



AGENDA | 2023

Notice is hereby given that an Ordinary Meeting of the 10th triennium (2019-2022) Chatham Islands Council will be held on:

Date: 29 March 2023
Time: 10.00am
Location: Council Chambers
Tuku Road
Waitangi
Chatham Islands

MEMBERSHIP

CHAIRPERSON

Mayor, Monique Croon

DEPUTY MAYOR

Keri Lea Day

MEMBERS

Steve Joyce

Greg Horler

Judy Kamo

Graeme Hoare

Amanda Seymour

Celine Gregory-Hunt

Nigel Ryan

Owen Pickles
Chief Executive



Karakia

Kia hora te marino
Kia whakapapa pounamu te moana
Hei huarahi ma tatou I te rangi nei
Aroha atu, aroha mai
Tatou I a tatou katoa
Hui e! Taiki e!

*May peace be widespread
May the sea be like greenstone
A pathway for us all this day
Let us show respect for each other
For one another
Bind us all together!*

AGENDA
Meeting Held 29 March 2023

4. Works & Services

4.1	Draft Waste Management and Minimisation Plan 2023 and Statement of Proposal	(WS 4.8)	P 4-42
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6. Regulatory

6.1	ECan Activity Report	(R 6.1)	P 43-116
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8. Government

8.1	Policy Updates	(G 8.	P 117-152
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Public Excluded Agenda

P 153

4. Works & Services

4.1 Draft Waste Management and Minimisation Plan 2023 and Statement of Proposal

Date of meeting	29 March 2023
Agenda item number	4.1
Author/s	Kelly Bombay - Stantec New Zealand

Purpose

Decision paper for Council to approve the draft Waste Management and Minimisation Plan 2023 for public consultation.

Recommendations

1. **THAT the reports be received;**
2. **THAT the Waste Management and Minimisation Plan be approved for public consultation.**

Background

Councils have a statutory role in managing waste and are required to promote effective and efficient waste management and minimisation within their jurisdiction. A key part of doing this is to adopt a Waste Management and Minimisation Plan (WMMP). The Chatham Islands WMMP has recently been reviewed and identifies methods for achieving effective and efficient waste management and minimisation across the Chatham Islands. As a result, the Chatham Islands Council (Council) is investigating ways in which it can better manage rubbish and recycling on the Chatham Islands.

The WMMP defines Councils vision 'towards zero waste', setting goals and targets, and outlines how the Council intends to work towards these identifying a range of methods for achieving effective and efficient waste management and minimisation. One of these methods being considered is the introduction of a Bylaw.

Attached to this report is the draft Waste Management and Minimisation Plan 2023 – Issues and Options Paper which includes the draft Bylaw as Appendix A. Also attached is the Statement of Proposal for consultation.

The WMMP Issues and Options paper has been reviewed at the last Information Workshop.

Waste Management and Minimisation Bylaw Issues and Options Paper

PREPARED FOR CHATHAM ISLANDS COUNCIL | 16 March 2023

Revision schedule

Rev No	Date	Description	Signature of Typed Name (documentation on file)			
			Prepared by	Checked by	Reviewed by	Approved by
1	01/03/2023	Draft for Council Workshop	KB	PL	SS	AM
2	16/03/2023	Final	KB			AM

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Quality statement

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20 / 12 / 2022

CHECKED BY

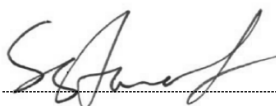
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22 / 12 / 2022

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20 / 12 / 2022

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01 / 03 / 2023

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1 Introduction

Councils have a statutory role in managing waste and are required to promote effective and efficient waste management and minimisation within their jurisdiction. A key part of doing this is to adopt a Waste Management and Minimisation Plan (WMMP). The Chatham Islands WMMP has recently been reviewed and identifies methods for achieving effective and efficient waste management and minimisation across the Chatham Islands. As a result, the Chatham Islands Council (Council) is investigating ways in which it can better manage rubbish and recycling on the Chatham Islands.

The WMMP defines Councils vision 'towards zero waste', setting goals and targets, and outlines how the Council intends to work towards these identifying a range of methods for achieving effective and efficient waste management and minimisation. One of these methods being considered is the introduction of a Bylaw.

The purpose of this **Issues and Options Paper** is to:

1. Further define the issues identified in the Scoping Paper and set out options to manage these issues.
2. Provide a summary of the proposed draft Bylaw.
3. Seek direction from Council as to its preferred option(s) and feedback on the Draft Waste Management and Minimisation Bylaw (the draft Bylaw) in order to prepare the State of Proposal for consultation.

Key milestones in the programme are indicated in Figure 1 below. Other work is being undertaken in parallel which will feed into the process of developing a draft Solid Waste Bylaw including investigations relating to charges and funding. These parallel investigations will be used to better inform the development of options and provide Council with the information it needs to make informed decisions regarding implementation of the draft Bylaw.



Figure 1: Programme working towards Solid Waste Bylaw

2 Strategic and Legal Context

The Local Government Act 2002 (LGA) and the Waste Minimisation Act 2008 (WMA) are the primary pieces of legislation relevant to this draft Bylaw.

2.1 Local Government Act 2002

The LGA enables Territorial Authorities (TAs) to make bylaws for protecting the public from nuisance and protecting, promoting, and maintaining public health and safety, including the regulation of waste management, solid waste, and trade waste.

Bylaws made under the LGA may be generally made for the purposes of:

- protecting the public from nuisance
- protecting, promoting and maintaining public health and safety
- minimising the potential for offensive behaviour in public

Section 146 of the LGA specifically enables TAs to make bylaws for the purpose of Waste Management

2.2 Waste Minimisation Act 2008

Councils have a statutory requirement to provide effective and efficient waste management and minimisation, and to protect public health, which does not necessarily involve providing services directly. When developing WMMPs, the WMA requires that the waste hierarchy be considered.

The 'waste hierarchy' refers to the idea that reducing, reusing, recycling and recovering waste is preferable to disposal (which in New Zealand usually means a landfill). This means that time, effort, and resources should be focused at the higher levels of the hierarchy where possible, and that any service options or choices considered should be evaluated through this lens. The waste hierarchy can be shown like this:

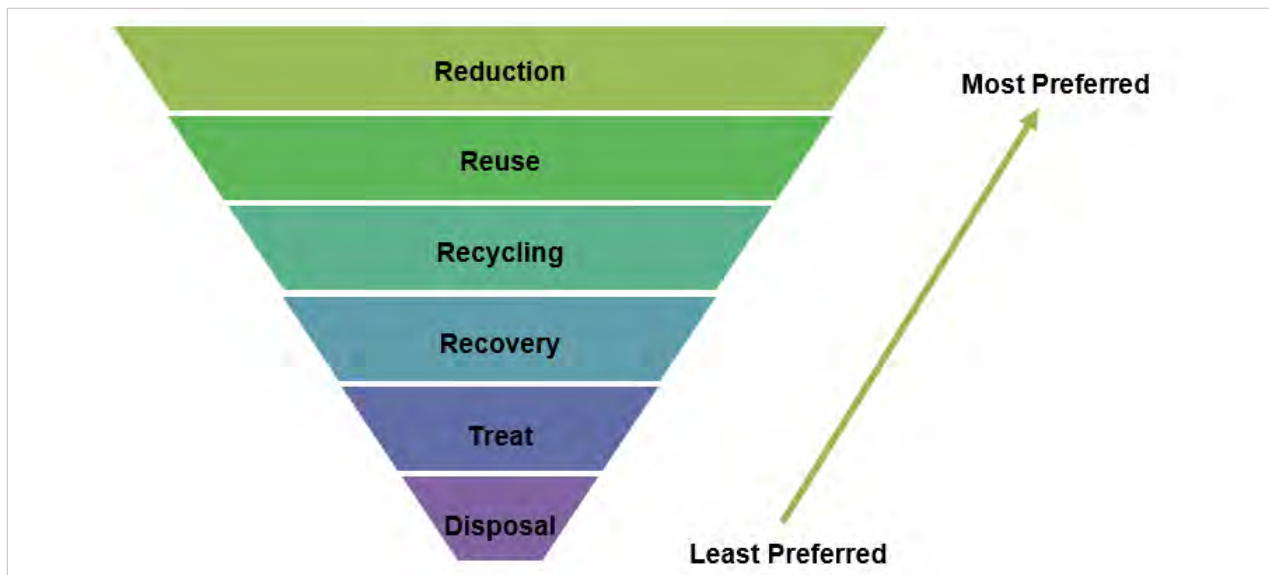


Figure 2: Waste Hierarchy

Section 56 of the WMA gives councils the power to make bylaws for the following purposes:

- (a) prohibiting or regulating the deposit of waste
- (b) regulating the collection and transportation of waste
- (c) regulating the manner of disposal of dead animals, including their short-term storage pending disposal
- (d) prescribing charges to be paid for use of waste management and minimisation facilities provided, owned, or operated by the territorial authority
- (e) prohibiting, restricting, or controlling access to waste management and minimisation facilities provided, owned, or operated by the territorial authority
- (f) prohibiting the removal of waste intended for recycling from receptacles provided by the territorial authority by anyone other than
 - (i) the occupier of the property from which the waste in the receptacle has come, or
 - (ii) a person authorised by the territorial authority to remove the waste.

The WMA also allows for bylaws to regulate the licensing of persons who carry out the collection and transportation of waste.

Bylaws can be used to:

- provide regulatory support
- provide a framework to drive councils' waste strategy development and waste management strategy initiatives
- ensure efficient and effective waste management in accordance with legislative requirements and with councils' waste minimisation and management plans

The WMA (s42) stipulates that territorial authorities have an obligation to encourage effective and efficient waste management and minimisation within their district, and as part of this must adopt a WMMP.

