

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

**Date:** Monday 8 April 2024  
**Time:** 1.00pm  
**Meeting Room:** Golden Bay Service Centre  
**Venue:** 78 Commercial Street, Tākaka  
**Zoom conference link:** <https://us02web.zoom.us/j/85033455589?pwd=NnhCYjVsc0hmc2lrTlNaWm16TDRtdz09>  
**Meeting ID:** 850 3345 5589  
**Meeting Passcode:** 087709

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## Golden Bay Community Board

### Hapori Whānui ō Mohua

# AGENDA

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#### MEMBERSHIP

<b>Chairperson</b>	A Langford	
<b>Deputy Chairperson</b>	G Knowles	
<b>Members</b>	H Dixon	Cr C Butler
	R Hewison	Cr C Hill

(Quorum 3 members)

Contact Telephone: 03 525 0020  
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## AGENDA

### 1 OPENING, WELCOME, KARAKIA

### 2 APOLOGIES AND LEAVE OF ABSENCE

Leave of absence for this meeting was previously granted to Deputy Chairperson C Hutt.

#### Recommendation

That apologies be accepted.

### 3 PUBLIC FORUM

3.1 Chris Bennett - GB Cycle and Walkways Society ..... 4

### 4 DECLARATIONS OF INTEREST

### 5 LATE ITEMS

### 6 CONFIRMATION OF [MINUTES](#)

That the minutes of the Golden Bay Community Board meeting held on Monday, 11 March 2024, be confirmed as a true and correct record of the meeting.

### 7 PRESENTATIONS

7.1 Water Conservation Order activity update..... 5

### 8 REPORTS

8.1 Request for approval of six new road names in a subdivision at Richmond Road, Pōhara..... 6

8.2 Adoption of Golden Bay Community Board Code of Conduct 2024..... 29

8.3 Tasman District Council Policy on the Community Boards Special Project Funds92

8.4 Board Report - April..... 105

8.5 Discretionary Fund Application - April 2024 ..... 113

8.6 Financial Summary..... 115

### 9 CORRESPONDENCE

Nil

### 10 CONFIDENTIAL SESSION

Nil

### 11 CLOSING KARAKIA

### 3 PUBLIC FORUM

#### 3.1 CHRIS BENNETT - GB CYCLE AND WALKWAYS SOCIETY

<b>Report To:</b>	Golden Bay Community Board
<b>Meeting Date:</b>	8 April 2024
<b>Report Author:</b>	Jess McAlinden, Team Leader - Customer Services
<b>Report Authorisers:</b>	
<b>Report Number:</b>	RGBCB24-04-3

<b>1. Public Forum / Te Matapaki Tūmatanui</b>
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Chris Bennett will speak in public forum regarding the Golden Bay Cycle and Walkways Society submission to the Port Tarakohe Strategy.

<b>2. Attachments / Tuhinga tāpiri</b>
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Nil



## 7 PRESENTATIONS

### 7.1 WATER CONSERVATION ORDER ACTIVITY UPDATE

<b>Report To:</b>	Golden Bay Community Board
<b>Meeting Date:</b>	8 April 2024
<b>Report Author:</b>	Mirka Langford, Team Leader - Land Use and Soil
<b>Report Authorisers:</b>	
<b>Report Number:</b>	RGBCB24-04-4

<b>1. Presentation / Whakatakotoranga</b>
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Staff will make a presentation to the Board regarding the Water Conservation Order.

<b>2. Attachments / Tuhinga tāpiri</b>
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Nil

## 8 REPORTS

### 8.1 REQUEST FOR APPROVAL OF SIX NEW ROAD NAMES IN A SUBDIVISION AT RICHMOND ROAD, PŌHARA.

**Decision Required**

<b>Report To:</b>	Golden Bay Community Board
<b>Meeting Date:</b>	8 April 2024
<b>Report Author:</b>	Linda Atkins, Development Contributions Administrator – Environmental Assurance
<b>Report Authorisers:</b>	Kim Drummond, Group Manager - Environmental Assurance
<b>Report Number:</b>	RGBCB24-04-5

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

- 1.1 The purpose of this report is to seek agreement from the Golden Bay Community Board to name six roads in a subdivision in Pōhara.
- 1.2 Council has delegated the power to name new roads to Community Boards where the road falls within a ward that has a Community Board. The decision must be made in line with the Council's Street Naming Policy (Attachment One).
- 1.3 If the Golden Bay Community Board cannot reach an agreement the decision reverts to Council who will make a decision in consultation with the Community Board.
- 1.4 As with any delegated authority, the Golden Bay Community Board can refer a decision on naming a road back to the Council.

#### 2. Summary / Te Tuhinga Whakarāpototo

- 2.1 An application has been submitted by Darrin Canton, Director of Staig & Smith on behalf of Richmond Pōhara Holdings Limited, to name six new roads in their subdivision in Pōhara (resource consent SH180012). The suggested names are based around the theme of modern star constellations, as they are all visible from Pōhara on clear nights.
- 2.2 The six proposed names are:
  - 2.2.1 Centaurus Rise,
  - 2.2.2 Chamaeleon Lane,
  - 2.2.3 Antlia Lane,
  - 2.2.4 Sculptor Lane,
  - 2.2.5 Crux Lane and
  - 2.2.6 Hydra Lane.
- 2.3 The applicant has also provided two alternative names if one is not accepted, being Vela and Pyxis.

- 2.4 The application process encourages the applicant to consult with iwi, and the decision-making process requires the Council to provide iwi with an opportunity to comment.
- 2.5 Staff understand that the applicant has not consulted with iwi. However, Council initiated consultation with Manawhenua Ki Mohua, the organisation representing Ngāti Tama, Ngāti Rārua and Te Ātiawa within the area defined as the Golden Bay catchment and Kahurangi National Park area.
- 2.6 The proposed names are not supported by Manawhenua Ki Mohua. They suggested alternative Te Reo names that have a similar meaning (Attachment Two). The proponent has been made aware of the alternative suggestions but has indicated a preference to proceed to a decision from the Board.

### **3. Recommendation/s / Ngā Tūtohunga**

- That the Golden Bay Community Board:**
- 1. receives the Request for approval of six new road names in a subdivision at Richmond Road, Pōhara. RGBCB24-04-5; and**
  - 2. notes the proposed names provided by the developer Richmond Pōhara Holdings Limited; and**
  - 3. notes that Manawhenua Ki Mohua have proposed alternative suggestions that have a similar Te Reo Māori meaning; and**
  - 4. pursuant to the Board's delegated authority and the Council's Street Naming Policy approves that:**
    - 4.1 Road 1 be named [pending your decision]**
    - 4.2 Road 2 be named [pending your decision]**
    - 4.3 Road 3 be named [pending your decision]**
    - 4.4 Road 4 be named [pending your decision]**
    - 4.5 Road 5 be named [pending your decision]**
    - 4.6 Road 6 be named [pending your decision]**

### **4. Background / Horopaki**

- 4.1 The names being proposed by the applicant for the subdivision are as follows:  
Centaurus Rise, Chamaeleon Lane, Antlia Lane, Sculptor Lane, Crux Lane and Hydra Lane. Two alternative names are proposed if one or two of the six do not meet the street naming criteria.
- 4.2 The applicants have provided an explanation of the meaning of each name in Attachment Three. A plan and location of the subdivision is provided in Attachment Four.
- 4.3 Staff have initiated the consultation step with Manawhenua Ki Mohua over the six proposed names and two alternative names. The response was to suggest similar names based on stars and constellations in Te Reo Māori. See Attachment Four for their list which includes: Matariki (Pleiades, cluster of stars, note this name has already been used in Wakefield and cannot be reused), Māhutonga (Southern Cross), Autahi (Canopus, the brightest star), Tauru (Orion's belt), Ranginui (Beta Centauri, the closest pointer) and Whetu (star).

Alternative or back up suggestions were Taniwha (water spirit, chief), Nakahi (serpent) and Waka (canoe, vehicle, spirit medium).

- 4.4 The proponent has been made aware of this by email but has indicated a preference to continue with the proposed names and proceed to a decision from the Board.

## **5. Analysis and Advice / Tātaritanga me ngā tohutohu**

- 5.1 The proponents have set out their reasons for advancing the six names and two alternatives. Staff have considered these names against the criteria set out in the street naming policy and consider there is a close fit to the criteria. Item 1.4 in the policy - Theme (common or established) states “where a development creates more than one road, a common theme is recommended for names”.
- 5.2 There may be some challenges with spelling and pronunciation of Chamaeleon and Antlia. In the event that the Board approves the proposed names, that will be assessed as part of the final check with Land Information New Zealand (LINZ). If there is deemed to be an issue with spelling and/or pronunciation, the alternatives can be brought into play.
- 5.3 Staff have initiated the consultation with iwi required under the street naming policy. Manawhenua Ki Mohua have advised that they do not support the use of the English and Latin names for the subdivision in this area. Manawhenua Ki Mohua have suggested Te Reo alternatives, that they consider to be better suited to the local area. These names comply with the policy in terms of reflecting local Māori culture, geography and a common theme.
- 5.4 The street naming policy does not provide any guidance to the Community Board where proposed street names are not supported by iwi. Rather, it becomes a matter for the Board to decide which names it will approve.
- 5.5 If the Board is uncomfortable with choosing the names, it can refer the decision back to Council.
- 5.6 Once the Board or the Council agrees on new road names, staff would then work with LINZ to ensure all criteria are met.

## **6. Options / Kōwhiringa**

- 6.1 The options that are available to the Board are broadly outlined in the following table:

Option		Advantage	Disadvantage
1.	Approve the names proposed by the developer	Allows completion of the naming process for the developer	Manawhenua Ki Mohua do not support the proposed names and have provided Te Reo alternatives
2.	Approve the alternative names suggested by Manawhenua Ki Mohua	Allows for the completion of the process, and for Manawhenua Ki Mohua to have active involvement	The developer does not approve of the street names

Option		Advantage	Disadvantage
3.	Refer the decision on street naming back to Council in this instance	Avoids the Community Board having to decide whether to support the developer or Manawhenua Ki Mohua choices	Would introduce a delay into the street naming process and could indicate a lack of ownership of a local issue

## 7. Legal / Ngā ture

- 7.1 The Council is given the power to name roads under section 319(1)(j) of the Local Government Act 1974.
- 7.2 The Community Board has been given the delegated authority to make this decision in accordance with Council's policy.
- 7.3 When making decision the Board must confirm that it has meet the decision-making requirements under the Local Government Act 2002.
- 7.4 As with any delegated authority if the Board does not feel it can make a decision, it is open to it to refer the decision to Council.

## 8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 Manawhenua Ki Mohua were provided with an opportunity to provide comment on the proposed street names by Council staff. They felt strongly that the names should be in Te Reo and reflect the nature of the surrounding environment. The use of English and Latin names in this area was not supported.
- 8.2 As an alternative, Manawhenua Ki Mohua provided a list with eight (six plus two) Te Reo names relevant to the developer's chosen theme.

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

- 9.1 The collection of names on the constellation theme provides cohesion to the subdivision, as the names are all related, and are relevant to this area. The applicant stated they are visible from this area on a clear night.
- 9.2 The Street Naming Policy does require subdivisions to include names on a theme, which the developer has done.
- 9.3 However, iwi engagement demonstrated that Manawhenua Ki Mohua are not supportive of the proposed names. They recommend the use of Te Reo alternatives on the chosen theme.
- 9.4 There are other street names in Te Reo Māori in the surrounding area.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	yes	Once approved, street names are essentially permanent, with limited ability for renaming. This

	Issue	Level of Significance	Explanation of Assessment
			means there is a high level of interest in how street naming proposals are dealt with.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	yes	Street naming has an increased prominence within society and across our District. It has changed from something that was at the whim of a developer to determine, to something more significant for members of our community.
3.	Is there a significant impact arising from duration of the effects from the decision?	yes	Both the developer and Manawhenua ki Mohua have considered and thoughtful views, but they are somewhat polarised.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	no	
5.	Does the decision create a substantial change in the level of service provided by Council?	no	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	no	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	no	
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?	no	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	no	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater and Affordable Waters services?	no	

	Issue	Level of Significance	Explanation of Assessment

#### 10. Communication / Whakawhitiwhiti Kōrero

- 10.1 As per the Council's Street Naming Policy, consultation and engagement has taken place with Manawhenua Ki Mohua by the Council. The developer/applicant did not consult with iwi or the wider community.
- 10.2 Communication in terms of consultation and approval follows the process under the Street Naming Policy.

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

- 11.1 Not relevant to this report.

#### 12. Risks / Ngā Tūraru

- 12.1 As with any decision making, there is a risk that the decision could be challenged if proper process has not been followed and due consideration has not been given to the appropriate factors.
- 12.2 If the English names are chosen, then this may have an effect on the Board and Council's relationship with manawhenua.
- 12.3 If the Te Reo Māori names are chosen then the developer may complain that their suggestions were ignored.
- 12.4 These risks can be mitigated by giving the decision due consideration and clearly documenting the decision and reasons for that decision.

#### 13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 13.1 Not relevant to this report.

#### 14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

Not applicable to this decision.

#### 15. Conclusion / Kupu Whakatepe









- 15.1 The names requested comply with several clauses of the Council's Street Naming Policy. However, in meeting Council's consultative obligations it has been established that Manawhenua Ki Mohua do not support the proposed names.
- 15.2 The addition of Te Reo Māori versions of the names will meet more clauses of the Policy, including cultural heritage.

- 15.3 Rather than reject the names outright, Manawhenua Ki Mohua have provided alternative names that have been put to the developer. The indicative response from the developer to date is a preference to retain their original suggested names.
- 15.4 If the Board decides to approve the names as proposed, it is likely that decision would not meet the expectations of Manawhenua Ki Mohua. On the other hand, if the Board rejects the proposed names, in favour of the alternatives suggested by Manawhenua Ki Mohua, it is not clear how the developer would respond.
- 15.5 The Board is able to refer the matter back to Council if it is not comfortable with making a decision.

## 16. Next Steps and Timeline / Ngā Mahi Whai Ake

- 16.1 If the Community Board makes a decision on the street names, the applicant will be notified, and relevant staff will complete the street naming process.
- 16.2 If the Board decides not to name these streets, the matter will be referred to Council.

## 17. Attachments / Tuhinga tāpiri

- |    |   |  |    |
|----|---|--|----|
| 1. |       | Street Naming Policy                                     | 13 |
| 2. |   | Suggested Te Reo Street Names from Manawhenua Ki Mohua   | 21 |
| 3. |   | Road naming application Richmond Pōhara Holdings Limited | 22 |
| 4. |   | Richmond Road Pōhara Subdivision Scheme                  | 25 |



# STREET NAMING POLICY

## 2022 – 2024



# STREET NAMING POLICY

Policy References	
Legal compliance	<p>Local Government Act 1974 Section 319 (1) (j) and 319(A)</p> <p>Flags, Emblems and Names Protection Act 1981</p> <p>AS/NZS 4819:2011 Rural and Urban Addressing</p> <p>Nelson Tasman Land Development Manual 2020</p>
Associated documents and references	<p>Tasman Resource Management Plan</p> <p>Tasman District Council Street Name Blade Specification</p>

## 1. PURPOSE

1.1. This operational policy specifies Council's requirements for the naming of roads and private access ways within the District required for the proper and safe addressing of properties.

## 2. SCOPE

2.1. This operational policy applies where a proposed road is being created through subdivision development; the formation of an existing unformed legal road; the naming of an existing unnamed road; and the renaming of a road.

2.2. Clause 2.1 applies equally to qualifying private access ways.

## 3. DEFINITIONS

3.1. **Council** means Tasman District Council

3.2. **Road** has the same meaning as in the Local Government Act 1974.

3.3. **Private Access Way**, for the purpose of this policy, means a properly constructed private road, or a registered right-of-way serving five or more properties.

## 4. POLICY

### 4.1. GENERAL

4.1.1. The naming of roads and private access ways provides for a unique address to enable a property to be identified and serviced for electricity, communication services, mail and deliveries.

The Council is responsible for the naming of roads and private access ways and assigning each property a street number.

4.1.2. Council accepts name suggestions from community groups and residents for naming roads and private access ways at any time, but Council reserves the right to use any name it so chooses.

### 4.2. ROADS THAT REQUIRE NAME

4.2.1. Newly formed public roads vested in Council shall be named, including those to be maintained privately.

4.2.2. Formed private access ways may also be named to ensure uniformity, uniqueness, and make certain correct identification, subject to the applicant agreeing to meet the signage installation costs.

4.2.3. Where the road forms an extension to, or is a continuation of, an existing named road or access way, the current road name will automatically apply in accordance with AS/NZS 4819:2011.

### 4.3. APPLYING FOR ROAD NAMES – FIRST STEPS

4.3.1. Any person wishing to name a road should consult any affected property owners serviced by, or to be serviced by, the road concerned, and be able to provide evidence of such consultation.

4.3.2. Any road name offered should comply with the guidelines in Appendix 1.

4.3.3. Applicants are encouraged to consult iwi when proposing road names and are expected to where a

## Street Naming Policy (cont.)

name in Te Reo Māori is proposed. This should be done as soon as possible to avoid delays, and evidence of consultation should be provided. The names must be appropriate, spelt correctly, interpreted correctly and be respectful to Māori culture and traditions.

4.3.4. The Council will provide iwi with the opportunity to provide comment on any road naming proposal.

4.3.5. Where more than one road is to be named, choose a common theme for the names. Where an established theme exists in the area, the new road names should, preferably, be consistent with this theme.

