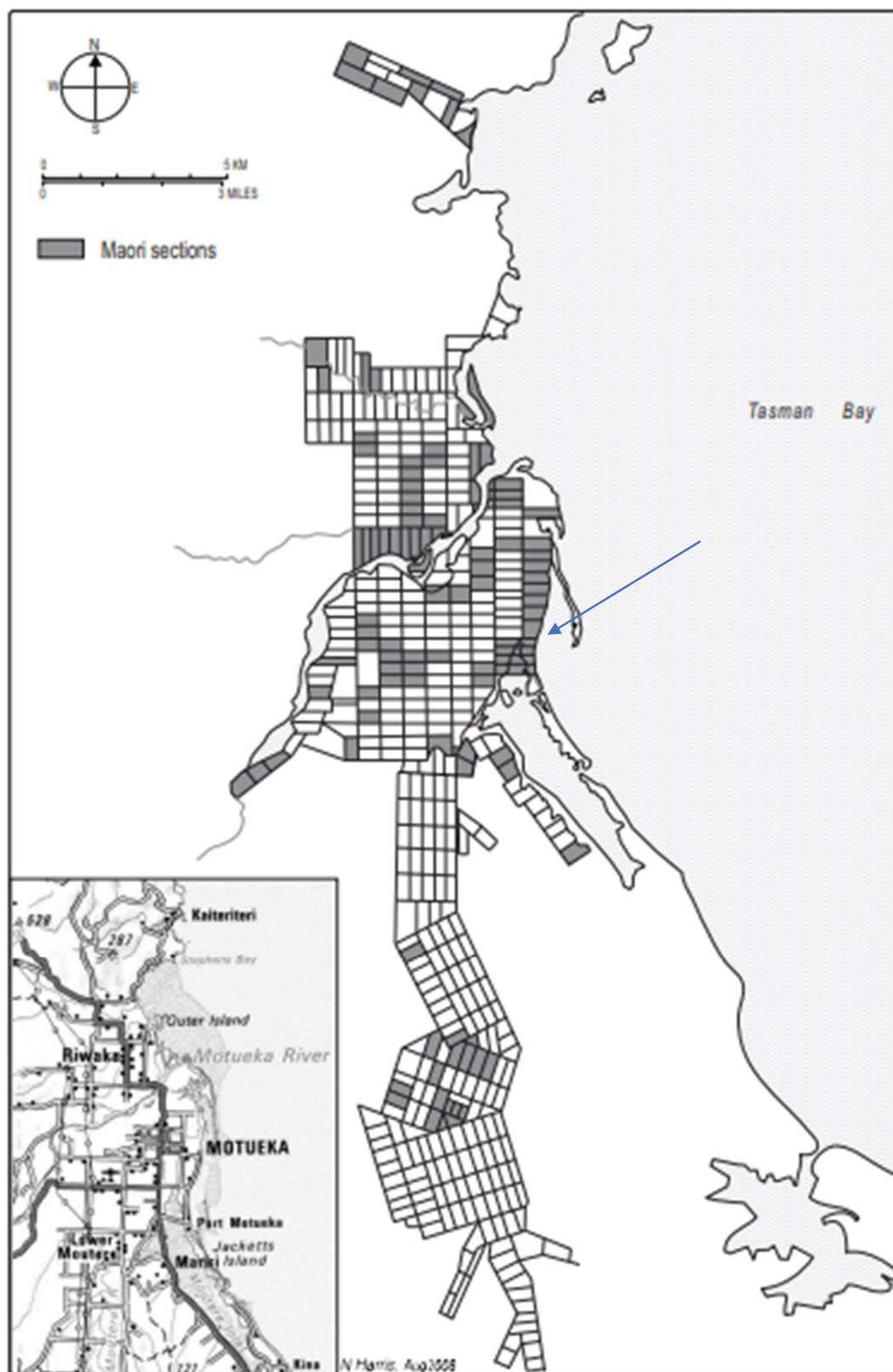


Figure 32: Motueka tenths

Source: Moira Jackson, Crown Forestry Rental Trust, and TerraLink NZ Ltd,
'Te Tau Ihu o Te Waka a Maui Overview Maps', map book, 2000 (doc A81)

Figure 32 from Wai 785 (Volume 2) (Waitangi Tribunal Reports) clearly shows the Motueka Tenth sections shaded dark grey, with Section 143 MR being immediately adjacent to the Motueka Wharf.

Affected land parcels

Without having located or examined historic government files, I am unable to confirm the full extent of the construction. The physical boundary of the structure on the landward side in relation to the shoreline is also unclear, with part of the structure being buried beneath ground. The following observations relate to the aerial imagery of the visible structure in relation to today's cadastre.

The Motueka Harbour Board file 637-SNN opened 30 May 1904 may provide more detail on the matter, as could 364-SNN (Nelson Harbour Board Endowment – L&S created 1890) and 14/9-SNN (Town of Port Motueka & Motueka Harbour Endowment – L&S created 1916).

The nature of the old wharf is such that a suitably qualified engineer would need to verify where the reclamation commences in relation to the coastline. However, notwithstanding the statement above, an indication that the structure included a wider reclamation at the landward end can be found on Survey Office Plan 6235.

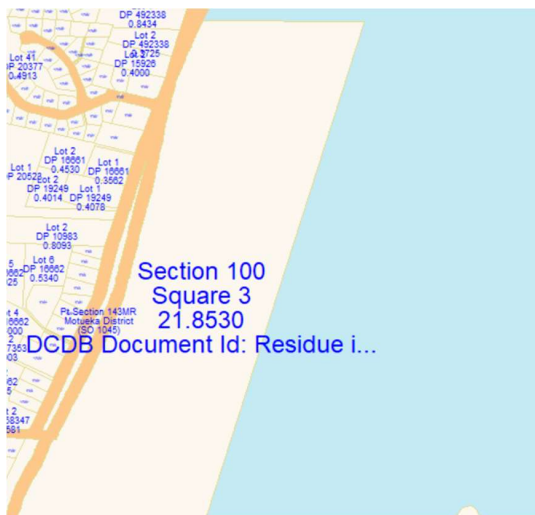


Excerpt from SO 6235 (1905)

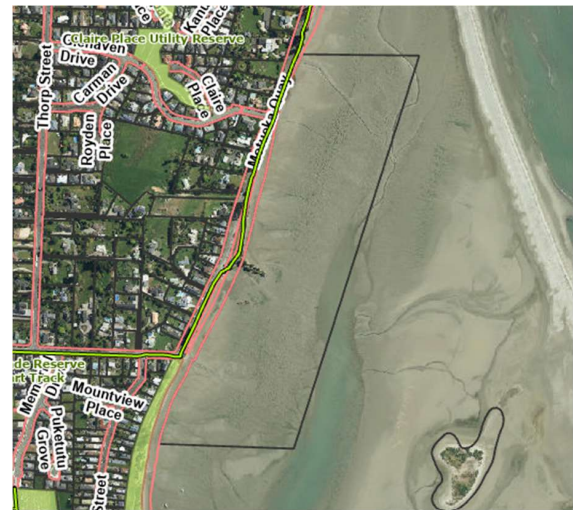
SO 6235 clearly shows the greatest portion of the wharf structure is located on land described as Section 100 Square 3 Block IV Motueka Survey District, identified as LINZ parcel ID 3645907 in the New Zealand cadastre.

The landward portion of the wharf structure lies within road polygon 3663733 and within the residue of Part Section 143 MR (Maori Reserve) Motueka Survey District being a slither of land located between two strips of legal road².

² Refer Survey Office Plans 1045, 6035 and 9428



NZ Cadastre



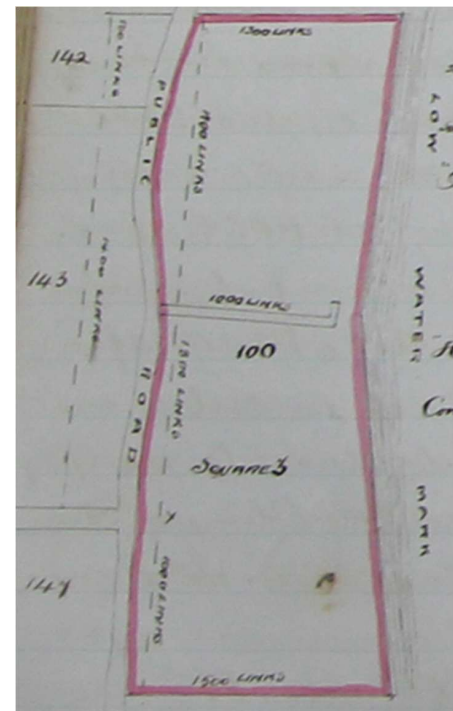
Adjoining recreation areas highlighted green

Crown Grant 10655 granted ALL Section 100 Square 3 “in trust” to the Superintendent of Nelson on 22 July 1868 at the time of provincial government in New Zealand. The grant was registered in Nelson Deeds Index 4, Volume 1, folio 325 on 25 August 1858. The Crown Grant describes the parcel as being an area of mud flat located between the high and low water mark near the Motueka jetty, thereby confirming existence of a jetty structure at the time of the original Crown Grant in 1868.

I further note that the plan in the margin of Nelson Deeds Index 4/325 details the jetty as extending into the mud flats at a length of 1000 links (200 metres), a length far greater than the structure that remains today, and also far greater than the extent of the wharf marked on SO 6235 (see adjacent excerpt).

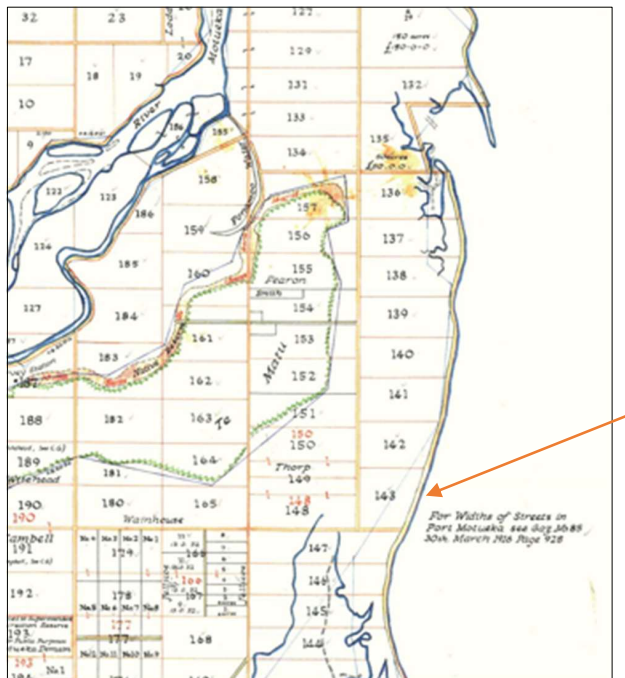
The landward boundary of Section 100 Square 3 is described in the Crown Grant as being “an area of legal road one chain in width (20 m) and running between the said section 100 and Sections numbered 147, 143 and 143 on the plan...”

I note that the parcel is described as Jetty and Warehouse Reserve. Crown Grant number 10655 was issued on 22 July 1858 granting the land to the Superintendent of Nelson to hold in trust as a site for jetties and warehouses for the public service. The land has not been brought under the Land Transfer Act and therefore remains without title.



Referenced Survey Plans

First survey reference to the locality can be found on Survey Office Plan 1045 from 1842 – refer section 143 bounded by legal road along the Motueka shoreline.



Excerpt from SO 1045

Copies of the following subsequent surveys reference the land on which the Motueka Wharf is located as being a Motueka Harbour Endowment – NZ Statutes 1905 p762³ appended to this advice:

- SO 6235 – Dated 1905 noting Motueka Harbour
- DP 1526 – Dated 1926
- DP 2028 – Dated 1930
- SO 9428 – Dated 1945

Summary of gazettal and legislative actions concerning the Motueka Wharf

A Crown Grant was issued to the Superintendent of Nelson to hold the site on which is wharf is located “in trust” as a site for jetties and warehouses for the public service in July 1868. The area was defined as Section 100 Square 3 – the appellation which still exists to this day. This was an area of tidal mudflats located below the high-water mark, bounded by legal road on the landward side and extending into the Motueka Estuary.

The land was then defined as lying within the limits of Port Motueka in 1882 (NZ Gazette 1882 No. 60 P903 refers). In 1900 this land and wharf became part of the Nelson Harbour Board lands via the Nelson Harbour Board Act 1900 (refer section 6(1)). In 1901 (prior to the new port being established further to the south in 1916), the Motueka Wharf transferred to the Motueka Wharf Board, which became the Motueka Harbour Board in 1905.

³ Motueka Harbour Board Act 1905 (Local) (5 EDW VII 1905 No 38)

In 1966, the Motueka Harbour Board Order disestablished the Motueka Harbour Board and vested its powers, functions and property in the Waimea County Council – now the Tasman District Council. Two years later, the Nelson Harbour Board Order superseded the Motueka Harbour Board Order, however land that was endowed to the Motueka Harbour Board remained vested in the Waimea County Council (refer section 6(1). The powers and functions of a harbour board were transferred to the Nelson Harbour Board (refer section 5).

The 1989 local government reform specifically stated at section 116 that real and personal property vested in the Nelson Harbour Board as at 31.10.89 (which is a marina, wharf, jetty, boat ramp other harbour facility) used principally for recreational purposes vested in the territorial authority in whose district it is situated – in this case the Tasman District Council. I note that further mention is made of wharves situated at Motueka as vesting in the ownership of the Nelson-Marlborough Regional Council (disestablished thereafter and replaced with Regional Councils – the Tasman District Council now fulfilling the function of the regional council), however it is unclear whether this order referred to operational wharves located further to the south or included the “former” wharf as well.

The Harbour Boards Dry Land Endowment Revesting Act 1991 provided the ability for the Motueka Harbour lands to be revested in the Crown for conservation purposes or held by a local authority and declared a reserve – the Motueka Harbour lands being specifically included in Part A of the Act (refer section 4(1)(a)(ii). However, for this to occur, the land was required to be surveyed, refer section 4(8) – and this has not occurred.

With the passing of the Marine and Coastal Area (Takutai Moana) Act in 2011, ownership of the common marine and coastal area (MACA) became impossible. However, section 11(5)f states that the special status of the MACA does not affect a specific purpose (jetties and warehouses in this case) for which a part of the common marine and coastal area is, by or under an enactment, set aside, or any rights or powers that may, by or under an enactment, be exercised in relation to that status or purpose.

Timeline

Below is a summary of gazettal and legislative developments pertinent to the Motueka Wharf.

Date	Reference / Instrument	Action	Comments
22 July 1868	Crown Grant 10655 and Nelson Deeds Index 4/325	Section 100 Square 3 to be held unto the Superintendent of Nelson in trust as a site for jetties and warehouses for the public service.	Particulars of the land being an area of 54 acres (more or less) comprising the mud flats between the high and low water marks near the Motueka Jetty adjacent to sections 142,143, 147 and public road
25 August 1868	Nelson Deeds Index 4/325	Crown Grant in the Nelson Deeds Index	Not brought under the Land Transfer Act and still held in Deeds Index Register to this day. No title.
26 June 1882	Parcel included within the limit of Port Motueka	All the tidal water included within a radio of two nautical miles from the centre of the shore end of the Motueka Wharf.	NZ Gazette 1882 No 60 pp903
2 Sept 1882	NZ Gazette 1882 No. 74 Page 1225	Land temporarily reserved from sale for the improvement of the Motueka Harbour	Pursuant to Land Act 1877 - at section 144

1900	Nelson Harbour Board Act 1900	The Motueka Wharf with its assets and liabilities is vested in the Nelson Harbour Board.	- at section 6(1)
1878	Harbours Act 1878	Right and title to any reclaimed land vests in Her Majesty the Queen.	- at section 23
1901	Nelson Harbour Board Amendment Act 1901	Confines the limits of the Nelson Harbour Board area and removes the Motueka area from control of the Nelson Harbour Board.	- at section 2(1)
		Removes ownership of the Motueka Wharf from the Nelson Harbour Board and vests it in the Motueka Wharf Board.	- at section 6(1)
		Ownership of all foreshore and mudflats declared to be endowments for the Motueka Wharf administered by the Motueka Wharf Board.	- at section 7
1905	Motueka Harbour Board Act	Motueka Harbour Board formed.	- at section 4
		Motueka Harbour Board endowed with all wharfage in the Harbour of Motueka	- at section 5(a)
		All foreshore and mud flats endowed to the Motueka Harbour Board	- at section 5(b)
		The Motueka Wharf and all other property of the Motueka Wharf board is vested int the Motueka Harbour Board	- at section 17
1923	Harbour Act 1923	Endowments under any act still to subsist and land may be set aside for the same purpose for which they were authorised to be set aside.	- at section 131
		Land reclaimed by board to be under the control of local authority.	- at section 164
1923	Reserves and other Land Disposal and Public Bodies Empowering Act 1923	The boundaries of the Nelson Harbour District as defined by section seven of the Nelson Harbour Act 1905 are altered to include the Motueka Harbour District	- at section 84
1950	Harbour Act 1950	Endowments under any act still to subsist and may be set aside for their authorised purpose	- at section 137
1956	Counties Act 1956	Where the county is bounded on any side by the sea, or any harbour, arm, or creek thereof, or by any lake or river, or includes any part of any river, the Council may do the following things: (a) Erect and maintain quays, docks, piers, wharves, jetties, and harbour works of any kind upon any land, and	- at section 372 – empowers County Council to undertake harbour works.