2.3 Waste Management and Minimisation Plan

A WMMP for the Chatham Islands was initially prepared in 2014 but not formally adopted. A review of the WMMP 2014 against the statutory requirements of the WMA resulted in a recommendation to Council to amend the WMMP. The review identified that WMMP requirements are met in some instances, but changes in waste management and minimisation facilities and services that are provided across the Chatham Islands have meant that other WMMP requirements are only partially met or are not met at all.

The decision to amend the WMMP 2014 was made at a Special Meeting of Council held on 29 June 2022. The WMMP 2022 is currently in draft. The draft Bylaw must not be inconsistent with the WMMP. Other Bylaw considerations are discussed in Section 5 below.

The vision of the WMMP for the Chatham Islands is 'Towards Zero Waste'. The WMMP sets Goals, Objectives and Targets towards achieving the vision.

The overarching goals of the WMMP are:

- (a) A community which is committed to reducing, reusing and recycling products and materials.
- (b) A community which is committed to the minimisation of waste sent to landfill for disposal.
- (c) A community that is encouraged to minimize its waste through education, provision of information and through Council leadership and example.
- (d) A community that is committed to reducing the risk of environmental damage resulting from waste management methods.
- (e) A community that considers, and where appropriate, implements new initiatives and innovative ways to assist in reducing wastes and reusing and recycling materials.
- (f) A community where illegal dumping activities are addressed

Before a local authority makes a bylaw, a council must determine whether a bylaw is the most appropriate way of addressing the perceived issue or problem. This paper sets out the factors relevant to making this determination with respect to waste management and minimisation issues within the Chatham Islands.

3 Current Waste Issues and Options to Manage Issues

The waste issues which were identified in the Scoping Paper are set out in Table 3-1 below. These waste issues align with the district-specific issues identified in the WMMP.

Table 3-1: Waste Issues and Alignment with WMMP

Waste Issues Identified	Area Identified in WMMP
Inefficient and ineffective waste management (a) existing facilities and infrastructure (i.e., bailing) do not operate efficiently; (b) there are no controls regarding access, security and regulation of the types of waste received at facilities; (c) littering and inappropriate disposal and separation of waste streams creates a nuisance and impact on the environment and amenity;	Infrastructure Operations Diverted material

Inappropriate and unsafe management of dangerous, hazardous and/or infectious waste	Infrastructure
Lack of construction and demolition waste management and minimization	Infrastructure
Lack of event waste management and minimisation	Infrastructure Diverted material
Limited, incomplete and inconsistent waste data	Waste data

Each issue is discussed in more detail, along with options to manage these issues, in the sections to follow.

3.1 Inefficient and Ineffective Waste Management

Actions from both the user and operator of waste services impact the efficiency and effectiveness of waste management on the Chathams. This broad issue can be seen to include three key primary areas of concern:

- existing facilities and infrastructure (i.e., bailing) do not operate efficiently or are not fit for purpose;
- there are no controls regarding access, security and regulation of the types of waste received at facilities; and
- littering and inappropriate disposal and separation of waste streams, creates a nuisance and impact on the environment and amenity.

Existing facilities and associated infrastructure are in place including Kaingaroa Transfer Station, Te One Materials Recovery Facility and Transfer Station, which includes the Mitre 12 Reuse Facility, and the Owenga Landfill, which has been recently commissioned. There are currently limited regulatory controls for waste services, and those in place are not adequately adhered to, which as a result have led to a range of adverse public nuisance, health and safety and environmental impacts.

Council also has some education strategies in the way of information to schools and monthly newsletters. However, despite education being a valuable tool for promoting behaviour change it will not alone manage waste minimisation and management which is driven more often by cost and logistical considerations. Opportunities exist through a Bylaw to provide controls and rules to better support and safeguard the efficiency and effectiveness of waste and recycling operations.

Waste diversion is important to minimise waste to landfill. The household waste stream presents the biggest opportunity to minimise and manage waste to landfill for the Chatham Islands. In this regard, the Council is currently considering changes, proposed by their contractor Fulton Hogan, to the current waste management operation to provide a kerbside (or more accurately an 'at the gate') rubbish collection, similar to waste collection activities on the mainland. Further engagement with the community is required to inform controls or rules in relation to matters such as collection times, type of refuse and receptacle accepted, and whether any charges apply.

Nuisance and litter, if not dealt with correctly or if stored in the incorrect way or place, can be a real problem. A nuisance is defined in the Health Act 1956 and refers to issues such as stockpiling waste, illegal dumping, burning and burying waste, and littering.

Table 3-2: Inefficient and Ineffective Waste Management – Options Assessment

Options	Advantages	Disadvantages
1. <i>THAT the draft Bylaw include general provisions for the collection, transportation, processing and disposal of waste</i>	<p>General provisions to meet the growing expectations of residents for waste management and minimisation.</p> <p>Long-term planning for services.</p> <p>Note: This does not commit Council to provide collection services, however the inclusion will set a framework for enabling collection services.</p>	<p>Voluntary provision of waste data cannot be relied upon to secure the provision of data required for the Council to improve data collection.</p>

<p>2. THAT the draft Bylaw provides the framework for 'at the gate' collection services</p> <p><i>Note: A proposal from Council's current contractor, Fulton Hogan, for the collection of household waste is being considered by Council.</i></p>	<p>A regionally coordinated waste operator would have oversight and therefore control of waste collection data.</p> <p>At the gate collection will require separation of waste streams ready for the collection service, and monitoring of contents.</p> <p>The proposed model may also be extended to recycling in the future.</p> <p>Collecting household waste, and collecting data in this regard, may better inform Council on decisions such as the use, upgrades or closure of waste management infrastructure.</p> <p>Cost effective and efficient services.</p>	<p>Some areas might not be serviceable for collection services. However, provisions can be broad to allow for a variety of services.</p>
<p>3. THAT the draft Bylaw include provisions to manage litter and nuisance relating to waste in public places</p>	<p>Littering issue not currently covered by existing bylaws to prevent households and businesses placing waste and recyclable materials into public place bins.</p>	
<p>4. THAT the Council make available information in relation to waste management, providing education regarding health risks of waste materials and appropriate disposal pathways</p>	<p>Education on diverting waste from the landfill can help reduce the amount of waste disposed of at the landfill.</p> <p>Reduction in waste generation (waste hierarchy) with many other benefits including financial whereby cost of waste disposal is also reduced (less waste = less cost).</p> <p>When people understand their impact on the environment, this fosters a sense of ownership and responsibility, people are more likely to choose to take steps to minimise it.</p>	<p>Will not alone manage waste management and minimisation (driven more often by cost and logistical considerations).</p>

Recommendation: That Options 1 – 3 be included in the draft Bylaw.

The draft Bylaw could therefore include a framework for the provision of 'at the gate' collection services which gives the power to make and amend controls or rules in the future. Controls in relation to implementing an at the gate collection could be adopted by Council resolution at the same time as adopting the Bylaw or at a later date. Regulatory controls are necessary as they will set clear and transparent kerbside waste collection (and potentially recycling in the future) standards applicable to the Council contracted waste operator.

A section of the bylaw specifically in relation to nuisance litter will better enable Council to take action on some of these issues more effectively.

In order to be effective, bylaw provisions need also to be supported by community education advocating best practice waste management behaviour. A combination of good services, education, monitoring, and bylaw provisions are recommended.

3.2 Management of Dangerous, Hazardous and/or Infectious Waste

There is increasing demand for the disposal of special wastes (any wastes whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements). While disposal of special wastes at the landfill may be acceptable under the landfill's waste acceptance criteria, there are not yet sufficient processes in place to manage this effectively.

There is a need to manage and avoid issues with the collection, transportation and disposal of dangerous, hazardous and/or infectious waste. Such materials pose a risk to human health, environmental well-being and waste service provider safety.

Table 3-3: Management of Dangerous, Hazardous and/or Infectious Waste – Options Assessment

Options	Advantages	Disadvantages
1. <i>THAT the draft bylaw includes provisions for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream.</i>	Regulating the disposal of dangerous, hazardous and infectious materials will minimise and where possible avoid, risks that such materials pose to human health, environmental well-being, and waste service providers.	Waste must be in accordance with Waste protocols already in place within the Landfill Development and Management Plan.
2. <i>THAT the draft bylaw refers to the Waste Protocols already in place within the Landfill Development and Management Operation Plan.</i>	<p>Regulating the disposal of dangerous, hazardous and infectious materials will minimise and where possible avoid, risks that such materials pose to human health, environmental well-being, and waste service providers.</p> <p>Provides ability to set controls for the current circumstances, while having flexibility to adopt changes.</p> <p>Provides specific requirements around aspects of dangerous, hazardous and infectious substances and enforcement powers to deal with non-compliance.</p>	Requirement is for landfill contractor to prepare the plan and therefore Council have less control over what's in it.

Recommendation: That both options are adopted in the draft Bylaw.

In line with guiding legislation, specifically section 145(b) LGA 2002, and sections 23(e) and section 64(1)(a) of the Health Act, Bylaw provisions would provide the Council with an appropriate regulatory tool for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream.

3.3 Construction and Demolition Waste Management and Minimisation

Construction and demolition (C&D) activity can generate substantial quantities of waste material, much of which is potentially recoverable, such as brick and concrete, timber, plasterboard and metal. C&D wastes are increasing significantly as new development occurs in the Chatham Islands. C&D wastes are difficult to recycle and there are presently no charges levied for these wastes.