### 4.4. CHANGING EXISTING ROAD NAMES

4.4.1. A name change will be made only if Council considers the change will result in a clear benefit to the community.

4.4.2. Reasons for changing road names may include:

4.4.2.1. Correction of spelling

4.4.2.2. Elimination of duplication of spelling or sound creating confusion with existing road names

4.4.2.3. Prevention of confusion arising from changes to road layout

4.4.2.4. Correction of geographical or cultural errors

4.4.2.5. Assigning different names to either end of a road where a permanent, impassable section separates them.

### 4.5. SUBMIT THE FOLLOWING INFORMATION TO COUNCIL

4.5.1. Any person wishing to name a road or private access way must complete an application form, see Appendix 3, and submit it to the Council. Where this happens as part of the subdivision process, the application should be lodged prior to submitting the s 223 survey plan.

4.5.2. Each application should be accompanied by a map identifying all public roads, private access ways and private access lots within the area of interest, annotated with the proposed status of each road. This includes road to vest in Council, private access lots, private rights-of-way, identifying any staging of development.

4.5.3. Requests for road names must include three preferred names in order of preference, for **each** road shown on the map submitted with the application.

4.5.4. A reason must be given for each name choice consistent with the guidelines in Appendix 1.

### 4.6. REQUIREMENTS

4.6.1. Names must not duplicate existing names in the Tasman, Nelson or Buller Districts. This includes spelling, pronunciation and names with different type designations. Names will be checked by Council for any duplication.

4.6.2. The road type must conform to the definitions in Appendix 2 of this policy.

### 4.7. STYLE GUIDE

4.7.1. All road name decisions are entirely at the discretion of Council whether for reasons of policy or other considerations.

4.7.2. Names should be easy to spell and pronounce and have an appropriate meaning. Unduly long, cumbersome or difficult to pronounce names will be rejected. Names must not be offensive, insensitive, or ambiguous.

4.7.3. Names shall not use of the possessive, i.e., 's or s'

4.7.4. Names should be 15 characters or fewer including spaces, but not including the road type. In exceptional circumstances, longer names may be accepted.

4.7.5. Names are to either in English or Te Reo Māori, not both because of space reasons. Te Reo Māori names should be in the relevant dialect and phonetic style.

4.7.6. Names with few characters should be chosen for short roads for map labelling purposes.

4.7.7. The cardinal points of the compass as a prefix or suffix should generally not be used.

4.7.8. Hyphens, apostrophes and diacritical marks should be avoided where possible. Te Reo Māori names which require diacritical marks to preserve the correct meaning are an exception.

4.7.9. In general, roads should not be named for commercial organisations or living persons. Road names should not be anagrams, amalgamations, or derivations of the names of living people.





## Street Naming Policy (cont.)

### 4.8. THE NAMING DECISION

4.8.1. Where a Community Board exists within Tasman District, Council has delegated the power to accept or reject new road names to the Community Board. If Community Boards cannot reach an agreement to name a road which crosses a Ward boundary, Council will decide in consultation with the Community Boards concerned.

4.8.2. Roads not in areas under the jurisdiction of a Community Board shall be named under delegated authority as provided for in the Council's Delegation Register or through the Regulatory Committee as required.

4.8.3. The Asset Information Officer will notify Land Information NZ (LINZ), Quotable Value (QV), the Council Rates and Database Information Officers, and all emergency services in the area, of the road name, and arrange for allocation of street numbers where necessary.

### 4.9. SIGNAGE

4.9.1. Where Council approves a road name in a subdivision, a standard Council road sign will be created and erected at the applicant's expense. This obligation will usually be a condition in the subdivision resource consent and must be complied with prior to the Section 224 certificate issue.

4.9.2. All signage must comply with the standards specified in the *Nelson Tasman Land Development Manual* and the Council's *Street Name Blade Specification*, including location and installation,

4.9.3. In the case of a private road or right of way, Pvt shall follow the name on the sign. The sign may include the first and last property numbers along the road

4.9.4. Council will maintain all Council-approved road name signs.

## APPENDIX 1

# GUIDELINES FOR CHOOSING A ROAD NAME

Road names should be chosen from the following categories and meet the criteria as set out in this policy.

### 1.1. HISTORY

1.1.1. The name of a person, event, industry or activity associated with the area. Such names may include early inhabitants and early notable people associated with the place.

1.1.2. The family name of the former owner of a farm or property, or the name of the farm or property where an historical context can be established.

### 1.2. CULTURE

1.2.1. This category includes Māori and Non-Māori heritage precincts, sites or tracks, or the traditional Māori name of an area.

1.2.2. An example of social or cultural heritage of other nationalities exists in the Upper Moutere where German heritage is recognised in names.

### 1.3. GEOGRAPHY

1.3.1. This category includes geographical, topographical, geological and landscape features.

1.3.2. Native flora and fauna are included in this category, especially where they are widespread, plentiful or unique to the area.

1.3.3. Descriptors of views must be easily identifiable.

### 1.4. THEME (COMMON OR ESTABLISHED)

1.4.1. Where a development creates more than one road, a common theme is recommended for names.

1.4.2. Where a theme exists already, new road names should continue with this theme.

### 1.5. NOTEWORTHY PERSONS

1.5.1. This category includes persons who made a notable contribution to the area or District and are no longer living. The contribution may have been in the field of commerce, community service, conservation, education, local government, medicine, military service, sport, or science, for example.



## APPENDIX 2

# ROAD TYPES

The designation of road type shall conform to Appendix B of AS/NZS 4819:2011, and be selected from the following terms:

Designation	Abbreviation	Description
Ara	Ara	Te reo description of pathway or trail which can be used to connect places
Avenue	Ave	A broad, straight road with trees or other objects at regular intervals
Boulevard	Bvd	A broad main road, often planted with trees and grass plots
Close	Cl	A short, enclosed road
Corner	Cnr	A meeting of two or more roads with a significant identity
Court	Ct	A short, enclosed road
Crescent	Cres	A crescent or half-moon shaped road, beginning and ending on the same road
Crest	Cst	A road running along the top or summit of a hill
Drive	Dr	An especially scenic road. A main connecting route within a suburb or subdivision
Esplanade	Esp	A long, open, level area, typically beside the sea, along which people may walk for pleasure
Expressway	Exp	An urban motorway
Glade	Gld	A road, usually in a valley of trees
Glen	Gln	A road running through a narrow valley
Grove	Grv	A road featuring a copse of trees along the road or nearby
Heights	Hgts	A road traversing high ground
Highway	Hwy	
Lane	Lane	A narrow way, path, or country road. A narrow passage between hedges for buildings, an alley
Parade	Pde	A public promenade or road with good pedestrian facilities along the sides
Place	Pl	A short, sometimes narrow, enclosed road
Plaza	Pl	A public square, marketplace, or similar open space in a built-up area. A shopping centre



## Road Types (cont.)

Designation	Abbreviation	Description
Quay	Qy	A road running along the waterfront
Ridge	Rdg	A road running along the top of a hill or ridge
Rise	Rise	A road leading to a higher place or position
Road	Rd	A route or way between places
Street	St	A township carriageway with buildings, usually on both sides
Terrace	Tce	A road, usually with houses on either side, raised above the road level
Track	Trk	A narrow country road that may end in pedestrian access
View	View	A road commanding a wide panoramic view across the surrounding area
Way	Way	A short, enclosed road

The following are suitable designations for particular road types:

Road Type	Designation
Cul-de-sac, a short dead-end road with a turn-around area at the end	Close, Court, Place, Way
Wide, spacious road	Avenue, Boulevard, Esplanade, Parade
Narrow road	Lane, Track
Right-of-way	Way
Associated with high ground	Crest, Heights, Rise, Ridge, Terrace, View
Associated with low ground	Glade, Glen, Grove
Tree-lined road	Avenue, Glade, Grove



## Application to Name or Rename a Road or Access Way

Applicant name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Address: \_\_\_\_\_

Valuation Assessment of Parent Title (if a subdivision): \_\_\_\_\_

Resource Consent number: \_\_\_\_\_ Name of closest road: \_\_\_\_\_

Current name of road (if applicable): \_\_\_\_\_

### Proposed names in order of preference

① Name: \_\_\_\_\_

Reason: \_\_\_\_\_

② Name: \_\_\_\_\_

Reason: \_\_\_\_\_

③ Name: \_\_\_\_\_

Reason: \_\_\_\_\_

### Details of any consultation and the results of that consultation:

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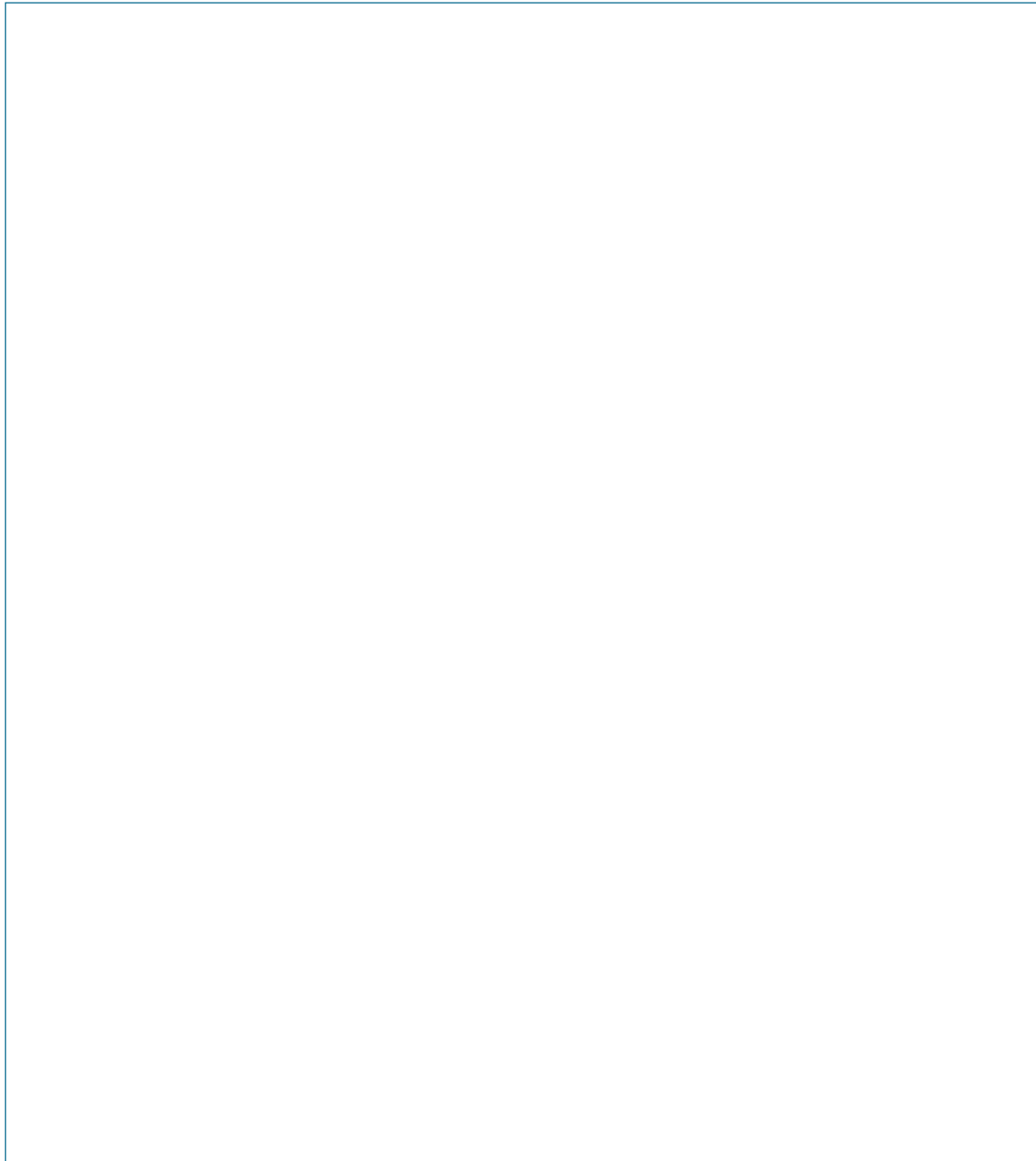
### Liability for installation cost for private access way (to be completed by the liable person)

I, \_\_\_\_\_ agree to pay the installation cost when invoiced by Council.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Billing address: \_\_\_\_\_

Please attach a sketch or map showing the roads to be named and the proposed location of the sign:




*Feel free to contact us:*

**Tasman District Council**  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [tasman.govt.nz](http://tasman.govt.nz)  
24 hour assistance

**Richmond**  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
Phone 03 543 8400

**Murchison**  
92 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 523 1013  
Fax 03 523 1012

**Motueka**  
7 Hickmott Place  
PO Box 123  
Motueka 7143  
New Zealand  
Phone 03 528 2022

**Tākaka**  
78 Commercial Street  
PO Box 74  
Tākaka 7142  
New Zealand  
Phone 03 525 0020

**tasman** Te Kaunihera o Tasman



**Attachment Four.**

Te Reo road names provided by email by members of Manawhenua Ki Mohua for the developer of Richmond Road subdivision.

**From:** Talia Lynch <[talia@takakapriamary.school.nz](mailto:talia@takakapriamary.school.nz)>  
**Sent:** Wednesday, March 6, 2024 6:55:32 PM  
**To:** Renee Thomas <[Renee.Thomas@tasman.govt.nz](mailto:Renee.Thomas@tasman.govt.nz)>  
**Subject:** Star Names

Kia ora Renee,

These went out to the MKM people at the hui via email. Sorry for the delay I thought Margie was sending them to you and she thought I was

Here are some suggestions based on finding a Māori word / association to what they are put forward:

Matariki  
Taniwha  
Tautoru  
Māhutonga  
Nakahia  
Waka

Here are some based on stars:

Matariki  
Māhutonga - Southern Cross  
Autahi - Canopus, the brightest star  
Tautoru - orions belt  
Ranginui - Beta Centauri (closest pointer)  
whetu - star

--

Mauri ora,

***Talia Lynch***

***Deputy Principal***

*He Puawaitanga Leader*

*Kāhui Ako Ki Mohua Across School Kaiako*

*Sports Coordinator*

## **Road naming application**

28/09/2023  
Richmond Pohara Holdings  
c/o Darrin Canton  
Director  
Land Development Consultant  
Staig & Smith  
81 Selwyn Place  
Nelson

Richmond Pohara Holdings are nearing completion of Stages 1 and 2 of their development at Richmond Road, Pohara and have requested that we submit road names to Council for consideration and approval. They have asked that names be considered for all six of the roads that will be constructed as part of SH180012 at once, as they have settled on a star constellation theme for the naming of the roads – all of which are visible from Pohara.

Included below is a list of the preferred names for the six roads within the development with a description of each constellation. The road numbers relate to the attached scheme plan for the development which forms part of the subdivision consent documents.

### **Road 1**

#### ***Centaurus Rise***

Centaurus is a bright constellation in the southern sky. One of the largest constellations, Centaurus was included among the 48 constellations listed by the 2nd-century astronomer Ptolemy, and it remains one of the 88 modern constellations.

### **Road 2**

#### ***Chamaeleon Lane***

Chamaeleon is a small constellation in the deep southern sky. It is named after the chameleon, a kind of lizard. It was first defined in the 16th century.

### **Road 3**

#### ***Antlia Lane***

Antlia is a constellation in the Southern Celestial Hemisphere. Its name means "pump" in Latin and Greek; it represents an air pump. Originally Antlia Pneumatica, the constellation was established by Nicolas-Louis de Lacaille in the 18th century.

### **Road 4**

#### ***Sculptor Lane***

Sculptor is a small and faint constellation in the southern sky. It represents a sculptor. It was introduced by Nicolas Louis de Lacaille in the 18th century. He originally named it Apparatus Sculptoris, but the name was later shortened.

### **Road 5**

#### ***Crux Lane***

Crux is a constellation of the southern sky that is centred on four bright stars in a cross-shaped asterism commonly known as the Southern Cross. It lies on the southern end of the Milky Way's visible band. The name Crux is Latin for cross.

### **Road 6**

#### ***Hydra Lane***

Hydra is the largest of the 88 modern constellations, measuring 1303 square degrees, and also the longest at over 100 degrees. Its southern end borders Libra and Centaurus and its

northern end borders Cancer. It was included among the 48 constellations listed by the 2nd century astronomer Ptolemy.

If any of the above names are considered inappropriate there are two alternative names below that can be substituted for any of the above.

Vela

Vela is a constellation in the southern sky, which contains the Vela Supercluster. Its name is Latin for the sails of a ship, and it was originally part of a larger constellation, the ship Argo Navis, which was later divided into three parts, the others being Carina and Puppis

Pyxis

Pyxis is a small and faint constellation in the southern sky. Abbreviated from Pyxis Nautica, its name is Latin for a mariner's compass. Pyxis was introduced by Nicolas-Louis de Lacaille in the 18th century and is counted among the 88 modern constellations. The plane of the Milky Way passes through Pyxis.

Thank you.

Best Regards

**Darrin Canton**

Director • Land Development Consultant • 0274 588 858



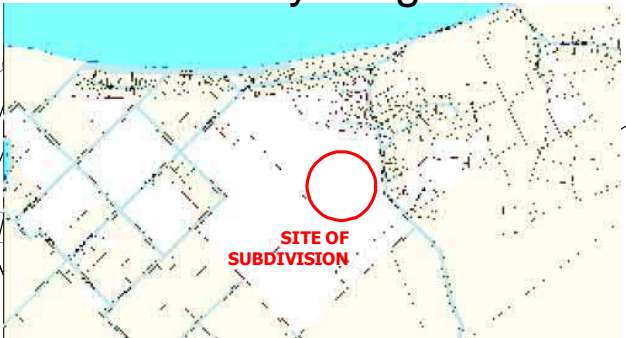
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248 Montreal St, Christchurch • **81 Selwyn Place, Nelson** • 0800 807 818





Locality Diagram



Notes:

**Warning**

This Plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to sales & purchase agreements without an appropriate condition to cover such variations.