		upon the foreshore or to such distance beyond low water mark, as the Council thinks fit – in accordance with the provisions of the Harbours Act 1950.	
1966	Motueka Harbour Board Order	<p>Abolished the Motueka Harbour Board, the powers and functions of the Motueka Harbour Board to be exercised by the Waimea County Council.</p> <p>Real and personal property of the Motueka Harbour Board becomes the property of the Corporation of the County of Waimea without any instrument or transfer</p> <p>The Waimea County Council shall exercise all the powers of a harbour board within the limits that were within the jurisdiction of the Motueka Harbour Board</p>	<ul style="list-style-type: none"> - NZ Gazette 1966, No 11 P270 - At section 3(1)(a) - At section 3(1)(b) - At section 4
1968	Nelson Harbour Board Order 1968	<p>The Waimea County Council shall cease to exercise the powers and functions of a Harbour Board within the Motueka Harbour District, those powers being transferred to the Nelson Harbour Board.</p> <p>All land vested in the Corporation of the County of Waimea as an endowment in respect of the Motueka Harbour shall remain vested in the Waimea County Council.</p>	<ul style="list-style-type: none"> - at section 5 - at section 6(1)
1989	The Local Government (Nelson-Marlborough Region) Reorganisation Order 1989	<p>Section 116 details that real and personal property vested in the Nelson Harbour Board as at 31.10.89 which is a marina, wharf, jetty, boat ramp other harbour facility used principally for recreational purposes is hereby vested in the territorial authority in whose district it is situated.</p> <p>Harbour Facility to be vested in the Nelson Marlborough Regional Council – Those wharves situated at Motueka</p>	<p>NZ Gazette No 99, 13 June 1989, P2375</p> <p>At clause 120 – All assets and liabilities of the Nelson Harbour Board are declared to be the assets and liabilities of the Nelson City Council and the Tasman District Council in the same proportions as specified in clause 118(1).</p> <p>Sixth Schedule at Page 2390</p>
1991	Harbour Boards Dry Land Endowment Revesting Act 1991	<p>Description of land that may be revested in the Crown for conservation purposes or declared to be reserve</p> <p>Motueka Harbour lands: All that land—</p> <p>(a) described in relation to the Port of Motueka in the Gazette, 1882, No 74, at p 1225:</p>	<p>No Order in Council shall be made under subsection (1) in respect of any specified land unless the land has been identified for the purposes of this section on a plan that is lodged in the office of the Chief Surveyor and is certified as correct for the purposes of this section by the Chief Surveyor.</p> <p>The land has not been surveyed and hence brought under the Land Transfer system, therefore a re-vesting in the Crown for conservation</p>

		(b) referred to in section 5(b) of the Motueka Harbour Board Act 1905.	purposes could not have been given affect. Although authorised, this revesting has not occurred.
1999	Local Government Amendment Act 1999	Repealed the Harbours Act 1950 and functions of harbour boards passed to regional councils.	
2011	Marine and Coastal Area Act 2011	<p>On commencement of this Act, the Crown and every Local Authority are divested of every title as owner whether under any enactment or otherwise, of any part of the common marine and coastal area.</p> <p>The special status accorded by this section to the common marine and coastal area does not affect -</p> <p>(b) any lawful use of any part of the common marine and coastal area or the undertaking of any lawful activity in any part of the common marine and coastal area</p> <p>(f) Any status that is, by or under an enactment, accorded to a part of the common marine and coastal area or a specific purpose for which a part of the common marine and coastal area is, by or under an enactment, set aside, or any rights or powers that may, by or under an enactment, be exercised in relation to that status or purpose</p>	<p>- at section 11(3)</p> <p>- at section 11(5)</p>

Ownership of structures in the Common Marine and Coastal Area

Part two of the Office of Treaty Settlements Information for Local Government concerning interests in land, structures and reclamations states that:

“structures fixed to, or under or over, any part of the CMCA are considered to be personal property and are not affected by the no-ownership status of the CMCA (section 18(2)). Local authority powers under other existing legislation in respect of structures continues in force after the passing of the Act (section 18(5)).”

“Structure” is defined to have the same meaning as given in the RMA (any building, equipment, device, or other facility made by people and which is fixed to land, and includes any raft) and to also include any breakwater, groyne, mole or other such structure that is made by people and is fixed to land (tying in with the exclusion of those from the definition of reclaimed land in section 29 of the Act).

Section 116 of the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989 is quite clear in respect to vesting harbour facilities used for recreational purposes in the local authority in whose

district it is situated. A query could arise as to whether the structure qualifies as a jetty, wharf or a reclamation – this is not something I am qualified to ascertain.

However, the Local Government (Nelson-Marlborough region) Reorganisation Order 1989 infers that even if there is uncertainty around this technical classification, any land vested in the Nelson Harbour Board which is below the mean high-water mark is vested in the Nelson-Marlborough Regional Council (latterly the Tasman District Council given the location of the structure in Motueka).

Further, the Harbour Boards Dry Land Endowment Revesting Act 1991 provides authority for the Motueka Harbour Lands, being “land that is for the time being vested in the local authority” to be declared a reserve and classified for a specific purpose (for example “historic” reserve) under the Reserves Act 1977.

CONCLUSION

I therefore conclude, having considered the relevant gazette notices, survey plans and legislative developments over time, that the historic wharf structure at Motueka is owned by the Tasman District Council.

RECOMMENDATION

Section 39 of the Marine and Coastal Area (Takutai Moana) Act 2011 makes provision for issue of title to reclaimed lands defined as being:

“permanent land formed from land that formerly was below the line of mean high-water springs and that, as a result of a reclamation, is located above the line of mean high-water springs, but does not include—

(a) land that has arisen above the line of mean high-water springs as a result of natural processes, including accretion; or

(b) structures such as breakwaters, moles, groynes, or sea walls”

I recommend that Council engages with LINZ and the Department of Conservation and if it is deemed appropriate to seek issue of freehold title to the structure — authority provided under the Harbour Boards Dry Land Endowment Revesting Act 1991, however never actioned. The land would appear suitable as being classified as an historic reserve under the Reserves Act 1977.

I would further recommend that the wharf is inspected by a suitably qualified engineer and surveyor with a view to confirming the full extent of the structure in relation to the natural shoreline and today’s cadastre. If title is sought then a Survey Office Plan will need to be prepared.

The information contained in this report has gone part way in the process for an application of title to the Motueka Wharf, but additional information may be required. Further steps required in connection with a submission to LINZ will involve:

- Public notice on the structure
- Liaison with the Department of Conservation as to any records held by LINZ
- Obtaining records from LINZ and Archives New Zealand
- Confirmation that the land is not subject to any Treaty of Waitangi Claim with Te Arawhiti

- Notice to interested parties, being Wakatu Incorporation as owners of the remnants of the Motueka Tenth, and local Iwi also suggest that consultation with local Iwi and Wakatu Incorporation would be advised given the locality and importance it holds to Te Tau Ihu Maori.

I would be happy to assist with any of these further steps if required.

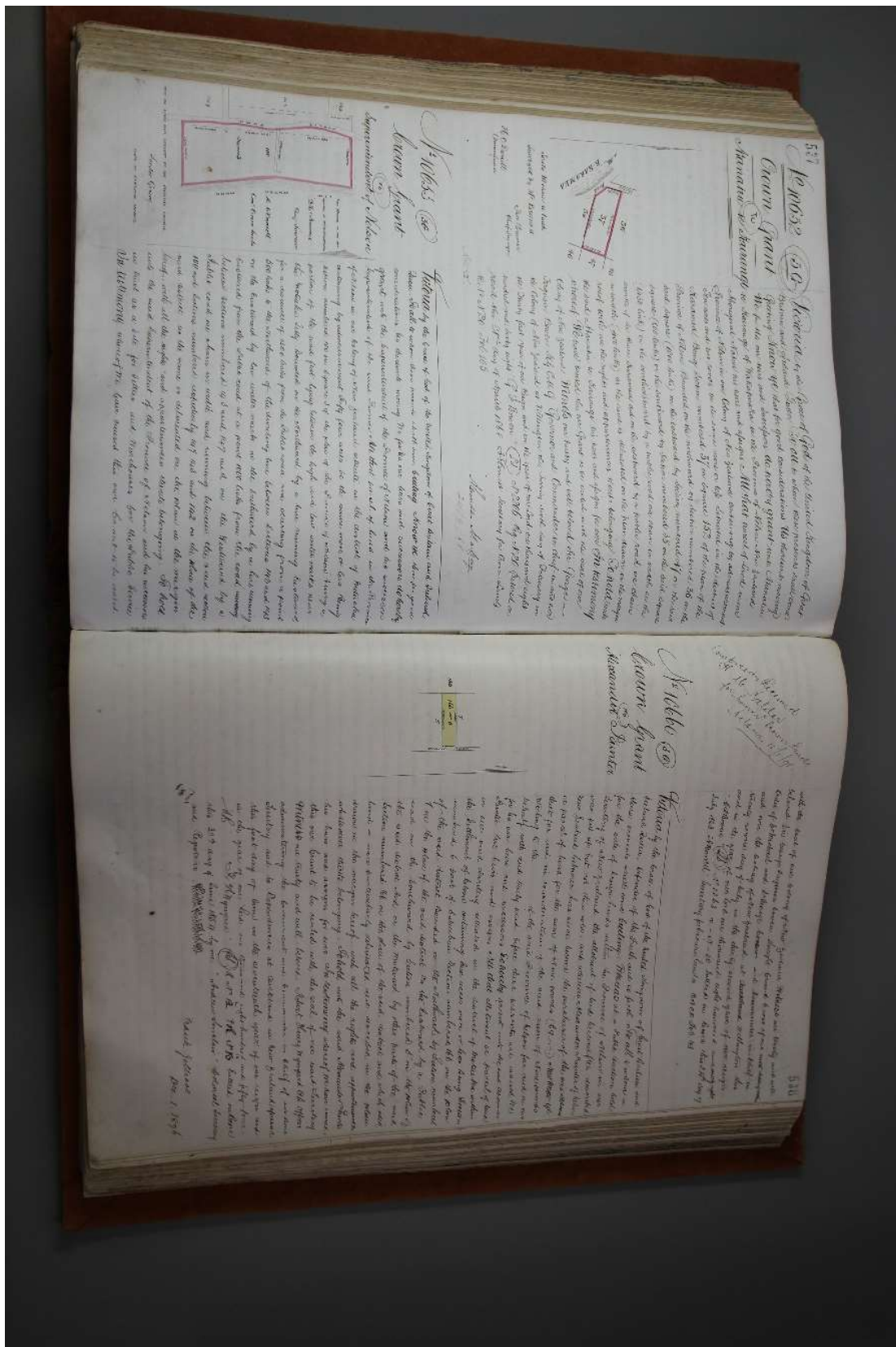
Yours Sincerely



Nicola Mitchell
Property Consultant

B.Comm, GradDipBusStuds (Urban Valuation)

Supporting Background Documents

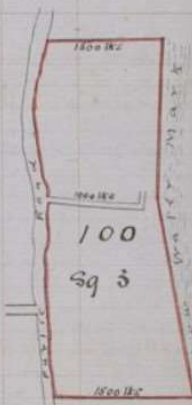
Crown Grant 10655

Nelson Deeds Index Entry 4/325

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Section 100 Square 3.

Number.	Receipt of Instrument.	Nature of Instrument.	Parties.	Date of Instrument.	Where Recorded.	Reference.	Signature.
10645.	1868 Aug 23 @ 10 15.	Crown Grant.	Superintendent of Nelson.	1868 Aug. 22.	S & C.		
<i>Not dealt with under the Transfer (Columbus) Regulations of 1868, etc.</i>							


New Zealand Gazette 1882 No. 60 p903
Defining Limits of the Port of Motueka.

JAMES PRENDERGAST,
 Administrator of the Government.

IN pursuance of the power and authority in me vested by the ninth section of "The Harbours Act, 1878," I, James Prendergast, the Administrator of the Government of the Colony of New Zealand, do hereby define the limits of the Port of Motueka, in the County of Waimea and Provincial District of Nelson, to be all the tidal water included within a radius of two nautical miles from the centre of the shore end of the wharf standing seaward of or abutting on Section one hundred and forty-two in the Motueka District.

As witness the hand of His Excellency the Administrator of the Government, this twenty-sixth day of June, one thousand eight hundred and eighty-two.

H. A. ATKINSON.

New Zealand Gazette 1882 No 74. P1225

Land temporarily reserved in the Land Districts of Auckland, Taranaki, Nelson, Canterbury, Otago, and Westland.

JAMES PRENDERGAST,
Administrator of the Government.

WHEREAS by the one hundred and forty-fourth section of "The Land Act, 1877," it is enacted that the Governor may from time to time, either by general or particular description, and whether the same has been surveyed or not, reserve from sale temporarily, notwithstanding that the same may be then held under pastoral license, any Crown lands which, in his opinion, are required for any of the purposes in the said section mentioned :

Now, therefore, I, James Prendergast, the Administrator of the Government of the Colony of New Zealand, in exercise and pursuance of the powers and authorities vested in me by the said Act, do hereby temporarily reserve from sale the land in the Land Districts of Auckland, Taranaki, Nelson, Canterbury, Otago, and Westland, described in the Schedule hereunder written, for the purposes in the said Schedule specified.

NELSON.

All that island situate in the Port of Motueka, as defined in the *New Zealand Gazette* No. 60, of the 29th June, 1882, and lying in Blind Bay, to the eastward of Sections Nos. 147, 143, 142, 141, 140, 139, 138, 137, 136, and 135 in the Survey District of Motueka, Provincial District of Nelson. For the improvement of the Motueka Harbour.

Harbours Act 1878

Land so raised to
continue vested in
Crown.

23. The right and title to such land so raised and reclaimed shall continue vested in the Queen and her successors, and as if the same had continued subject to the flow and reflow of the ordinary tides.

Motueka Harbour Board Act 1905

17. The Motueka Wharf and all other property of the Motueka Wharf Board is hereby vested in the Board, and all liabilities of the Motueka Wharf Board are hereby transferred to the Board.

Motueka Wharf
vested in the Board.

Harbours Act 1923

Jurisdiction of Local Authority over Reclaimed Land.

164. Where land adjacent to any land under the jurisdiction or control of a local authority has been reclaimed from the sea by the Board, the land so reclaimed shall be subject to the jurisdiction of such authority; and such authority shall, if the land has been reclaimed for building purposes, have power at all times and from time to time to take and lay out roads or streets and drains on and through any part of the land so reclaimed without making any compensation to the Board in respect thereof:

Land reclaimed by Board to be under control of local authority.

Ibid., sec. 141

Power to take streets through same and lay down drains.

Harbours Act 1950

Jurisdiction of Local Authority over Reclaimed Land

Land reclaimed by Board to be under control of local authority.

Cf. *ibid.*, s. 164

Cf. 1933,

No. 31, s. 21

171. (1) Where land adjacent to any land under the jurisdiction or control of a local authority has been reclaimed from the sea by the Board, the land so reclaimed shall be subject to the jurisdiction of that authority, which shall, if the land has been reclaimed for building purposes, have power at all times and from time to time to take and lay out roads or streets and

“ Local authority ” means a County Council, City or Borough Council, Town Board, or Road Board; and includes the corporate body which any such Council or Board represents:

Motueka Harbour Board Order 1966
The Motueka Harbour Board Order 1966

BERNARD FERGUSON, Governor-General

ORDER IN COUNCIL

 At the Government Buildings at Wellington this 21st day of
 February 1966

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

 PURSUANT to the Local Government Commission Act 1961,
 His Excellency the Governor-General, acting by and with the
 advice and consent of the Executive Council, hereby makes
 the following order.

ORDER

 1. (1) This order may be cited as the Motueka Harbour
 Board Order 1966.

 (2) This order shall come into force on the 28th day of
 February 1966.

 2. The Motueka Harbour Board (hereinafter referred to as
 the Board) is hereby abolished.

3. (1) On the commencement of this order—

 (a) The powers and functions of the Board may be exercised
 by the Waimea County Council:

 (b) The real and personal property, contracts, rights of
 action, and other rights, obligations, and liabilities
 of the Board shall become the property, contracts,
 rights, obligations, and liabilities of the Corporation
 of the County of Waimea, without any instrument of
 transfer, assignment, or other assurance.

 (2) Where any real or personal property or right becomes
 vested in the Corporation of the County of Waimea by virtue
 of this section and the title of the Board is or should have
 been entered in any register required by law to be kept,
 the Registrar or other person whose duty it is to keep the
 register shall, on the request in writing of the Waimea County
 Council, and on being satisfied by statutory declaration or
 otherwise of the title of the Board, without payment of any
 fee enter in the register the name of the Corporation of the
 County of Waimea as the owner of the property or right
 instead of the Board.

 4. On and after the date of the commencement of this order,
 the Waimea County Council shall exercise all the powers of
 a Harbour Board within the limits that were within the juris-
 diction of the Motueka Harbour Board immediately before
 the commencement of this order, and shall accordingly,
 pursuant to section 8 (2) of the Harbours Act 1950, be deemed
 to be a Harbour Board as if so constituted by special Act.

 5. All works, matters, and proceedings commenced by the
 Board, and pending or in progress at the commencement of
 this order, may be continued and completed by the Waimea
 County Council.

T. J. SHERRARD, Clerk of the Executive Council.

(I.A. 197/894)

Nelson Harbour Board Order 1968
6 Endowments

- (1) Subject to subclause (3), on the commencement of this order all land vested in the Corporation of the County of Waimea (hereinafter referred to as the said Corporation) as an endowment in respect of the Motueka Harbour, and all money (whether in cash or in any bank account) and investments of the Waimea County Council in its capacity as the Motueka Harbour Board, shall remain vested in the said Corporation.

NZ Gazette 1989 No. 99

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112 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Kaikoura District Council by clause 111 of this order shall, unless the context otherwise requires, be read as a reference to "The Kaikoura District Council".