The construction and demolition waste stream therefore presents an opportunity to address waste to landfill for the Chatham Islands. Some options exist for Council to advance effort towards C&D waste management and minimisation. Such initiatives could include:

- Incorporating C&D waste minimisation into Council procurement considerations.
- Voluntary waste minimisation practices and sustainability certifications to promote C&D waste minimisation.
- The establishment of bylaw provisions that require the consideration of C&D waste minimisation associated with building projects.

Voluntary measures are unlikely to promote or bring significant reductions in the amount of C&D waste generated. The establishment of Bylaw provisions that require the consideration of C&D waste minimisation associated with building projects (the scale to be determined) exists as a starting point for regulating C&D waste minimisation.

The NZ Government have implemented increases, and expansion of the scope, of the waste disposal levy. If the cost of C&D waste disposal were to increase this creates further incentive to divert and recycle C&D waste. If this were to happen, the existence of Council required C&D waste minimisation plans would become a valuable tool for identifying the potentially divertible and recyclable waste material streams.

In recent years, councils nationwide have adopted bylaw provisions which give the ability for Council to require construction site and demolition waste management plans. Those Councils which have such provisions generally follow the same format which states that Council may make a control under the Bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher (note, some Councils specify what that value is) to submit a construction site and demolition waste management plan to the Council for approval prior to the commencement of any building work. Provisions specify:

- The minimum information to be supplied in a plan.
- Actions and information to be recorded while building work is carried out.
- Information to be provided within three months of building completion.

Table 3-4: Construction and Demolition Waste Management and Minimisation – Options Assessment

Options	Advantages	Disadvantages
1. <i>THAT the draft Bylaw provides that Council may require a construction site and demolition waste management and minimisation plan for building projects over a certain value to be prepared and submitted to the Council for approval prior to the commencement of any building work.</i>	<p>Provides the ability to require the preparation of a C&D management plan.</p> <p>It will help improve local data on the management of construction and demolition waste.</p> <p>Better data will support increased understanding of construction and demolition waste issues and will inform and support the development of appropriate tools to help manage these issues.</p> <p>Encourage reuse and recycling and help ensure residual materials are taken to an appropriate disposal or recovery facility.</p> <p>Emphasis on reduction of waste in the first instance.</p>	<p>Will not alone manage waste minimisation and management (driven more often by cost and logistical considerations).</p> <p>Could lead to an increase in illegal dumping.</p>

A bylaw provision as above would provide the framework for Council to require the preparation of a waste management plan in the future, for approval prior to the commencement of consented building works. The introduction of a control to implement this and require the preparation of site waste management plans would be a decision of Council in the future, i.e., does not need to be set at this time, but the bylaw would give the power to do this. This acknowledges the work Council would need to undertake to determine what value and type of a building project would trigger the requirement of a plan. As part of that work Council would also need to consider increased and/or improved recovery and recycling for the local building industry.

Recommendation: That bylaw provisions be included to provide the framework for future C&D waste management plans. The process by which those provisions are implemented would be determined as a later piece of work. It is recommended that any future process is supported by education campaigns and programmes to socialise waste management and waste diversion as part of planning for C&D activities.

3.4 Event Waste Management and Minimisation

There are a range of issues associated with waste management and minimisation at events, i.e., litter and waste left in public places, overflowing litter bins, lack of adequate facilities for recycling and waste services. This waste becomes the liability of the Council for removal and disposal and has to be funded by rates.

Several councils have established bylaw provisions to regulate the encouragement of waste management and minimisation at events. Others have provisions which require event managers of large public events (500 people or more in attendance) to obtain prior written approval from Council where the event organiser needs to submit an event waste management and minimisation plan. Smaller events are often exempt from this requirement.

Due to the small population of the Chathams and the small number of large-scale public events, the requirement of event management plans is not considered an appropriate tool.

Recommendation: That the draft bylaw prescribes requirements and measures to be taken by event organisers (prior, during and after an event) in relation to the choice and use of packaging, the provision of appropriate receptacles at events and improved diversion of waste.

3.5 Limited, Incomplete and Inconsistent Waste Data

The WMMP identifies that there is currently limited data available on waste quantities and composition. The Council presently has no means to weigh waste or diverted material and are required by regulations under the WMA (Regulations) to measure waste and diverted material quantities by other means (i.e., volume conversion). Note that a weighbridge is to be installed and commissioned by the end of February 2023.

Some of the actions required to address this issue include:

- Improving on and maintaining existing waste data collection within the district, which has been implemented by Fulton Hogan (Council's contractor).
- Collecting waste data in a consistent manner that complies with Regulations, and measuring progress towards targets.
- Providing a means to weigh both waste and bales of recyclables at Te One.

Fulton Hogan currently have a proposal in front of Council for a kerbside collection of waste which would provide a controlled approach to waste disposal and enable a consistent means of data collection. Without regulatory controls applicable to waste service users, clear standards cannot be set regarding the disposal as well as the possible collection of waste and recyclable material.

If kerbside collection was a service provided, then the use of education strategies and programmes would exist as an option available to Council. However, despite education being an effective tool for promoting behaviour change, it will not be sufficient alone in managing the disposal of waste. Education strategies also would not sufficiently address the improvement in waste data collection enough to provide a more accurate account of waste quantities and composition across the Chatham Islands.

By providing a regulatory framework for initiatives such as kerbside collection, controls for the operation and use of their waste management facilities, and plans for the minimisation and management of waste, the Bylaw is an essential regulatory tool which will enable the Council and its contractors to improve consistency and maintain waste data collection across the Chatham Islands.

Recommendation: To adopt the draft Bylaw provided as Appendix A, which includes the framework and controls stated above. In order to be effective, bylaw provisions need also to be supported by community education advocating best practice waste management behaviour.

4 Conclusion

In summary, this report determines that a Waste Management and Minimisation Bylaw pursuant to the WMA and the LGA should be introduced for the Chatham Islands to:

- Promote waste minimisation.
- Provide the framework for kerbside collection services to support a regionally coordinated operator.
- Provide provisions to manage litter and nuisance relating to waste in public places.
- Manage and/or avoid issues associated with the collection, transportation, and disposal of dangerous and/or hazardous waste.
- Provide the framework for Council to require C&D Waste Management and Minimisation Plans in the future.
- Provide requirements for event organisers prior, during and after an event to minimise, capture and dispose of all waste, recyclable material and litter associated with the event.

The bylaw must be consistent with the WMMP. The draft Bylaw supports the key goals of the WMMP which include maximising opportunities to reduce the amount of waste sent to landfill, reduce the harmful and costly effects of waste, and improve efficiency of resource use.

The draft Bylaw is attached to this report as **Appendix A**.

5 Next Steps

As part of the process to make, revoke or amend any bylaw, Council is required by Section 155 of the LGA to be satisfied that the bylaw:

- Is the most appropriate way of addressing the perceived problem;
- Is the most appropriate form of bylaw; and
- Does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA), nor is inconsistent with that Act.

Most Appropriate Way to Address the Problems/Issues

This report has considered each of the waste related problems, discussed the possible mechanisms to address these problems (both regulatory and non-regulatory) and determined the most appropriate option.

In summary, while non-regulatory guidance (e.g., community education, guidelines and information provision) and appropriate operational practices can help address a range of waste related problems, bylaw regulation is necessary as a means to establish a framework of waste management and minimisation standards for waste service users and service providers. Together, regulatory standards, non-regulatory actions and operational practice will support the delivery of effective and efficient waste management and minimisation across the Chatham Islands.

The introduction of a bylaw is the recommended option (or part of the recommended option) for several of the waste problems across the Chatham Islands.

Most Appropriate Form of Bylaw

The draft Bylaw effectively and efficiently addresses the identified issues by addressing a number of unwanted consequences resulting from the management and minimisation of waste. The draft Bylaw also provides flexibility and allows for changing circumstances to be recognised by enabling Council to be able to take action on matters if required.

Controls (rules) to support the implementation of the proposed Bylaw can be made by Council resolution following Bylaw adoption (for example associated with at the gate collection services and C&D waste). This separation allows the controls to be amended as appropriate rather than requiring a full review of the Bylaw. This gives Council the necessary flexibility to recognise that changes may be needed to procedures or other associated implementation matters over time.

The draft Bylaw is consistent with the goals, aims and actions of the WMMP goals identified by the Council and should be established as a standalone bylaw. For these reasons, it is considered that a Waste Management and Minimisation Bylaw is necessary and the most appropriate way to manage waste on the Chatham Islands.

New Zealand Bill of Rights

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to minimise danger, distress and nuisance to others or the public generally, or create the potential for environmental harm. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

Draft Bylaw and Statement of Proposal

The Council is asked to consider the draft Bylaw attached to this report as Appendix A and to confirm they are comfortable with it, or make any amendments.

A statement of proposal must then be prepared for the draft Bylaw including any amendments recommended by the Council Committee. The statement of proposal must also identify include the reason for the proposal and consideration of the appropriateness of a bylaw to address the perceived problems as described above.

The draft Bylaw should then be put on the Council agenda and adopted for public consultation (refer section 6 for further recommendations). Following receipt of public submissions, the Council must hear and consider the submissions and make any amendments as they see fit. The final bylaw is then adopted by resolution and publicly notified.

6 Proposed Community Engagement Approach

The Special Consultative Procedure must be followed in accordance with section 83 of the Local Government Act 2002 and part 4, sections 44 and 50 of the WMA. A statement of proposal will be prepared alongside the draft Waste Management and Minimisation Bylaw to explain the proposed provisions and the reasons for the establishment of the bylaw.

It is recommended to run community engagement for the draft Waste Management and Minimisation Bylaw alongside the Statement of Proposal and draft Waste Management and Minimisation Plan (August 2022).