**This Subdivision was approved as**

**a.....**  
**Activity on the .....day of.....**  
**20.... subject to the conditions noted in**  
**the file.**

.....  
**SUBDIVISION OFFICER**

Comprised in : CT 724177

Applicants:

Richmond Pohara Holdings Ltd.

Job Title:

Richmond Pohara  
Holdings Ltd.  
Richmond Road  
Pohara Golden Bay

Drawing Title:

**Resource Consent  
Application Plan**

Plan Information:

Scale: @ A3= 1: 1000  
0m 10m 20m 30m 40m  
Note: Adobe PDF Prints can be scale distorted due to different printer margins

Job No. 8913 CAD File No. 8913-02 Sheet 1 of 4

Issue No. 7 Drawn SA Date 03/07/2018

Amendments

Concept Developed by:

**STAIG & SMITH LTD**  
ENHANCING THE LAND  
81 Selwyn Place  
PO Box 913 Nelson  
Ph: 03 548 4422  
Fax: 03 548 4427  
e-mail: enquiries@staigsmith.co.nz  
**SURVEYING-PLANNING-ENGINEERING-RESOURCE MANAGEMENT**

See Sheet 2  
for details of Lots 35-73 & 75-77  
See Sheet 3  
for extent of Lot 74, Staging  
and Existing Easements  
See Sheet 4  
for Contour information

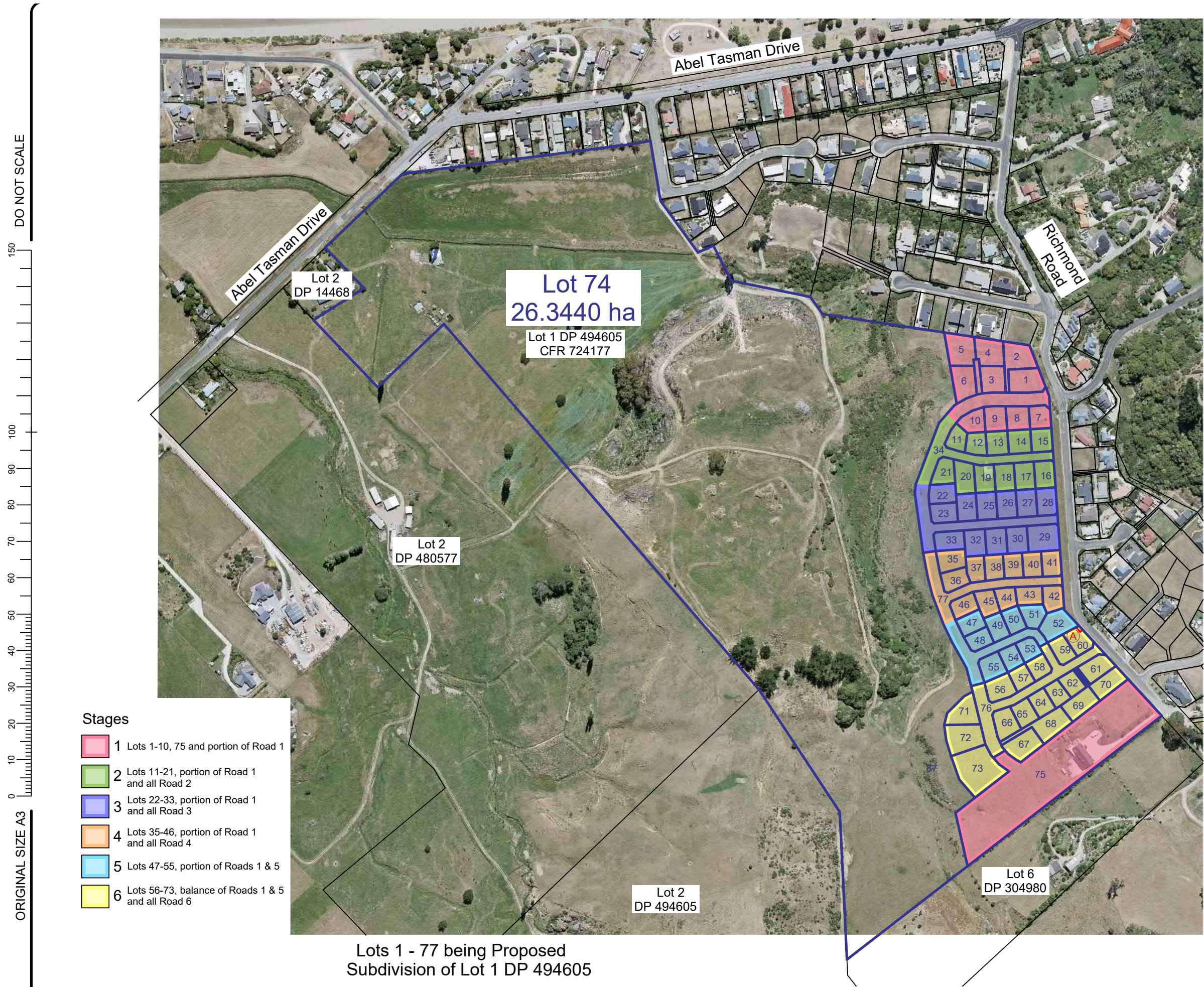
Proposed Easements			
Purpose	Shown	Owners	Users
Right of Way, Water Stormwater, Sewer, Power & Telephone	A	Lots 4 & 5 hereon	Lots 4 & 5 hereon

Lots 1- 77 being Proposed Subdivision of Lot 1 DP 494605









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**Notes**

**Warning**

This plan has been prepared for the purpose of a Resource Consent Application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to sales and purchase agreements without an appropriate condition to cover such variations.

Comprised in: CFR 724177

Applicant: Richmond Pohara Holdings Ltd

**Job Title**

**Richmond Pohara Holdings Ltd**  
**Richmond Road, Pohara**

**Drawing Title**

**Resource Consent Subdivision Staging**

Plan Information		
Job No:	Scale:	
8913	1:4000 at A3	
Issue:	Sheet	Design
7	Sheet 3 of 4	
Issue Date	Drawn	
03/07/2018	SA	
Amendment	Date	

Concept Developed by

**STAIG & SMITH LTD**

81 Selwyn Place  
PO Box 913 Nelson

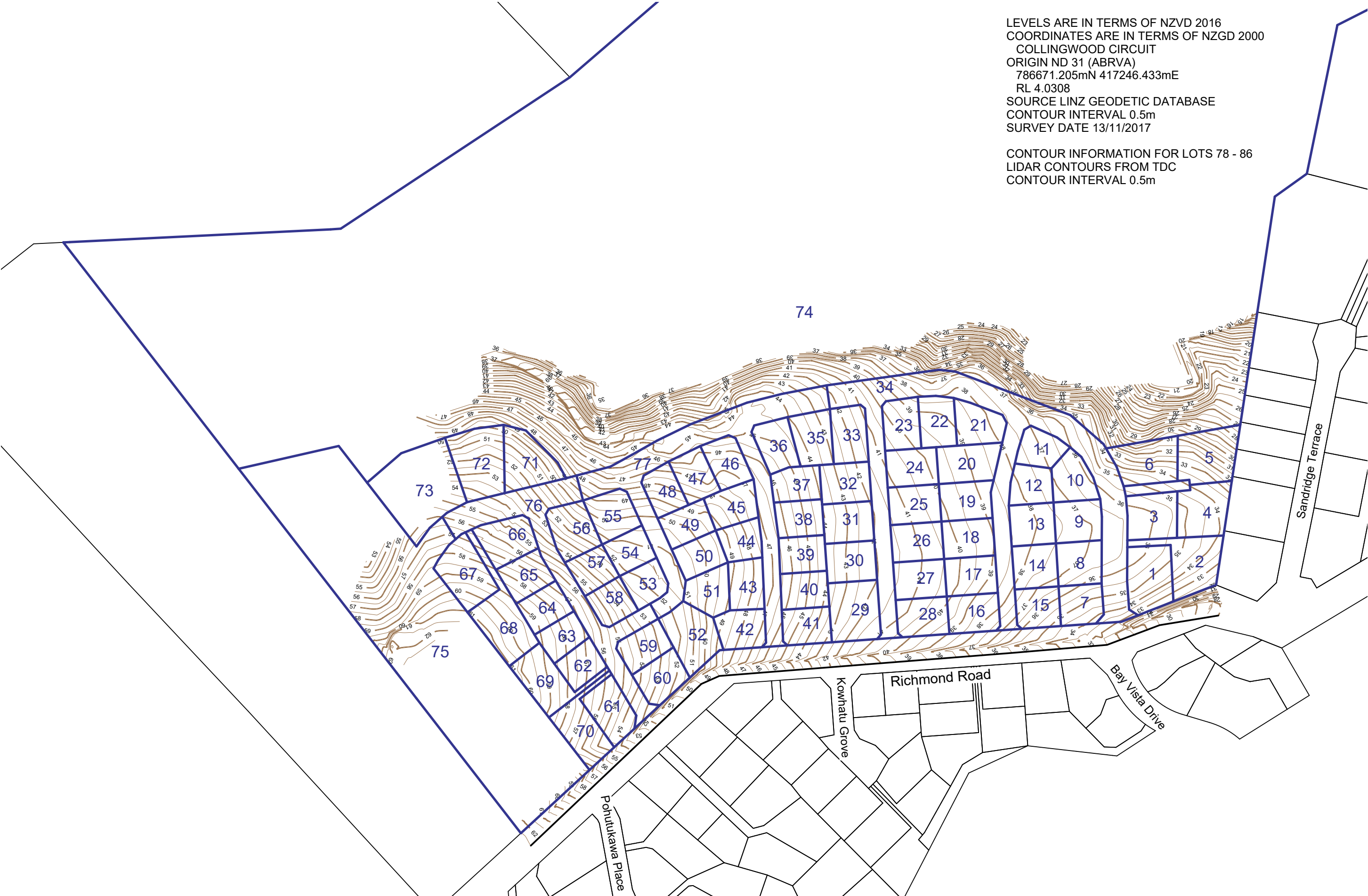
Ph: 03 548 4422  
Fax: 03 548 4427  
e-mail: enquiries@staigsmith.co.nz


**SURVEYING-PLANNING-ENGINEERING-RESOURCE MANAGEMENT**



LEVELS ARE IN TERMS OF NZVD 2016  
COORDINATES ARE IN TERMS OF NZGD 2000  
COLLINGWOOD CIRCUIT  
ORIGIN ND 31 (ABRVA)  
786671.205mN 417246.433mE  
RL 4.0308  
SOURCE LINZ GEODETIC DATABASE  
CONTOUR INTERVAL 0.5m  
SURVEY DATE 13/11/2017

CONTOUR INFORMATION FOR LOTS 78 - 86  
LIDAR CONTOURS FROM TDC  
CONTOUR INTERVAL 0.5m



 <div>81 Selwyn Place, Nelson 248 Montreal St, Christchurch  Ph: 0800 807 818 www.staigsmith.co.nz enquiries@staigsmith.co.nz</div>			JOB/CLIENT Richmond Pohara Holdings Ltd Richmond Road, Pohara	DRAWING Resource Consent Contour Plan	Survey: Drawn: SA Checked: Approved:	ISSUE 7	PROJECT NO. 8913	SHEET 4
						DATE 03 Jul 2018	SCALE (A3)	
						Hz 1:2000		



## 8.2 ADOPTION OF GOLDEN BAY COMMUNITY BOARD CODE OF CONDUCT 2024

Decision Required

<b>Report To:</b>	Golden Bay Community Board
<b>Meeting Date:</b>	8 April 2024
<b>Report Author:</b>	Jennie McFarlane, Legal & Democracy Services Manager
<b>Report Authorisers:</b>	Joanna Cranness, People, Safety & Wellbeing Manager
<b>Report Number:</b>	RGBCB24-04-6

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

- 1.1 To adopt the proposed Golden Bay 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 Golden Bay Community Board Code of Conduct 2024 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 Golden Bay Community Board**

- receives the Adoption of Golden Bay Community Board Code of Conduct 2024 report; and**
- in accordance with Schedule 7, Part 1 Clause 15 of the Local Government Act 2002, adopts the proposed Golden Bay Community Board Code of Conduct 2024 (Attachment 2 to the agenda report).**

### 4. Background / Horopaki

- 4.1 The Golden Bay Community Board voted on adopting an updated Code of Conduct in October 2019. A copy of the code is attached to this report.

- 4.2 On 12 February 2024, the Golden Bay Community Board held a workshop to consider its code of conduct and gave direction to staff to prepare a new Code of Conduct based on the new Local Government New Zealand (LGNZ) template and the Code adopted by Council in 2023, subject to some amendments. The resulting proposed 2024 code of conduct (**Attachment 2**) is now presented for formal consideration by the Board.
- 4.3 The Local Government Act 2002 specifies certain matters which a code of conduct needs to contain, which is covered in section 7 of this report. Using the LGNZ template for the code ensures that the legislative requirements are met.

## 5. Analysis and Advice / Tātaritanga me ngā tohutohu

- 5.1 The Board's 2019 code of conduct includes a process for dealing with breaches of the code of conduct. However, the Council adopted a Policy for Investigation and Ruling on Alleged Breaches of the Code of Conduct 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. This has been a new development for this triennium where LGNZ provided templates both for a code of conduct and for a complaints policy.
- 5.2 The Board's proposed 2024 code does not make provision for complaints and breaches as this is covered in the Council Policy. Should the Board decide to continue with the 2019 Code of Conduct, then the Council Policy will over-ride the complaints process in the 2019 Code. 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.
- 5.3 Continuing to have sections on complaints and breaches in a Board's code of conduct will creates confusion, given the Council's Policy now applies. It is noted that the Council's Policy makes provision for the Board Chair to be involved in complaints related to a board member and there is also nothing to stop earlier resolution of issues and complaints prior to any formal process.

## 6. Options / Kōwhiringa

- 6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Adopt the proposed 2024 code of conduct as attached	The Board will have an updated code of conduct. It reflects the latest LGNZ template and best practice and does not include a complaints and breaches process so better aligned with Council's Policy and also with the Code of Conduct adopted by Council in 2023	None identified

Option		Advantage	Disadvantage
4.	Decline to adopt the proposed 2024 code of conduct	None identified	The current code remains in force however it does not reflect the latest LGNZ template and best practice and still refers to a complaints and breaches process which will no longer apply

6.2 Option one 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 meets the requirements of the Act,.

## 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. The Board's proposed 2024 code includes this provision as well.

## 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	
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 Golden Bay Community Board already has a code of conduct. The decision today is whether to replace the current code with an amended version based on the latest LGNZ template.

13.2 Staff have reviewed the proposed 2024 code and advise that it does currently meet the requirements of the Act.

## 14. Next Steps and Timeline / Ngā Mahi Whai Ake

14.1 If adopted, the proposed 2024 code will become the Golden Bay 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.   | Golden Bay Community Board Code of Conduct 2019                  | 34 |
| 2.   | DRAFT Golden Bay Community Board Code of Conduct (February 2024) | 71 |



## **Tasman District Council**

# **Code of Conduct**

**Adopted on 24 October 2019**

## Contents

1.	Introduction .....	4
2.	Scope .....	5
3.	Values .....	6
4.	Role and responsibilities.....	6
4.1	Members .....	7
4.2	Chief Executive .....	7
5.	Relationships .....	7
5.1	Relationships between members.....	8
5.2	Relationships with the Chief Executive and staff.....	8
5.3	Relationship with the public .....	9
5.4	Complaints from the public.....	9
6.	Media (including social media).....	9
6.1	Media contact on behalf of the Council.....	10
6.2	Media comment on a member's own behalf.....	10
6.3	Internet and Social media use.....	10
7.	Information.....	10
7.1	Confidential information.....	11
7.2	Information received and held in capacity as an elected member .....	11
7.3	Information about potential (threatened) or actual claims against or by Council	11
8.	Conflicts of Interest .....	12
9.	Register of Interests .....	13
10.	Ethical behaviour .....	14
10.1	Undischarged bankrupt .....	14
11.	Creating a supportive and inclusive environment .....	14
12.	Dress Code .....	15
13.	Disqualification of Members from Office.....	15
14.	Breaches of the Code .....	15
14.1	Principles: .....	15
14.2	Code of conduct complaints.....	16
14.3	Investigation, advice and decision.....	16
14.4	Materiality .....	16

15. Penalties and actions.....	17
15.1 Material breaches.....	17
15.2 Statutory breaches .....	17
16. Review .....	18
Appendix A: Legislation bearing on the role and conduct of elected members .....	19
The Local Authorities (Members’ Interests) Act 1968 .....	19
Local Government Official Information and Meetings Act 1987 .....	21
Secret Commissions Act 1910.....	22
Crimes Act 1961 .....	22
Financial Markets Conduct Act 2013 .....	22
The Local Government Act 2002.....	22
Health and Safety At Work Act 2015 .....	23
Protected Disclosures Act 2000 .....	24
Appendix B: Process for the determination and investigation of complaints.....	25
Appendix C: Conflicts of Interest .....	29
Appendix D: Elected Member Internet and Social Media Guidelines .....	34
Guidelines for work related use.....	34
When to use social media.....	34
Other key differences to consider are: .....	34
Consider the benefits of engaging with social media.....	34
Consider the risks and implications of engaging with social media .....	35
Engaging online .....	35
Personal use of social media.....	36



## **1. Introduction**

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

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

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

Where referred to in the Code:

- The 'governing body' consists of the Mayor and members elected in accordance with the Local Electoral Act 2001 and responsible, and democratically accountable for, the decision-making of Council.
- A 'community board' consists of the members of each board elected in accordance with the Local Electoral Act 2001, and members of the governing body appointed to that board.