PART VII**Marlborough Harbour Board****113 MARLBOROUGH HARBOUR BOARD TO CONTINUE**

The Marlborough Harbour Board, as constituted by the Marlborough Harbours Act 1958, shall continue:

Provided that the Schedule to the Harbours Act 1950 entitled "Constitution of the Boards" shall, in the item dealing with the Marlborough Harbour Board, be deemed to read—

"Board and Number of Members

Marlborough Harbour Board, Twelve members.

"By whom Members Elected

Eleven by the electors of the Marlborough District, of whom 5 shall be elected by the electors of the Awatere, Sounds, and the Wairau Wards of that District; 4 by the electors of the Blenheim Ward of that District; and 2 by the electors of the Picton Ward of that District; and 1 by the electors of the Kaikoura District."

114 MARLBOROUGH HARBOUR BOARD NOT TO BE A MARITIME PLANNING AUTHORITY

(1) In accordance with the provisions of the First Schedule to the Local Government Amendment Act (No 3) 1988, and notwithstanding the provisions of section 98 of the Town and Country Planning Act 1977, the Marlborough Harbour Board shall not, after the coming into effect of this clause, continue to be the Maritime Planning Authority for the Marlborough Sounds Maritime Planning Area.

(2) Any reference in the order in council constituting the Marlborough Sounds Maritime Planning Area and appointing the Marlborough Harbour Board to be the Maritime Planning Authority thereof, published in the Gazette of 1980 at page 2553, to the Marlborough Harbour Board, shall be deemed to be a reference to the Nelson-Marlborough Regional Council constituted by Part II of this order.

115 VESTING DEBT OF HARBOUR BOARD IN REGIONAL COUNCIL

That an interest, to the face value of \$1 137 000 in the debt owed by the Port of Marlborough (New Zealand) Limited to the Marlborough Harbour Board pursuant to section 9 of the Port Companies Plan dated the 21st day of July 1988, shall be transferred by that Board to the Nelson-Marlborough Regional Council, for the purpose of funding all or part of the cost to that Council in relation to its function as the Maritime Planning Authority for the Marlborough Sounds Maritime Planning Area.

PART VIII**Nelson Harbour Board****116 VESTING OF PROPERTY**

(1) This clause shall apply to that property, real and personal, vested in the Nelson Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Nelson Harbour Board as at the 31st day of October 1989; and

(b) Which—

(i) Is a reserve under the Reserves Act 1977; or

(ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or

(iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or

(iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred in subparagraphs (i) or (ii) or (iii) of this paragraph.

is hereby vested in the territorial authority, in whose district it is situated, for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to that territorial authority.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Nelson Harbour Board as at the 31st day of October 1989 which is situated in any territorial district, as constituted by this order, and which is adjacent to any harbour or the sea is hereby vested in the territorial authority in whose district it is situated.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Nelson Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Nelson-Marlborough Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Nelson Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Nelson-Marlborough Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by this order is hereby transferred to that territorial authority whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause:

(a) That property described in the Fourth Schedule to this order shall vest without cost in the Nelson City Council; and

(b) That property described in the Fifth Schedule to this order shall vest without cost in the Tasman District Council;

(c) That harbour facility described in the Sixth Schedule to this order shall vest without cost in the Nelson-Marlborough Regional Council,

and, notwithstanding paragraph (a) of this subclause, in respect of the marina described in Part I of the Fourth Schedule the vesting shall include:

(i) Any outstanding income and expenditure; and

(ii) Any stores, materials, plant and equipment, relating to those facilities, and that land.

(9) If any of the land specified in the Fourth, Fifth or Sixth Schedules to this order is, between the 9th day of June and the 31st day of October 1989, allocated to Port Nelson Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by this clause.

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(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to Port Nelson Limited, the local authority which has received that property shall transfer such property to Port Nelson Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to Port Nelson Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Nelson Harbour Board, that property shall be allocated under this order as if the property had been owned by the Nelson Harbour Board on the 31st day of October 1989.

117 TITLE TO PROPERTY

Any reference, express or implied, to the Nelson Harbour Board in any instrument or other document whatsoever, or in any entry or record made in any register made in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

118 PORT NELSON LIMITED

(1) All those shares in Port Nelson Limited that are held by the Nelson Harbour Board as at the 31st day of October 1989 are hereby vested in the Nelson City Council and the Tasman District Council as follows:

Half of the number of those shares shall be vested in the Nelson City Council:

Half of the number of those shares shall be vested in the Tasman District Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause (1) of this clause shall be shares that belong to the class of share referred to in section 7 (1) of the Port Companies Act 1988.

(3) The other 49 percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

119 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Nelson Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Nelson City Council and the Tasman District Council in the same proportions as specified in clause 118(1) of this order.

(2) All those debt securities issued by Port Nelson Limited to the Nelson Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Nelson City Council and the Tasman District Council in the same proportions as specified in clause 118(1) of this order.

120 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Nelson Harbour Board as at the close of the 31st day of October 1989 for which provision for the vesting is not otherwise made in this order, are declared to be assets and liabilities of the Nelson City Council and the Tasman District Council in the same proportions as specified in clause 118(1) of this order.

PART IX

General

121 TRANSFER OF RESPONSIBILITIES

Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) Have and may exercise and be responsible for all liabilities, obligations, engagements and contracts which previously were, or which would have been, the responsibility of the former authorities had they not been dissolved; and

(c) Have and may exercise and be responsible for all actions, suits, and proceedings pending by or against, or which would have been the responsibility of, the former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority, each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These

shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(3) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(4) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

122 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

123 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

124 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

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(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

125 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

126 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to VI of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Nelson Harbour Board pursuant to this clause.

127 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

128 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Seventh Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former local authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Nelson Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former local authority, other than those documents or local archives relating to a specified area or function, shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.

129 CONDUCT OF AFFAIRS

The provisions of section 223C of the Local Government Act 1974 relating to the conduct of affairs of local authorities and community boards applies to the local authorities and community boards constituted by this order.

130 MARLBOROUGH FORESTRY CORPORATION

Any reference in the Marlborough Forestry Act 1970:

(a) To the Marlborough Catchment Board, shall be deemed to be a reference to the Nelson-Marlborough Regional Council constituted by Part II of this order; and

(b) To—

(i) The Awatere County Council; or

(ii) The Blenheim Borough Council; or

Revoked by Act

1996, No. 2 (4) s 11(4)

(iii) The Marlborough County Council; or

(iv) The Picton Borough Council,

shall be deemed to be a reference to the Marlborough District Council constituted by Part V of this order; and

(c) To the Kaikoura County Council, shall be deemed to be a reference to the Kaikoura District Council constituted by Part VI of this order.

SCHEDULES**First Schedule****Part I****Local Authorities Dissolved and Districts Abolished**

Local Authorities	Districts
Nelson Bays United Council	Nelson Bays Region
Marlborough United Council	Marlborough Region
Nelson Catchment Board and Regional Water Board	Nelson Catchment District
Marlborough Catchment Board and Regional Water Board	Marlborough Catchment District
Nelson City Council	Nelson City
Tasman District Council	Tasman District
Golden Bay County Council	Golden Bay County
Blenheim Borough Council	Blenheim Borough
Marlborough County Council	Marlborough County
Picton Borough Council	Picton Borough
Kaikoura County Council	Kaikoura County
Nelson Harbour Board	Nelson Harbour District
Wakapuaka Drainage Board	Wakapuaka Drainage District
Marlborough Nassella Tussock Board	Marlborough Nassella Tussock District
Marlborough Pest Destruction Board	Marlborough Pest Destruction District

Part II**Local Authorities Dissolved**

Marlborough Sounds Maritime Planning Authority
 Golden Bay District Noxious Plants Authority
 Waimea District Noxious Plants Authority
 Marlborough District Noxious Plants Authority
 Kaikoura District Noxious Plants Authority
 Golden Bay County Pest Destruction Board
 Waimea County Pest Destruction Board
 Mapua Reserve Board
 Tasman Memorial Reserve Board
 Tapawera Reserve Board
 Carlisle Reserve Board
 Flaxmere Reserve Board

Second Schedule**Community Councils Dissolved and Communities Abolished**

Community Councils	Communities
Havelock Community Council	Havelock Community
Renwick Community Council	Renwick Community
Kaikoura Community Council	Kaikoura Community

Third Schedule**Service Delivery Centres**

A service delivery centre shall provide services not less than those required for:

(a) The payment of money due to the council; and

(b) The provision of information relating to rates and other accounts due to the council; and

2390

NEW ZEALAND GAZETTE

No. 99

(c) The provision of information relating to the district planning scheme, bylaws or information otherwise necessary for the preparation of town planning applications, and permit applications; and

(d) The provision of information relating to community development and recreation; and

(e) The making of rates rebate applications; and

(f) The making of applications for housing accommodation; and

(g) The registration of dogs; and

(h) Such other purposes as the council considers appropriate.

Fourth Schedule**Property To Be Vested In The Nelson City Council****PART I****Harbour Facilities**

That marina at the Boat Harbour.

PART II**Land to Be Vested**

Description	Certificate of Title (Nelson Registry)
Part Section 1170	141/26
Lots 1 and 3, D.P. 3033, Part Section 1170	130/39
Lots 1 and 2, D.P. Section 1190	6513 6D/952 47/143

Fifth Schedule**Property To Be Vested In The Tasman District Council****Part I****Harbour Facilities**

First, those wharves situated at Mapua.

Secondly, that boat ramp situated at Mapua.

Part II**Land To Be Vested**

Description	Certificate of Title (Nelson Registry)
-------------	--

Part Lot 1 D.P. 5386

Lots 1 to 3, 5, 7 D.P. 11502

Lot 1 D.P. 5442

Lot 1 D.P. 6435

Part D.P. 417, Part Section 3, Block II, Moutere Survey District

Lots 1, 5, 7, D.P. 11502

Lot 1 D.P. 5943, Part Section 2, Block II, Moutere Hills

129/33

7B/374 and
375

131/25

1B/1025

Sixth Schedule**Harbour Facility To Be Vested In The Nelson-Marlborough Regional Council**

Those wharves situated at Motueka.

Seventh Schedule**Residual Authorities**

Residual Authority	Former Authority
Nelson-Marlborough Regional Council	Nelson Bays United Council
Nelson-Marlborough Regional Council	Marlborough United Council
Nelson-Marlborough Regional Council	Nelson Harbour Board
Nelson-Marlborough Regional Council	Waimea District Noxious Plants Authority
Nelson-Marlborough Regional Council	Kaikoura District Noxious Plants Authority
Nelson-Marlborough Regional Council	Marlborough District Noxious Plants Authority
Nelson-Marlborough Regional Council	Waimea County Pest Destruction Board
Marlborough District Council	Marlborough County Council
Tasman District Council	Tasman District Council
Kaikoura District Council	Kaikoura County Council
Nelson City Council	Nelson City Council

C. J. HILL, Acting for Clerk of the Executive Council.

(I.A. 104/180)

Location of historic records

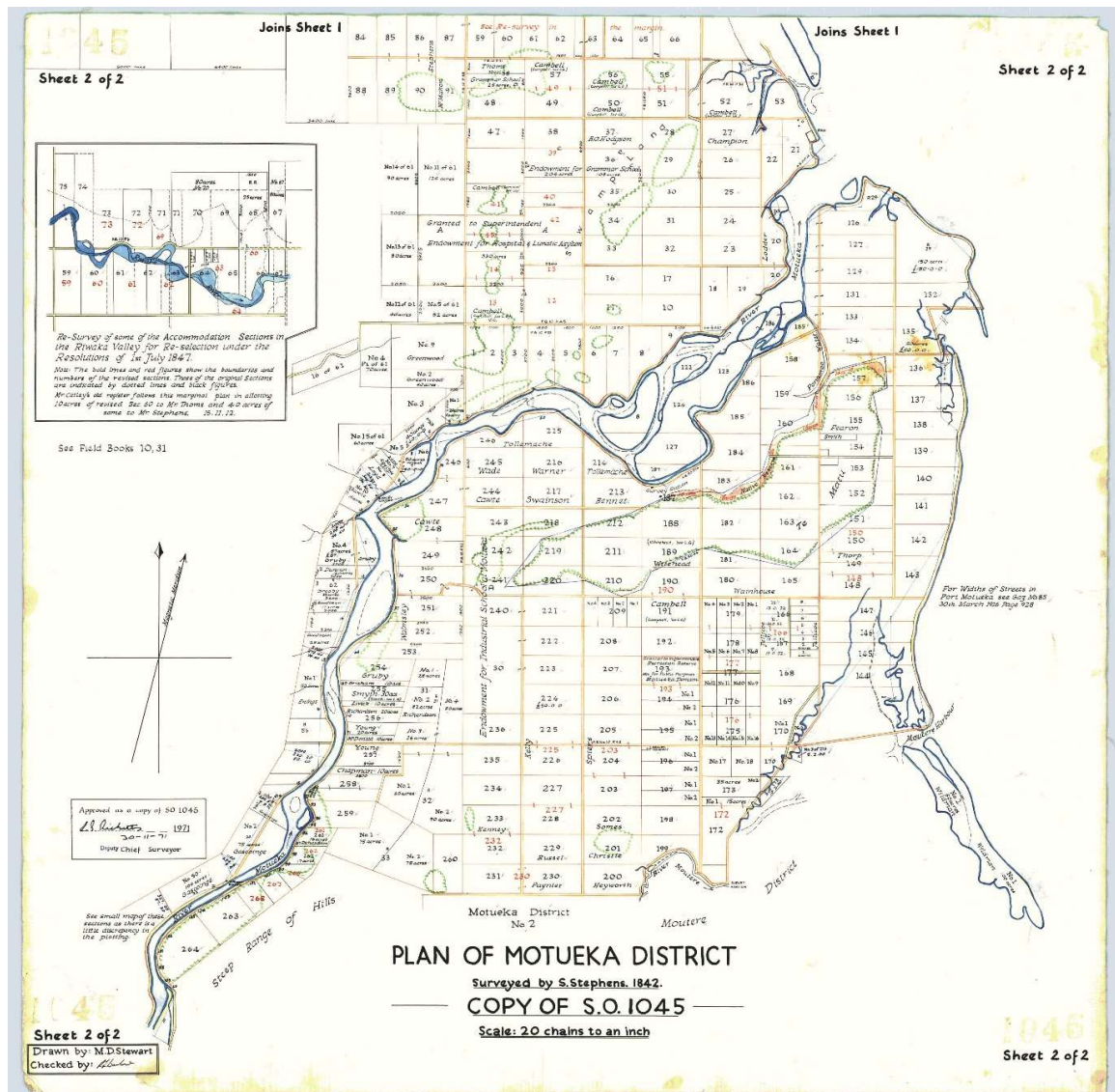
[14/9-SNN](#) Town of Port Motueka & Motueka Harbour Endowment (Opened: 25-Feb-1916, Closed: 15-Apr-1964)

[22/2124-SNO-01](#) Nelson Land District / Nelson & Motueka Harbours (Opened: 08-Feb-2002, Closed:)

[22/2124-SNO-02](#) Nelson Land District / Nelson & Motueka Harbours (Opened: 01-Feb-1978, Closed:)

[637-SNN](#) Motueka Harbour Board (Opened: 30-May-1904, Closed: 02-May-1918)

SO 1045 (1842)





6235

ALIGNMENT AND LEGALISATION OF STREETS IN THE BOROUGH OF MOTUEKA

Scale of Chains

REFERENCE TABLE

Standard Stones shown thus  Iron Pins

Standard Stone & I.P. 1899 shown thus 

All offsets are of right angles to the Standard Lines

This survey is in terms of the Imperial Standard Band No. 8.

6235

DP 1526 (1926)

LAND TRANSFER OFFICE

RECEIVED: 13.16. PROV. No. _____
 TITLE REF.: C.T. 5810
 REFERRED TO DRAUGHTSMAN: 13.126

L.T. DRAUGHTSMAN
 EXAMINED: 5.6.1926
 TRAV. RED. No.: VOL. 13, FOL. 360
 FIELD-BOOK: No. 1184, PAGE 58-59
 COMP. Bk.: No. _____, REPORT No. _____
 REF. PLANS: A. 111

FILE:

FOR SURVEYS UNDER THE LAND TRANSFER ACT ONLY.
Deeds Index of 1926.

DEPOSITED this 9th day of June, 1926
Kennedys
 District Land Registrar.

BORO' OF MOTUEKA

D.P. 6939
 DP 6576
 PT. 143
Estates of Chas. Thompson
 318 4/100

D.P. 6509
 PT. 143
Estates of Chas. Thompson
 318 4/100

D.P. 7095
 PT. 143
Estates of Chas. Thompson
 318 4/100

PT. 143 N.R.
Lot 2
9-2-361

PORT ROAD

Diagram
 Scale: 500 ft. to an inch

I hereby certify that all bearing lines have been measured and that the measurements are correct.

W. J. Ledger
 Licensed Surveyor

Approved as to Survey.
W. J. Ledger
 Chief Surveyor
 8/6/1926

Approved,
W. J. Ledger
 Native Trustee

Plan of PTs. of 143 N.R. Motueka Original Blk. IV Motueka S.D.
 Comprised in _____
 Surveyed by *F. I. Ledger*, Licensed Surveyor, February, 1926

DECLARATION.
 I, *Francis James Rogers*, Licensed Surveyor, do solemnly and sincerely declare that this plan has been made from surveys executed by me (or under my own personal supervision, inspection, and check), and that both plan and survey are correct, and have been made in accordance with the regulations of the Surveyors' Board, dated the 20th day of March, 1925.
 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Justices of the Peace Act, 1908.
 Declared at _____ before me _____, 1926

 Justice of the Peace (or Solicitor, or Notary Public)

1526
 439B

SCALE: 3 Chains to an inch.