Key elements of the proposed community engagement approach include:

- Media releases, Facebook and website content to raise awareness of the consultation period (Dates to be confirmed).
- Hard copies at Council office/Library for those without internet access.
- 'Have Your Say' approach to be run in lieu of formal hearings, within the consultation period. It is suggested that this topic be open for discussion at community meeting for Waitangi and Kainga roa. These discussions can be hosted by elected members and/or facilitated by staff (with notes taken).

The Council Committee is asked to consider this proposed approach and confirm they are comfortable with it, or make any amendments.

Appendix A

Draft Waste Management and Minimisation Bylaw



*"Working towards a **sustainable future**"*

Draft Chatham Islands Waste Management and Minimisation Bylaw 2023

Revision schedule

Rev No	Date	Description	Signature of Typed Name (documentation on file)			
			Prepared by	Checked by	Reviewed by	Approved by
1	01/03/2023	Draft Bylaw for Council Comment	KB	PL	SS	AM
2	16/03/2023	Draft Bylaw for Council Meeting / Resolution	KB	PL	SS	AM

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PART ONE: INTRODUCTION

1 Title

- 1.1 This bylaw shall be known and referred to as the “Chatham Islands Waste Management and Minimisation Bylaw 2023”.
- 1.2 This bylaw came into force on Day Month Year.

2 Purpose

- 2.1 The purpose of this Bylaw is to:
- (a) Promote and deliver effective and efficient waste management and minimisation for the Chatham Islands as required under the Waste Minimisation Act 2008;
 - (b) implement the Council's Waste Management and Minimisation Plan;
 - (c) give effect to the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
 - (d) regulate the collection, transportation, and processing of waste and diverted material;
 - (e) protect the health and safety of waste collectors, waste operators and the public; and
 - (f) manage litter and nuisance in public places.

3 Compliance with the Bylaw

- 3.1 No person may deposit, collect, transport, sort, store, process or dispose of waste and diverted material other than in accordance with this Bylaw.
- 3.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, Bylaws, and rules of law.

4 Interpretation

- 4.1 In this Bylaw, unless the context requires otherwise, the following definitions of terms shall apply:

Act means the Waste Minimisation Act 2008.

Approved means authorised in writing by Council.

Approved container means any container (including any Reusable Container), bag or Official Council container or bag, used for the collection of Waste and/or Recyclable Materials.

Authorised officer means any officer of the Council or other person authorised by the Council to administer and enforce its Bylaws, and any person appointed especially or generally by the Council to enforce the provisions of this Bylaw.

Building work means the same as defined in the Building Act 2004 and includes any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.

Cleanfill material means waste that:

- (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and
- (b) is not diverted material; and
- (c) includes materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - (i) combustible, putrescible, degradable or leachable components;
 - (ii) hazardous waste;
 - (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - (iv) materials that may present a risk to human health or the environment; and
 - (v) liquid waste; and
- (d) has less than two percent by volume by load of tree or vegetable matter.

Cleanfill site means the facility used for the disposal of cleanfill material.

Commercial property means any property used for business, manufacture, process, trade, market or other undertakings.

Commercial waste means waste that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other undertakings

Construction site and demolition waste means waste generated from any building work (including construction, renovation, repair or demolition); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, steel, brick, paper, roofing materials, wool/textiles, cardboard, metals, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.

Council means the Chatham Islands Council, or any person delegated or authorised to act on its behalf.

Council collection points means places or containers where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.

Deposit means to cast, place, throw or drop any waste or diverted material.

Dispose or **Disposal** means the same as defined in the Waste Minimisation Act 2008

Diverted material means as defined in the Waste Minimisation Act 2008.

Domestic waste means waste consisting of refuse, recyclable material or organic matter (food waste and/or green waste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.

Estimated value means the same as defined in the Building Act 2004.

Event means any organised temporary activity that is likely to create Litter in a Public Place including, but not limited to, an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

Food waste means waste that is derived from any item of food and is organic in origin and free of contamination and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.

Footpath means the same meaning as in section 315 of the Local Government Act 1974.

Green waste means compostable plant material including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition, and being free of any contaminants will degenerate into compost. This does not include flax, bamboo, pampas, flowering gorse, palm trees or cabbage trees.

Handling waste means removing, collecting, transporting, storing, treating, processing or disposing of waste.

Hazardous waste means waste that is reasonably likely to be or contain a substance that meets one or more of the classification criteria for substances with explosive, flammable, oxidising, toxic, corrosive or ecotoxic properties under the Hazardous Substances (Classification) Notice 2017. Hazardous waste does not include household waste, inorganic material, construction and demolition waste, or commercial or industrial waste.

Home composting means the activity of creating decaying organic matter from domestic green waste and/or food waste into compost.

Household waste means waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.

Illegal dumping means the disposal of waste in an unauthorised or non-dedicated area.

Litter means any refuse (waste), rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

Litter container means a container provided for the collection of litter.

Manager means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

Nuisance means a nuisance in terms of the Health Act 1956

Occupier means in relation to any property or premises, the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.

Owner means in relation to any property or premises, the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.

Person means an individual, a corporation sole, a body corporate, and an unincorporated body.

Premises means any separately occupied land, dwelling, building, or part of the same.

Prohibited waste means waste containing:

- (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- (b) any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- (c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;

- (d) any radioactive wastes, but excluding domestic smoke detectors;
- (e) any used oil and lead-acid batteries;
- (f) any hazardous waste;
- (g) medical waste;
- (h) any material identified by the Council under clause 9.9 of this Bylaw as posing an unacceptable risk of nuisance to the public or to public health and safety, subject to a control made under clause 9.8 below.

Public place means the same as defined in the Litter Act 1979.

Recovery means the same as defined in the Waste Minimisation Act 2008

Recyclable material means the types of waste that are able to be recycled and that may be specified by the Council from time to time under this Bylaw.

Recycling means the same as defined in the Waste Minimisation Act 2008.

Road means the same as defined in section 315 of the Local Government Act 1974.

Site means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.

Special wastes mean any wastes, whether from a trade premise or any other source, which is hazardous, toxic or by its nature requires special disposal because of environmental considerations, or landfill operational requirements.

Treatment means the same as defined in the Waste Minimisation Act 2008.

Waste means the same as defined in the Waste Minimisation Act 2008. For clarity 'refuse' means the same as 'waste'.

Waste management facility means a facility, authorised by Council, which primarily provides waste management and disposal services or waste remediation and materials recovery services, in relation to solid waste. It includes, but is not limited to waste transfer stations, resource recovery stations, recycling centres, composting facilities, landfills or cleanfill sites, or hazardous waste facilities.

Waste management facility operator means a person who owns or manages a waste management facility.

Waste management and minimisation plan means a waste management and minimisation plan adopted by the Council under section 43 of the Waste Minimisation Act 2008.

Waste operator means a person who is a waste operator or operates a waste management facility.

PART TWO: WASTE MANAGEMENT

5 Controls

5.1 The Council may make, amend or revoke controls for the safe and efficient operation of waste collections services from a public place.

5.2 The controls made by Council in clause 5.1 may relate to the following matters:

- (a) The type, size, capacity/volume, weight, number, colour and construction of approved containers that may be used for the disposal, storage and collection of waste and recyclable material;
- (b) The types of household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable, organic waste, or other residual waste;
- (c) The types and categories of waste that may be deposited in approved containers;
- (d) The conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
- (e) Requirements to ensure the correct separation of wastes into approved containers, including content control messaging and symbology on an approved container that specifies the permitted and prohibited content;
- (f) Maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved container;
- (g) Maximum allowable limits of a waste type that may be placed in a container that is approved for another type of waste;
- (h) Types of waste that are prohibited;
- (i) The locations, access times and conditions of use of approved collection points;
- (j) Requirements relating to the safe and secure transportation of waste;
- (k) Requirements applicable to waste service users and/or to waste handling and collection if traffic or pedestrian safety have the potential to be adversely impacted by the deposit of material in a public place or by waste servicing operations; and
- (l) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

5.3 Any control specified by the Council to support the implementation of this Bylaw:

- (a) Must, after consultation pursuant to the Local Government Act 2002, be made by a resolution of Council that is publicly notified; and
- (b) May:
 - (i) prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;

- (ii) apply to all waste or to any specified category of waste and diverted materials; and
- (iii) apply to the Chatham Islands or to a specified part of the Chatham Islands; and/or
- (iv) apply at all times or at any specified time or period of time.

6 Collection, transportation, processing and disposal of waste and recyclable materials

General responsibilities

6.1 The Occupier and/or Manager of a premises must ensure that:

- (a) reasonable steps are taken to prevent waste or recyclable material escaping from any container;
- (b) waste or recyclable material from the premises has no more than a minimal adverse effect on neighbouring occupiers;
- (c) any container for waste or recyclable material is regularly emptied when it is full;
- (d) the contents of any container for waste or recyclable material, excluding containers for green waste and glass recycling, are protected from rain or ingress or egress of flies and animals; and
- (e) steps are taken to ensure that no waste or recyclable material is deposited in or about any building or its surrounding area (including kerbside) except in accordance with this Bylaw.

6.2 The occupier and/or the manager of any premises who is in control of an approved container must ensure that:

- (a) the container is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its appearance;
- (b) the contents of any approved container do not seep or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;
- (c) if required, waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
- (d) reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises; and
- (e) the container is placed for the collection of waste or recyclable material, where a collection service is provided, and retrieved in accordance with any applicable control specified by the Council.

6.3 No person may:

- (a) put waste or recyclable material into an approved container provided to any other person, without that other person's consent;
- (b) remove waste or recyclable material from, or interfere with any waste or recyclable material deposited in an approved container, except the Council, an Authorised Officer or the person who deposited the waste or recyclable material;
- (c) remove or interfere with any mode of identification of any approved container;

- (d) remove an approved container if provided by the Council from the premises to which it has been allocated, except with the prior written approval of the Council.