The Code applies to all members of the governing body and community boards, with any modifications necessary to reflect, where appropriate, that a reference to the Council is also a reference to the community board.

## **2. Scope**

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any community boards. The Code is designed to deal with the behaviour of members towards:

- Each other (including any appointees to committees and Community Boards);
- The Chief Executive and staff;
- The media; and
- The general public.

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

Community boards are expected to adopt this Code without amendments to ensure consistency across the organisation.

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

### 3. Values

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

1. **Public interest:** members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly (including by attempting to advance their own interests or to influence staff to do so) and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values are intended to provide general guidance and an interpretative aid for the rest of the Code. They complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

### 4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the Council and those responsible for advice and the implementation of Council decisions. The key roles are:

#### **4.1 Members**

The role of the governing body includes:

- representing the interests of the people of the city, district or region;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the Council's resources;
- employing and monitoring the performance of the Chief Executive; and
- ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

#### **4.2 Chief Executive**

The role of the Chief Executive includes:

- implementing the decisions of the Council;
- ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- 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 Council; and
- employing staff on behalf of the Council (including negotiation of the terms of employment for those staff).

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

### **5. Relationships**

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

### **5.1 Relationships between members**

Given the importance of relationships to the effective performance of the Council, elected members should behave in a professional, respectful, and appropriate way towards one another at all times, including by conducting their dealings with each other in a manner that:

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

Please note that nothing in this section of the Code is intended to limit robust debate within the Council as long as it is conducted in a respectful and insightful manner.

### **5.2 Relationships with the Chief Executive and staff**

An important element of good governance involves the relationship between the Council, its Chief Executive and Council staff. Elected members should behave in a professional, respectful, and appropriate way towards staff at all times, including:

- Raising any concerns about employees, officers or contracted officials with the Chief Executive (recognising that the Chief Executive is the employer of all Council employees, and as such only the Chief Executive or his or her delegated appointees may hire, dismiss, instruct, or censure an employee);
- Raising any concerns about the performance or behaviour of the Chief Executive with the Mayor/chair or the chairperson of the Chief Executive performance review committee (however described);
- Making themselves aware of the obligations that the Council and the Chief Executive always have as employers and observe those requirements — such as duties to be a good employer and to provide a workplace free from harm including by taking steps to identify and prevent bullying and harassment of any kind;
- Treating all employees with courtesy and respect and avoid publicly criticising any employee;
- Observing any protocols put in place by the Chief Executive concerning contact between members and employees;
- Avoiding doing anything which might compromise, or could be seen as compromising, the impartiality of an employee;

- Participating, when asked, in any investigation by the Chief Executive about complaints made by staff in relation to member conduct.

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

### **5.3 Relationship with the public**

Given the vital role that democratic local government plays in our communities it is important that Councils have the respect and trust of their citizens. Elected members should behave in a professional, respectful, and appropriate way towards the public at all times, including by:

- Interacting with members of the public in a fair, respectful, equitable and honest manner;
- Being available to listen and respond openly and honestly to community concerns;
- Considering all points of view or interests when participating in debate and making decisions;
- Treating members of the public in a courteous manner; and
- Acting in a way that upholds the reputation of the local authority.

### **5.4 Complaints from the public**

There will times when members are given information or asked to enquire into the behaviour, actions, or decisions of staff. Elected members should listen to these approaches fairly and objectively, seek clarification, and report them to the Chief Executive or relevant second tier manager as appropriate.

## **6. Media (including social media)**

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role, the media needs access to accurate and timely information about the affairs of Council.

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. When responding to requests for comment members must be mindful that operational questions should be referred to the Chief Executive and policy-related questions referred to the Mayor, or the member with the appropriate delegated authority. A members' ability to provide personal views to the media does not override their other obligations in the Code, such as in relation to staff relationships and confidential information.

When speaking to the media more generally members will abide by the following provisions:

#### **6.1 Media contact on behalf of the Council**

- The Mayor or chairperson is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the Mayor/chair is absent requests for comment will be referred to the deputy Mayor/chair or relevant committee chairperson or portfolio holder;
- The Mayor/chair may refer any matter to the relevant committee chairperson or to the Chief Executive for their comment; and
- No other member may comment *on behalf of the Council* without having first obtained the approval of the Mayor/chair.

#### **6.2 Media comment on a member's own behalf**

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

- Comments must not state or imply that they represent the views of the Council;
- Comments which are contrary to a Council decision or policy must clearly state that they do not represent the views of the majority of members;
- Comments must be consistent with the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff; and
- Comments must not be misleading and should be accurate within the bounds of reasonableness.

#### **6.3 Internet and Social media use**

Appendix D of the Code sets out the Code's Internet and Social Media guidelines. Members must fully acquaint themselves, and adhere strictly to, these guidelines.

Any failure by members to meet any of the standards set out above represents a breach of the code.

### **7. Information**

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

### **7.1 Confidential information**

In the course of their duties members will receive information, whether in reports or through debate, that is confidential. Confidential information includes information that officers have judged there is good reason to withhold under sections 6 and 7 of the Local Government Official Information and Meetings Act 1987 (LGOIMA). This will often be information that is either commercially sensitive or is personal to a particular individual. The Chief Executive is responsible for decisions around the release or withholding of this information under LGOIMA.

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

### **7.2 Information received and held in capacity as an elected member**

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

Members should also be aware that as elected members they are accountable to the public and that all official information held by themselves whether on Council equipment or their own personal equipment is subject to LGOIMA. Official information, if sought as part of a request, must be made available to the Chief Executive (or their nominee) so that it can be assessed in terms of the requirements of LGOIMA for possible release or eligibility to be withheld.

Members who are offered information by external parties on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information to the Chief Executive and will decline the offer if that duty is likely to be compromised.

### **7.3 Information about potential (threatened) or actual claims against or by Council**

Members must take particular care where they become aware of information about potential (threatened) or actual claims made either against or by the Council to avoid prejudicing Council's position with its insurers.

For insurance purposes, members are treated the same way as Council staff. This means members must notify the Chief Executive if they become aware of:

- An occurrence which may give rise to a claim;
- Notice, whether written or oral, of an intention to make a claim; and/or
- Any claim made against the Council.

When faced with any of the above situations, members must not:



- admit any liability for, or settle, or make or promise any payment, in respect of any claim which may be the subject of indemnity cover;
- incur any costs or expenses in connection with any such matter without the express written approval of the Chief Executive;
- disclose any information that he or she may have received by way of confidential briefings on any litigation matter.

Failure to observe this protocol could result in personal liability for members and may result in Council's insurer declining to indemnify the Council.

**Please note:** failure to observe these provisions may impede the performance of the Council by inhibiting information flows and undermining public confidence. It may also expose the Council to complaints under the Privacy Act and/or civil litigation.

## 8. Conflicts of Interest

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

Schedule C of the Code sets out the Code's conflict of interest requirements. Members must fully acquaint themselves, and adhere strictly to, these requirements.

Ultimately, it is up to each member's own judgement as to whether they have an interest that needs to be disclosed or declared, and what action they take (if any) as a consequence.

The requirements cover two classes of conflict of interest:

- **A financial conflict of interest:** is one where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss to an elected member (or their spouse or partner).

A financial conflict of interest need not involve cash changing hands directly. It could, for example, relate to an effect on the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in.

There are particularly strict provisions (and penalties) relating to dealing with a financial conflict of interest (see Appendix C).

- **A non-financial conflict of interest** does not have a personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

Members are required to complete declarations of interest following their inauguration, and to update their declarations 6-monthly and as their circumstances change.

Any failure by members to adhere to the Code's requirements around conflict of interests represents a breach of the Code.

**Please note:** Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 (LAMIA) could potentially invalidate the decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (see Appendix C). In the event of a conviction, elected members can be removed from office.

## 9. Register of Interests

Members shall make a declaration of interest every 6 months and as their circumstances change. These declarations are recorded in a Register of Interests maintained by the Council and available for public inspection upon request. The declaration must include information on the nature and extent of any interest, including:

- a) Any employment, trade or profession carried on by the member or the members' spouse for profit or gain;
- b) Any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) The address of any land owned by the local authority in which 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, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee;
- e) 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 (if the member is in any doubt on this, the member should seek guidance from the Chief Executive)

**Please note:** Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable.

## **10. Ethical behaviour**

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

- Claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- Not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families personal or business interests;
- Only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and
- Not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$50 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the register of interests.

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

### **10.1 Undischarged bankrupt**

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

## **11. Creating a supportive and inclusive environment**

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

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Council's overall performance and operating style during the triennium.

- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their Declaration of Office (the Oath) and contribute to the good governance of the city, district or region.

## **12. Dress Code**

Elected members must maintain a reasonable standard of dress when attending Civic Functions, Council meetings and committee meetings. In doing so, they must observe the requirements of this code and any other applicable legal obligations (for example, those that apply to electoral advertising).

## **13. 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 LAMIA.

## **14. Breaches of the Code**

Members must comply with the provisions of the Code (LGA 2002, schedule 7, s15(4)). Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

### **14.1 Principles:**

The following principles will guide any processes for investigating and determining whether or not a breach under the code has occurred:

- That the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- That the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- That the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This requires, conditional on the nature of an alleged breach, that affected parties:
  - Have a right to know that an investigation process is underway;
  - Are given due notice and are provided with an opportunity to be heard;
  - Have confidence that any hearing will be impartial;

- Have a right to seek appropriate advice and be represented; and
- Have their privacy respected.

#### **14.2 Code of conduct complaints**

All complaints made under the Code must be made in writing and forwarded to the Chief Executive. On receipt of a complaint the Chief Executive may attempt to resolve the complaint through informal dispute resolution.

A complaint and all information relating to its resolution are strictly confidential up to and including the preliminary investigation stage to promote the early resolution of complaints, where possible.

The Chief Executive has the power to dismiss a complaint prior to the preliminary assessment stage if they are of the view that the complaint is trivial, vexatious and/or does not have a reasonable prospect of being declared substantial or material. The Chief Executive has the discretion to refer this decision to a Committee consisting of current Chairpersons of Council committees.

If the complaint is not resolved or dismissed in light of the above, the Chief Executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.<sup>1</sup>

If the Chief Executive is the complainant, the complaint is to be made in writing and forwarded to the Mayor. The Mayor will then become responsible for carrying out each of the steps identified in this clause and in Appendix B as if they were the Chief Executive.

Only members and the Chief Executive may make a complaint under the Code.

#### **14.3 Investigation, advice and decision**

The process, following receipt of a complaint, will follow the steps outlined in Appendix B.

#### **14.4 Materiality**

An alleged breach under the code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the Council (including its staff) into disrepute or, if not addressed, reflect adversely on another member of the Council.

An alleged breach under this Code is non-material if, in the opinion of the independent investigator, any adverse effects are minor and no investigation or referral is warranted.

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<sup>1</sup> On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor or Chairperson, a list of investigators for this purpose of undertaking a preliminary assessment. The Chief Executive may prepare a list specifically for his or her Council, prepare a list jointly with neighbouring Councils or contract with an agency capable of providing appropriate investigators.

## **15. Penalties and actions**

Where a complaint is determined to be material and referred to the Council, or a Committee consisting of current Chairpersons of Council committees, the nature of any penalty or action will depend on the seriousness of the breach.

### **15.1 Material breaches**

In the case of material breaches of the code the Council, or a Committee consisting of current Chairpersons of Council committees, may require one of the following:

1. A letter of censure to the member;
2. A private or public apology;
3. A recommendation to Council to consider a vote of no confidence in the member;
4. Removal of certain Council-funded privileges (such as attendance at conferences);
5. Restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. Limitation on any dealings with Council staff so that they are confined to the Chief Executive only;
7. Suspension from committees or other bodies to which the member has been appointed; or
8. An invitation for the member to consider resigning from the Council.

The Council or a Committee consisting of current Chairpersons of Council committees may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

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

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in LGOIMA, for not doing so.

### **15.2 Statutory breaches**

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

- Breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);

- Breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s44 LGA 2002 which may result in the member having to make good the loss or damage); or
- Breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

## **16. Review**

Once adopted, the Code continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at a Council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the Council in regard to potential changes for improving the Code.

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

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

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

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

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

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

- A person, or spouse 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.

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

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

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

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



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

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

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

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention need to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

#### **The contracting rule**

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

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

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

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

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

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

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

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

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

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

The Local Government Official Information and Meetings Act 1987 provides for members of the public to make requests for any official information. 'Official information' includes any information held by the Council, and any Council-related information held by members. The Council is obliged to provide information on request unless there is a good reason under LGOIMA for refusing. The Ombudsman is able to investigate any complaints made about the Council in relation to decisions made under LGOIMA.

LGOIMA also includes requirements relevant to Council, committee and community board meetings. It requires meetings to be publicly notified, and that agendas and reports be made publicly available. It also provides for meetings to be open to the public and sets out the limited circumstances in which meetings can be held on a public excluded basis.

Of particular importance for the roles and conduct of members is the fact that the chairperson has the responsibility to maintain order at meetings, but all members should accept a personal responsibility to maintain acceptable standards of address and debate. No member should:

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

See Standing Orders for more detail.

### **Secret Commissions Act 1910**

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

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 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 Council; and
- 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 not exceeding seven years or more. Elected members convicted of these offences will automatically cease to be members.

### **Financial Markets Conduct Act 2013**

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

### **The Local Government Act 2002**

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to the code include:

#### **Personal liability of members**

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

- a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- c) A liability has been unlawfully incurred by the local authority; or

- d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

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

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

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

### **Health and Safety At Work Act 2015**

This Act came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimising risks at workplaces.

The Act places obligations on four duty holders - a person conducting a business or undertaking (**PCBU**); officer of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under Act i.e. to ensure so far as is reasonably practicable the health and safety of its workers and of other workers whose activities Council influences or directs.

Each elected member is an 'officer' (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under the Act for exercising due diligence to ensure that the Council is meeting its health and safety responsibilities under the Act. The Chief Executive is also an officer.

The due diligence duty of officer supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties.

Unlike the Chief Executive and leadership team, members are not required to be directly involved in the day-to- day management of health and safety. They are, however, still required to take reasonable steps to understand Council's operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the Act.

This duty does not extend to ensuring that a council controlled organisation complies with the Act, unless the member is also an officer of that CCO.

Taking 'reasonable steps' requires each member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, taking into account matters including the nature of Council's business, and the member's position and nature of his/her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations whether or not a PCBU is convicted of an offence. However, when members acting in the capacity of an elected member of the Council they are expressly exempted from prosecution for a failure to comply with the duty imposed by section 44 of the Act (duties of officers).

### **Protected Disclosures Act 2000**

Under this Act, the definition of an employee of a public sector organisation (**PSO**) includes elected members of a local authority. Members who disclose information about a serious wrongdoing by the Council are protected from civil or criminal liability that might arise from such a disclosure and from retaliatory action against the member.

Serious wrongdoing under the Act includes unlawful or irregular use of funds or resources; conduct that risks public health and safety; conduct that risks the maintenance of law; conduct that constitutes an offence oppressive, improper discriminatory conduct; and gross negligence or gross mismanagement by a public official.

Protection under this Act applies where the employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated and that employee desires protection under the Act.

For members, the default position requires a disclosure to be made to the Chief Executive. If the member considers the Chief Executive may be involved in serious wrongdoing, the matter can be escalated to an 'appropriate authority' — including the Commissioner of Police, the Controller and Auditor-General and the Parliamentary Ombudsman.

## **Appendix B: Process for the determination and investigation of complaints**

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

On receipt of a complaint under the code, the Chief Executive may attempt to resolve the complaint through informal dispute resolution within a reasonable time.

A complaint and all information relating to its resolution are strictly confidential up to and including the preliminary investigation stage to promote the early resolution of complaints, where possible.

The Chief Executive has the power to dismiss a complaint prior to the preliminary assessment stage if they are of the view that the complaint is trivial, vexatious and/or does not have a reasonable prospect of being declared substantial or material. The Chief Executive has the discretion to refer this decision to a Committee consisting of current Chairpersons of Council committees.

The Chief Executive must refer the complaint to an investigator selected from a panel agreed at the start of the triennium if the complaint is not resolved or dismissed in light of the above.

In addition, the complainant has a right to require the complaint to be referred to an independent investigator for a preliminary investigation if the complainant:

- Is not satisfied with the proposed resolution; or
- The complainant considers the complaint has not been resolved within a reasonable time.

The Chief Executive's brief to the investigator will make the following clear:

1. The onus is on the complainant and subject of the complaint to provide all the information and evidence relied on, as part of their initial complaint or defence.
2. The expectation is that telephone calls may be made to clarify the information or evidence, but that face-to-face interviews or further investigation of the issues will only be undertaken if the complaint is of a particularly serious nature.
3. The investigation should be proportionate to the potential harm that might result if the breach is proven.

The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and

- Inform the respondent that a complaint has been made against them, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

### **Step 2: Investigator makes preliminary assessment**

On receipt of a complaint the investigator will assess whether:

1. The complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. The complaint is non-material; and
4. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Chief Executive. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment, the Chief Executive will:

1. Where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency (if applicable) and inform both the complainant and respondent of the action.

### **Step 3: Actions where a breach is found to be non-material**

If the subject of a complaint is found to be non-material the investigator will inform the Chief Executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- That the respondent seeks guidance from the Mayor;
- That the respondent attends appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

### **Step 4: Actions where a breach is found to be material**

If the subject of a complaint is found to be material the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach.

In preparing that report the investigator may:

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

On receipt of the investigator's report the Chief Executive will prepare a report for the Council or committee with delegated authority, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the full report prepared by the investigator.