LANDS-N 31

[Lands Form N. 91]

LAND TRANSFER OFFICE

RECEIVED 43 112 130 PROV. No. 1
TITLE REF. 1-57 6/195

REFERRED TO DRAUGHTSMAN 24/12/30

L.T. DRAUGHTSMAN

EXAMINED: 1/1/31

TRAV. BOOK, VOL. 17, FOL. 5-B

FIELD-BOOK No. 196, PAGE 28-33

COMP. Bk. No. REPORT No.

REF. PLANS: 31749, 31826, 31881

FILE:

FOR SURVEYS UNDER THE LAND TRANSFER ACT ONLY.

NELSON DISTRICT

DEPOSITED this 9th day

1931

District Land Registrar

Diagram A

Scale: 20 Links to an Inch

Diagram C

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram D

Scale: 2 Chains to an Inch

Diagram E

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram F

Scale: 2 Chains to an Inch

Diagram G

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram H

Scale: 2 Chains to an Inch

Diagram I

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram J

Scale: 2 Chains to an Inch

Diagram K

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram L

Scale: 2 Chains to an Inch

Diagram M

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram N

Scale: 2 Chains to an Inch

Diagram O

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram P

Scale: 2 Chains to an Inch

Diagram Q

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram R

Scale: 2 Chains to an Inch

Diagram S

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram T

Scale: 2 Chains to an Inch

Diagram U

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram V

Scale: 2 Chains to an Inch

Diagram W

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram X

Scale: 2 Chains to an Inch

Diagram Y

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram Z

Scale: 2 Chains to an Inch

Diagram AA

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram AB

Scale: 2 Chains to an Inch

Diagram AC

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram AD

Scale: 2 Chains to an Inch

Diagram AE

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

Diagram AF

Scale: 2 Chains to an Inch

Diagram AG

Scale: 2 Chains to an Inch

Place Deposit Stamp Here

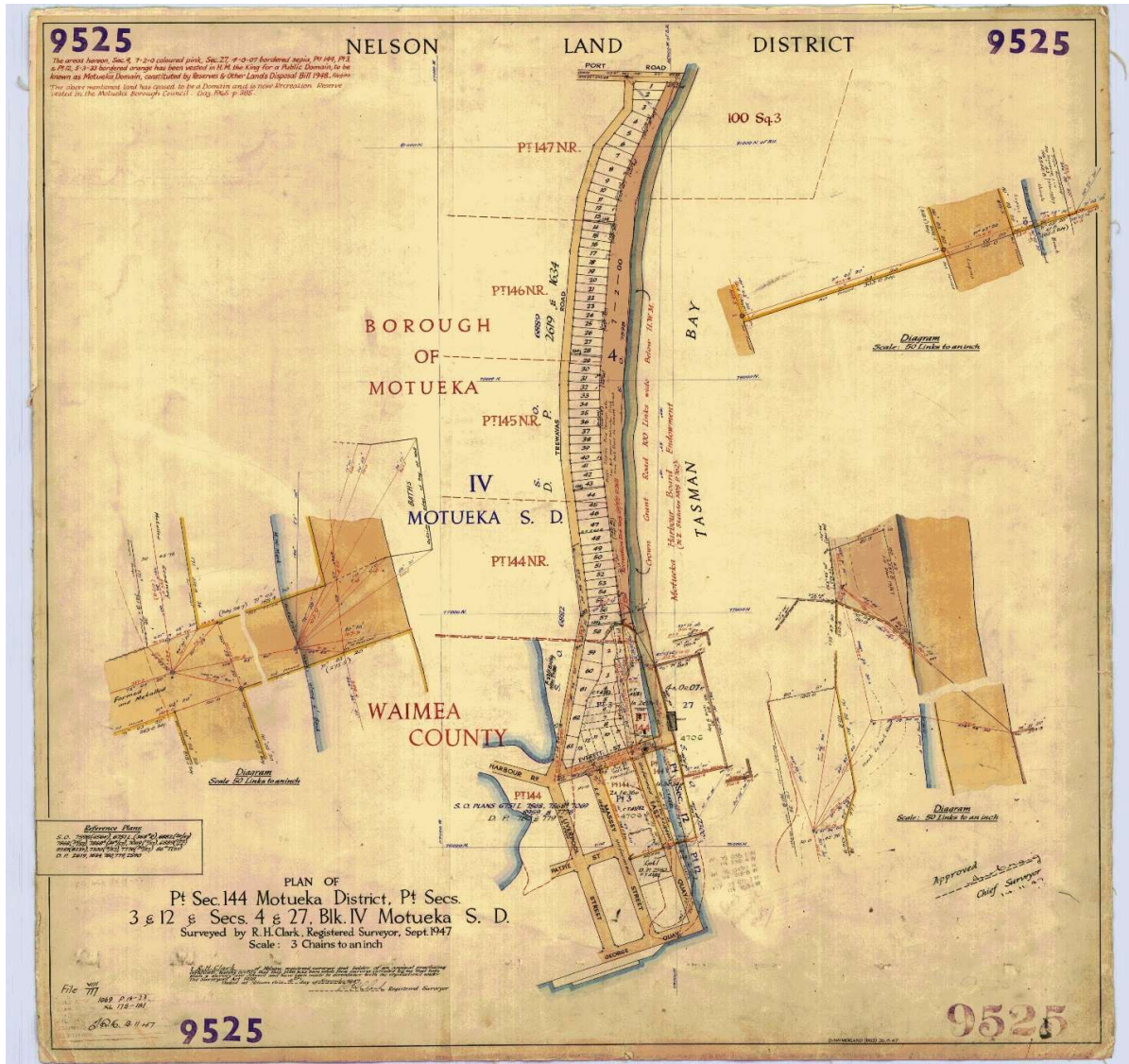
Diagram AH

Scale: 2 Chains to an Inch

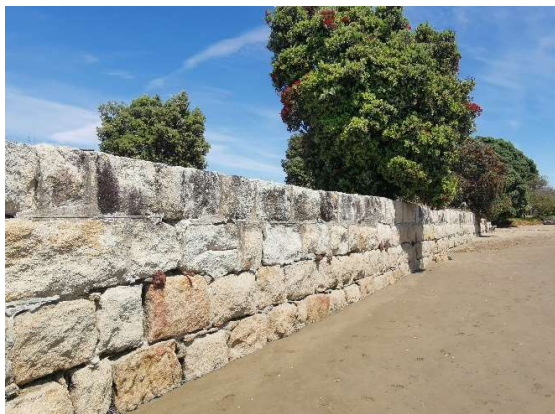
Diagram AI

Scale: 2 Chains to an Inch

SO 9525



Photos



Main wharf structure of granite construction



Remnant of construction visible in grass



Structure from western foreshore



Transition from sand to grassed foreshore



Transition of wharf extension at landward end



Eastern landward portion adjoining wharf extension

From: website@tasman.govt.nz
Sent: Monday, 19 February 2024 11:49 am
To: Democracy; Emma Gee
Subject: Grant Application - Motueka Community Board Discretionary Fund
Attachments: [Form-submissionspage-760upload-field-2563Fauna-Chiropractic-Quote-Feb-2024.docx](#)
Follow Up Flag: Follow up
Flag Status: Flagged

The following application to the Discretionary Fund has been received.

Name of organisation*

Motueka Group Riding for the Disabled Association Incorporated

Address

230 College Street

Contact person*

Sarah Thompson

Contact phone*

Email address*

What is the purpose of your organisation?

Motueka RDA provides therapeutic riding for local children and young adults struggling with physical, emotional and psychological challenges. Through interaction with our 7 healing horses we aim to improve their health and wellbeing and help them achieve good lives, so they can participate fully in the community.

Amount applied for - up to \$700

\$700

Details of project to be funded:

The welfare of our horses is paramount to the success of our programs. We would like this funding for two chiropractic treatments for each of our 7 horses please.

The horse chiropractor kindly gives Motueka RDA a 50% discount which is much appreciated.

This treatment is essential for our horses as they have a variety of riders with different abilities. Most of our horses are fairly mature, so like humans they need an annual health program to be able to perform well at our facility.

Please provide a detailed budget or quote for your funding application..

Fauna-Chiropractic-Quote-Feb-2024.docx - *You don't have the right permissions to download this file*

Benefits - Who or what will benefit from the project in the Motueka community?

Many within the Motueka Community will benefit from the continued success of the Motueka RDA programs.

In 2024 we are introducing new programs and will be working with Women's Support Motueka, Motueka High School Attendance Manager, and the Motueka Kindergartens and pre-schools. We are also offering after school riding lessons for any child interested in connecting with horses.

By reaching out to more sectors of the community we will be able to make a positive difference to more lives.

Over the summer holiday our Arena was extended from 800sqm to 1400 sqm. This gives us the opportunity to expand and develop new programs in response to needs within the community. 2024 will be a busy year for us.

The horses are our most valuable asset, and we need to ensure that their health needs are met.

Describe any voluntary time and any other funding contributions received for this project

50% discount on quote from Stephani Mitchell, Horse Chiropractor.

No other funding received for chiropractic treatment for 2024

Thank you for taking the time to consider this application.

Sarah Thompson

Who else have you asked for funding for this project?

No other funder

Bank account number

You can upload a file to support your application

Privacy Statement

Fauna Chiropractic

Stephani Mitchell, DC, IVCA

Phone: 021-146-5095

Email: slmitch16@gmail.com

Quote

Bill To: Motueka RDA

Date: 8/2/24

Description	Quantity	Amount
Horse Chiropractic Treatment (4 visits per horse per annum)	28	\$3080
50% discount		\$-(1540)
Total		\$1540

**This is quote
Not an actual invoice**

Payments are welcome via Direct Credit to a/c- 02-0704-0122751-083

From: website@tasman.govt.nz
Sent: Monday, 4 March 2024 1:32 pm
To: Democracy; Emma Gee
Subject: Grant Application - Motueka Community Board Discretionary Fund
Attachments: [Form-submissionspage-760upload-field-237Funding-application-cover-letter_Motueka-Community-Board-.docx](#)
Follow Up Flag: Follow up
Flag Status: Flagged

The following application to the Discretionary Fund has been received.

Name of organisation*

Big Brothers Big Sisters of Nelson Tasman

Address

5 St John Street , Nelson

Contact person*

Tracee Neilson

Contact phone*

What is the purpose of your organisation?

Enable life-changing mentoring relationships to ignite the power and potential of young people/taiohi.

Amount applied for - up to \$700

\$700

Details of project to be funded:

Funding for the recruitment, screening, selection training, supervision and ongoing support of our volunteer mentors, young people and their whanau in Motueka.

Please provide a detailed budget or quote for your funding application..

Benefits - Who or what will benefit from the project in the Motueka community?

Big Brothers Big Sisters Nelson-Tasman (BBBSNT) is an early intervention youth mentoring programme. We match volunteer mentors with young people aged between 6 and 12 years, who want and need an additional positive role model in their lives. We can support the match until the young person is 18 years old.

We have 182 active matches, with 205 matches projected by April 2024, once our school-based programme resumes for the year. Our programme has supported 1300 matches in its 25 year history. There are still 50 tamariki and rangatahi waiting for a mentor, so we would love your help.

We are applying for funding to make a positive, lasting difference to children and youth in

the Motueka Community. Our waiting list is 4 children in Motueka, and we are needing to recruit more mentors to be matched with them. As the demand for our services increases, we are passionate about growing the number of matches in Motueka. This funding will go towards recruitment, training, supervision and support for our volunteer mentors, children/young people and their families, ensuring we are providing a service which really makes a long-term lasting impact on our tamariki and rangatahi facing adversity in the Motueka community. We would also like to be working again with Motueka High School whereby Year 11 and 12s match with younger people in local primary schools.

Describe any voluntary time and any other funding contributions received for this project

Our volunteer mentors typically spend 1-4 hours a week with a child / young person donating their time. Any funding raised in Motueka is used directly to benefit the matches in this community. Overheads are covered by BBBS Nelson-Tasman and we ensure that we work smart with our funding to achieve maximum results.

Research and programme evaluations show that there many positive outcomes from our programme, including improved youth well-being, self-confidence, resilience, better connected communities, fostered inter-generational relationships, whakawhanaungatanga and manaakitanga.

Who else have you asked for funding for this project?

We apply for all relevant and available grants Eg, George Brown Trust has just reopened after being closed for 3 years, , actively seek donations and other funding locally as well as run regular fundraising events.

Bank account number

You can upload a file to support your application

Funding-application-cover-letter_Motueka-Community-Board-.docx - *You don't have the right permissions to download this file*

Privacy Statement



4 March 2024

Motueka Community Board,
C/- Tasman District Council,
7 Hickmott Place,
Motueka

To Whom it May Concern:

Please find enclosed an application from Big Brothers Big Sisters of Nelson-Tasman to the Motueka Community Board for support toward the recruitment, screening, selection, training, supervision and ongoing support of our volunteer mentors, young people and their whanau.

Big Brothers Big Sisters of Nelson-Tasman provides adult mentors to around 200 children and young people in the Nelson-Tasman region, who need extra adult support due to their personal circumstances, each year. The volunteer mentors spend a few hours each week with their young person, doing activities they both enjoy and building a supportive friendship in the process. The mentoring friendships help build the young peoples' self-esteem, develop their communication and social skills, give them experiences they might not otherwise have and open their eyes to a world of opportunities. We are now the largest mentoring programme in New Zealand, here in Nelson-Tasman, but our waiting list is currently around 50 children.

We are applying to as we feel our strategic goals align with your community priorities. Our strategic goals are:

- Partnerships – collaborating with others for greater impact
- Diversity – representing and advocating for inclusivity, fostering connections with iwi
- Quality – clarity of direction with well-defined and applied governance and effective policies and procedures
- Sustainability – Investing for impact, maintaining mutually beneficial relationships with local supporters
- Development – programme adaptable to the needs of the community, being innovated and forward thinking

Our programme is all about promoting generosity, neighbourliness, celebrating and enhancing diversity, having a community-led approach, creating solutions from within the community and collaborating with others for greater impact. We work with our whanau and supporters to grow opportunities for our rangatahi and their whanau, whom often struggle with basic resources. We are committed to defending the potential of our young people.

We understand that you are deluged with requests for support, so we would be grateful for any contributions that you can provide.

Thank you for considering this application and please feel free to contact me for further information if required.

The mentoring concept is as elementary as putting a friend in a young person's life, and as essential as putting hope into a youth's future.

Yours sincerely,

Tracee Neilson
Programme Director
Private Bag 39, Nelson 7040

Ph: 03 545-9864

tracee@bbbs.nz



8.2 ADOPTION OF MOTUEKA COMMUNITY BOARD CODE OF CONDUCT 2024

Decision Required

Report To:	Motueka Community Board
Meeting Date:	19 March 2024
Report Author:	Leith Townshend, Team Leader - Legal
Report Authorisers:	Jennie McFarlane, Legal & Democracy Services Manager
Report Number:	RMCB24-03-2

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 To adopt the Motueka Community Board Code of Conduct 2024.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 Any code of conduct adopted by a council or community board must be adopted under Schedule 7, Part 1 Clause 15 of the Local Government Act 2002.
- 2.2 A council is required to have a code of conduct for the Mayor and councillors.
- 2.3 This is optional for community boards, however when community boards have chosen to adopt a code of conduct, the Local Government Act 2002 provisions for codes of conduct will apply and the code of conduct can only then be amended or replaced with a new code by the board or future boards.
- 2.4 A 75% majority of **all members present** is required to adopt, amend, or replace a code of conduct.
- 2.5 Should the proposed replacement draft Motueka Community Board Code of Conduct not be adopted, the Board's existing code of conduct (**Attachment 1**) will remain in place, until amended or replaced.

3. Recommendation/s / Ngā Tūtohunga

That the Motueka Community Board

- 1. receives the Adoption of Motueka Community Board Code of Conduct 2024 report RMCB24-03-2; and**

either

- 2. in accordance with Schedule 7, Part 1 Clause 15 of the Local Government Act 2002, adopts the Motueka Community Board Code of Conduct (Attachment 2 to the agenda report),**

or

- 3. in accordance with Schedule 7, Part 1 Clause 15 of the Local Government Act 2002, adopts the Motueka Community Board Code of Conduct (Attachment 2 to the agenda report), once Appendix 1 has been replaced with the Local Government New Zealand**

general explanation of the Local Government and Official Information and Meetings Act 1987 (LGOIMA), and any other enactment or rule of law that affects members.

or

4. in accordance with Schedule 7, Part 1 Clause 15 of the Local Government Act 2002, adopts the Motueka Community Board Code of Conduct (Attachment 2 to the agenda report), once Appendix 1 has been replaced with the Local Government New Zealand general explanation of the Local Government and Official Information and Meetings Act 1987 (LGOIMA), and any other enactment or rule of law that affects members **AND** the code is updated to reflect Council's policy on resolution of code of conduct complaints.