6.4 The occupier and/or the manager of any premises is responsible for any waste generated or recyclable material on the premises until it has been collected or disposed of.

Collections from a public place

6.5 The Council may provide a collection service for the collection, transportation and disposal of waste and/or recyclable material from a public place.

6.6 Any person providing or using a collection service for waste or recyclable material in or from a public place must comply with this Bylaw.

6.7 The Council may specify controls for the following matters in relation to the collection or transportation of waste and/or recyclable material from a public place:

- (a) the area to which the control applies;
- (b) the type, size, colour, and construction of approved containers that may be used for the storage and collection of waste or recyclable material;
- (c) the types of waste or recyclable material that may be collected in various types of approved containers;
- (d) the categories of wastes that may be deposited at or collected from a public place;
- (e) the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
- (f) requirements to ensure the correct separation of categories of wastes into approved containers;
- (g) maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved container;
- (h) maximum allowable limits of a waste type that may be placed in a container that is approved for another type of waste;
- (i) types of waste that are prohibited;
- (j) the locations, access times and conditions of use of Council waste collection points;
- (k) any other operational matter required for the safe and efficient operation of a collection service from a public place.

6.8 Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by the Council under this Bylaw.

General Controls

6.9 The Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste or recyclable material from any property:

- (a) Types of domestic waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable material, organic matter, or refuse;
- (b) maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of;
- (c) maximum allowable limits of a waste type that may be placed in a container approved for another waste type;

- (d) types of waste that may be handled at any class 1 – 5 landfill and material that may be used as cover material at any such site;
- (e) materials that may be used as natural or other hardfill material at a clean fill site;
- (f) types of waste that are prohibited.

6.10 Waste or recyclable material must not be placed on or in a public place for collection unless it is:

- (a) A type of waste or recyclable material specified and approved by the Council as able to be placed on or in a public place for collection; and
- (b) Placed in an approved container for collection by the Council or Authorised Officer.

7 Nuisance and litter

7.1 No person may:

- (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
- (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

7.2 Except as provided for under this Bylaw, no person may:

- (a) bury or allow to be buried any waste on any property they own, occupy or manage except:
 - (i) Organic waste, including dead farm animals in rural areas;
 - (ii) Dead companion animals and nuisance pests; or
 - (iii) For the purposes of home composting;
 - (iv) Waste, including fish factory wastes, deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Chatham Islands Resource Management Document.
- (b) dispose of any waste on any premises except at –
 - (i) A waste management facility, or
 - (ii) Any premises they own, occupy or manage, for the purposes of home composting.

7.3 No person may:

- (a) deposit any waste arising from that person's household or that person's business activities in any litter container provided by the Council in any public place;
- (b) remove any waste from any litter container provided by the Council in any public place, where this results in any waste being deposited outside the litter container, unless authorised by the Council to do so;
- (c) deposit or attempt to deposit any litter in any container provided by the Council in any public place if:
 - (i) the litter container is full; or
 - (ii) the litter is likely to escape.
- (d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
- (e) damage any litter container provided by the Council in any public place.

7.4 The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the

satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

8 Construction site and demolition waste

- 8.1 The Council may make a control under this Bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher to submit a construction site and demolition waste management plan to the Council for approval prior to the commencement of any building work.
- 8.2 At a minimum, a construction site and demolition waste management plan must set out:
- (a) The name of the client, principal contractor, and person who prepared the site waste management and minimisation plan;
 - (b) The location of the site;
 - (c) The estimated total cost of the building work;
 - (d) A description of each type of waste expected to be produced;
 - (e) An estimate of the quantity of each type of waste; and
 - (f) The proposed method of waste management for each type of waste (e.g. recovery, recycling, disposal).
 - (g) The proposed method for minimising and capturing litter associated with the project and the building work.
- 8.3 While the building work is being carried out, the principal contractor will:
- (a) Review the plan as necessary;
 - (b) Record quantities and types of waste produced; and
 - (c) Record the types and quantities of waste that have been:
 - (i) reused (on or off site)
 - (ii) recycled (on or off site)
 - (iii) sent to other forms of recovery (on or off site)
 - (iv) sent to landfill
 - (v) otherwise disposed of.
- 8.4 Within three months of completion of the building work the Council may require the principal contractor to report:
- (a) Confirmation that the plan has been monitored and updated;
 - (b) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
 - (c) An explanation of any deviation from the plan;
 - (d) An estimate of any cost savings that have been achieved by completing and implementing the plan.

- 8.5 The principal contractor must ensure that a copy of the plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

9 Waste Management Facilities

- 9.1 Council may own and operate Waste Management Facilities, and this bylaw will apply to all waste management facilities under the control of Council.
- 9.2 The disposal of waste on any land or premises set aside by Council for the disposal of waste will be subject to conditions that Council may impose. This may include the hours of operation, the nature of the waste which may be disposed, disposal charges, the position in any such place in which waste may be placed, and any other matter which Council may consider necessary or desirable.
- 9.3 All waste and recyclable materials or things deposited and left at any Waste Management Facility by any person are deemed then and there to have been abandoned by that person who from that time onwards has no rights of ownership, but such abandonment does not relieve that person from liability for damage flowing in any way from such action, nor from the penalties provided for Offences against this Bylaw.
- 9.4 No person may move or remove any item, material or waste found in a Waste Management Facility without the permission of an Authorised Officer.
- 9.5 Every person using the Waste Management Facility or entering any portion of it must comply in all respects with any direction or instructions given verbally by any Authorised Officer, or appearing in any signs erected at the area for that purpose, and any such direction or instructions may include a requirement for the person depositing material to sort the same into separate classes (for example but not to be taken as exclusive: glass, ferrous metal, nonferrous metal), to facilitate reuse, recycling and recovery of materials.
- 9.6 Persons using any Waste Management Facilities and services must pay such amounts as set through Council's annual Schedule of Fees and Charges.
- 9.7 Every person committing any breach of the provisions of this Bylaw:
- (a) must on request by an Authorised Officer or the Council immediately leave any Waste Management Facility taking with them the material which they brought there and as the Authorised Officer considers to be of a kind which is prohibited under this Bylaw; and
 - (b) is also liable to be prosecuted for that breach; and any person failing with all reasonable speed to comply with such request commits a further Offence.

Owenga Landfill Waste Acceptance

- 9.8 Waste, including Special Waste, shall be accepted at the landfill provided acceptance is in accordance with the Waste Acceptance Protocol in the latest version of the Landfill Development and Management Plan.

Deposit of certain materials prohibited

- 9.9 Unless authorised by Council under this Bylaw, no person shall deposit or cause or permit or allow to be deposited in any approved container or at any waste management facility:
- (a) explosive, highly inflammable or infectious material or hot ashes;
 - (b) liquids, acids, printer's ink, paint, or any other viscous fluid;

- (c) broken bottles, glass, glass articles, broken crockery, china or other such sharp articles or materials unless such sharp articles or materials are wrapped so as to prevent injury to persons engaged on collection or disposal work;
- (d) any matter, thing or refuse of any kind whatsoever, other than household refuse;

Provided that if rigid wall containers are used, item 11.1(c) shall not apply.

10 Events

- 10.1 Prior to and during an event, the event organiser must make available litter containers for the collection of waste and recyclable material.
- 10.2 During an event, the event organiser must take all steps to the satisfaction of the Council to minimise and capture litter associated with the event.
- 10.3 On completion of the event, the event organiser must arrange for the collection, transportation and disposal of all waste, recyclable material and litter associated with the event.

PART THREE: OTHER MATTERS

11 General offences and penalties

- 11.1 Any person who fails to comply with this Bylaw and the decisions and controls made under this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242(4) of the Local Government Act 2002.
- 11.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008 or the Health Act 1956 is liable to a penalty (without limitation) under those Acts, as relevant.

12 Other enforcement powers

Non-compliance with general responsibilities and waste collection requirements

- 12.1 Where a person does not comply with the requirements of this Bylaw and/or any controls made under the Bylaw in relation to the waste and diverted materials collection service that applies to them, the Council or Authorised Officer may take the following action(s) against the person:
- (a) Reject (i.e., not collect) the contents of any approved container left out by that person for collection from a public place, if the contents or placement of the container is non-compliant;
 - (b) Remove the contents of any approved container left out for collection from a public place where the contents or placement of the container is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved container from that premises;
 - (c) Withdraw or suspend the collection service being provided to that person;
 - (d) Enforce any offence that may have been committed under the Litter Act 1979; and/or
 - (e) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.
- 12.2 Where action has been taken against a person under clause 12.1(c), the Council can authorise the reinstatement of the collection service once it is satisfied on reasonable grounds that the Bylaw will be complied with.

Non-compliance with approved collection point requirements

- 12.3 Where a person does not comply with a control made by the Council under clause 5 of this Bylaw the Council may:
- (a) Suspend that person's use of any service provided by the Council at any or every waste collection service;
 - (b) Enforce any offence that may have been committed under the Litter Act 1979; or
 - (c) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Non-compliance with waste management plan requirements

- 12.4 Where a person does not comply with any of the requirements in clause 8 (Construction Site and Demolition Waste) and/or any controls made under the Bylaw, the Council may take one or more of the following steps:
- (a) Enforce any offence that may have been committed under the Litter Act 1979; and/or
 - (b) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

13 Exceptions and saving provisions

- 13.1 A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.
- 13.2 A product stewardship scheme accredited under the Act may be exempted from the requirements of this Bylaw.