### **Step 5: Process for considering the investigator's report**

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full Council, excluding the complainant, respondent and any other 'interested' members, or a committee established for that purpose.

In order to avoid any suggestion of bias, a Committee consisting of current Chairpersons of Council committees may often be the best mechanism for considering and ruling on complaints.

The Council or a Committee consisting of current Chairpersons of Council committees will consider the Chief Executive's report in open meeting, except where the alleged breach concerns



matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the Council or committee will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 15 of the Code.

In accordance with the Code, the Council will agree to implement the recommendations of a Code of Conduct Committee without debate.

## **Appendix C: Conflicts of Interest**

### **General**

Elected Members are expected to approach decision making with an open mind- 'faithfully and impartially' and in 'the best interests of Tasman District'. Members must therefore be careful that they maintain a clear separation between their personal interests and their duties as a member of Council (as governing body, and as a member of a Council committee or other Council body). They must exercise care to avoid situations where they have, or appear to have, a conflict of interest.

Members must carry out their duties free from bias (whether actual or perceived). Bias is the common factor in all conflict of interest situations. The rule about bias applies to both financial and non-financial conflicts of interest and is summed up in the saying 'no one may be judge in their own cause'.

In the local government context, financial conflicts of interest are governed primarily by the Local Authorities' (Members' Interests) Act 1968 ('LAMIA') and non-financial conflicts of interest are governed by the common law rules about bias.

Broadly speaking, a conflict of interest exists when a member could use, or uses, their position to further their own interests or those of their partner, or spouse. The various types of conflict of interest include:

- Direct financial interest- where a decision or act of the Council could reasonably give rise to an expectation of financial gain or loss to a member.
- Indirect financial interest- where cash doesn't change hands directly but, for example, may influence the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in;
- Non-financial interest- where a member's responsibilities as a member of Council could be affected by some other separate interest or duty that he/she may have in relation to a matter as a result of, for example, a personal relationship, or involvement with an external organisation, or from conduct that indicates prejudice or predetermination.

### **Conflicts of interest can be:**

- Actual: where the conflict of interest already exists;
- Potential: where the conflict is about to happen, or reasonably could happen; or
- Perceived: where other people might reasonably think a member is not being objective or his/her position as a member has been compromised.

### **Financial conflicts of interest**

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

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

Members should consider the following factors in considering whether they have a financial interest.

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

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

The two specific rules in the LAMIA relate to:

#### **Contracts**

An elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year (unless there is an exemption granted by the Office of the Controller and Auditor-General ('OAG')).

The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which a member is interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by the member.

It is an offence under LAMIA for a person to act as a member of the Council (or Council committee) while disqualified.

### **Participation in decision-making**

Members must not participate in any Council discussion or vote on any matter in which they have a financial interest (either directly or indirectly), other than an interest in common with the public.

Both rules apply in the case of an interest or concern through an member's spouse or partner, or through a company or trust.

### **How is bias determined?**

It is natural to expect that members will bring their own experience and knowledge to the decision-making process; that members may already have views – even strong or publicly stated views – about the matter; and that political considerations may play a part in the decision.

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

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

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

In determining whether they might be perceived as biased, members must also consider the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

### **Declarations of interest**

To help identify possible conflicts of interest the Council operates a Register of Members' Interests.

Members must make full and complete declarations of interests following the Inaugural Meeting of Council (after local government elections or by-election, as appropriate), and then every six months, using the Register of Members' Interests Declaration Form. These declarations of interests are a key individual responsibility of all members. They must notify the Council of the nature and extent of any interest as further detailed in the declaration form.

The Register does not remove the requirement to disclose conflicts of interest as they arise. Members must therefore advise the Council's Governance Manager, as soon as practicable during the year, if any new interests arise; complete a declaration of interests form every six

months and update the Register whenever a member's interest has changed. Members must also declare their interests at meetings where matters in which they have a conflict of interest arise. The member must:

- declare the existence of a conflict to the meeting (the member does not have to disclose the nature of the interest concerned, though he or she is required if the interest is a financial one);
- abstain from discussion and voting (take no part in the consideration of the matter). Depending on the issue, the member may consider it best to leave the meeting room itself.

#### **General awareness and support**

There is no simple binding rule that covers all conflict of interest situations – each situation must be evaluated on its individual merits. If a member is in any doubt as to whether he/ she should declare an interest and stand aside from decision- making (including a decision to take no action), then he/she should seek guidance from the Mayor immediately; seek advice from the OAG (as to whether there is a financial interest) or from his/her own lawyer.

In some situations of pecuniary interest, a member may be able to obtain an exemption from the OAG to allow him/her to participate or vote on a particular issue. Any exemptions must be obtained before the discussion or vote takes place.

In a case of doubt, a member should refrain from discussing or voting on the matter in question and preferably physically withdraw from the meeting. The minutes of the meeting will record the member's declaration of interest and absence from voting.

Relevant guidelines include:

- 'Guidance for Members of Local Authorities about the Local Authorities' (Members' Interests) Act 1968' – Office of the Auditor General 2010; and
- 'Managing Conflicting Interests in Local Government: The Local Authorities (Members' Interests) Act 1968 and Associated Issues' – Department of Internal Affairs August 2011.

Declarations will be recorded in a Register of Members' Interests maintained by Council's Governance Administrator.

The Register (or a fair and accurate summary of its contents) will be available for public inspection. A summary will be published on the Council's website.

#### **Consequences of bias and/or breach of the LAMIA**

A member will be automatically disqualified from office if he/she is concerned or interested in contracts and subcontracts (either directly or indirectly) under which payments made by or on behalf of Council exceed \$25,000 in any financial year.

If a member has a financial interest in a matter and participates in discussion and voting on it, he/she will have committed an offence under the LAMIA. In the event of a conviction, an Elected Member can be removed from office.

A member's bias (whether actual or perceived) has the potential to invalidate the particular decision made, or the action taken, by Council (if successfully challenged by way of judicial review).

If a member's conduct has contributed to Council incurring a loss; that conduct could also result in personal financial liability under section 46 of the LGA (refer to Schedule A).

## **Appendix D: Elected Member Internet and Social Media Guidelines**

### **Guidelines for work related use**

As with traditional media, we have an opportunity and a responsibility to effectively manage the Council's reputation online. The following guidelines will help you decide when to engage and participate in the many online conversations that mention Tasman District Council every day.

### **When to use social media**

Unlike traditional media, social media provides tools for two-way conversations that others are able to see and join in if they wish. This provides an opportunity to build relationships and rapport with not just the person you're talking with, but potentially a whole community of people. This provides both potential benefits and risks that need to be managed.

### **Other key differences to consider are:**

- Social media operates in a 24/7 world — it requires resourcing and time that must be considered before you engage. For example, responses and comments to your postings should be actioned as soon as practical.
- Tone tends to be more personal, less corporate and less formal.
- You have little control over the use of your content once it's been posted – regardless of whether you edit it or delete it. Your contributions may be accessible and traceable forever, and by anybody in the world, so a little bit of extra care is needed.
- You often need to agree to a social media provider's terms of service when using their product or platform.

### **Consider the benefits of engaging with social media**

Social media tools enable us to:

- Take advantage of the large audiences already using social media networks
- Reach new audiences
- Demonstrate an open culture and provide a personal face to the organisation online
- Communicate faster and be more flexible
- Use the power of video and images to tell stories about the issues we are involved in
- Make our key messages visible in existing social networks
- Get feedback, opinions and ideas from a different segment of our community

### **Consider the risks and implications of engaging with social media**

There are many types of social media tools, from video and photo sharing tools, to literally millions of blogs, wikis, discussion forums and platforms such as Twitter.

There are also risks associated with engaging with social media, from resourcing issues and time commitment, to potentially provoking a contentious issue.

### **Ask yourself a couple of questions**

Here are some tests to apply in making decisions about whether you should engage:

- What is the effort?
- What is the ongoing commitment likely to be? Once you post one comment, you might become engaged in a lengthy online conversation or debate. Social media etiquette means that you shouldn't post a comment then hide under a rock - this could impact negatively on the Council's reputation as an organisation.
- Will it enable you to target a priority audience for your programme/project?

If you wish to discuss this issue in more detail for your area of the Council, please contact Community Relations Manager.

### **Engaging online**

It is important that you are aware of the implications of engaging in social media and online conversations that reference the Council and your relationship with the Council.

The following 7 principles guide how online spokespeople should represent the Council in an online, official capacity when they are speaking 'on behalf of Tasman District Council'.

1. Be an authorised spokesperson. Only elected members authorised to speak to the media on Council's behalf should engage in social media on Council's initiated sites.
2. Follow all Council policies. As a representative of the Council you must act with honesty and integrity in all matters. This commitment is true for all forms of social media. In addition, several other policies govern your behaviour as a Council spokesperson in the social media space, including the Code of Conduct.
3. Be mindful that you are representing Council. As a Council representative, it is important that you be professional and honest in all your communications. Be respectful of all individuals, races, religions and cultures; how you conduct yourself in the online social media space not only reflects on you – it is a direct reflection on the Council.
4. Fully disclose you are an elected member of Tasman District Council. The Council requires all representatives who are communicating on behalf of the Council to always make it



clear they are doing so. State your relationship with the Council from the outset, e.g., 'Hi, I'm [name] and I am a Tasman District Councillor....' Remember to be honest and be smart. It takes a long time to earn trust online but only takes a moment to destroy it. This disclosure is equally important for any vendor/partner/third party who is representing the Council online. They must disclose that they work with the Council.

5. When in doubt, do not post. You are personally responsible for your words and actions, wherever they are. As an online spokesperson, you must ensure that your posts are completely accurate and not misleading, and that they do not reveal sensitive or confidential information about the Council, our citizens or staff. Use sound judgement and common sense, and if there is any doubt, do not post it. If you ever feel unsure about how to respond to a post, send the link to Community Relations Manager.
6. Be responsible. We understand that representatives engage in social media activities for legitimate purposes and that these activities may be helpful for Council business. However, we encourage everyone to exercise sound judgement and common sense.
7. Know that the internet is permanent. Once information is published online, it is essentially a permanent record, even if you 'remove/delete' it later or attempt to make it anonymous.

#### **Personal use of social media**

There's a big difference in speaking 'on behalf of Council' and speaking 'about' the Council. While Council respects your free speech rights, please remember that customers and colleagues have access to what you post. These 7 principles refer to personal or unofficial online activities where you might refer to Council.

1. Adhere to the Code of Conduct and other applicable policies. All elected members are subject to the relevant Council policies in every public setting. In addition, legislation such as the Privacy Act and LGOIMA govern the disclosure of any information online.
2. You are responsible for your actions. Anything you post that can potentially damage the Council's image will ultimately be your responsibility. We do encourage you to participate in the social media space, but urge you to do so properly, exercising sound judgement and common sense. Stop and think first. Think about it this way – would you be prepared to defend and prove a negative post about a person on Facebook or Twitter in Court? Would you like your name and our Council associated with your posting in the newspaper?

3. Be an 'advocate' for compliments and criticism. Even if you are not an official online spokesperson for the Council, you are one of our most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important, consider sharing them by forwarding them to Community Relations Manager.
4. Let the subject matter experts respond to negative posts. You may come across negative or critical posts about the Council or its activities or see third parties trying to spark negative conversations. Unless you are an authorised spokesperson, avoid the temptation to react yourself.
5. Take care mixing your business and personal lives. Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum - particularly if your opinion is at odds with what Council is doing puts Council's reputation at risk.
6. Never disclose sensitive and confidential information from Council (including confidential, public excluded reports and/or commercially sensitive information) and be aware that taking public positions online that are contrary Council's interests and the Code of Conduct might lead to disciplinary actions.
7. Members' social media pages should be open and transparent (if you choose to have one in your capacity as a member). No members should represent themselves falsely via aliases or differing account names. Members should not block any post or any person on any form of social media that they have an association with unless there is clear evidence they are being actively abused, or that abusive or inflammatory content is being posted. Members who block the comments and opinions of others may be acting contrary to the values of free speech and democracy. Such behaviour can bring the whole Council into disrepute.



## GOLDEN BAY COMMUNITY BOARD (HAPORI WHANUI O MOHUA)

# CODE OF CONDUCT 2024

**ADOPTED [DATE]**

# Contents

Part One: Code of Conduct .....	3
Members' commitment - Ngā herenga a ngā mema ..... <b>Error! Bookmark not defined.</b>	
Appendix 1: The Code of Conduct explained .....	5
He whakamārama mō te Tikanga Whanonga .....	5
1. Definitions.....	5
2. Te Tiriti o Waitangi .....	5
3. Principles of good governance.....	5
4. Behaviours.....	6
Respect.....	6
Bullying, harassment, and discrimination.....	6
Relationships with the Chief Executive and staff .....	7
Sharing information .....	8
Expressing personal views publicly.....	8
Provide equitable contribution.....	8
Disrepute.....	9
Use of position for personal advantage .....	9
Impartiality .....	9
Maintaining confidentiality .....	9
Local Government Act 2002 and Local Authorities (Member's Interests) Act 1968 – Members Interests .....	10
Appendix 2: Requirement for a code of conduct.....	11
Code of conduct.....	11
Appendix 3: Summary and explanation of legislation which sets standards for ethical behaviour .....	12
The Local Government Act 2002 .....	12
The Local Government Official Information and Meetings Act 1987 .....	12
The Local Authorities (Members' Interests) Act 1968 (LAMIA) .....	14
Protected Disclosures (Protection of Whistleblowers) Act 2022 .....	16
The Serious Fraud Office Act 1990.....	16
The Local Government Act 2002 as amended by the Local Government ((Pecuniary Interests Register) Act 2022.....	17
The Harmful Digital Communications Act 2015 .....	17
Appendix 4: Elected Member Internet and Social Media Guidelines .....	19

# Part One: Golden Bay Community Board Code of Conduct

## Wāhanga Tuatahi: Anga Tikanga Whanonga

The Golden Bay Community Board (Hapori Whānui ō Mohua) Code of Conduct has been adopted in accordance with the requirements of Clause 15, Schedule 7 of the Local Government Act 2002 (LGA), in relation to the adoption of a code of conduct.

As required by the LGA, the Golden Bay Community Board Code of Conduct sets standards for the conduct of the Golden Bay Community Board members towards other members, staff, the public, and the media. It is also concerned with the disclosure of information that Golden Bay Community Board members receive in their capacity as members. Members of the Golden Bay Community Board Must comply with their Code of Conduct.

Any complaints made under the Golden Bay Community Board Code of Conduct and alleged breaches will be dealt with in accordance with the Council's [Policy for Investigation and Ruling on Alleged Breaches of the Code of Conduct](#).

### Golden Bay Community Board Members' commitments - Ngā herenga a ngā mema

These commitments apply when conducting the business of the Golden Bay Community Board as its representative or the representative of an electorate and communicating (including on social media) with other members, the media, the public, or staff. By adopting the Code of Conduct, members of the Golden Bay Community Board agree that they will:

1. Treat all people fairly.
2. Treat all other members, [staff](#), and members of the public, with [respect](#).
3. [Share with the local authority](#) any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.
4. Operate in a manner that recognises and respects the significance of the principles of [Te Tiriti o Waitangi](#).
5. Make it clear, when speaking publicly, that statements reflect their [personal view](#), unless otherwise authorised to speak on behalf of the local authority.
6. Take all reasonable steps to [equitably](#) undertake the duties, responsibilities, and workload expected of a member.
7. Not [bully, harass, or discriminate](#) unlawfully against any person,
8. Not bring the local authority into [disrepute](#).
9. Not [use their position to improperly](#) advantage themselves or anyone else or disadvantage another person.
10. Not compromise, or attempt to compromise, the [impartiality](#) of anyone who works for, or on behalf of, the local authority.
11. Not disclose information acquired, or given, in confidence, which they believe is of a [confidential nature](#).

Note: Codes of conduct help members to meet other obligations, whether legislative (see Appendix 3) or complying with the Standing Orders adopted by the Golden Bay Community Board, which provide rules for the conduct of meetings.

More detail explaining the Code of Conduct is set out in [Appendix 1](#). A copy of clause 15 of Schedule 7 of the LGA, which sets out the requirements for a code of conduct, is contained in [Appendix 2](#). A summary and explanation of the legislation which sets standards for ethical behaviour is contained in [Appendix 3](#). Council's Social Media Guidelines are contained in [Appendix 4](#).

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# Appendix 1: The Golden Bay Community Board Code of Conduct explained

## He whakamārama mō te Tikanga Whanonga

### 1. Definitions

For the purposes of this Code “member” means an elected or appointed member of:

- the governing body of the local authority,
- any committee or sub-committee of the local authority,
- any local board of the local authority, or
- any community board of the local authority.

Local authority means the kaunihera, local board or **community board** which has adopted this Code.

### 2. Te Tiriti o Waitangi

Committing to operating in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi and acknowledges the following principles:

1. Tino Rangatiratanga: The principle of self-determination provides for Māori self-determination and mana motuhake. This requires local authorities to be open to working with mana whenua partners in the design and delivery of their work programmes,
2. Partnership: The principle of partnership implies that local authorities will seek to establish a strong and enduring relationship with iwi and Māori, within the context of iwi and Māori expectations. Kaunihera should identify opportunities, and develop and maintain ways, for Māori to contribute to kaunihera decisions, and consider ways kaunihera can help build Māori capacity to contribute to council decision-making,
3. Equity: The principle of equity requires local authorities to commit to achieving the equitable delivery of local public services,
4. Active protection: The principle of active protection requires local authorities to be well informed on the wellbeing of iwi, hapū and whanau within their respective rohe,
5. Options: The principle of options requires local authorities to ensure that its services are provided in a culturally appropriate way that recognises and supports the expression of te ao Māori.

### 3. Principles of good governance

Recognising the importance of the following principles of good governance.