4. Background / Horopaki

- 4.1 When the Motueka Community Board voted on adopting an updated Code of Conduct in October 2019, three of the members abstained from voting. This meant that the adoption of the updated code of conduct did not have 75% support from the members present, which is required by schedule 7, clause 15 of the Local Government Act 2002.
- 4.2 That mean that the 2019 code was not legally adopted.
- 4.3 However, the 2013 code which was adopted by the Motueka Community Board in 2016 remains in place. A copy of the code is attached to this report.
- 4.4 In February 2023, the Motueka Community Board took part in an externally facilitated session to consider its code of conduct and the resulting draft code of conduct (**Attachment 2**) is presented for formal consideration by the Board. The draft code is largely similar to the Board's existing code but better reflects that the code is for a community board and not for a council.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

- 5.1 Staff advise that the Board's draft code could be improved to more fully meet the requirements of the Local Government Act 2002.
- 5.2 The Act requires that a code of conduct provide members with a general explanation of the Local Government and Official Information and Meetings Act 1987 (LGOIMA), and any other enactment or rule of law that affects members. Appendix 1 to the proposed Code includes reference to LGOIMA and other key Acts but does not set out all of the Acts considered relevant by Local Government New Zealand (LGNZ).
- 5.3 LGNZ provided a new code of conduct template in October 2022 which contains their suggested legislative information. This was attached to the Council code of conduct and is attached here in (**Attachment 3**). All that is required is for the Board to replace Appendix 1 with the LGNZ suggested appendix in Attachment 3 and the code will then more fully meet the legislative requirements.
- 5.4 The Board's draft code is based on a version of a previous code of conduct template provided by LGNZ. LGNZ provided a new template for a code of conduct in October 2022, following the triennial elections and a template for a policy in relation to complaints and breaches.
- 5.5 The Board's draft code of conduct includes a process for dealing with breaches of the code of conduct, with very limited actions for breaches. However, the Council adopted a policy in

2023 for managing Code of Conduct complaints and breaches (based on the LGNZ template) which applies to Council and to the community boards.

- 5.6 The Council Policy will over-ride any complaints process in any Code of Conduct adopted by the two community boards.
- 5.7 This is because in accordance with Council's Delegations Register, any decisions made by its Community Boards must be consistent with policies, procedures, standards, budgets, or resolutions adopted or made by the Council; and the Community Boards have powers to act in accordance with any statutory powers and the policies, plans and bylaws of the Council.
- 5.8 Having sections on breaches in the Board's draft code creates confusion, ideally the Council's Policy should be referenced in the code. However, its inclusion will not invalidate the code as a whole.
- 5.9 It is noted that the Council's Policy makes provision for the Board Chair to be involved in complaints related to a board member.

6. Options / Kōwhiringa

- 6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Adopt the new code of conduct as attached	The Board will have an updated code of conduct.	Some confusion may remain in relation to breaches and the explanation of laws will not be as fulsome.
2.	Adopt the new code of conduct (with Appendix 1 replaced with the updated LGNZ information)	As above and Appendix 1 will contain a greater list of legislation and fuller explanations.	Still does not address the inconsistency between Board and Council policy on breach resolution.
3.	Amend the proposed code (with Appendix 1 replaced with the correct information) and to remove reference to the sections on breaches of the code and note that Council policy applies.	As above and provides clarity on resolution of breaches.	None identified
4.	Decline to adopt the code of conduct	None identified	The current code remains in force however it not contain the correct legislation and explanations.

- 6.2 Option three is recommended.

7. Legal / Ngā ture

- 7.1 The Local Government Act 2002 requires that a Code of conduct must set out:
- (a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—
 - (i) behaviour toward one another, staff, and the public; and
 - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—
 - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
 - (B) relates to the ability of the local authority to give effect to any provision of this Act; and
 - (b) a general explanation of—
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) any other enactment or rule of law applicable to members.
- 7.2 Staff advice is that the Board's draft code does currently meet the requirements of the Act, however, as noted above, a more extensive and full explanation of the laws would make the code more legally robust.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 It is noted that the LGNZ template for a code of conduct contains specific references to Te Tiriti o Waitangi. The Council's Code of Conduct requires members to commit to operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and lists a number of general principles.
- 8.2 The proposed code does not mention Te Tiriti o Waitangi and no Iwi engagement has been undertaken in relation to this code.

9. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

- 9.1 The decision is of moderate significance.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Moderate	The Board already has a code of conduct and this is simply an updated version.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	NA	

	Issue	Level of Significance	Explanation of Assessment
3.	Is there a significant impact arising from duration of the effects from the decision?	NA	
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	NA	
5.	Does the decision create a substantial change in the level of service provided by Council?	NA	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	NA	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	NA	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	NA	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	NA	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater and Affordable Waters services?	NA	

10. Communication / Whakawhitiwhiti Kōrero

10.1 If adopted, the new code of conduct will be published on to the Council's website.

11. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

11.1 NA

12. Risks / Ngā Tūraru

12.1 There are no risks associated with this decision.







13. Conclusion / Kupu Whakatepe

- 13.1 The Motueka Community Board already has a code of conduct. The decision today is whether to replace the current code with an amended version.
- 13.2 Staff have reviewed the proposed code and advise that it does currently meet the requirements of the Act and it can easily be rectified by using Attachment 3 as Appendix 1 to the code.
- 13.3 However, it is noted the Tasman District Council Policy for Investigation and Ruling on Alleged Breaches of the Code of Conduct overrides the resolution framework in the proposed code.

14. Next Steps and Timeline / Ngā Mahi Whai Ake

- 14.1 If adopted, the code will become the Motueka Community Board's current code until it is either amended or replaced, and will be published on the Council's website.

15. Attachments / Tuhinga tāpiri

- | | | |
|--|--|----|
| 1.   | Attachment one - Current Motueka Community Board Code of Conduct (2013) | 53 |
| 2.   | Attachment two - Proposed Motueka Community Board Code of Conduct | 71 |
| 3.   | Attachment three - Summary and Explanation of legislation which sets the standards for ethical behaviour | 82 |



Code of Conduct

Tasman District Council Code of Conduct

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PART ONE: INTRODUCTION

1.1 Introduction

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This Code of Conduct provides guidance on the standards of behaviour that are expected from elected members of the Tasman District Council (Mayor and Councillors). The Code extends to all elected and appointed members of Council committees and sub-committees. The Code of Conduct applies to Community Board members where they have adopted it.

The Code applies to the Mayor and elected and appointed members in their dealings with:

- Each other
- The Chief Executive
- All staff employed by the Chief Executive on behalf of the Council
- The media
- The general public

The objective of the Code is to enhance:

- The effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local governance of Tasman District
- The credibility and accountability of the Council within its community
- Mutual trust, respect and tolerance between the elected and appointed members as a group and between the elected and appointed members and management

This Code of Conduct seeks to achieve its objectives by recording:

- An agreed statement of roles and responsibilities (recorded in Part Two of the Code)
- Agreed general principles of conduct (recorded in Part Three of the code)
- Specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of the Code)

Elected members are primarily accountable to the electors of the District through the democratic process. However both elected and appointed members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

1.2 General Principles

The Code of Conduct that follows is based on the following general principles of good governance.

- **Public Interest:** Members should serve only the interests of the District as a whole and never improperly confer an advantage or disadvantage on any one person.
- **Honesty and Integrity:** Members should act with honesty and integrity and not place themselves in situations where those qualities may be questioned, nor behave improperly and on all occasions avoid the appearance of such behaviour.
- **Objectivity:** Members should impartially make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Mayor and Councillors should also note that, once elected, their primary duty is to the interests of the entire District. Community Board members should also note that, once elected, their primary duty is to the interests of their community.
- **Accountability:** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness:** Members should be as open as possible about their actions and those of the Council, and be prepared to justify their actions.
- **Personal Judgment:** Members can and will take account of the view of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for Others:** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to Uphold the Law:** Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship:** Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership:** Members should promote and support these principles by example, and always endeavour to act in the best interests of the community.

PART TWO: ROLES AND RESPONSIBILITIES

This part of the Code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor as well as the role of appointed members and the Chief Executive.

2.1 Elected Members

Elected members, acting as the Council are responsible for:

- The development and adoption of Council policy.
- Monitoring the performance of the Council against its stated objectives and policies.
- Prudent stewardship of Council resources.
- Employment of the Chief Executive, and overseeing and monitoring his/her performance.
- Representing the interests of the residents and ratepayers of Tasman District - on election, the members' first responsibility is to the District as a whole.

Unless otherwise provided in the Local Government Act 2002 or in Standing Orders, the Council can only act by majority decisions at meetings. Each member has one vote, except that in the case of an equality of votes, the Chairperson has a casting vote. Any individual member has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

2.2 Mayor

The Mayor is elected by the District as a whole and as one of the elected members shares the same responsibilities as other members of the Council. The Mayor also has the following roles:

- A presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings as determined in Standing Orders.
- An ex-officio member on all Council standing committees
- An advocate on behalf of the community. This role may involve promoting the community and representing its interests. Mayoral advocacy will be most effective where it is carried out with the knowledge and support of the Council. The Mayor has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.
- A ceremonial head of the Council.
- Leadership and feedback to other elected members on teamwork and chairpersonship of committees.
- As a Justice of the Peace during the period the Mayor holds office.

- The exercise of the powers to appoint a Deputy Mayor and the Committees of Council, and to appoint the Chairperson to those committees, as per Standing Orders (section 41A, Local Government Act 2002)

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

2.3 Deputy Mayor

The Deputy Mayor generally exercises the same roles as other elected members. If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the Mayor's powers.

2.4 Committee Chairperson or Joint Committee Chairperson or Community Board Chairperson

A committee (or board) chairperson presides over all meetings of the committee (or board), ensuring that the committee (or board) acts within the powers delegated by the Council, and as set out in the Council's Delegations Manual. The Chairperson must abide by Standing Orders and must ensure members of their committee (or board) also abide by Standing Orders during meetings of their committee (or board). Committee (or board) chairpersons may be called on to act as an official spokesperson on a particular issue.

2.5 Deputy Chairperson

The deputy chairperson may stand in for the chairperson when the chairperson is absent or unavailable. While standing in for the chairperson, the deputy chairperson has the roles and responsibilities of the chairperson.

2.6 Appointed Members

The Council may appoint members of the public to any of its committees or sub-committees if it believes they have a significant contribution to make to the work of the committee or sub-committee. Appointed members are subject to this Code of Conduct.

2.7 Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- Implementing the decisions of the Council
- Providing advice to the Council and to Community Boards
- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised.
- Managing the activities of the local authority economically, effectively and efficiently

- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- Providing leadership for the staff of the local authority
- Employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority)

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

2.8 Community Board members

The role of a community board member is to:

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

Section 52 LGA 2002

In addition, the Tasman District Council has given the community boards additional roles and responsibilities that are outlined in the Delegations Register.

PART THREE: RELATIONSHIPS AND BEHAVIOURS

3.1 Relationships with Other Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. To achieve this objective, elected and appointed members should conduct their dealings with each other in ways that:

- Maintains public confidence in the office to which they have been elected
- Is open and honest
- Focuses on issues rather than personalities
- Avoids aggressive, offensive or abusive conduct

3.2 Relationships with Staff

Elected members should be aware that failure to observe this section of the Code of Conduct may breach the Council's obligations to act as a good employer and may expose the Council to civil litigation, proceedings under employment law and audit sanctions.

The effective performance of the Council also requires a high level of cooperation and mutual respect between elected and appointed members and staff. To ensure that level of cooperation and trust is maintained, elected and appointed members will:

- Recognise that the Chief Executive, (on behalf of the Council), is the employer of all Council employees. Only the Chief Executive may hire, dismiss, instruct or censure any employee.
- Make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times.
- Treat all employees with courtesy and respect, including the avoidance of aggressive, offensive or abusive conduct towards employees.
- Not do anything which compromises, or could be seen as compromising, the impartiality of an employee.
- Not publicly criticise the competence and integrity of any employee in any way.
- Raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Chief Executive Review Committee.

3.3 Internal Communications

- 3.3.1 The Mayor, Standing Committee Chairs and Chief Executive Officer will meet as needed to maintain and promote effective communication.
- 3.3.2 At every ordinary meeting of the Council, the Mayor will provide a written report for inclusion in the agenda outlining activities undertaken in the capacity of Mayor (including activities in the community leadership/advocacy role) since the date of the last ordinary meeting or any matters the Mayor wishes to draw to the attention of Council.
- 3.3.3 At every standing Committee meeting, the Chair of that committee will provide a written report for inclusion in the agenda outlining activities undertaken in the capacity as Chairperson, or any matters the Chairperson wishes to draw to the attention of the committee.
- 3.3.4 Other elected members may provide reports on their attendances on behalf of the Council through the Chair's Report.
- 3.3.5 All meeting agendas will be finalised by the Chief Executive Officer or Departmental Manager in consultation with the presiding member (the Mayor in the case of Council meetings, the relevant Committee Chair in the case of committee meetings), or the relevant Community Board Chair in the case of Community Board meetings.

3.4 Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council and have their concerns heard and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

3.6 Contact with the Media

Tasman District Council's elected members have a responsibility to conduct Council business in an open and democratic manner mindful of the role that the media plays in the democratic process.

From time to time, individual members will be approached to comment on a particular issue either on behalf of the Council, or as an elected member in their own right. This part of the code deals with the rights and duties of members when speaking to the media on behalf of the Council, or in their own right.

The following rules apply for media contact on behalf of the Council:

- The Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee chairperson.
- The Mayor may refer any matter to the relevant committee chairperson or to the Chief Executive for their comment.

- No other member may comment on behalf of the Council without having first obtained the approval of the Mayor.

Elected members, including community board members, are free to express a personal view in the media, at any time, provided the following rules are observed:

- Media comments must not state or imply that they represent the views of the Council or community board, unless that is true.
- Where an elected member is making a statement that is contrary to a Council or community board decision or Council policy, the member must not state or imply that the statement represents a majority view.
- Media comments must observe the other requirements of the Code of Conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff, or be critical of other elected members.

3.7 Confidential Information

In the course of their duties elected and appointed members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected and appointed members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

Elected and appointed members should be aware that failure to observe these provisions will impede the performance of the Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to prosecution under the Privacy Act 1993 and/or civil litigation.

3.8 Conflicts of Interest

Elected and appointed members must be careful that they maintain a clear separation between their personal interests and their duties as a member of the Council, a committee or sub-committee. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected and appointed members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Elected members must make a general declaration of interest annually and as soon as practicable after becoming aware of any new interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- Any employment, trade or profession carried on by the member or the member's spouse for profit or gain.
- Any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary.
- The address of any land in which the member has a beneficial interest and which is in Tasman District.
- The address of any land where the landlord is the Tasman District Council and:
- The member or their spouse is a tenant; or
- The land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary.
- Any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

Appointed members are not required to make a declaration but are advised to do so if their business or other activities might reasonably be regarded as likely to influence the member's actions during the course of their duties as a member.

Declarations of interest from elected and appointed members are available for public inspection at any time.

If the member is in any doubt as to whether or not a particular course of action including a decision to take no action raises a conflict of interest, then the member should immediately seek guidance from the Chief Executive.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the member may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

3.9 Representing the Council in the community

Elected members who are invited or wish to represent the Council at an event such as a seminar or conference, must meet the following conditions:

- The Mayor must approve any requests involving members travelling outside the Nelson/Tasman/Marlborough District at Council expense, with regard to Council's travel policy.
- The cost of representation must be within the annual budgeted figure for such activities unless the council makes specific authorisation for additional expenditure.
- Following his or her attendance, the member must forward a written or oral report to the Council, or appropriate Standing Committee, which summarises the event including potential significance to the business of the Tasman District Council. Where the Council is represented by a delegation, one member of the party will report back on their behalf.

These requirements apply to situations where members will be participating as representatives of the Tasman District Council. They do not apply to situations where members attend in a private capacity. In such cases the member may wish to report to the Council on items of interest or general value.

3.10 Standing Orders

Elected and appointed members must adhere to any Standing Orders adopted by the Council under the Local Government Act 2002. Those Standing Orders are subject to the same legal requirements as a Code of Conduct with regard to their adoption and amendment.

3.11 Ethics

Tasman District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members in relation to Council activities will:

- Claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of the Council developed in accordance with that determination.
- Not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests.
- Not use Council resources for personal business including campaigning for election or promotion of a particular point of view.
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position.
- Notify the Chief Executive if any gifts are accepted.
- Where a gift to the value of \$250 or more is received by virtue of their position as a member, immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

3.11 Dress Code

Elected members must maintain a reasonable standard of dress when attending Civic Functions, Council meetings and committee meetings.

3.12 Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, or if they cease to be or lose their status as an elector or convicted of certain breaches of the Local Authorities (Members' Interests) Act 1968.

The Council requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt. The Chief Executive will then notify the Mayor and all other elected members.

PART FOUR: COMPLIANCE AND REVIEW

4.1 Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct pursuant to the Local Government Act 2002, Schedule 7, clause 15(4). The Council also requires appointed members to comply with this code.

Members are also bound by the other provisions of the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election. Elected members are referred to www.legislation.govt.nz for these Acts. Short explanations of the obligations each of these impose with respect to conduct of elected members is attached in the Appendix to this code.

Alleged breaches of the Code shall be reported to the Chief Executive or Mayor as appropriate. Where it is a minor matter, the Mayor may require a Member to apologise at a subsequent Council meeting. Where it is considered that the matter is of substance, a report shall be submitted for the consideration of the Council.

4.2 Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authorities (Members' Interests) Act 1968.
- Breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in an elected member having to make good the loss or damage.
- Breaches relating to the commission of a criminal offence may leave the elected or appointed member liable for criminal prosecution.

In these cases, the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action:

- Censure
- Removal of the elected or appointed member from Council committees and/or other representative type bodies
- Removal by resolution of the elected member from a position as Deputy Mayor or chair of a committee
- Removal by resolution of the appointed member as chair of a committee

A decision to apply one or more of these actions requires a Council resolution in the appropriate terms.

4.3 Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the members of the Council present.

The Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to the Council for its consideration and approval while any amendment will require a resolution supported by 75% or more of the members of the Council present.

APPENDIX TO THE CODE: LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members.

Local Authorities (Members' Interests) Act 1968

This Act¹ regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meeting procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- Create a disturbance or a distraction while another Councillor is speaking.
- Be disrespectful when they refer to each other or other people.
- Use offensive language about the Council, other Councillors, any employee of the Council or any member of the public.

¹ The Audit Office publication *Financial Conflicts of Interests of Members of Governing Bodies* (2001) provides further guidance on this Act.