14 Fees and charges

- 14.1 The Council may in accordance with the provisions of section 150 of the Local Government Act 2002 set prescribed fees under this Bylaw.
- 14.2 The Council may refund, remit or waive any fee prescribed by this Bylaw or charge payable for an authority, approval, permit or consent from, or inspection by, the Council, for any reason it thinks fit.
- 14.3 The Council may recover costs associated with enforcement of this Bylaw in accordance with the Local Government Act 2002 or other legislation.

15 Forms and processes

- 15.1 The Council may prescribe the form of, and process to be followed for, any application, approval, or other document, which is required under this Bylaw (or any related controls made by Council). These forms and processes may be altered or amended at any time.



*"Working towards a **sustainable future**"*

Draft Waste Management and Minimisation Plan – March 2023

Statement of Proposal

Introduction

This statement of proposal has been prepared as part of the Special Consultative Procedure in accordance with section 83 of the Local Government Act 2002 and part 4, sections 44 and 50 of the Waste Minimisation Act 2008 (WMA).

Chatham Islands Council (the Council) is consulting on a new Waste Minimisation and Management Plan (WMMP). The Waste Management and Minimisation Plan is the Council's proposed strategy for the management of Solid Waste in the Chatham Islands for the next six years. It identifies Council's vision, goals, objectives, targets and methods for achieving effective and efficient waste management and minimisation. The WMMP covers all activities and facilities relating to solid waste in the district, including diverted material and hazardous waste.

Why is the Council proposing a new WMMP?

The Council has a statutory responsibility under the Waste Minimisation Act 2008 (WMA) to "promote effective and efficient waste minimisation" and, for this purpose, to "adopt a waste management and minimisation plan". The WMA also requires the Council to carry out a waste assessment and a review of the current WMMP.

The Waste Assessment

The Waste Assessment establishes the planning foundations for the WMMP by describing the waste situation, setting the vision, goals objectives and targets for the district, and developing options for meeting future demand. Much of the key information presented in the Waste Assessment is summarised in the final WMMP.

The Waste Assessment completed in July 2022 determined that:

- Since Council prepared its previous WMMP in 2014, good progress with made with the closure of three dump sites, and development of a waste transfer station at Kaingaroa, a materials recovery facility at Te One, and a landfill at Owenga.
- Council has contracted its solid waste management activities to Fulton Hogan which has resulted in operational improvements.
- Whilst diverted material is being collected, it needs to be processed properly so that it can be accepted by Timaru District Council's contractor. Council also needs to arrange with Chatham Island Shipping for the recyclables to be transported back to New Zealand.
- There is very limited information on waste quantities and composition, though measuring of household waste in black bags has recently started. Funding has been secured for a weighbridge which should be installed later this year.
- In the absence of waste measurements, either by weighing or volume conversion, waste quantities have been estimated using a population waste generation factor and population statistics. For the past year the annual waste quantities were estimated to be 534.7 tonnes.
- A waste levy of \$30 per tonne of waste disposed is paid by Council. This is set to increase to \$50 per tonne by 1 July 2023 and will increase by a further \$10 per tonne to \$60/tonne on 1 July 2024.
- In 2022 it was estimated that about 26.5 tonnes of recyclables were diverted from landfill representing an overall diversion rate of just under 5%.
- There are many issues identified at the solid waste management facilities, with the most pressing relating to health and safety with managing wastes and diverted materials; storing of diverted materials to maintain their quality; aging equipment; and

disposal of waste whilst Owenga Landfill remained uncommissioned. With the appointment of Fulton Hogan many of the issues have been resolved and securing of funding through the Waste Management Fund will deal with some of the other significant issues.

- Future demand will be influenced by several factors, the most significant for the Chatham Islands being possible land development stemming from a future Treaty settlement and increased tourism and growth in the hospitality sector.
- Council has a variety of options available to it to address issues and meet future demands, which are listed in the waste assessment. New initiatives will be for Council to work with its waste contractor to continue improvements in the operations and at sites; seek funding for opportunities to increase diversion of materials, such as scrap metal; and expand the “Mitre 12” facility through funding secured from the WMF.
- There is limited scope for waste management and minimisation services required within the Chatham Islands and so Council will undertake practically all the roles to provide those services. However, private initiatives, such as composting, which is being investigated by Hokotehi Moriori Trust, will be supported by Council.

Feedback on the Waste Assessment was provided by the Canterbury Medical Officer of Health. The feedback has been included in the WMMP, where possible.

The 2014 WMMP was subsequently reviewed regarding the following:

- the vision, goals, objectives, targets and preferred options of the recently completed 2022 Waste Assessment
- Ministry for the Environment's 2015 guide: *“Waste Assessments and Waste Management and Minimisation Planning – a guide for Territorial Authorities”*
- Is the plan still fit for purpose?
 - should it be retained as is, or
 - does it require amendment, or
 - does it require revoking and replacement with a newly written WMMP.

As a result of the review, Council endorsed the writing of a new WMMP at a Special Meeting convened in July 2022.

What is Council proposing in the new WMMP?

This WMMP will provide the Council with a blueprint for achieving its waste management and minimisation aims in a structured way.

The key issues identified in the plan are those identified in the Waste Assessment, as summarized above.

Key opportunities include the following:

- Installing a weighbridge with funding secured through the COVID-19 Response and Recovery Fund.
- Upgrading waste minimization infrastructure, including building a new “Mitre 12” reuse facility with funding from the Waste Minimisation Fund.
- Working with Council's waste management contractor to improve and expand our existing waste services.
- Seeking funding for additional waste minimisation projects, such as removing scrap metal from Chatham Island.

- Making improvements to the way in which problem wastes, such as oil, are handled and dealt with.
- Working with other local authorities, such as Timaru District Council, to receive and process our recycled materials.
- Considering implementing a Solid Waste Bylaw to promote and deliver effective and efficient waste management and minimisation for the Chatham Islands as required under the WMA.
- Considering implementing solid waste charges to encourage residents to divert waste from disposal to landfill.

Specific actions have been identified in the Action Plan (Part B of the WMMP) to help address these issues and challenges.

In summary the key actions proposed in the WMMP cover the following areas:

- Waste reduction and increasing recovery of recyclable and reusable materials
- Improvement of Council's facilities
- Monitoring and reporting and tracking progress towards achievement of targets
- Communication and education
- Adopt environmentally acceptable waste and diverted material management options
- Collaboration, new initiatives, and continuous improvement
- Clean up of illegal dumping sites on the Chatham Islands and ensure Closed Landfills are monitored appropriately

Funding the plan

The WMMP provides information on how the Council intends to fund the activities of the WMMP over the next six years. The mechanisms available include:

- Crown appropriation funding
- Applying for funding through specific funds, such as the Waste Minimisation Fund
- Grants and advances of monies
- Waste disposal levy money
- Targeted rates

Council is also considering issues and options for implementing user charges (e.g., disposal fees) for the disposal of waste. The process will follow the necessary legislative and regulatory process.

Distribution

This draft WMMP and the Waste Assessment are available at Council's offices as well as on the Council's website at www.cic.govt.nz/.

Proposed timetable for consultation

- – Council adopts the draft WMMP and this Statement of Proposal
- – Statement of Proposal and draft WMMP are made available online and hard copies at Council Service Centres and libraries.
- From – Facebook posts, Council newsletter, and Council's consultation portal.
- – Submissions close 5pm

..... – Submissions heard by full Council

..... – Council considers outcome of consultation process and adopts the WMMP including any revisions arising from consultation.

Right to make submissions and be heard

Anyone can make a submission – wherever you live, whatever your age, whether you pay rates or not. Make sure your voice is heard.

A consultation submission form is attached as an appendix to this proposal for your use, though you may use your own format, if you wish.

Following the close of consultation, if you have indicated in your submission that you would like to speak to Council about your views, you will be contacted to arrange a time to attend the hearing. Any person or organisation making a submission may request to be heard in support of their submission. The date tentatively set down for this is currently

Submissions can be made in the following ways:

By email to info@cic.govt.nz – please ensure you use 'WMMP SUBMISSION' as your email subject and that your name and address are included. If you wish to attend a hearing, please indicate this in your email.

Hard copy – record your views and return by post, or in person, to an address below. Please ensure your letter includes your name and address.

Addresses for hard copy submissions:

Chatham Islands Council
PO Box 24
Waitangi
Chatham Islands 8942

Or

Chatham Islands Council
9 Waitangi Tuku Road
Waitangi

Publishing of submissions

We are not able to accept your submission without a name and address. You are, however, able to indicate in your submission if you do not wish your name to be made public. All submissions are public documents and copies and/or a summary will be published on our website and are subject to requests under the Local Government Official Information and Meetings Act 1987.

Appendix – WMMP Consultation Submission Form

6. Regulatory

6.1 Activity Report from Environment Canterbury

Date of meeting	29 March 2021
Agenda item number	6.1
Author/s	Environment Canterbury Staff

Purpose

To provide an update on the services being performed by Environment Canterbury for the Chatham Islands Council contract.

Recommendations

THAT Chatham Islands Council

1. **Receives the report.**

Background

The following reports are for your information only. All resolutions included in these reports were considered at the Steering Group meeting on 7 March 2023.

Agenda 2023

Chatham Islands Council Steering Group

Date: Tuesday, 7 March 2023
Time: 9.30 AM
Venue: Waimakariri
Environment Canterbury
200 Tuam Street, Christchurch



Chatham Islands Council

Steering Group

Membership

Chair Giles Southwell

Members Sue Allen
Craig Burke
Tanya Clifford
Brian Elliot
Teresa Hancock
Guy Harris
Terri Huxtable
Tina Jackson
Adrian Meredith
Joanne Mitten
Graeme Nelson
Steven Palmer
Emma Parr
Owen Pickles
Jo Simkiss
Gaynor Smith
Mark Smith
Kerryn Tangney
Jamin Thomas
James Thompson

Chatham Islands Council Steering Group

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1. Mihi / Karakia Timatanga - Opening

The meeting will be opened with a mihi whakatau, followed by a member of the Chatham Islands Council Steering Group with a karakia.