- **Public interest:** members should act solely in the public interest.
- **Integrity:** members should not act or take decisions to gain financial or other benefits for themselves, their family, or their friends, or place themselves under any obligation to people or organisations that might inappropriately influence them in their work.
- **Tāria te wā and kaitiakitanga/stewardship:** members should use long-term perspective when making decisions. Decisions, which impact on past, current and future generations, also affect collective well-being.
- **Objectivity:** members should act and take decisions impartially, fairly, and on merit, using the best evidence and without discrimination or bias.



- **Accountability:** members will be accountable to the public for their decisions and actions and will submit themselves to the scrutiny necessary to ensure this.
- **Openness:** members should act and take decisions in an open and transparent manner and not withhold information from the public unless there are clear and lawful reasons for so doing.
- **Honesty:** members should be truthful and not misleading.
- **Leadership:** members should not only exhibit these principles in their own behaviour but also be willing to challenge poor behaviour in others, wherever it occurs.

## 4. Behaviours

To promote good governance and build trust between the local authority, its members, and citizens, members agree to meet the standards of their Codes of Conduct when they are:

- conducting the business of the local authority,
- acting as a representative of the local authority,
- acting as a representative of their electorate,
- communicating with other members, the media, the public and staff, and
- using social media and other communication channels.<sup>1</sup>

Where a member of the Golden Bay Community Board's conduct falls short of the standards in their Code of Conduct, members accept that they may be subject to a complaint made under the Code which will be managed in accordance with Council's "Policy for Investigating and Ruling on Alleged Breaches of the Code of Conduct".

### Respect

Treat all members, staff, and members of the public, with respect.

Respect means politeness and courtesy in behaviour, speech, and writing. Debate and differences are all part of a healthy democracy. As a member of a community board you can challenge, criticise, and disagree with views, ideas, opinions and policies in a robust but civil manner. You must not, however, subject individuals, groups of people or organisations to personal attack. For clarity, it is not civil to engage in aggressive and repetitive correspondence.

In your contact with the public, you should treat them politely and courteously. Offensive behaviour lowers the public's expectations of, and confidence in, your local authority. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

### Bullying, harassment, and discrimination

Treat all people fairly and not:

- bully any person,
- harass any person, or
- discriminate unlawfully against any person.

<sup>1</sup> Please refer to the Elected Member Internet and Social Media Guidelines in **Appendix 4**



For the purpose of the Code of Conduct, bullying is offensive, intimidating, malicious, or insulting behaviour. It represents an abuse of power through means that undermine, humiliate, denigrate, or injure another person. It may be:

- a regular pattern of behaviour, or a one-off incident,
- occur face-to-face, on social media, in emails or phone calls, happen in the workplace, or at work social events, and
- may not always be obvious or noticed by others.

Harassment means conduct that causes alarm or distress, or puts people in fear of violence, and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination occurs when a person is treated unfairly, or less favourably, than another person because of any of the following<sup>2</sup>:

age	skin, hair, or eye colour	race
disability	employment status	ethical belief
ethnic or national origin	family status	marital status
political opinion	religious belief	gender identity
sex	sexual orientation.	

## Relationships with the Chief Executive and staff

An important element of good governance involves the relationship between the Council and the Community Boards, its Chief Executive and Council staff. Members should behave in a professional, and appropriate way towards staff at all times, including:

- Raising any concerns about employees, officers or contracted officials with the Chief Executive (recognising that the Chief Executive is the employer of all Council employees, and as such only the Chief Executive or his or her delegated appointees may hire, dismiss, instruct, or censure an employee);
- There will be times when members are given information or asked to enquire into the behaviour, actions, or decisions of staff. Members should listen to these approaches fairly and objectively, seek clarification, and report them to the Chief Executive or relevant second tier manager as appropriate.
- Raising any concerns about the performance or behaviour of the Chief Executive with the Mayor.
- Making themselves aware of the obligations that the Council and the Chief Executive always have as employers and observe those requirements — such as duties to be a good employer and to provide a workplace free from harm including by taking steps to identify and prevent bullying and harassment of any kind;
- Treating all employees with courtesy and respect and avoid publicly criticising any employee;

<sup>2</sup> See Human Rights Commission <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>

- Observing any protocols put in place by the Chief Executive concerning contact between members and employees;
- Avoiding doing anything which might compromise, or could be seen as compromising, the impartiality of an employee;
- Participating, when asked, in any investigation by the Chief Executive about complaints made by staff in relation to member conduct.

**Please note:** Members of the Golden Bay Community Board should be aware that failure to observe their Code of Conduct may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's audit.

## Sharing information

Share with the local authority any information received that is pertinent to the ability of the local authority to properly perform its statutory duties.

Occasionally members will receive information in their capacity as members of the governing body, which is pertinent to the ability of their kaunihera to properly perform its statutory duties. Where this occurs members should disclose any such information to other members and, where appropriate, the Chief Executive. Members who are offered information on the condition that it remains confidential should inform the person making the offer that they are under a duty to disclose such information, for example, to a governing body meeting in public exclusion.

## Expressing personal views publicly

Members, except when authorised to speak on behalf of the local authority, should make it clear, when speaking to the media, on social media, or in hui and presentations, that statements reflect their personal view.

The media play an important role in the operation and efficacy of our local democracy and need accurate and timely information about the affairs of the local authority to fulfil that role. Members are free to express a personal view to the media and in other public channels at any time, provided the following rules are observed:

- they do not purport to talk on behalf of the local authority, if permission to speak on behalf of the authority has not been given to them
- their comments must not be inconsistent with the Code, for example, they should not disclose confidential information or criticise individual members of staff, and
- their comments must not purposefully misrepresent the views of the local authority or other members.

Council's Social Media Guidelines are contained in **Appendix 4**. Members must fully acquaint themselves, and adhere strictly to, these guidelines.

More information and guidance on social media protocols is available in Local Government New Zealand's Good Governance Guide, available at <https://www.lgnz.co.nz/assets/Induction/The-Good-Governance-Guide.pdf>

## Provide equitable contribution

Take all reasonable steps to equitably undertake the duties, responsibilities, and workload expected of them.

Being a member is a position of considerable trust, given to you by your community to act on their behalf. To fulfil the expectations of your constituents and contribute to the good governance of your area it is important that you make all reasonable efforts to attend meetings and workshops, prepare for meetings, attend civic events, and participate in relevant training seminars.

The local government workload can be substantial, and it is important that every member contributes appropriately. This requires members to often work as a team and avoid situations where the majority of the work falls on the shoulders of a small number of members.

## Disrepute

Members should not bring the local authority into disrepute.

Members are trusted to make decisions on behalf of their communities and as such their actions and behaviours are subject to greater scrutiny than other citizens. Members' actions also reflect on the local authority as well as themselves and can serve to either boost or erode public confidence in both.

Behaviours that might bring a local authority into disrepute, and diminish its ability to fulfil its statutory role, include behaviours that are dishonest and/or deceitful. Adhering to this Code does not in any way limit a member's ability to hold the local authority and fellow members to account or constructively challenge and express concerns about decisions and processes undertaken by their local authority.

## Use of position for personal advantage

Members should not use, or attempt to use, or be perceived to use their position to improperly advantage themselves or anyone else or disadvantage another person.

Being a member of a local authority comes with certain opportunities and privileges, including the power to make choices that can impact on others. Members should not take advantage of such opportunities to further their own or others' private interests or to disadvantage anyone unfairly. A member found to have personally benefited by information gained as an elected member may be subject to the provisions of the Secret Commissions Act 2010.

## Impartiality

Members should not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They must not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers to gain understanding of their thinking and decision-making, however, they must not seek to influence officials to change their advice or alter the content of a report, other than in a meeting or workshop, if doing so would prejudice their professional integrity. Members should:

- make themselves aware of the obligations that the local authority and chief executive have as employers and always observe these requirements, such as the obligation to be a good employer, and
- observe any protocols put in place by the chief executive concerning contact between members and employees, and not publicly criticise individual staff.

If you have concerns about the behaviour of an official, whether permanent or contracted, you should raise your concerns with the local authority's Chief Executive, or, if the concerns are to do with the Chief Executive, raise them with the Mayor, or Chief Executive officer review subcommittee.

## Maintaining confidentiality

Members should not disclose information acquired, or given, in confidence, which they believe is of a confidential nature, unless.

1. they have the consent of a person authorised to give it,
2. they are required by law to do so,

3. the disclosure is to a third party to obtain professional legal advice, and that the third party agrees not to disclose the information to any other person, or
4. the disclosure is reasonable and in the public interest, is made in good faith, and in compliance with the reasonable requirements of the local authority.

### Local Government Act 2002 and Local Authorities (Member's Interests) Act 1968 – Members Interests

Members have to comply with the requirements of the Local Government Act 2002 (as amended by the Local Government (Pecuniary Interests Register) Act 2022) in relation to member's pecuniary interests and the requirements of the Local Authorities (Members Interests) Act 1968 in relation to members interests (financial and non-financial). Information on the requirements of both Acts is set out in the summary and explanation of legislation provided in **Appendix 3**.

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## Appendix 2: Requirement for a code of conduct

### Te herenga kia whai tikanga whanonga

The Local Government Act 2002 (LGA) requires every local authority to adopt a code of conduct for members of the local authority. A community board does not have to adopt a code of conduct but once it resolves to adopt one under the provisions of the LGA, those provisions apply as if the community board is a local authority. Those provisions require that a code can only be amended or replaced once adopted.

The LGA states:

#### Code of conduct - Clause 15, Schedule 7

A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

The code of conduct must set out –

1. 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:
  - a. behaviour towards one another, staff, and the public; and
  - b. disclosure of information, including (but not limited to) the provision of any document, to elected members that –
    - i. is received by, or is in possession of, an elected member in his or her capacity as an elected member; and
    - ii. relates to the ability of the local authority to give effect to any provision of this Act; and
  - c. 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.
2. A local authority may amend or replace its code of conduct but may not revoke it without replacement.
3. A member of a local authority must comply with the code of conduct of that local authority.
4. A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
5. After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
6. To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

## 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 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 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 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](#).

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## Appendix 4: Elected Member Internet and Social Media Guidelines

### Āpitianga Whā: Kaikaunihera ngā Aratohu mō Ipurangi me ngā Pae Pāpāho Pāpori

#### Guidelines for work related use

As with traditional media, we have an opportunity and a responsibility to effectively manage the Council's reputation online. The following guidelines will help you decide when to engage and participate in the many online conversations that mention Tasman District Council or Golden Bay Community Board every day.

#### When to use social media

Unlike traditional media, social media provides tools for two-way conversations that others are able to see and join in if they wish. This provides an opportunity to build relationships and rapport with not just the person you're talking with, but potentially a whole community of people. This provides both potential benefits and risks that need to be managed.

Other key differences to consider are

- Social media operates in a 24/7 world — it requires resourcing and time that must be considered before you engage. For example, responses and comments to your postings should be actioned as soon as practical.
- Tone tends to be more personal, less corporate and less formal.
- You have little control over the use of your content once it's been posted – regardless of whether you edit it or delete it. Your contributions may be accessible and traceable forever, and by anybody in the world, so a little bit of extra care is needed.
- You often need to agree to a social media provider's terms of service when using their product or platform.

#### Consider the benefits of engaging with social media

Social media tools enable us to:

- Take advantage of the large audiences already using social media networks
- Reach new audiences
- Demonstrate an open culture and provide a personal face to the organisation online
- Communicate faster and be more flexible
- Use the power of video and images to tell stories about the issues we are involved in
- Make our key messages visible in existing social networks
- Get feedback, opinions and ideas from a different segment of our community

#### Consider the risks and implications of engaging with social media

There are many types of social media tools, from video and photo sharing tools, to literally millions of blogs, wikis, discussion forums and platforms such as Twitter.

There are also risks associated with engaging with social media, from resourcing issues and time commitment, to potentially provoking a contentious issue.

### Ask yourself a couple of questions

Here are some tests to apply in making decisions about whether you should engage:

- What is the effort?
- What is the ongoing commitment likely to be? Once you post one comment, you might become engaged in a lengthy online conversation or debate. Social media etiquette means that you shouldn't post a comment then hide under a rock - this could impact negatively on the Council's reputation as an organisation.
- Will it enable you to target a priority audience for your programme/project?

If you wish to discuss this issue in more detail for your area of the Council, please contact the Community and Change Manager.

### Engaging online

It is important that you are aware of the implications of engaging in social media and online conversations that reference the Council and your relationship with the Council.

The following 7 principles guide how online spokespeople should represent the Council in an online, official capacity when they are speaking 'on behalf of Tasman District Council'.

1. Be an authorised spokesperson. Only elected members authorised to speak to the media on Council's behalf should engage in social media on Council's initiated sites.
2. Follow all Council policies. As a representative of the Council you must act with honesty and integrity in all matters. This commitment is true for all forms of social media. In addition, several other policies govern your behaviour as a Council spokesperson in the social media space, including the Code of Conduct.
3. Be mindful that you are representing Council. As a Council representative, it is important that you be professional and honest in all your communications. Be respectful of all individuals, races, religions and cultures; how you conduct yourself in the online social media space not only reflects on you – it is a direct reflection on the Council.
4. Fully disclose you are an elected member of Tasman District Council. The Council requires all representatives who are communicating on behalf of the Council to always make it clear they are doing so. State your relationship with the Council from the outset, e.g., 'Hi, I'm [name] and I am a Tasman District Councillor....' Remember to be honest and be smart. It takes a long time to earn trust online but only takes a moment to destroy it. This disclosure is equally important for any vendor/partner/third party who is representing the Council online. They must disclose that they work with the Council.
5. When in doubt, do not post. You are personally responsible for your words and actions, wherever they are. As an online spokesperson, you must ensure that your posts are completely accurate and not misleading, and that they do not reveal sensitive or confidential information about the Council, our citizens or staff. Use sound judgement and common sense, and if there is any doubt, do not post it. If you ever feel unsure about how to respond to a post, send the link to Community Relations Manager.
6. Be responsible. We understand that representatives engage in social media activities for legitimate purposes and that these activities may be helpful for Council business. However, we encourage everyone to exercise sound judgement and common sense.
7. Know that the internet is permanent. Once information is published online, it is essentially a permanent record, even if you 'remove/delete' it later or attempt to make it anonymous.



## Personal use of social media

There's a big difference in speaking 'on behalf of Council' and speaking 'about' the Council. While Council respects your rights to free speech please remember that there are justified limitations on these rights. Also remember that customers and colleagues may have access to what you post. These 7 principles refer to personal or unofficial online activities where you might refer to Council.

1. Adhere to the Code of Conduct and other applicable policies. All elected members are subject to the relevant Council policies in every public setting. In addition, legislation such as the Privacy Act and LGOIMA govern the disclosure of any information online.
2. You are responsible for your actions. Anything you post that can potentially damage the Council's image will ultimately be your responsibility. We do encourage you to participate in the social media space, but urge you to do so properly, exercising sound judgement and common sense. Stop and think first. Think about it this way – would you be prepared to defend and prove a negative post about a person on Facebook or Twitter in Court? Would you like your name and our Council associated with your posting in the newspaper?
3. Be an 'advocate' for compliments and criticism. Even if you are not an official online spokesperson for the Council, you are one of our most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important, consider sharing them by forwarding them to Community Relations Manager.
4. Let the subject matter experts respond to negative posts. You may come across negative or critical posts about the Council or its activities or see third parties trying to spark negative conversations. Unless you are an authorised spokesperson, avoid the temptation to react yourself.
5. Take care mixing your business and personal lives. Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum - particularly if your opinion is at odds with what Council is doing puts Council's reputation at risk.
6. Never disclose sensitive and confidential information from Council including confidential, public excluded reports and/or commercially sensitive information) and be aware that taking public positions online that are contrary to Council's interests and the Code of Conduct might lead to disciplinary actions.
7. Members' social media pages should be open and transparent (if you choose to have one in your capacity as a member). No members should represent themselves falsely via aliases or differing account names. Members should not block any post or any person on any form of social media that they have an association with unless there is clear evidence they are being actively abused, or that abusive or inflammatory content is being posted. Members who block the comments and opinions of others may be acting contrary to the values of free speech and democracy. Such behaviour can bring the whole Council into disrepute.

### 8.3 TASMAN DISTRICT COUNCIL POLICY ON THE COMMUNITY BOARDS SPECIAL PROJECT FUNDS

**Decision Required**

<b>Report To:</b>	Golden Bay Community Board
<b>Meeting Date:</b>	8 April 2024
<b>Report Author:</b>	Jennie McFarlane, Legal & Democracy Services Manager
<b>Report Authorisers:</b>	Joanna Cranness, People, Safety & Wellbeing Manager
<b>Report Number:</b>	RGBCB24-04-7

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

- 1.1 To consider a draft Council Policy on the Community Board Special Project Funds which provide criteria for each community board to be able to make decisions on allocation of their funds and recommend the Policy for adoption by Council.

#### 2. Summary / Te Tuhinga Whakarāpotō

- 1.1 Both the Motueka and the Golden Bay Community Boards receive funding, primarily from a targeted rate. Part of this funding is allocated to the Boards' Special Project Funds which they use to support projects and community initiatives.
- 1.2 The Community Boards developed criteria for the allocation of their Special Project Funds at a joint workshop in 2023, as well as reviewed the Motueka Community Board Special Project Fund Criteria.
- 1.3 As both community boards have Special Project Funds it is considered appropriate to have a combined Council policy. As the funding is derived from rates, any policy is required to be in accordance with the Council's Revenue and Financing Policy and to be approved by the Council.
- 1.4 A draft Tasman District Council Policy on the Community Boards Special Project Funds policy (incorporating the criteria and changes requested by the Boards) has been prepared (**Attachment 1**), which covers the purpose of the policy and the criteria which apply for the allocation of the funds.