Secret Commissions Act 1910

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

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fined up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

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

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

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

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

Motueka Community Board Code of Conduct

Introduction

This Code of Conduct provides guidance on the standards of behaviour that are expected from members of the Motueka Community Board. It applies to Board members in their dealings with:

- Other Board members
- Council staff
- Media
- General public

Objectives

The objectives of the Motueka Community Board Code of Conduct are to:

- Enhance the effectiveness of the Motueka Community Board as an incorporated body with statutory and delegated responsibilities.
- Maintain the credibility and accountability of the Board within the Motueka community.
- Promote mutual trust, respect and tolerance between members of the Board and any person that members deal with in the course of their duties.

Principles

Public interest Board members should serve the interests of the Motueka community and the wider district and should never improperly confer an advantage or disadvantage on any one person or group.

Honesty and integrity Board members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity Board members should make decisions on merit.

Accountability Board members should be accountable to the community for their actions and the way they carry out their responsibilities and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

Openness Board members should be as open as possible about their actions and those of the Motueka Community Board and should be prepared to justify their actions.

Personal judgment Board members should take account of the views of others but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Respect for others Board members should promote equality by not discriminating against any person or group and treat people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability.

Lawfulness Board members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.

Stewardship Board members must ensure that the Motueka Community Board uses resources prudently and for lawful purposes.

Leadership Board members should promote and support these principles by example and should always endeavour to act in the best interests of the Motueka community.

Democratic Process Board members must uphold the principles of democratic process.

Outline

The Motueka Community Board Code of Conduct contains the following sections:

- **Part One - Roles and Responsibilities**
Describes the roles and responsibilities of the Chairperson and other board members.
- **Part Two - Relationships and Behaviours**
Sets out guidelines for relationships between Board members, Council staff and the community. Conflicts of interest, media relations and the management of confidential information are also outlined in this section of the Code of Conduct.
- **Part Three – Compliance and Review**
Outlines how alleged breaches of the Code of Conduct are managed, how the document is reviewed, and potential consequences for breaching the Code.

PART ONE: ROLES AND RESPONSIBILITIES

1.1 Community Board Members

The role of the Motueka Community Board is detailed in Section 52 of the Local Government Act 2002. Board members, collectively acting as the Motueka Community Board, are responsible for:

- Representing and advocating for the interests of the Motueka Ward and wider community
- Considering and reporting on all matters referred to it by Council, or any matter of interest or concern to the Community Board
- Maintaining an overview of services provided by Council within the Motueka Ward
- Preparing an annual submission to Council for expenditure within the Motueka Ward
- Communicating with community organisations and special interest groups within the Motueka Ward
- Undertaking any other responsibilities delegated by Council
- Unless otherwise provided in the Local Government Act 2002 or in standing orders, Motueka Community Board can only act by majority decisions at meetings. Each member has one vote. An individual member has no authority to act on behalf of the Motueka Community Board unless the Board has expressly delegated such authority.

1.2 Chairperson

The Chairperson is elected by the Motueka Community Board at the first meeting of each triennium and shares the same responsibilities as other Board members.

The Chairperson also has the following roles:

- The presiding member at Motueka Community Board meetings
- Ensuring the orderly conduct of business during meetings (in accordance with standing orders)
- An advocate on behalf of the community - promoting the community and representing its interests (advocacy is most effective where it is carried out with the knowledge and support of the Board)
- Providing leadership and feedback to other Board members
- Promoting teamwork

1.3 Deputy Chairperson

The Deputy Chairperson is elected by board members at the first meeting of each triennium of the Motueka Community Board. The Deputy Chairperson exercises the same roles as other Board members. If the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and may exercise the powers, of the Chairperson.

PART TWO: RELATIONSHIPS AND BEHAVIOURS

This part of the Code of Conduct sets out the Board's agreed standards of behaviour. Some of the matters described in this part reflect legislation such as the Local Authorities (Members Interests) Act 1968.

2.1 Relationships with Other Board Members Teamwork

Teamwork is a critical element in the success of any democratically elected body. No team will be effective unless mutual respect exists between members.

With this in mind Board members will conduct their dealings with each other in ways that:

- Maintain public confidence in the office to which they have been elected
- Are open and honest
- Focus on issues rather than personalities
- Avoid aggressive, derogatory, or abusive conduct

Note: nothing in this section of the code is intended to limit robust debate.

2.2 Relationships with Council Staff

The effective performance of the Motueka Community Board requires cooperation and mutual respect between Community Board members, Councillors, and Council staff. To ensure the desired level of cooperation and trust is maintained, Board members will:

- Treat all Council employees with courtesy and respect.
- Recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss, instruct, or censure an employee.
- Make themselves aware of the obligations that Council and the Chief Executive have as employers and always observe those requirements.
- Observe any guidelines that the Chief Executive puts in place regarding contact with employees

Board members will not:

- Compromise, or be seen as compromising, the impartiality of a Council employee.
- Publicly criticise any employee.
- Any concerns or complaints about the conduct or performance of a Council staff member or the Chief Executive are treated seriously and should not be brought lightly or without appropriate supporting evidence.
- If a Board member has concerns about an employee's conduct or performance, those concerns should be directed to the Chief Executive, through the Motueka Community Board Chairperson, who will investigate as appropriate.
- If a Board member has concerns about the conduct or performance of the Chief Executive, these concerns are to be directed to the Mayor, through the Motueka Community Board Chairperson.

2.3 Relationships with the Community

Effective representation depends on quality relationships between Board members and the Motueka community. Board members should ensure that community members are treated with respect in their dealings with the Motueka Community Board and have their concerns listened to. Board members should act in a manner that encourages and values community involvement in local democracy. Any comments made in the public arena should be considered in the same light as comments made to the

media and the guidelines detailed in Part 2.4 should be applied when speaking to community groups, at community meetings and in other public situations.

2.4 Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council and the Motueka Community Board. From time to time, individual Board members may be approached to comment on a particular issue either on behalf of the Board, or in their own right.

- The Chairperson is generally the first point of contact regarding Motueka Community Board decisions or community advocacy issues. If the Chairperson is unavailable, matters will be referred to the Deputy Chairperson.
- The Chairperson may refer any matter to another Board member for comment.
- No other Board member may comment on behalf of Motueka Community Board without having first obtained the approval of the Chairperson. Elected members are free to express a personal view in the media, at any time, provided the following is observed:
- Media comments must not state or imply that they represent the majority view of Motueka Community Board and care should be taken to ensure the credibility and reputation of Motueka Community Board as an entity is not compromised.
- This is particularly important when an elected member is making a statement that is contrary to a Council decision or Council policy or an adopted position of the Motueka Community Board.
- Media comments must observe all other requirements of the Code of Conduct, particularly regarding confidential information and relationships with staff.

2.5 Confidential Information

Board members may receive or be privy to information that needs to be treated as confidential. Confidential information is information made available in the course of Motueka Community Board business that is commercially sensitive or is personal to a particular individual or organisation. Board members must not use or disclose confidential information for any purpose other than that for which the information was supplied. Board members should be aware that failure to observe these provisions may:

- Impede the performance of the Motueka Community Board and/or Council
- Undermine public confidence in the Motueka Community Board and/or Council
- Expose Motueka Community Board and/or Council to prosecution under the Privacy Act 1993 and/or civil litigation

2.6 Conflicts of Interest

Board members must be careful that they maintain an appropriate separation between their personal interests and their duties as a Motueka Community Board member. This is to ensure that Board members carry out their duties free from bias (real or perceived).

Financial conflicts of interest

The Local Authorities (Members' Interests) Act 1968 provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year, unless prior approval has been sought from the Office of the Auditor General.

If, during the Council term, a tender is to be entered into, or contractual payment is to be made which might exceed the \$25,000 limit referred to above, the Chief Executive must seek approval from the Office of the Auditor General.

Additionally, Board members are prohibited from participating in any Board discussion or vote on any matter in which they have a financial interest greater than that of the general public. The same rules also apply where a Board member's spouse or close family member contracts with the authority or has a financial interest. Board members must declare their interests at Board meetings where matters in which they have a financial interest arise.

Board members are asked to make a general declaration of interests annually, which is recorded in a register of interests maintained by the Chief Executive. Having made a declaration, Board members should keep this register updated with any other interests as soon as practicable after becoming aware of them. Board members have the onus to identify and declare potential financial interests.

Declarations of financial interest must detail for Council the nature and extent of any interest potentially related to Council business, including:

- Any employment, trade or profession undertaken by the Board member or the Board member's spouse for profit or gain
- Any company, trust, partnership or similar structure for which the Board member or their spouse is a director, partner, trustee or beneficiary
- The address of any land in which the Board member has a beneficial interest and which is in the Tasman District
- The address of any land where the landlord is the Tasman District Council and:
 - the Board member or their spouse is a tenant, or
 - the land is tenanted by a firm in which the Board member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary
- Any other matters which the public might reasonably regard as likely to influence the board member's actions during the course of their duties as a Board member.

If a Board member is in any doubt as to whether a particular course of action (including a decision to take no action) would be in breach of these conditions, then the elected member should seek guidance immediately, from the Chief Executive or other appropriate person. An elected member may also contact the Office of the Auditor General for guidance as to whether there is a financial interest.

If there is a financial interest, Board members may seek an exemption from the Office of the Auditor General to be allowed to participate or vote on a particular issue. This must occur before the discussion or vote takes place.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate a decision made, or action taken, by the Motueka Community Board and/or Council.

Failure to observe these requirements could open the elected member to prosecution under the Local Authorities (Members' Interests) Act 1968. If convicted, elected members can be ousted from office.

Non-financial conflicts of interest

Non-financial conflicts of interest, or the perception of a conflict of interest, may impair (or be seen to impair) a board members' ability to act faithfully, impartially and in the best interests of the Motueka community.

Potential conflicts of interest are to be declared at the beginning of any Motueka Community Board meeting or at the earliest opportunity in a decision-making process. Board members have the onus to identify and declare potential conflicts of interest.

Board members must declare any non-financial interests they may have in any matters before the Board. Open declaration of any potential conflict of interest, actual or perceived, promotes greater transparency in Motueka Community Board decision-making. The Board member may:

- a) Exclude themselves from the vote and/or discussion; or
- b) Provide clear reasons why they do not believe exclusion is appropriate; or
- c) Explain the circumstances of the potential conflict of interest and ask that Motueka Community Board resolve whether a conflict exists

A board member who is in any doubt as to whether a conflict of interest exists should approach the Chief Executive or other appropriate person for advice.

2.7 Standing Orders

Motueka Community Board members must adhere to the Tasman District Council Standing Orders, adopted by the Board on 15 November 2022 under the Local Government Act 2002 (Schedule 7, clause 27(1)).

These standing orders are subject to the same legal requirements as a Code of Conduct with regard to their adoption and amendment.

2.8 Remuneration, Expenses and Gifts

Motueka Community Board members must abide by the Elected Members Remuneration and Expenses Policy. This policy contains details of remuneration, allowances and expense rules for Board and Council members. In addition, Community Board members must:

- Not solicit, demand, or request any gift, reward, or benefit by virtue of their position
- Notify the Chief Executive if any gifts with a value of over \$50 are accepted
- Immediately disclose any gifts with a value of over \$50 which are offered to the elected member, to the Chief Executive. This will be included in the publicly available register of interests.

2.9 Disqualification of Members from Office

Community Board members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment or of certain breaches of the Local Authorities (Members' Interests) Act 1968. Members are also automatically disqualified from office if they cease to be an elector or become disqualified for registration as an elector.

2.10 Bankruptcy

Board members who are undischarged bankrupts when elected or are declared bankrupt during the term of office are to notify the Chairperson, the Mayor and the Chief Executive as soon as practicable.

PART THREE: COMPLIANCE AND REVIEW

3.1 Compliance

Board members are bound to comply with the provisions of this Code of Conduct by the Local Government Act 2002, schedule 7, section 15(4), and all other Acts as stipulated in Appendix 1.

The Chief Executive or designate will ensure that relevant legislative requirements are explained at the first Board meeting of each triennium, and that copies of these Acts are freely available to Board members.

3.2 Breaches of the Code

Any suspected breach of the Code of Conduct should first be verbally directed to the Chairperson or Chief Executive, who will investigate further and offer advice as to whether a written statement should be made. If a suspected breach involves the Chairperson or the Chief Executive, enquiries are to be directed to the Deputy Chairperson or Mayor.

The Mayor and/or Chief Executive may be consulted for advice at any point if this is necessary or appropriate.

Following this, any person who considers that the provisions of this Code have been breached by a Motueka Community Board member shall submit a written statement to the Chairperson and/or Chief Executive. Written statements detailing the alleged breach of the Code of Conduct must include any corroborating evidence.

The Chairperson and/or Chief Executive shall determine whether the matter is appropriately dealt with under the Code of Conduct and if considered appropriate, shall first attempt to resolve the matter through discussion with the relevant parties.

If the matter is resolved by discussion, it is considered that the matter has been successfully concluded upon written notification by both the complainant and respondent. If it is not resolved in this way, or by mediation, the matter will be referred to the Motueka Community Board Code of Conduct Committee for further consideration.

The Chairperson and/or Chief Executive have the discretion to determine whether any report will be initially considered in open or closed meeting of Motueka Community Board. Where the alleged breach could impinge on the privacy of a member of Council staff or the general public, or the complaint relates to the misuse of confidential information, the report will be considered in closed meeting.

Motueka Community Board Code of Conduct Committee

This committee will comprise of a Tasman District Council elected member appointee to the Motueka Community Board, the Motueka Community Board Chairperson (or delegate), and one independent party.

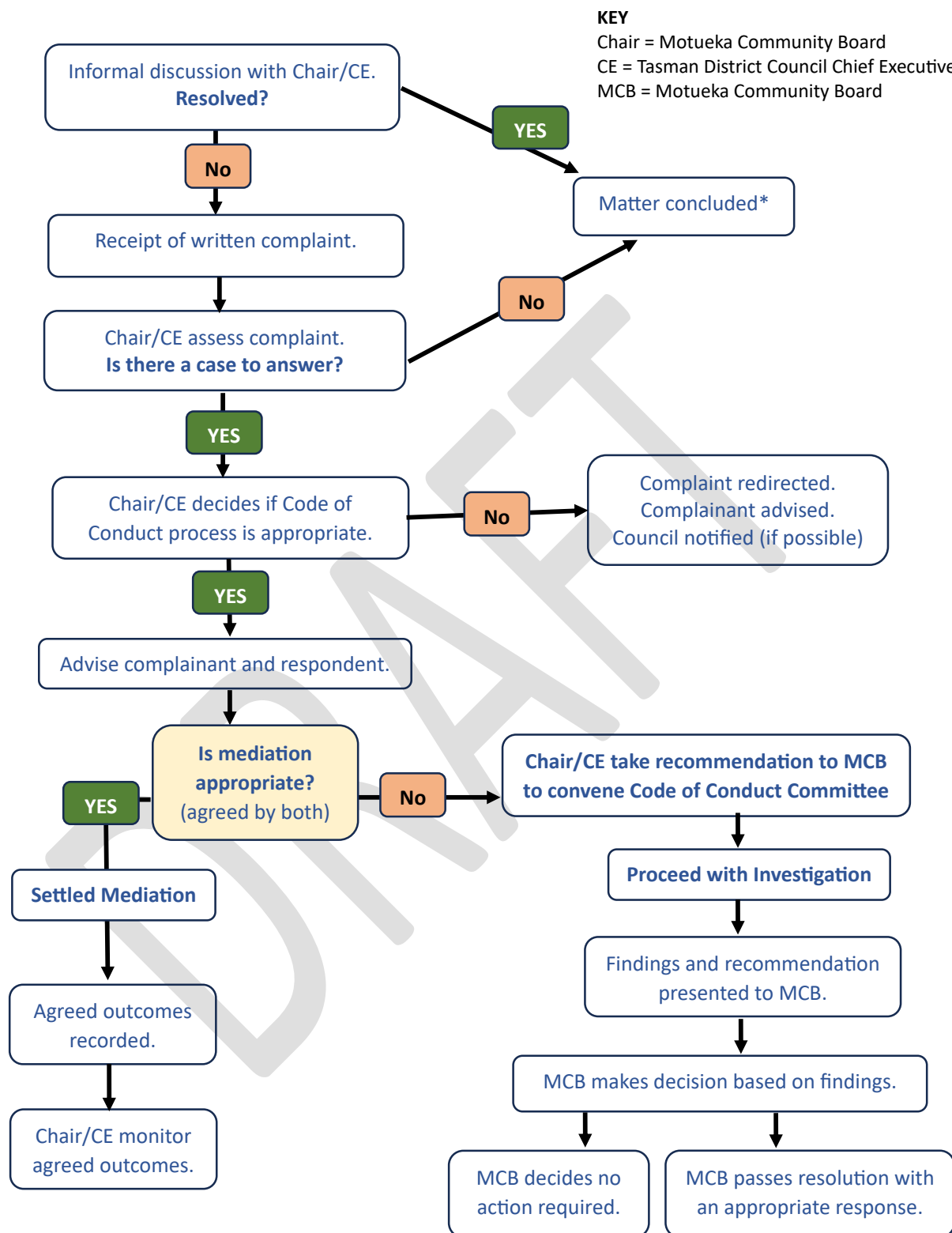
The Motueka Community Board and Council will select the independent party as and when necessary. This person may be Council's lawyer, the Mayor or Chief Executive of another local authority, or any other person the Motueka Community Board and Council considers appropriate for the individual case.

Committee members should be selected on the basis of their ability to behave impartially and equitably to the persons and matter at hand.

Rights of the respondent

All Code of Conduct investigations are to be conducted with regard to commonly accepted principles of natural justice, which include the right to a fair hearing, privacy, the right to proceedings free from bias and the right to representation. The respondent is also entitled to the presence of a support person at all hearings and discussions.