2. Apologies

At the time the agenda closed there were no apologies received.

3. Minutes

3.1. Unconfirmed Minutes - Chatham Islands Council Steering Group - 7 February 2023

Chatham Islands Council Steering Group

Date of meeting	Tuesday, 7 March 2023
Author	{author-name}, {position}
Endorsed by	Catherine McMillan, General Manager Governance

Purpose

1. The previously circulated minutes from the Chatham Islands Council Steering Group on 7 February 2023 are to be confirmed.

Recommendations

That the Chatham Islands Council Steering Group:

1. Confirms the minutes from the Chatham Islands Council Steering Group meeting held on 7 February 2023.

Attachments

1. Chatham Islands Steering Group Unconfirmed Minutes 7 February 2023 [3.1.1 - 8 pages]

Minutes of the Chatham Islands Council Steering Group, held in the Whare Kotuia Room, Environment Canterbury, 200 Tuam Street, Christchurch and online on Tuesday 7 February 2023 at 9.33am.

Present

Lauren Hamilton

Tanya Clifford, Teresa Hancock, Terri Huxtable, Tina Jackson, Anne Liddicoat, Adrian Meredith, Joanne Mitten Graeme Nelson, Emma Parr, Owen Pickles, Jo Simkiss, Mark Smith*, Kerry Tangney*, James Thompson*.

* joined the meeting via audio/visual.

Lauren Hamilton assumed the chair for the meeting.

1. Mihi/Karakia Timatanga - Opening

Lauren opened the meeting. The Chatham Islands Council is still working with Moriori and hope to have a karakia in the near future.

2. Apologies

An apology for absence was received from Giles Southwell and an apology for lateness was received from James Thompson

3. Minutes

Refer pages 5-13 of the agenda.

3.1. Unconfirmed Minutes - Chatham Islands Council Steering Group - 29 November 2022

Refer pages 6-13 of the agenda.

Staff provided the unconfirmed minutes of the Chatham Islands Council Steering Group meeting held on 29 November 2022.

Resolved CICSC/2023/001

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Confirms the minutes from the Chatham Islands Council Steering Group meeting held on 29 November 2022.

4. Report Items

Refer pages 14-47 of the agenda.

4.1 Verbal Update on Island Matters

Refer pages 14-338 of the agenda.

Owen provided a verbal update on Island matters including:

- petrol, working on getting this to the island
- infrastructure review by finance
- airport project is near completion
- upgrade of housing required
- new Long Term Plan

Resolved CICSC/2023/002

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Receive the verbal update from the Chief Executive, Chatham Islands Council.

4.2. Action list

Refer pages 15-16 of the agenda.

Staff updated the meeting with the actions carried forward from the previous meeting. The outstanding item can now be closed.

Resolved CICSC/2023/003

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Action List is put forward to the Chatham Islands Council to receive.

4.3. Travel Schedule

Refer pages 17-19 of the agenda.

Staff updated the meeting on upcoming travel by Environment Canterbury staff to and from the Chatham Islands.

Resolved CICSC/2023/004

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the travel schedule is put forward to the Chatham Islands Council to receive.

4.4. Chatham Islands Services Overview

Refer pages 20-21 of the agenda.

Staff updated the meeting on matters relating to the contract for services between the Chatham Islands Council and Environment Canterbury.

Resolved CICSC/2023/005

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Notes this report which provides an update on the operation of the services agreement between the Chatham Islands Council and Environment Canterbury.
2. Suggests the Chatham Islands Services Overview report is put forward to the Chatham Islands Council to receive.

4.5 Procurement Projects Update - IT and Refurbishments

Refer pages 22-23 of the agenda.

This report was taken as read.

Resolved CICSC/2023/006

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Notes this report which provides an update on procurement projects for Chatham Islands Council being managed by Environment Canterbury.

4.6 Resource Management Planning

Refer pages 24-316 of the agenda.

Staff updated the meeting on progress since the previous Steering Group meeting.

Resolved CICSC/2023/007

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests the Resource Management Planning report is put forward to the Chatham Islands Council to receive.
2. Note, that the Environment Canterbury submission on the low slope map for the Government's stock exclusion regulations was successful. The Chatham Islands have not been included in the map.
3. Note, that a table of necessary changes to the Chatham Islands Resource Management Document (CIRMD) to give effect to the National Policy Statement for Freshwater Management (NPS-FM) has been prepared and peer reviewed by Environment Canterbury (ECan). The table has been attached to this report and ECan would like any comments back from the Chatham Islands Council by 28 February 2023.
4. Note, that a submission on the Natural and Built Environments Bill (NBEB) has been prepared Environment Canterbury and reviewed and approved by the Chatham Islands Council. Environment Canterbury lodged the submission with the Ministry for the Environment (MfE) prior to the deadline on Sunday 5 February 2023.
5. Note, that the Future for Local Government Report is out for submissions. Environment Canterbury planners would like to know whether the Chatham Islands Council would like a draft submission prepared. The due date for a submission is 28 February 2023.

4.7. Communications

Refer pages 317-322 of the agenda.

Staff updated the meeting on communications since the last meeting.

Resolved CICSC/2023/008

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Communications report for February 2023 is put forward to the Chatham Islands Council to receive.

4.8 Environmental Monitoring

Refer page 323 of the agenda.

Staff provided an update on recent environmental monitoring work carried out by Environment Canterbury.

Resolved CICSC/2023/009

Staff recommendations adopted without change.

That the Chatham Islands Council Steering group:

1. Suggests that the Environmental Monitoring report is put forward to the Chatham Islands Council to receive.

4.9 Biosecurity

Refer pages 324-327 of the agenda.

Staff updated the meeting on biosecurity issues on and around the Island, noting that they will update the next meeting on the chemicals issue relating to costs and availability.

Resolved CICSC/2023/010

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Biosecurity report is put forward to the Chatham Islands Council to receive.

4.10 Navigation Safety

Refer page 328 of the agenda.

Staff updated the meeting on navigation safety.

Resolved CICSC/2023/011

That the Chatham Islands Council Steering group:

1. Suggests that the Navigation Safety report is put forward to the Chatham Islands Council to receive.

4.11 Marine Oil Spill Response & Readiness

Refer page 329 of the agenda.

Staff provided an update on marine oil spill response capabilities.

Resolved CICSC/2023/012

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Marine Oil Spill Response Readiness report is put forward to the Chatham Islands Council to receive.

4.12 Compliance

Refer page 330 of the agenda.

Staff briefed the meeting on compliance monitoring and enforcement activities undertaken during the reporting period.

Resolved CICSC/2023/013

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Compliance report is put forward to the Chatham Islands Council to receive.

4.13 Civil Defence Emergency Management

Refer page 331 of the agenda.

Staff updated the meeting on Civil Defence Emergency Management.

Resolved CICSC/2023/014

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Civil Defence Emergency Management report is put forward to the Chatham Islands Council to receive.

4.14 Corporate Reporting Update

Refer pages 332-333 of the agenda.

Staff updated the meeting on the finance services performed under the corporate services umbrella for the Chatham Islands Council Regional Council contract.

Resolved CICSC/2023/014

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Corporate Services update is put forward to the Chatham Islands Council to receive.

4.15 Financial Updates

Refer pages 334-338 of the agenda.

Staff provided a financial update on the service agreement between the Chatham Islands Council and the Canterbury Regional Council for the period ending 31 December 2022.

Resolved CICSC/2023/014

Staff recommendations adopted without change.

That the Chatham Islands Council Steering Group:

1. Suggests that the Financial Update is put forward to the Chatham Islands Council to receive.

5. Next Meeting

The next meeting will be held on Tuesday 7 March 2023 at 9.30am.

6. Mihi/Karakia Whakamutunga - Closing

Lauren closed the meeting.

Meeting concluded at 10.20am.

CONFIRMED 7 MARCH 2023

Owen Pickles
Chief Executive
Chatham Islands Council

4. Report Items

4.1. Verbal Update on Island Matters

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 3 March 2023
Author	Lauren Hamilton, Regional Leader - Zone Delivery
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To provide Owen Pickles, Chief Executive, Chatham Islands Council with an opportunity to verbally update the Chatham Islands Council Steering Group, with information on Island matters that the Steering Group would find helpful and informative.

Recommendations

That the Chatham Islands Council Steering Group:

1. Receive the verbal update from the Chief Executive, Chatham Islands Council.

Attachments

Nil

4.2. Action list

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Petrea Downey, Committee Advisor
Endorsed by	Lauren Hamilton, Regional Leader - Zone Delivery, Operations Management

Purpose

1. To update the Chatham Islands Council Steering Group that there are no actions carried forward from the previous meeting on 7 February 2023.

Recommendations

That the Chatham Islands Council Steering Group:

1. Suggests that the Action List report is put forward to the Chatham Islands Council to receive, noting there are no actions.