#### 3. Recommendation/s / Ngā Tūtohunga

**That the Golden Bay Community Board**

1. **receives the Tasman District Council Policy on the Community Boards Special Project Funds RGBCB24-04-7; and**
1. **recommends the draft Tasman District Council Policy for Community Boards Special Project Funds, in Attachment 1 to the agenda report, to Council for adoption.**



#### 4. Background / Horopaki

- 4.1 The Motueka Community Board has had a special project fund for longer than the Golden Bay Community Board and Council approved the Motueka Community Board Special Project Fund Criteria in July 2015. No criteria for the Golden Bay Community Board have been formally approved until now.
- 4.2 The Golden Bay Community Board funding primarily from a targeted rate and a small amount from the local market and bank interest is (GBCB total annual revenue for the 2022/2023 year was \$78,570). The GBCB has been administering a Special Project Fund since the 2018/19 year. For the financial year 2023/2024, the annual budget for the fund is \$10,811. The Board's reserves balance is \$101,996, with a current balance of \$37,747 for the Special Project Fund.

#### 5. Analysis and Advice / Tātaritanga me ngā tohutohu

- 5.1 The purpose of the draft Tasman District Council Policy on Community Board Discretionary Funds is to enable the boards to allocate funding to support Council infrastructure related projects of a high priority for the Golden Bay Ward, but not high enough in relation to district-wide priorities to gain direct Council funding, and for community projects and initiatives in their respective ward areas.
- 5.2 The draft Policy includes generic criteria applicable to both Community Boards for the allocation of the funds and the specific criteria requested by each Community Board.

#### 6. Options / Kōwhiringa

- 6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Recommend the draft policy to Council for adoption (subject to any changes either Community Board proposes before referral to Council)	Ensures there is one Council policy covering the needs of both the community boards and addresses the lack of current formalised policy and criteria for the Golden Bay Community Board. Reflects the same process as for the community Boards' Discretionary Funds process.	None identified.

Option		Advantage	Disadvantage
2.	Does not recommend the draft policy to Council for adoption (subject to any changes either Community Board proposes before referral to Council)	None identified.	Does not ensure there is one Council policy covering the needs of both the community boards and does not address the lack of current formalised policy and criteria for the Golden Bay Community Board. Does not follow the same process as for the community Boards' Discretionary Funds process.

6.2 Option One is recommended.

## 7. Legal / Ngā ture

- 1.5 There is no legal requirement to have a Council Policy for the Community Board Special Project Funds however it is good practice to have some consistent and transparent policy on the purpose and allocation of the funding. This also ensures there is oversight by the Council of the funds, given they derive from rates and alignment with the Revenue and Funding Policy.

## 8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 There is requirement for engagement with iwi in relation to the Policy.

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

- 9.1 The proposed Policy is not considered to be significant or require public consultation.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Yes	Funds support community projects and initiatives
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	

	Issue	Level of Significance	Explanation of Assessment
5.	Does the decision create a substantial change in the level of service provided by Council?	No	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
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?	No	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater and Affordable Waters services?	No	

#### **10. Communication / Whakawhitiwhiti Kōrero**

10.1 If the Policy is adopted by the Council, a copy will be made available on the Council website.

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

11.1 There are no financial or budgetary implications to consider.

#### **12. Risks / Ngā Tūraru**

12.1 The adoption of a Policy by Council will reduce risk relating to lack of clarity about Council and the community boards' policy and criteria for the Special Project Funds.

#### **13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi**

13.1 There are no considerations to address in relation to Climate Change although the community boards may choose to support projects that are related.

#### **14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru**

- 14.1 As mentioned, the draft Policy requires to align with the Council's Revenue and Financing Policy, as rate funding is involved. It will also align with Council's Policy on Community Board Discretionary Funds.


#### **15. Conclusion / Kupu Whakatepe**

- 15.1 The adoption of a Policy by Council which covers the needs of both the community boards and the criteria to apply for allocation of their funds is in line with the approach used for their Discretionary Funds and provides certainty for the community as to how the special project funds are administered and allocated.

#### **16. Next Steps and Timeline / Ngā Mahi Whai Ake**

- 16.1 Once both community boards have considered the draft Policy and recommended it to the Council for adoption, a referral report will be prepared for Council.

#### **17. Attachments / Tuhinga tāpiri**

1.  Draft Policy on Community Boards Special Project Fund

97

**DRAFT****TASMAN DISTRICT COUNCIL POLICY ON COMMUNITY BOARDS SPECIAL PROJECT FUND****POLICY REFERENCES**

- |                                       |   |
|---------------------------------------|---|
| • Sponsor:                            | Group Manager - Finance   |
| • Effective date:                     |   |
| • Review due:                         | Five yearly   |
| • Legal compliance:                   | Council approval of the Policy, which is required to comply with the Council's Revenue and Financing Policy                   |
| • Associated Documents/References     | Tasman District Council Revenue and Financing Policy<br>Tasman District Council Policy on Community Boards Discretionary Fund |
| • Policy Number                       |   |
| • Approved by Council (If Applicable) |   |

**1 Purpose**

- 1.1 This policy sets out the criteria and process for the disbursement of funds for the Golden Bay Community Board and Motueka Community Board Special Projects Funds.

**2 Objective**

- 2.1 The Community Board Special Projects Funds are in place to support:
- 2.1.1 Council infrastructure related projects; and
  - 2.1.2 Community projects and initiatives that the board considers will benefit the well-being of the community.
- 2.2 Special Project funding is for projects that fit within the scope, and meet the general principles, criteria and specific requirements for the respective Community Board as per this policy.

**3 Definitions**

**Council infrastructure related projects** are Council-led infrastructure projects on Council property that are business as usual but do not meet the threshold for district-wide priorities for direct Council funding, but are considered by the respective boards to be of high priority for the respective ward and specific to the ward's needs.

**Community projects and initiatives** are projects for physical assets outside of 'bricks and mortar' Council infrastructure projects which may benefit the social, economic, environmental, and cultural well-being of the community and have the support of the ward community.

**Board** is the Motueka Community Board and the Golden Bay Community Board comprising of elected Community Board members and Ward Councillors.

#### 4 Scope

- 4.1 Special Project Funding may be used for projects meeting the objective of the fund to:
  - 4.1.1 Fund a project in full;
  - 4.1.2 'Seed' a project (where funding from other sources will also be sought but for which funding has not yet been secured);
  - 4.1.3 Contribute to a project that has already been started; or
  - 4.1.4 Allow a project to be completed.
- 4.2 Special Project funding will not be provided for:
  - 4.2.1 Ongoing operational costs;
  - 4.2.2 Costs that are not project specific;
  - 4.2.3 Costs that cannot be verified with appropriate quotes;
  - 4.2.4 Projects that have already been completed;
  - 4.2.5 Events or services.

#### 5 Policy

##### General principles

- 5.1 All approved projects must fit within the purpose of local government contained in section 10 of the Local Government Act 2002, that is, to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
- 5.2 Funding is not for projects that are for the personal benefit of individuals or for projects or activities intended for personal or commercial gain.
- 5.3 Funding is not for projects that are the responsibility of central government or other agencies.
- 5.4 Projects supported may be those of low priority to the Council in the context of district-wide priorities, but a high priority for the local community as determined by community feedback or consultation through other Council or Community Board processes such as Long-Term plan submissions.
- 5.5 A project or initiative may only receive special project funding once per financial year 1 July – 30 June).

#### 6 Criteria

- 6.1 Criteria for projects for Community Board Special Project funding is as follows:
  - 6.1.1 Projects need to demonstrate their contribution to Council's Community Outcomes as set out in the Council's current Long Term Plan;
  - 6.1.2 Projects need to demonstrate local community support;
  - 6.1.3 Projects need to meet the definition of either Council Infrastructure Related Projects or Community Projects or Initiatives and be for the benefit of the whole community;
  - 6.1.4 Project funding may not exceed the maximum for Special Projects funding as set under each Community Board's specific criteria unless extraordinary circumstances apply;
  - 6.1.5 Council-led projects must be achievable within Council resource and planning constraints, as advised by Council staff, and have Council support;
  - 6.1.6 Projects not on or in Council property must have evidence of the written agreement of the private landowner prior to being agreed upon; and

- 6.1.7 Quotes or cost estimates for completion of projects must be obtainable to be able to complete the Special Project within the funding timeframes set by the board.
- 6.1.8 Where Special Projects Funding is allocated to a project as seed funding, evidence of likely additional funding sources must be provided.

## **7 Selection process**

- 7.1 The Board, as part of the annual budget process, and with the assistance of Council officers, will prepare a list of projects to be considered for the upcoming financial year. Projects put forward for consideration may be identified through:
  - 7.1.1 Feedback from the community received through other submission processes or following specific notification on the Special Projects fund;
  - 7.1.2 Discussion with Council staff on which Council projects in the ward may not be prioritised in the upcoming financial year;
  - 7.1.3 Projects or initiatives put forward by board members which have community support.
- 7.2 In preparing the list of projects to be considered, weight may be given to projects which require Council or Community Board funding to secure further funding to complete the project.
- 7.3 Council officers will assist the Board or nominated board member/s to review the list of projects using the assessment form provided in Appendix A, ensuring:
  - 7.3.1 Compliance with the Special Projects Fund Policy scope, principles and criteria and any other Council policies that may apply;
  - 7.3.2 Feasibility for completion of any Council-led projects with consideration for resource constraints;
  - 7.3.3 Any ongoing maintenance that may be required once the project is completed can be managed within Council resource constraints or by another party who has agreed to be responsible for ongoing maintenance;
  - 7.3.4 Feasibility within the specific criteria for the respective Community Board funding limit; and
  - 7.3.5 Appropriate quotes or cost estimates, timeframes, and resources are obtainable for the projects or initiatives.
- 7.4 Remaining projects will be reviewed and prioritised by the Board with a decision made on:
  - 7.4.1 which projects will be shortlisted
  - 7.4.2 what community consultation will take place
  - 7.4.3 the method for community feedback and/or the method for determining community support, and
  - 7.4.4 how the final decision on projects to be funded will be made.

## **8 Community consultation, decision and notification of projects funded**

- 8.1 The Community Board with assistance from Council officers may provide the opportunity for community feedback on the projects short-listed. If community feedback is not sought, the Board must be satisfied that there is evidence of community support for the project.
- 8.2 Decisions on projects receiving Special Projects funding will be made by resolution of the Board and include the name of the project, and if the project is not Council-led, the name of the organisation that will receive funds from the Special Projects fund, and the amount of the Special Project funding it is to receive.
- 8.3 The Board will make a decision on the number of projects to fund, based on funding available in the Special Projects fund, once funds already committed to projects have been factored in.

- 8.4 Details and decisions on projects considered for Special Projects funding will be made public via agendas and minutes. Supporting information will 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).
- 8.5 Each year, more projects may be put forward than funds available and not all projects will be successful in obtaining funding. Each Community Board's decision on which projects are funded is final and no correspondence will be entered into.

## 9 Requirements for successful projects or initiatives

- 9.1 All projects on/in Council property will be managed by Council staff and only utilise Council-approved contractors to ensure compliance with Council's legislative and procurement obligations.
- 9.2 Any projects not on Council property:
  - 9.2.1 can only be funded where there is an explicit understanding that there is no obligation on the Council or the Community Board to fund maintenance, ongoing operational costs or any other costs beyond the Special Project funding allocated;
  - 9.2.2 must have obtained written agreement from the property owner; and
  - 9.2.3 must have a project-specific Health and Safety Plan in place that is suitable to support the safe delivery of the project.

## 10 Accountability and Reporting

- 10.1 Project funding will be released on receipt of an invoice for work completed.
- 10.2 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.
- 10.3 Funding allocated to 'seed' a project will not be provided until confirmation of other funding sources is received.
- 10.4 Projects are to be completed within the year for which the funding was disbursed, unless prior agreement by the Board (1 July to 30 June in the following year).
- 10.5 A Community Board member will be assigned to oversee any projects receiving Special Project funding, with assistance from Council staff.
- 10.6 At least quarterly, and at the Chair's request, a report back to the Board on the Special Projects Fund project progress and expenditure will be provided through the Committee Administrator with the support of the Finance Team. This will include:
  - 10.6.1 Accounting of funds expended for each project from the Special Projects fund
  - 10.6.2 Summary of each project's progress or completion
  - 10.6.3 Amount remaining in Special Projects fund when current funded projects are taken into account.

## 11 Golden Bay Community Board Special Projects funding

### Specific criteria

- 11.1 The funding contribution to any project will not normally exceed \$5,000.
- 11.2 Projects must take place within the Golden Bay Ward and demonstrate a clear benefit to the local community, including addressing an identified community need.
- 11.3 The Golden Bay Community Board acknowledges that there could be extraordinary circumstances whereby a project falls within the scope and principles of the special project fund but does not fully meet the requirements described in this policy. The Community Board



reserves the right to consider and approve projects outside the maximum contribution, prescribed selection process and/or timeframe if:

- 11.3.1 Funding for the financial year is still available after all funding is disbursed to projects selected through the annual Special Projects fund process;
- 11.3.2 The project is a high priority as determined through community consultation; and
- 11.3.3 A resolution is passed by the board making the decision to grant funding to the project including the reason for the extraordinary circumstance.

## 12 Motueka Community Board Special Projects funding

### Specific criteria

- 12.1 The funding contribution to any project will not normally exceed \$12,000.
- 12.2 Projects must take place within the Motueka Ward and demonstrate a clear benefit to the local community, including addressing an identified community need.
- 12.3 The Motueka Community Board acknowledges that there could be extraordinary circumstances whereby a project falls within the scope and principles of the special project fund but does not fully meet the requirements described in this policy. The Community Board reserves the right to consider and approve projects outside the maximum contribution, prescribed selection process and/or timeframe if:
  - 12.3.1 Funding for the financial year is still available after all funding is disbursed to projects selected through the annual Special Projects fund process;
  - 12.3.2 The project is a high priority which may be determined through community consultation; and
  - 12.3.3 A resolution is passed by the board making the decision to grant funding to the project including the reason for the extraordinary situation.

## 13 Timeframes for the Special Project fund process

Stage	Action	Date
Review of projects/initiatives completed.	Full list of projects/initiatives reviewed for feasibility. Board confirmation/prioritisation of list for public consultation.	No later than the end of April
Community feedback	Shortlist provided to the public for feedback. Feedback compiled and reported back to the Board.	Feedback is to be received by no later than the end of May
Decision	Board decisions on projects or initiatives are to be funded at full meeting of the board.	No later than the end of June

## 14 Review of this Policy

- 14.1 The rules, guidelines and monetary amounts set out in this policy are subject to change as a result of Council or Community Board review.
- 14.2 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.

\_\_\_\_\_  
Authorised by

\_\_\_\_\_  
Date of approval:

DRAFT

DRAFT v3 – February 2024

## APPENDIX A: Special Projects Fund Project Assessment Form Template

PROJECT	#1	#2	#3	#4
<b>PROJECT NAME</b>				
<b>ORGANISATION</b>				
<b>Objective and Scope</b>				
What type of project is it? <i>Council Infrastructure or Community Project.</i>				
Is it within Scope? Cannot be funded if for: <ul style="list-style-type: none"> <li>- Ongoing operational costs</li> <li>- Costs that are not project specific</li> <li>- Costs that cannot be verified</li> <li>- Completed projects</li> <li>- Events or services</li> </ul>				
<b>Principles</b>				
Does the project meet the general principles of for Special Project Funding? Note that projects cannot be funded if: <ul style="list-style-type: none"> <li>- for personal benefit/commercial gain of an individual or organisation</li> <li>- they are the responsibility of central government</li> <li>- has already received SPF in the financial year</li> </ul>				
<b>Criteria</b>				
Contribution to Council's Community Outcomes/the LTP?				
Project demonstrates local community support?				
Does it meet the definition of <i>Council Infrastructure Related Project or Community Project or Initiative, and benefit the whole community?</i>				
Is it within the funding maximum amount?				
If a council project, does it have the support of Council staff and is achievable with regard to resources/planning/time-frames and ongoing maintenance?				
If a non-council project is there agreement from the property owner?				
Are quotes for the project obtainable within selection timeframes?				
<b>Extraordinary Circumstances</b>				
If it does not fully meet the criteria, why not, and why should it be considered under extraordinary circumstances?				

DRAFT v3 – February 2024

**APPENDIX B: Special Projects Action List Template**

<b>Financial Year</b>	<b>Project</b>	<b>Decision and Funds</b>	<b>Status</b>	<b>Funding to date</b>	<b>Progress since last report</b>	<b>Board member and Council contacts</b>
<i>Financial year project funded for.</i>	<i>Name of the project and a brief description.</i>	<i>Enter date of resolution and funding allocated.</i>	<i>Choose an item.</i>	<i>Indicate funding spent to date or enter NIL.</i>	<i>Indicate any progress on the project since the last Special Actions List report.</i>	<i>List Board member assigned to oversee and the key Council contact if a Council project.</i>

DRAFT v3 – February 2024

**8.4 BOARD REPORT - APRIL****Decision Required**

**Report To:** Golden Bay Community Board

**Meeting Date:** 8 April 2024

**Report Author:** Abbie Langford, Chair

**Report Authorisers:**

**Report Number:** RGBCB24-04-8

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

1.1 The Board report is attached for inclusion in the agenda.

**2. Recommendation/s / Ngā Tūtohunga**

**That the Golden Bay Community Board**

- 1. receives the Board Report - April RGBCB24-04-8; and**
- 2. <approves> or <declines> the placement of historic mural panels on the front of the Golden Bay Museum building.**

**3. Items from March Public Forum**

3.1 The following public forum representations were received at the 11 March 2024 meeting.

TOPIC	PRESENTER	OUTCOME
<b>E-POD (Emergency Points of Distribution)</b>	Amanda Power, E-POD	This item was noted.
<b>Jet skis on Takaka River</b>	Cynthia McConville Forest and Bird Golden Bay	This item was noted by the Board and the Harbourmaster who was present at the meeting.
<b>Floating Launching Ramp</b>	William (Bill) Wallis	This item was noted by the Board, along with the Harbourmaster who was present at the meeting

**4. Meeting Frequency**

- 4.1 The Community Boards have been asked to consider their current meeting frequency and if this could be extended from the current monthly rotation to a six- weekly one. Council and Committees meet six-weekly.
- 4.2 The Democracy Services team is currently seriously under resourced to support the Boards, and Council and Committees.