3.3 Process for Alleged Code of Conduct Breaches



*should the complainant disagree with decision, they may opt to take the matter to a meeting of MCB.

3.4 Responses to Breaches of the Code of Conduct

If there are relevant statutory provisions:

- Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- Breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor General under the Local Government Act 2002, which may result in the member having to make good the loss or damage.
- Criminal offences may result in liability for criminal prosecution. Where there are statutory provisions, Council or a member of the public may refer the issue to the most relevant body or authority, or the body or authority may itself take action of its own initiative.

The Motueka Community Board may take the following action if there are no relevant statutory provisions:

- Censure of the member
- Dismissal of the board member from a position of Chairperson or Deputy Chairperson A decision to apply one or more of these actions requires a Motueka Community Board resolution to that effect.

3.5 Review

Once adopted, the Code of Conduct remains until amended by Motueka Community Board. The Code of Conduct is formally reviewed within the first year of each triennium. Once adopted, amendments to the Code of Conduct require a resolution supported by 75 per cent or more of the board members present.

APPENDIX 1: LEGISLATION RELEVANT TO THE ROLE AND CONDUCT OF COMMUNITY BOARD MEMBERS

This is a summary of legislative requirements that have some bearing on the duties and conduct of Community Board members. Copies of these statutes can be found online <https://www.legislation.govt.nz/> or in the office of the Chief Executive.

Local Government Act 2002

Part 4, sections 49-54 of the Local Government Act 2002, set out the establishment, membership, status, role and powers of community boards. Parts 1 & 2 of Schedule 7 (with some exclusions) also apply to community boards.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where a member's personal interest/s impinges, or could be seen as impinging on their duties as a Community Board member.

The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, board members are prohibited from participating in any Community Board discussion or voting on any matter in which they have a financial interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a financial interest.

Members may also contact the Audit Office for guidance as to whether that member has a financial interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a financial interest. The latter must be done before the discussion or vote.

The Chief Executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987, sets out requirements and procedures for local government meetings.

Of particular importance for the roles and conduct of board members is the fact that the chair has the responsibility to maintain order at meetings, but all board members should accept a personal responsibility to maintain acceptable standards of address and debate.

No Motueka Community Board member should:

- Create a disturbance or a distraction while another board member is speaking
- Be disrespectful when they refer to each other or other people
- Use defamatory language about the Motueka Community Board, other board members, Tasman District Council or Councillors, any employee of the Council or any member of the public.

Secret Commissions Act 1910

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

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fines up to \$1000, or both. A conviction therefore would trigger the ouster provisions of the Local Government Act 2002 and result in the removal of the member from office.

Crimes Act 1961

Under this Act it is unlawful for a Board member to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Motueka Community Board
- Use information gained in the course of their duties for their, or another person's, monetary gain or advantage. These offences are punishable by a term of imprisonment of 7 years or more. Board members convicted of these offences will also be automatically removed from office.

Human Rights Act 1993

The Board acknowledge the importance to adhere to the Human Rights Act 1993.

New Zealand Bill of Rights Act 1990

The Board acknowledge the importance to adhere to the Bill of Rights Act 1990.

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Appendix 3: Summary and explanation of legislation which sets standards for ethical behaviour

Ngā ture e whakatakoto ana i ngā paerewa mō ngā whanonga matatika

Clause 15 of Schedule 7 of the Local Government Act (the Act) 2002, requires that the Code of Conduct provides members with a general explanation of the Local Government Official Information and Meetings Act 1987, and any other enactment or rule of law that affects members.

The key statutes that promote ethical behaviour are the Local Government Act 2002 (LGA), Local Government Official Information Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968 (LAMIA), the Protected Disclosures (Protection of Whistleblowers) Act 2022, the Serious Fraud Office Act 1990, the Local Government (Pecuniary Interests Register) Act 2022, the Health and Safety at Work Act 2015, and the Harmful Digital Communications Act 2015.

The Local Government Act 2002

The LGA 2002 is local government's empowering statute. It establishes our system of local government and sets out the rules by which it operates. Those rules include the principles underpinning kaunihera decision-making, governance principles, Te Tiriti obligations as set by the Crown, and the role of the chief executive which is:

1. implementing the decisions of the local authority,
2. providing advice to members of the local authority and to its community boards, if any and
3. ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised,
4. ensuring the effective and efficient management of the activities of the local authority,
5. facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001,
6. maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority,
7. providing leadership for the staff of the local authority,
8. employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy), and
9. negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Local Government Official Information and Meetings Act 1987

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

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

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

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

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

- protect the privacy of natural persons, including that of deceased natural persons;
- protect information where it would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- in the case of an application for resource consents or certain orders under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu;
- protect information the subject of an obligation of confidence, where making that information available would prejudice the supply of similar information (and it is in the public interest for this to continue), or would be likely otherwise to damage the public interest;
- avoid prejudice to measures protecting the health or safety of members of the public;
- avoid prejudice to measures that prevent or mitigate material loss to members of the public;
- maintain the effective conduct of public affairs through free and frank expression of opinions between or to members and local authority employees in the course of their duty or the protection of such people from improper pressure or harassment;
- maintain legal professional privilege;
- enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- prevent the disclosure or use of official information for improper gain or improper advantage.

Regarding these 'other' reasons, a public interest balancing test applies. In these cases the kaunihera must consider whether the withholding of that information is outweighed by other considerations

that render it desirable, in the public interest, to make that information available. Decisions about the release of information under LGOIMA need to be made by the appropriately authorised people within each kaunihera, and elected members must work within the rules adopted by each kaunihera.

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

The role of the Ombudsman

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

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

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

The Local Authorities (Members' Interests) Act 1968 (LAMIA)

Pecuniary interests

The LAMIA provides rules about members discussing or voting on matters in which they have a pecuniary interest and about contracts between members and the council. LAMIA has two main rules, referred to here as the contracting rule (in section 3 of the LAMIA) and the participation rule (in section 6 of the LAMIA).

- The **contracting rule** prevents a member from having interests in contracts with the local authority that are worth more than \$25,000 in any financial year, unless the Auditor-General approves the contracts. Breach of the rule results in automatic disqualification from office.
- The **participation rule** prevents a member from voting or taking part in the discussion of any matter in which they have a financial interest, other than an interest in common with the public. The Auditor-General can approve participation in limited circumstances. Breach of the rule is a criminal

offence, and conviction results in automatic disqualification from office.

Both rules have a complex series of subsidiary rules about their scope and exceptions.

The LAMIA does not define when a person is “concerned or interested” in a contract (for the purposes of section 3) or when they are interested “directly or indirectly” in a decision (for the purposes of section 6). However, it does set out two situations where this occurs. These are broadly where:

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

However, in some situations outside the two listed in the Act a person can be “concerned or interested” in a contract or have a pecuniary interest in a decision, for example, where a contract is between the members family trust and the kaunihera.

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, which are addressed through the LAMIA, there are also legal rules about conflicts of interest more generally. These are rules that apply to non-pecuniary conflicts of interest and include the common law rule about bias. To determine if bias exists, consider this question: Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?

The question is not limited to actual bias but relates to the appearance or possibility of bias. This is in line with the principle that justice should not only be done but should be seen to be done. Whether or not you believe that you are not biased is irrelevant. The focus should be on the nature of any conflicting interest or relationship, and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- statements or conduct indicate that a member has predetermined the decision before hearing all relevant information (that is, they have a “closed mind”), or
- a member has close relationship or involvement with an individual or organisation affected by the decision.

Seeking exemption from the Auditor-General

Members who have a financial conflict of interest that is covered by section 6 of the LAMIA, may apply to the Auditor-General for approval to participate. The Auditor-General can approve participation in two ways.

1. Section 6(3)(f) allows the Auditor-General to grant an exemption if, in their opinion, a member's interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor when voting or taking part in the discussion.
2. Section 6(4) allows the Auditor-General to grant a declaration enabling a member to participate if they are satisfied that:
 - a. the application of the rule would impede the transaction of business by the council; or
 - b. it would be in the interests of the electors or residents of the district/region that the rule should not apply.

More information on non-pecuniary conflicts of interest and how to manage them can be found in the Auditor-General's Guidance for members of local authorities about the law on conflicts of interest.

Protected Disclosures (Protection of Whistleblowers) Act 2022

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

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

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

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

The Serious Fraud Office Act 1990

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

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

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

The Local Government Act 2002 as amended by the Local Government ((Pecuniary Interests Register) Act 2022

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

- the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the 30 main business activities of each of those companies,
- the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities,
- if the member is employed, the name of each employer of their employer and a description of the main business activities of those employers,
- the name of each trust in which the member has a beneficial interest,
- the name of any organisation or trust and a description of the main activities of that organisation or trust if the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust, and the organisation or trust receives funding from the local authority, local board, or community board to which the member has been elected,
- the title and description of any organisation in which the member holds an appointment by virtue of being an elected member,
- the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property,
- the location of real property, and a description of the nature of the real property, held by a trust if the member is a beneficiary of the trust and it is not a unit trust (disclosed under subclause 20) or a retirement scheme whose membership is open to the public.

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

The Health and Safety Act at Work Act 2015

The Health and Safety at Work Act 2015 aims to create a new culture towards health and safety in workplaces. A council is termed a Person Conducting a Business or Undertaking (PCBU) - all involved in work, including elected members, are required to have a duty of care. Elected members are "officers" under the Act and officers are required to exercise due diligence to ensure that the PCBU complies with its duties.

However, certain officers, such as elected members, cannot be prosecuted if they fail in their due diligence duty. Despite this, as officers, the key matters to be mindful of are:

- stepping up and being accountable,
- identifying and managing your risks,
- making health and safety part of your organisation's culture, and
- getting your workers involved.

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

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

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

The Harmful Digital Communications Act 2015

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

- disclose sensitive personal facts about an individual
- be threatening, intimidating, or menacing
- be grossly offensive to a reasonable person in the position of the affected individual
- be indecent or obscene
- be used to harass an individual
- make a false allegation
- contain a matter that is published in breach of confidence

- incite or encourage anyone to send a message to an individual for the purpose of causing harm to the individual
- incite or encourage an individual to commit suicide
- denigrate an individual by reason of colour, race, ethnic or national origins, religion, gender, sexual orientation or disability

More information about the Act can be found at [Netsafe](#).

8.3 CHAIRS REPORT

Information Only - No Decision Required

Report To:	Motueka Community Board
Meeting Date:	19 March 2024
Report Author:	Terina Graham, Chair
Report Authorisers:	Richard Kirby, Group Manager - Community Infrastructure
Report Number:	RMCB24-03-3

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 This is the Motueka Community Board Chairperson's regular monthly report.
- 1.2 *He tina ki runga, he tāmōre ki raro. In order to flourish above, one must be firmly rooted below.*
- 1.3 Relating this whakatauki (saying) to the Board: we all draw from our own experiences, knowledge, and perspectives, and must remain grounded, open to learn and grow. Our individual journeys have led us here together at this time, to represent and serve a greater purpose for our community.

2. Recommendation/s / Ngā Tūtohunga

That the Motueka Community Board receives the Chairs Report RMCB24-03-3

3. Productive start to 2024

- 3.1 Thank you, board members, for your support and engagement in the various activities that we've been doing in our first few weeks back. To highlight:
- 3.2 Board voted on a resolution to present to Council to increase the TRMP 8-week rule – headed by Board Member Hughes.
- 3.3 Board workshopped to complete the Board's code of conduct to be formerly adopted if 75% present (including Councillors) agree.
- 3.4 Start of our strategic planning session highlighting some areas of importance to community such as housing crisis/homelessness and what capacity the board can help effect some positive change.
- 3.5 Special projects proposed plan, promotions, and community engagement is underway - headed by Deputy Chair Hutt.
- 3.6 Reignited engagement with Te Awhina / Iwi representatives – headed by Board Member Armstrong.
- 3.7 Chair and deputy chair met with National MP Maureen Pugh to highlight matters of importance to Motueka community.
- 3.8 Board member representation at various committee meetings and community engagement.

- 3.9 Board member Armstrong and I were privileged to attend the soft launch of the new youth space at the Recreation centre – headed by Councillor Walker in her role as Chair of the Motueka Community Development Trust.

4. Committee Updates

- 4.1 **Our Town Motueka** - Board Member Hughes reports the group have successfully erected 20 new flags across town with a more cost-effective and robust system.
- 4.2 **Arts Council** - Chair Graham attended AGM with well-attended Art Walk. MAC is running a flag design competition for everyone in the community to go on the Flagtrax the project by Our Town Motueka. Find more details: www.motuekaartscouncil.com/members-events
- 4.3 **Te Awhina Marae** - Board Member Armstrong reignited connection, confirmed they have a two well-stocked emergency pods, one of which is intended to move to higher ground at the urupa.
- 4.4 **Motueka Aerodrome** - Councillor Dowler reports skydiving operator explained the noisier aircraft is temporarily being used whilst the quieter one is undergoing its 14-year full-frame inspection and 7 yearly maintenance. Parts are being sourced from overseas then the switch of aircrafts will happen soon after.
- 4.5 **Special Olympics** – Councillor Walker attended meeting provided update on current agenda topics relevant to Motueka bylaws up for review. Acknowledged the high use of the Bocce court, up to 20 athletes participating on Tuesday mornings.

5. Long Term Plan

- 5.1 **LTP Consultation Preparation** - The Motueka Community Board in collaboration with Council staff, and hopefully with representatives from the Community Pool Committee and local Iwi will be hosting a drop in session for all members of the public to learn about local and district activities.
- 5.2 The aim is to engage, inform and encourage as many of our community to input into the LTP. There will be forms, laptops and staff to assist anyone wanting to provide feedback.
- 5.3 **Have your say:**
- Long Term Plan LTP@tasman.govt.nz
 - Community TDC encourage community feedback via [Home | Shape Tasman](#)
 - Email info@tasman.govt.nz
 - Post to Tasman District Council, Private Bag 4, Richmond, 7050

6. Community Concerns

- 6.1 **Motueka Aerodrome Noise:** As highlighted in committee updates section 4, it is positive to hear the quieter aircraft is planning to be back soon to replace the noisier one. Board Member Hughes shared a copy of Council complaints records which highlights 132-line items of complaints with additional 22 complaints against items raised from 2003 - 2021. We are unsure how many are unique complainants and if or how concerns were addressed.
- 6.2 **Civil Aviation Authority Notice:** A letter from CAA as per a notification from TDC of a proposal to review historical alterations to the aerodrome has gone out to some residents.

CAA is requesting public submissions by 26 April 2024. For further information:
aeronautical.services@caa.govt.nz

- 6.3 Any others to be raised in section 7 Items from Board.

7. Items from Board Members

- 7.1 Deputy Chair Hutt – Special Projects updates.
 7.2 Any other items from Board.

8. Any other items from Public Forum

- 8.1 Discussion on items from today's Public Forum session.
 8.2 Communicate outcomes and actions.

9. Action List

- 9.1 The Action List is attached for review, Attachment 1.

10. Correspondence

- 10.1 Correspondence list:

Date	From	Subject
14/02/24	K Garrett - Empowerment Trust	Accountability Form
15/02/24	N Hughes	Code of Conduct
02/03/24	N Hughes	Councils Code of Conduct
02/03/24	N Hughes	Aerodrome Proposal
04/03/24	N Hughes	Aerodrome Activities
05/03/24	N Hughes	Cars buried after 2018 cyclone
05/03/24	N Hughes	Concern over car burials
06/03/24	N Hughes	CAA

11. Attachments / Tuhinga tāpiri

1.   Action List

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Division:		Date From:
Committee:	Motueka Community Board	Date To:
Officer:		
Action Sheets Report		Printed: Thursday, 14 March 2024 9:59:45 AM

Meeting	Officer/Director	Section	Subject
Motueka Community Board 18/07/2023	John Ridd	Staff Action	Group Manager - Service & Strategy, John Ridd, to arrange for the gifts from the Kyosato Group to be moved to the new Library from the Service Centre.
17 Aug 2023 11:41am Gee, Emma			
Original agreement to be sourced and included with a display at the Motueka Library, aim to have in place by 2 September			
31 Oct 2023 9:29am Gee, Emma			
Display moved back to the Motueka Service Centre, need to find a final place			
27 Nov 2023 12:34pm Gee, Emma			
Councillor Walker requested a permanent place is found, requested an update from John Ridd			
04 Dec 2023 11:31am Gee, Emma			
Libraries Manager working on			
29 Feb 2024 11:22am Gee, Emma			
Chair Graham to follow up with John Ridd			

Meeting	Officer/Director	Section	Subject
Motueka Community Board 19/09/2023	Lynne Hall	Reports	Rubbish bins in Motueka being painted
06 Oct 2023 10:35am McLean, Kelsey			
It was requested that Councillor Walker liaise with Lynne Hall regarding the rubbish bins in Motueka being painted and report back to the next meeting.			
31 Oct 2023 9:37am Gee, Emma			
Lynne Hall has ordered colour liners and working on quote for wrap for bin lids			
27 Nov 2023 12:43pm Gee, Emma			
Councillor Walker - awaiting quote from Lynne Hall			
29 Feb 2024 11:24am Gee, Emma			
Councillor Walker awaiting update from Lynne Hall			
14 Mar 2024 9:58am Gee, Emma			

Division:**Committee:** Motueka Community Board**Officer:****Date From:****Date To:****Action Sheets Report****Printed: Thursday, 14 March 2024 9:59:45 AM**

It was decided some time ago that painting would not work and we look into printed wrappers. Lynne has approached the Motueka printers on a number of occasions to get a quote for bin wrappers (designs by the Youth Council) and have not had yet had a response. Lynne just called again – they will get back to her in a couple of days.

Meeting	Officer/Director	Section	Subject
Motueka Community Board 21/11/2023	Brent Maru	Reports	Standing Orders and Council's complaints process
04 Dec 2023 11:03am Gee, Emma			
Chair Maru to arrange a Board workshop for Motueka Community Board Standing Orders and Council's complaints process			
21 Dec 2023 1:47pm Gee, Emma			
Democracy Services arranging			
29 Feb 2024 11:27am Gee, Emma			
Ongoing			

Meeting	Officer/Director	Section	Subject
Motueka Community Board 19/12/2023	Claire Hutt	Reports	Downer Alliance heavy trucks on Pah Street
22 Dec 2023 8:57am Gee, Emma			
Mr Hayes (Alliance manager) to follow up regarding the heavy trucks travelling along Pah Street			
29 Feb 2024 11:28am Gee, Emma			
Deputy Chair Hutt to follow up			
14 Mar 2024 9:56am Gee, Emma			
Richard Kirby's response is that there are onerous and limited statutory levers for changing roading designations. If you need to proceed further, it is recommend to contact individual trucking companies directly.			

Division:		Date From:
Committee:	Motueka Community Board	Date To:
Officer:		
Action Sheets Report		Printed: Thursday, 14 March 2024 9:59:45 AM

Meeting	Officer/Director	Section	Subject
Motueka Community Board 19/12/2023	Richard Kirby	Reports	Mr Hellyer November Public Forum
22 Dec 2023 8:58am Gee, Emma			
Mr Kirby to report back on the processes to appropriately acknowledge and respond on the matters raised by Mr Hellyer at November's Public Forum			
29 Feb 2024 11:28am Gee, Emma			
Staff responding			

Meeting	Officer/Director	Section	Subject
Motueka Community Board 19/12/2023	Terina Graham	Reports	Workshop Member Hughes
22 Dec 2023 8:59am Gee, Emma			
Chair Graham to arrange a workshop for the Members in January to address issues raised by Member Hughes			
29 Feb 2024 11:29am Gee, Emma			
Ongoing			

Meeting	Officer/Director	Section	Subject
Motueka Community Board 20/02/2024	Barry Dowler	Reports	Motueka Aerodrome noise complaints
01 Mar 2024 2:56pm Gee, Emma			
Motueka Aerodrome noise complaints - Councillor Dowler to meet with interested parties, report back and invite Senior Enterprise Portfolio Officer, Stephen Batt, to the next meeting			
14 Mar 2024 9:57am Gee, Emma			

Division:**Committee:** Motueka Community Board**Officer:****Date From:****Date To:****Action Sheets Report****Printed:** Thursday, 14 March 2024 9:59:45 AM

Stephen Batt met with CR Dowler and Inflight representatives to discuss the noisy aircraft that features in a number of complaints, it was decided to meet with the company director from Auckland to see if anything can be rectified and this meeting is scheduled for this Friday 15/03/2024. A subsequent complaint has been received from Daniel Huelsmeyer which sent to the Leonie Rae and all Councillors. A working group within council has been set up to respond on council's multiple responsibilities that this matter raises. Please note that Mr Huelsmeyer is challenging all facets of the aerodrome operation both through Council and the Civil Aviation Authority.

Meeting	Officer/Director	Section	Subject
Motueka Community Board 20/02/2024	Brent Maru	Reports	Emergency Services
01 Mar 2024 2:58pm Gee, Emma Councillor Maru to check in monthly with local Police, Fire and Ambulance services			

Meeting	Officer/Director	Section	Subject
Motueka Community Board 20/02/2024	Terina Graham	Reports	Members Appointment List
01 Mar 2024 3:00pm Gee, Emma The Chair will check and update the Members appointment list			

Meeting	Officer/Director	Section	Subject
Motueka Community Board 20/02/2024	Brent Maru	Reports	Reimbursements
01 Mar 2024 3:05pm Gee, Emma Councillor Maru to request an itemised account of the reimbursements from staff			
14 Mar 2024 3:05pm Gee, Emma Councillor Maru circulated an email to the members			

8.4 FINANCIAL SUMMARY**Information Only - No Decision Required**

Report To:	Motueka Community Board
Meeting Date:	19 March 2024
Report Author:	Liz Cameron, Assistant Management Accountant
Report Authorisers:	Mhairi Lamont, Management Accountant
Report Number:	RMCB24-03-4



1. Summary / Te Tuhinga Whakarāpoto

- 1.1 The financial report for the period ending 29 February 2024 is attached (**Attachment 1**).
- 1.2 The net financial position as at 29 February is a deficit of \$3,587.
- 1.3 There were no Community Board expenses during February.
- 1.4 The net position of the Motueka Community Board's overall funds as at 29 February 2024 is a surplus balance of \$190,460.

2. Recommendation/s / Ngā Tūtohunga

That the Motueka Community Board receives the Financial Summary report RMCB24-04-4

3. Attachments / Tuhinga tāpiri

- 1.   Financial Summary

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TASMAN DISTRICT COUNCIL
Motueka Community Board
February 2024

Profit and Loss	Monthly Actual	Month Budget		February YTD Actual	Year End Annual Budget	Annual Budget %	Budget 2023/24
REVENUE							
CCB rate	5,140	10,288	50%	77,287	123,451	63%	123,451
Motueka Market	0	2,302	0%	6,838	14,033	49%	14,033
Closed Account Interest	164	137	120%	1,311	1,648	80%	1,648
Total revenue	5,304	12,727		85,436	139,132		139,132
EXPENSE							
Remuneration							
Chairperson Monthly Salary	1,303	1,303	100%	2,228	15,634	14%	18,514
Members	1,954	2,232	88%	18,566	26,781	69%	23,901
Community Board Members Reimbursements	0	599	0%	6,051	7,186	84%	7,186
Miscellaneous							
Community Board discretionary fund	0	0	0%	6,407	7,529	85%	7,529
Youth Development Fund	0	0	0%	0	1,000	0%	1,000
Community Board Special Projects	0	9,927	0%	50,666	57,139	89%	57,139
Community Board Expenses	0	44	0%	362	16,951	2%	16,951
Litter Cart	0	0	0%	3,261	4,348	75%	4,348
Motueka CB Sculpture maintenance	0	90	0%	0	1,081	0%	1,081
Cost of Elections	0	0	0%	1,484	1,484	100%	1,484
Total expenses	3,257	14,195	23%	89,024	139,133	64%	139,133
Net Charges	2,047	(1,468)		(3,587)	(1)		

August Year to date

Equity

Opening Surplus/(Deficit) Balance 1 July 2023	194,047
Net Income Surplus/(Deficit) January 2024	- 3,587
Closing Surplus/(Deficit) Balance 29 February 2024	190,460

Notes to the accounts

A) Discretionary fund

Balance brought forward from 2022/23	10,857
Plus budget allocation	7,529
Available funds	18,386
Less Expenditure	6,406
Remaining Balance	11,980

Discretionary fund expenditure

Motueka Events	700
Oceania Medical	556
Community House	700
Crafty Tarts	700
Riding for the Disabled	627
Blue Penguin Trust	700
Pony Club	513
Seed Hunter Tribe	700
Motueka Art Group	550
Riding for the Disabled	660
Total expenditure to February 2024	6,406

B) Youth development fund

Balance brought forward from 22/23	3,825
Plus budget allocation	1,000
Available Funds	4,825
Less expenditure	0
Remaining Balance	4,825

Youth development fund expenditure

Total expenditure to February 2024	0
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C) Special Projects

Balance brought forward from 22/23	151,666
Plus budget allocation	57,139
Available funds	208,805
Less expenditure	50,666
Remaining balance	158,139

Special Projects Expenditure

Our Town Motueka Flag Trax	10,000
Our Town Motueka Historical plaques	10,666
Contribution to Skate Park	30,000
Total expenditure to February 2024	50,666

8.5 SPECIAL PROJECTS ACTION LIST

Information Only - No Decision Required

Report To: Motueka Community Board

Meeting Date: 19 March 2024

Report Author: Emma Gee, Team Leader - Customer Services (Motueka)

Report Authorisers:

Report Number: RMCB24-03-5

1. Summary / Te Tuhinga Whakarāpoto

1.1 Attached is the Special Projects Action List for the Motueka Community Board to review.

2. Recommendation/s / Ngā Tūtohunga

That the Motueka Community Board receives the Special Projects Action List report RMCB24-03-5

3. Attachments / Tuhinga tāpiri

1.   Special Projects Action List

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Special Projects Action List

Projects 2019/20	Funds	Status	Overseer
Playground Update Thorp Bush and North (carried over 2018/19)	\$10,000	<p>20/10/20 Stage 1 of Youth Council lead project at Thorp Bush to begin 1. <i>repaint existing playground at Thorp Bush (doc leaf green to blend with the natural environment)</i> 2. <i>replace damaged plastic components with new colourful components.</i></p> <p>18/05 Should be completed by end of June 2021</p> <p>15/06 Chair Maru to email update to the Board, delay in equipment</p> <p>20/07 Repainting has been carried out</p> <p>11/08 Awaiting a plastic component but largely complete</p> <p>16/11 Project Completed</p> <p>21/12 Awaiting a staff report</p> <p>15/02/22 Mr Kirby to follow up with staff on standard of painting</p> <p>28/02 Confirmation from Lynne Hall, “not a great paint job and the contractors have already returned once to tidy up their earlier efforts. It could still do with improvement. Lynne has raised this with the contractor and we will visit the site to assess the quality of work and arrange for some remedial work to be implemented”</p> <p>15/03 Youth Council will attend the next meeting</p> <p>19/4 A Takahasi confirmed painting still not done – Emma referred to Lynne Hall</p> <p>27/4 Lynne advised contractor arranging</p> <p>17/05 remedial painting not done – ongoing</p> <p>06/07 Lynne checking if the remedial painting has been carried out</p> <p>16/08 Richard Kirby to check and if paid</p> <p>1/12 Email received from Grant Reburn, Reserves & Facilities Officer, <i>Staff recently engaged Future Landscapes (independent playground inspectors) to carry out a comprehensive check of the Te Maatu Thorp Bush Reserve Playground as part of a District wide check of playgrounds against the New Zealand Playground Standards. The last such inspection of playgrounds was carried out approximately 5 years ago. Weekly inspections of playgrounds are carried by Council’s contractor Nelmac to check for obvious maintenance and safety issues. The Future Landscapes inspection is a more in-depth and comprehensive assessment of each playground. The recent inspection highlighted a number of safety issues related to the design and deterioration of materials on the Junior Playground and the inspectors recommended its removal.</i></p> <p><i>Because of the large number of items that needed remedial work or replacement, staff dismissed the option of repairing the playground equipment particularly when some components are nearing the end of life.</i></p>	Motueka Youth Council/CR Walker, Tony Strange

Projects 2019/20	Funds	Status	Overseer
		<p>Another factor in the decision to remove the playground rather than remediate it was that a new playground has already been signalled as a capital item in the 2023/24 Annual Plan with consultation to occur this year. It was unfortunate that painting of the playground structures by the Youth Council was completed only about 8 months ago however one of the painted structures will be remaining until a new playground is installed. The swing set will also be remaining on site. Any future funding for the new playground has to be considered alongside several other capital projects in the Annual Plan in 2023/24.</p> <p>20/12 Chair Armstrong to provide an explanation to YC, Tiegan Maru- done</p> <p>21/03 Ongoing, YC still keen to decorate bins</p> <p>18/04 Ongoing with YC, KMB and Tony Strange reserves staff</p> <p>16/05 Ongoing, Tony working with YC</p> <p>12/06 – Update form grant, discussion had with Youth Council. Further consultation required. Iwi consultation also needed. Spacial design and layout will follow along with high level presentation to the Board.</p> <p>Physical works on playground not funded until new financial year.</p> <p>18/07 Tony will engage with Iwi and YC then come back to the Board</p> <p>10/08 Update form Tony, No further progress this month. Intention is to consult with Iwi advisors by the end of August. This will help with planning the next steps in consultation with Iwi regarding level of information that should be presented.</p> <p>17/08 YC back up and running need to liaise with them also and for skatepark</p> <p>20/02/24 On hold</p>	

Projects 2020/21	Funds	Status	Overseer
Accessible Playground Equipment Decks Reserve Resolution 15/12/20	\$30,000	<p>16/02/21 Awaiting quote from Lynne Hall</p> <p>20/07 Chair Maru to have a conversation with Susan Edwards and Janine Dowding</p> <p>17/08 Awaiting update from Susan Edwards</p> <p>28/02 Lynne has approached 3 playground companies before Christmas hopefully they will come back with something soon</p> <p>15/03 Youth Council keen for a carousel, ongoing</p> <p>15/11 Mr Kirby informed the Board of delays in sourcing accessible playground equipment</p>	Cr Walker/Tony Strange

Projects 2020/21	Funds	Status	Overseer
		<p>03/02/23 Update from Grant Reburn, Reserves Officer: <i>Staff have been planning the upgrade of Decks Reserve Playground items and are currently preparing a layout plan. A wheelchair carousel has been ordered and should be delivered within the next month. This item will be funded by the Motueka Board's special projects fund which had \$30,000 allocated for a carousel in 2022/23. The carousel installation will occur at the same time as the other playground items which depending on supply times and contractor availability is expected to be around May this year.</i></p> <p>18/04 Carousel purchased, staff working on layout design</p> <p>09/05 Staff to share design with Members prior to the May meeting and will be present for feedback</p> <p>16/05 Initial design plan presented to Members</p> <p>12/06 Update from Grant, following presentation to Board in May further incorporation of playground elements will continue. Further allocation of funding from the Board would provide for more accessible opportunities. Accessible Carousel purchased with Board funded 30K. for financial summary at bottom of spreadsheet</p> <p>06/07 Update from Tony Strange Currently acquiring an estimate for the entire play area footprint to be reinstated with rubber matting so that we can present these costs to the Board and they can decide to reallocated funding to accommodate this</p> <p>18/07 Concept plan and quote tabled, Tony to provide more detailed costings and visuals, also provide a breakdown that is quantified in stages while also providing a cost for the entire project</p> <p>10/08 Update from Tony, not enough competitive financial information as our consultants have only been able to include costs from one supplier, ongoing</p> <p>15/08 Update to be provided at the September meeting</p> <p>10/11 Tony Strange will be meeting with members of CCS Disability Action regarding design considerations and advice</p> <p>21/11 Ongoing, Tony working on quotes, planning to add a basketball hoop</p> <p>19/12 Tony to report back to the Board in February</p> <p>20/02/24 Tony noted that this there is a procurement process. There has been reprioritisation of existing budgets with good news \$200,000 added for this project. Mr Strange will start ordering for this project within two weeks</p>	

Projects 2022/23	Funds	Status	Overseer
Allocate an annual grant from the Community Board to the Mārahau/Sandy Bay Association to enhance and maintain the coastal frontage and recycling Resolution 16/08/22	\$2,500	15/11 Board Secretary to follow up on invoices for work 8/12 Ongoing 15/12/22 Part payment made, \$1236.90, for some spraying work, more to come 20/02/24 Ongoing	
Prepare a long-term landscape maintenance plan for the Motueka Cemetery Resolution 16/08/22	\$8,000	15/11 Mr Kirby to speak with Reserves staff 16/11 Email forward onto Members from David Ogilvie by Chair Armstrong 20/12 Chair Armstrong to speak with David Ogilvie 21/02/23 Richard Hollier has advised there is already a landscape plan from 2013, no need to spend 8K. David to request a copy of the work plan to and circulate to members for the next meeting – actioned 23/03 Richard Kirby emailed Grant Reburn, Reserves & Facilities Manager, can the \$8,000 allocated funds be used to complete the implementation of the landscape plan from 2013. Report back to the MCB at its meeting 18 April via a staff report 06/04 Update from Grant Reburn sent on to Members 20/6 Chair Maru to follow up with Grant Reburn 06/07 Update from Steve Richards Following discussions at previous Board Meetings and with chair it was agreed that staff would continue with previous Motueka Cemetery Plan works using money currently available in the budget 18/07 Ongoing, Mr Kirby stated that the 8k to be used to implement the next stage of capital works in the 2013 Management Plan, not to go towards a new plan, ongoing 17/10 Steve Richards provided an update, Richard Hilton & Lynne Hall are working on and will come back to the Board 21/11 Steve to liaise with Deputy Chair Graham on updates 20/02/24 Ongoing	Steve Richards/Deputy Chair Graham

Projects 2023/24	Funds	Status	Overseer
Contribute to improvements to the saltwater baths, including landscaping Resolution 16/05/23	\$5,000	06/07 Update from Lynne Hall, staff are 2/3rds of the way through replacing the decking, with the completion to be carried out this financial year. This is through RFC's. Any planting would probably be scheduled for next winter once a landscaping plan has been put together 15/08 update from Grant Reburn, ties in with Transport Choices, ongoing and will check if convo with Our Town 20/02/24 Ongoing, Lynne to feedback to the Chair	Lynne Hall
Contribute to reinstating picnic tables and seating and general landscaping that was removed to build the Motueka library Resolution 16/05/23	\$10,000	12/06 This project has \$70,000 budget from Better off funding. Landscape plan currently being drawn to enable consultation with Community Board and Iwi in August 06/07 Design work has started ahead of planned iwi consultation in August. Do you need me to update the project expenditure financials (on bottom part of update report) given we are awaiting final invoices for year 18/07 The Board noted that this 10k special project funding would contribute to the 70K better off funding 08/08 Update from Steve Richards - I have instructed Boffa Miskel to work up a design for the frontage of the Motueka Library, once done I will use this plan to consult with the Community board and our Iwi partners. 15/08 seat sourced from menzshed and disabled access tables 17/10 Draft plan provided to the Board, still consulting and propose install in Autumn 20/02/24 In progress	Stephen Richards