- 4.3 One option is to have Board meetings occur every six weeks, to better coincide with Council and Committee meetings.
- 4.4 The Board could consider meeting two-monthly if there are a limited number of decision reports.
- 4.5 Increasing the timing between meetings would reduce the costs to the Board with staff time for Agenda and meeting preparation and enable better use of the Elected Members time.

## 5. Museum Mural

- 5.1 The Board have been asked to approve the installation of a historic mural on the Golden Bay Museum building, as the local elected representatives of the building's owner (Tasman District Council).
- 5.2 The Board received the following information from the Golden Bay Museum regarding its plans to install an historic mural on the front of the museum building.
  - 5.2.1 *The proposed mural will depict what the Pioneer tram might have looked like at the turn of the century. It has been created in an impressionist painter's view by local artist, Chris Finlayson.*
  - 5.2.2 *The Pioneer tram was in use for approximately 24 years in the early 1900s and ran down Commercial Street from East Takaka to Waitapu Wharf.*
  - 5.2.3 *Image size is W2400mm x H2000mm, it would be printed on two ACM panels and riveted to the corrugated iron at the front of the building with rubber washers between to form a watertight seal.*
- 5.3 The museum has asked the Board to consider financial support for the project, and has been advised to apply to the Discretionary Fund.
- 5.4 A Discretionary Fund application is anticipated to come to a future Board meeting.

## 6. Roading update

- 6.1 An update from Transportation Engineer Robert Deck regarding the roading items raised at the Board meeting on 11 March 2024 has been received.
- 6.2 The Board requested information regarding the following items:

Query	Staff Response
Installation of a footpath on the southern side Reilly Street, and requesting the repainting of faded yellow no parking lines	<p>Reilly Street is identified in our New Footpaths Priority Matrix at #24. So it may be some years before it can be funded.</p> <p>Currently there is no budget available for this work. However, a recent development of #10-16 Reilly Street requires the construction of a new footpath. I am currently working with the developer to prepare a suitable design that will be most beneficial to the public</p>
Revisiting the safety concerns around pedestrian access at	Motupipi/Commercial St - Can we confirm the issue that is needing to be solved?

<p>Motupipi St intersection with Commercial St (SH60) intersection, and seeking potential solutions</p>	<p>In the past the issue has been described as pedestrian safety, and there are no easy solutions here.</p> <p>Various design options have been produced and reported previously to GBCB but truck tracking and access to the existing private entranceways (NPD) is a major limiting factor to installing a refuge island.</p> <p>A raised zebra appears to be the 'least worst' option for pedestrian and truck movements.</p> <p>We have no funding available this financial year, and future funding is very uncertain given the government's unwillingness to subsidise walking or cycling improvements in future.</p> <p>The intersection itself is the responsibility of NZTA and we have had some dialogue with them in the past – happy to restart this.</p>
<p>Raising safety concerns for pedestrians and cyclists on Abel Tasman Drive at both Port Tarakohe entrances and including the quarry area which services significant heavy traffic movements</p>	<p>Port Tarakohe area - staff are developing a concept design to see what will potentially fit here. There is no funding for any improvements (which are likely to be expensive) unless the Port/property activity have budget available.</p> <p>The Port/Property team advise the need for significant road realignment at the Port and a solution for pedestrians and cyclists (particularly just before the tunnel).</p> <p>There is no pedestrian walkway, but a fence has been relocated to provide some additional space in this area, however there is no safe access prior to and through the tunnel.</p>

- 6.3 Council's Property team has advised it is aware of pedestrian safety concerns in this area, and notes:

## **7. Reserves and Facilities update**

- 7.1 A memo from Golden Bay Horticultural Officer Lynne Hall regarding walkways in Takaka raised at the Board meeting on 11 March 2024 is attached. (Attachment one).

## **8. Hanging Baskets**





- 8.1 The hanging baskets which grace the Tākaka CBD have been created and grown in a tunnel house located at the Sustainable Living Centre in Takaka for the past 10 years.
- 8.2 The existing tunnel house has been flagged for removal, which means the volunteer group will lose the nursery space they have been utilising.
- 8.3 The vibrant hanging baskets contribute to creating a welcoming street atmosphere in Tākaka township, and are well loved by the wider community and visitors.

- 8.4 The project receives annual funding of approximately \$5,000.00 from Council's Reserves team which covers the cost of plants, liners, etc. Volunteers fill and install the baskets and maintain the irrigation.
- 8.5 Members of the Board have identified that without a nursery space, the hanging basket volunteer group would be unable to supply this well-loved feature in future.
- 8.6 The members of the Board would like to identify potential solutions, including funding opportunities and potential locations for a tunnel house to be located to enable this community project to continue.

## 9. Action Sheet

- 9.1 The Action sheet is attached for inclusion in the agenda. (Attachment two).

## 10. Attachments / Tuhinga tāpiri

- |    |   |  |     |
|----|---|--|-----|
| 1. |   | Memorandum from Parks and Reserves on Walking Access | 109 |
| 2. |   | Action Sheet   | 111 |



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## MEMORANDUM

**TO:** Abbie Langford  
**FROM:** Lynne Hall  
**DATE:** 22/03/2024  
**FILE NO:**  
**RE: Walking Access in Golden Bay**

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### Background

At the March Golden Bay Community Board meeting, the Board discussed walkway access in Golden Bay, specifically in the Takaka township reserves.

The Board sought information regarding access to walkways and the status of ones in development, including the Sunbelt Crescent reserve walkway and any other potential walks in the Te Kakau stream reserve areas. A request was made for identification of any potential walkways in which the Board may be champion for development.

This came about in response to a Public Forum presentation on 12/02/2024 from GB Forest and Bird regarding establishment of dog friendly walkways in Takaka to provide alternative locations for owners to exercise dogs to move dogs away from beaches.

### Next Steps

Before too much time is spent on this, it would make sense to establish what the demand is likely to be from dog owners, particularly where and how they currently exercise their dogs and whether walkways away from beaches would encourage them to change their practices. This could be done by way of the upcoming dog bylaw review, or a survey in Newsline and/or Golden Bay weekly. If the demand is minimal then putting resources into further exploration of opportunities or for development would not make good sense.

### Brief Overview of Options and Opportunities

Other than a couple of reserves within central Takaka, dogs are permitted on almost all reserves, but not on sports-fields or within 10m of playgrounds and picnic tables.

Currently Sunbelt Crescent could meet the brief for a dog exercise area. Development is underway but important to note that the gravel path extension will only go downstream as far as the accessway to Abel Tasman Drive beside 8 Sunbelt Crescent. The reserve downstream to the end would still be usable for walking but gets quite wet in winter.

There is potential to link Feary Crescent Reserve to Te Kakau Reserve, but further work is needed to establish if this would be feasible.

Lake Killarney provides a suitable space for dogs and with two entrances a loop walk (encompassing Commercial Street) is presently available.

Consultation with neighbours would be required for the above options, as although dogs are permitted on these reserves, promoting them as 'dog friendly' may cause concern to residents.

The pathway along Selwyn St to Clifton Golf course is used by some dog walkers although owners tend to prefer the beach.

Uruwhenua Reserve has potential for further development but being so far out of central Takaka, is unlikely to be up for serious consideration.

Other opportunities that could be explored include parts of the Takaka River, Pohara Water Reserve, and various road reserves, however, there may be leases or existing use on many of these.

**Recommendation**

Obtain feedback from dog owners as to whether they would change their behaviour and move away from exercising dogs on beaches to using inland walkways and possibly 'dog park' type facilities.

NB/ properly done, the latter can be very expensive to establish and require ongoing maintenance.

**Action Sheets Report****Committee:**

Golden Bay Community Board

**Printed: Tuesday, 26 March 2024 11:13:25 AM**

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Golden Bay Community Board 11/03/2024	Jess McAlinden	Board Report - March 2024	25/03/2024		
<b>12 Mar 2024 10:20am McAlinden, Jess</b> Abbie to resend the Code of Conduct draft policy to the Board for their comments. <b>26 Mar 2024 10:17am McAlinden, Jess</b> The Code of Conduct draft policy was resent to the Board following the March meeting.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Golden Bay Community Board 11/03/2024	Jess McAlinden	Board Report - March 2024	25/03/2024		
<b>12 Mar 2024 10:20am McAlinden, Jess</b> Request an update from roading regarding, - installation of a footpath on the southern side Reilly Street, and requesting the repainting of faded yellow no parking lines; , - revisiting the safety concerns around pedestrian access at the Motupipi, Commercial and Willow streets intersection, and seeking potential solutions;; - raising safety concerns for pedestrians and cyclists on Abel Tasman Drive at both Port Tarakohe entrances and including the quarry area which services significant heavy traffic movements. <b>14 Mar 2024 9:14am McAlinden, Jess</b> Update requested from staff via email on 14/03/2024 <b>26 Mar 2024 10:16am McAlinden, Jess</b> Update received and included in Chairs report.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Golden Bay Community Board 11/03/2024	Jess McAlinden	Board Report - March 2024	25/03/2024		
<b>12 Mar 2024 10:30am McAlinden, Jess</b> Grant to organise a date with the Board to have a conversation regarding the special projects fund, and to identify potential projects for the Board to consider for funding.						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Golden Bay Community Board 11/03/2024	Abbie Langford	Board Report - March 2024	25/03/2024		
<b>12 Mar 2024 10:18am McAlinden, Jess</b> Grant to contact staff and request a report on the value of the Wetland Regeneration Project spearheaded by Friends of East Mohua, to identify potential avenues for Board and Council support						

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Golden Bay Community Board 11/03/2024	Jess McAlinden	Board Report - March 2024	25/03/2024		
<b>12 Mar 2024 10:19am McAlinden, Jess</b>						

**Action Sheets Report****Committee:**

Golden Bay Community Board

**Printed: Tuesday, 26 March 2024 11:13:25 AM**

Request an report from Reserves Staff regarding access to walkways, including the Sunbelt Crescent reserve walkway and any other potential walks the Te Kakau stream reserve areas.

**14 Mar 2024 9:14am McAlinden, Jess**

Update requested from staff via email on 14/03/2024

**26 Mar 2024 11:11am McAlinden, Jess**

Memo received and included as an attachment to the Board Report.

Type	Meeting	Officer/Director	Subject	Est. Compl.	Emailed	Completed
Report	Golden Bay Community Board 11/03/2024	Jess McAlinden	Board Report - March 2024	25/03/2024		
<b>12 Mar 2024 10:20am McAlinden, Jess</b> Abbie to resend the Special Projects fund policy to the Board for their comments.						
<b>26 Mar 2024 10:17am McAlinden, Jess</b> The Special Projects Fund draft policy was forwarded to Board members following the March meeting.						

**8.5 DISCRETIONARY FUND APPLICATION - APRIL 2024**

<b>Report To:</b>	Golden Bay Community Board
<b>Meeting Date:</b>	8 April 2024
<b>Report Author:</b>	Jess McAlinden, Team Leader - Customer Services
<b>Report Authorisers:</b>	
<b>Report Number:</b>	RGBCB24-04-9

**Summary**

The Golden Bay Community Board has received one application to the Discretionary Grants Fund for April 2024.

The following applicants and organisations have received funding from the Golden Bay Discretionary Fund in the 2023/2024 year:

September 2023	GB Boys and Girls Show	\$500.00
September 2023	Golden Bay Work Centre Trust	\$500.00
October 2023	Golden Bay High School Prizegiving	\$100.00
October 2023	Collingwood Area School prizegiving	\$100.00
December 2023	Sentient Clan Services	\$388.44
February 2024	Takaka Village Green Acquisition	\$500.00
February 2024	Tinbun Triathlon	\$287.50

To date, a total of \$2,375.94 has been disbursed in the current 2023/2024 financial year, leaving a remaining balance of \$8,303.06 available for disbursement as at 26/03/2024.

**That the Golden Bay Community Board**

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

Applicant	Request	Grant/Decline
Collingwood RSA	\$500	

**1. Attachments / Tuhinga tāpiri**

1.   Collingwood RSA Discretionary Fund application

114

## Jess McAlinden

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**From:** website@tasman.govt.nz  
**Sent:** Monday, 25 March 2024 11:46 am  
**To:** Jess McAlinden  
**Subject:** Application - Golden Bay Community Board Discretionary Fund

A new application has been received.

**Name of organisation\***

Collingwood Sub-Branch G. B. RSA

**Address**

Collingwood

**Contact person\***

Paddy Gillooly

**Contact phone\***

Provided as part of application.

**Email address\***

Provided as part of application.

**What is the purpose of your organisation?**

Supporting Service veterans and their families

**Amount applied for - up to \$500**

\$500.00

**Details of the project to be funded**

Refreshments following the ANZAC Civic Service in Collingwood.

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

**Benefits - Who or what will benefit from the project in the Golden Bay community?**

Those attending the service and veterans and their families and the TDC, as the RSA holds the service on their behalf.

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

RSA committee members time and RSA funds.

In past years the Collingwood RSA Women's section has catered this event. There is now no Women's section in Collingwood. We therefore have to have other caterers.

**Who else have you asked for funding for this project?**

No-one

**Bank account number**

Provided as part of application.

**You can upload a file to support your application**

**Privacy Statement**

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

<b>Report To:</b>	Golden Bay Community Board
<b>Meeting Date:</b>	8 April 2024
<b>Report Author:</b>	Liz Cameron, Assistant Management Accountant
<b>Report Authorisers:</b>	Kurt Clayworth, Management Accountant
<b>Report Number:</b>	RGBCB24-04-10

**1. Summary / Te Tuhinga Whakarāpoto**

- 1.1 The financial report for the financial month ending 29 February 2024 is attached.
- 1.2 The net financial position for the year-to-date is a surplus of \$14,811.
- 1.3 Board expenses YTD are \$4,606 and are made up of electricity, board meeting expenses and training.
- 1.4 Closed account interest for the year is \$596.
- 1.5 The net position for the Community Board's overall funds, as at 29 February 2024, is a surplus balance of \$101,996.
- 1.6 The financial report for the period ending 29 February 2024 is attached (**Attachment 1**).

**2. Recommendation/s / Ngā Tūtohunga**

**That the Golden Bay Community Board receives the Financial Summary**

**3. Attachments / Tuhinga tāpiri**

- 1.   Financial Summary

116

**TASMAN DISTRICT COUNCIL**  
**Golden Bay Community Board**  
**February 2024**

Profit and Loss	Monthly			YTD v Full Year		
	Actual	Budget	Budget %	February YTD Actual	Annual Budget	Annual Budget %
<b>REVENUE</b>						
CCB rate	6,636	6,632	100%	53,278	79,584	67%
Golden Bay Market	0	375	0%	1,423	1,784	80%
Closed Account Interest	75	53	141%	596	633	94%
<b>Total revenue</b>	<b>6,710</b>	<b>7,060</b>		<b>55,298</b>	<b>82,001</b>	
<b>EXPENSE</b>						
<b>Remuneration</b>						
Chairperson Monthly Salary	1,169	1,169	100%	9,350	14,295	65%
Members (3)	1,753	2,119	83%	13,914	25,162	55%
Community Board Members Reimbursements	0	599	0%	9,967	7,186	139%
<b>Miscellaneous</b>						
Community Board discretionary fund	788	768	103%	2,376	9,905	24%
Community Board special projects	0	0	0%	0	10,811	0%
Community Board expenses	2,364	232	1019%	4,606	19,456	24%
Contingency allowance	0	0	0%	0	913	0%
Cost of elections	0	0	0%	274	274	100%
<b>Total expenses</b>	<b>6,075</b>	<b>4,887</b>		<b>40,486</b>	<b>88,002</b>	<b>46%</b>
<b>Net Charges</b>	<b>637</b>	<b>2,173</b>		<b>14,811</b>	<b>(6,001)</b>	

**Year to date**

**Activity Balance**

Opening Surplus/(Deficit) Balance 1 July 2023	93,184
Net Income Surplus/(Deficit) January 2024	14,811
Less transfer to Discretionary Fund	- 6,000
<b>Closing Surplus/(Deficit) Balance 29 February 2024</b>	<b>101,996</b>

**Notes to the accounts**

**A) Discretionary fund**

Balance brought forward from 2022/23	774
Plus budget allocation	9,905
Available funds	10,679
Less expenditure	2,376
<b>Remaining Balance</b>	<b>8,303</b>

**Discretionary Fund**

Golden Bay Boys & Girls Show	500
Golden Bay Work Centre Trust	500
Golden Bay High prizegiving	100
Collingwood Area School prizegiving	100
Sentient Clan Services	388
GB Tinburn Triathlon	288
Takaka Village Green	500
<b>Total expenditure to 29 February 2024</b>	<b>2,376</b>

**B) Special Projects**

Balance brought forward from 2022/23	26,936
Plus budget allocation	10,811
Available funds	37,747
Less expenditure	-
<b>Remaining balance</b>	<b>37,747</b>

**Special Projects**

<b>Total expenditure to 29 February 2024</b>	<b>-</b>
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