Attachments

Nil

4.3. Travel Schedule

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Rebecca Phipps, Hub Leader Coordinators
Responsible Director	Giles Southwell, Director Finance and Corporate Services

Purpose

1. To update the Chatham Islands Council Steering Group on upcoming travel by Environment Canterbury staff to and from the Chatham Islands.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the travel schedule is put forward to the Chatham Islands Council to receive.**

Attachments

1. Corp Client Location Air Chathams 02 Mar 23 - 30 Sep 23 [4.3.1 - 1 page]

Client Location Report - Environment Canterbury

Selection Criteria
Departures between 02Mar23 - 30Sep23
Destination/Transit - All Countries
17934
Outlet - ASHY Branch - All
Travel Type - Corporate



New Zealand																	
Folder No	Folder Dep Date	Company Name	Travel Type	Outlet	Lead Name	Cell Phone	Pax List	VIP	PO Number	Project Number	Booked By	Cost Centre	Employee Number	Travel Purpose	Itinerary Email	EmailTo	
1014559	27Feb23	Environment Canterbury	CORPORATE	ASHY	Ms Jemma Hippolite		Ms Jemma Hippolite jhippolite@zolve.co.nz				Robyn Warburton	FDS	CARL DIAMOND@E P043201/-CAN.GO		ROBYN.WARBURTON@ECAN.GOV.T.NZ	jhippolite@zolve.co.nz	
	From	To	Dep Date / Date In	Arr Date / Date Out	Flight No	Supplier Reference	Vendor										
	CHT - Chatham Island	WLG - Wellington	03/03/23 07:45 a.m.	03/03/23 08:50 a.m.	3C0512	004Y9V	Air Chathams										
1014560	27Feb23	Environment Canterbury	CORPORATE	ASHY	Mr Steven Palmer	+64277426126	Mr Steven Palmer				Robyn Warburton	RESFDS	CARL DIAMOND@E P043201/-CAN.GO		ROBYN.WARBURTON@ECAN.GOV.T.NZ	steven.palmer@ecan.govt.nz	
	From	To	Dep Date / Date In	Arr Date / Date Out	Flight No	Supplier Reference	Vendor										
	CHT - Chatham Island	WLG - Wellington	03/03/23 07:45 a.m.	03/03/23 08:50 a.m.	3C0512	004Y9W	Air Chathams										
1017036	13Mar23	Environment Canterbury	CORPORATE	ASHY	Ms Teresa Hancock	027 234 0739	Ms Teresa Hancock				Katie Roggisch	CSE	ROSS PRINGLE	P027116/-	KATIE.ROGGISCH@ECAN.GOV.T.NZ	teresa.hancock@ecan.govt.nz	
	From	To	Dep Date / Date In	Arr Date / Date Out	Flight No	Supplier Reference	Vendor										
	WLG - Wellington	CHT - Chatham Island	13/03/23 11:30 a.m.	13/03/23 02:00 p.m.	3C0521		Air Chathams										
	CHT - Chatham Island	WLG - Wellington	17/03/23 07:45 a.m.	17/03/23 08:50 a.m.	3C0512		Air Chathams										

4.4. Chatham Islands Services Overview

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To update the Chatham Islands Council Steering Group on matters relating to the contract for services between the Chatham Islands Council (CIC) and Environment Canterbury.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Notes this report which provides an update on the operation of the services agreement between the Chatham Islands Council and Environment Canterbury.**
2. **Suggests the Chathams Islands Services Overview report is put forward to the Chatham Islands Council to receive.**

Overview and updates regarding the provision of services to Chatham Islands Council from Environment Canterbury

2. This paper provides an update on matters relating to the provision of services to CIC by Environment Canterbury (ECan).

Provision of services

3. Team visited Chatham Island in February and it was a very successful trip.
4. The procurement team are work on a process to secure a plumber to complete the installation of the water tanks on the island.

Renewal of services contract

5. Following the completion of the Services Agreement with CIC, Environment Canterbury staff will be developing more detailed programme plans for all work areas. These programme plans will provide more detail as to how services in the Service Agreement will be delivered and will be shared with the CEO of CIC and will guide Environment Canterbury reports to the Steering Group.

Engagement with Department of Internal Affairs

6. Environment Canterbury and the CIC CEO meet with Department of Internal Affairs (DIA) representatives prior to alternate Steering Group meetings. These meetings are intended to increase engagement and alignment between the three parties.

Next steps

7. Meetings of the CIC Services Steering Group will occur approximately six weekly, as per the agreed schedule, which enables services reports to be considered at scheduled meetings of the CIC.

Attachments

Nil

4.5. Procurement Projects Update - IT and Refurbishments

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Craig Burke
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To update the Chatham Islands Council Steering Group on key procurement projects being managed for Chatham Islands Council (CIC) by Environment Canterbury.

Recommendations

That the Chatham Islands Council Steering Group:

1. Notes this report which provides an update on procurement projects for Chatham Islands Council being managed by Environment Canterbury.
2. Suggests the Procurement Projects Update IT and Refurbishments report is put forward to the Chatham Islands Council to receive.

Overview and updates regarding the procurement projects for Chatham Islands Council

2. This paper provides an update on matters relating to the provision of procurement projects for CIC by Environment Canterbury (ECan).

Procurement of digital services

3. Activities Update:
 - a. The RFP closed on the 31 January 2023 and we received three responses.
 - b. The review panel met to score the responses to the RFP. The review panel consisted of three staff from Environment Canterbury and Colette Peni, Operations Manager, CIC.
 - c. Two companies have been shortlisted for further review. Letters have been sent to the companies notifying them of their success.
 - d. Plans will now be made to have company representatives visit the Chatham Islands.

Installation of Water Tanks

4. Activities Update:

- a. The Procurement Team have worked with the Chatham Islands Council Chief Executive Officer, to develop a recommendation for procuring these works, the agreed recommendation was that the work be put out through GETs as a Registration of Interest (ROI) to identify suppliers who can install these tanks.
- b. The Procurement Team has worked to prepare the ROI document, with the intention of publishing this as soon as it has been reviewed and approved by the Chief Executive.
- c. The proposed timeframe for the ROI process is:
 - Document Uploaded to GETs - 03 March 2023
 - Questions close on GETs - 17 March 2023
 - Submissions close on GETs - 24 March 2023
 - Suppliers Shortlisted / invited to price - 31 March 2023
 - Work Commencing - April 2023
 - Work Completed - November 2023

Procurement of building renovation services

5. Activities Update:

- a. Environment Canterbury is not engaged on this procurement project. This project is being managed by CIC via direct appointment.

Attachments

Nil

4.6. Resource Management Planning

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Jo Mitten, Principal Planner
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To update the Chatham Islands Council Steering Group on work that has been undertaken since the previous Steering Group meeting held on 7 February 2023.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests the Resource Management Planning report is put forward to the Chatham Islands Council to receive.**
2. **Note, that after consultation with the Chatham Islands Council, a submission is not required on the Future for Local Government draft report ‘He mata whāriki, he matawhānui.**

Key points

2. A table of necessary changes to the CIRMD to give effect to the NPS-FM has been drafted. It has been peer reviewed within Environment Canterbury and is attached to this report.
3. After consultation with the Chatham Islands Council, a submission is not required on the Future for Local Government draft report ‘He mata whāriki, he matawhānui’. Owen Pickles is currently in conversations with the authors of the report and is satisfied that any comments have been incorporated.

Background

4. The National Policy Statement for Freshwater Management (NPS-FM) requires significant changes to be made to the Chatham Islands Resource Management Document (CIRMD). The following points outline the steps ahead in more detail:
 - a. There are some specific provisions required under the NPS-FM that must be included into the CIRMD as soon as possible. These changes are not required to go through a consultation process. The planners will insert these into the CIRMD.

- b. Some of the required changes to align the CIRMD with the NPS-FM will need to be carried out in consultation with tāngata whenua and the local community and will require significant scientific input. It is expected that this will take time.
 - c. These more significant and localised changes to the CIRMD to meet the NPS-FM requirements in full should be notified by the end of 2024 according to the legislation, but this timeframe is unlikely to be met for the Chatham Islands due to a lack of resourcing. However, we expect a significant increase in funding to begin in the 2023/24 financial year.
 - d. A table of all required changes is attached for consideration by the Chatham Islands Council.
5. A review of local government was established by the Minister of Local Government in April 2021 in context of:
- a. Significant reform programme and traditional roles and functions of local government changing.
 - b. The last substantial change was in 1989-there have been numerous reviews and multiple ad-hoc changes to legislation since then.
 - c. Evolution is required to respond to current and future state e.g., changes in demographics, Te Tiriti recognition, and the way communities interact.
6. The draft report, 'He mata whāriki, he matawhānui' outlines a need for a local governance system that is community focussed and citizen centred. Its purpose is to promote discussions and invite submissions to shape the final report and recommendations. It sets out a suite of recommendations and questions across different areas such as citizen led democracy, Te Tiriti based partnership, improving central and local government relationship, funding and finance, among others.

Cost, compliance and communication

Financial implications

7. This work is covered under the current agreed budget for the 2022/23 financial year.

Risk assessment and legal compliance

8. The Chatham Islands Resource Management Document needs to be amended to comply with the requirements of the National Policy Statement for Freshwater Management.

Next steps

9. Environment Canterbury would like any comments back on the table of changes required to be made to the CIRMD to align with the NPS-FM by 28 February 2023.

10. The first set of changes that ECan planners will be drafting are those changes that have to take immediate effect and must be included in the CIRMD to adhere to the NPS-FM. These changes do not require consultation and the planners will have these ready for the next steering group report.
11. The second set of changes required to align the CIRMD with the NPS-FM will require some significant consultation with tangata whenua and the community and will need scientific input. It is expected that it will take some time to work through these and we may not be able to complete these changes by 2024.

12. Attachments

1. changes to CIRMD NPS FM 2 [4.6.1 - 29 pages]

Legal review	
Peer reviewers	Jeff Smith and Rachel Tutty

NPS Clause	Requirement	CIRMD Objectives, Policies and Methods	Proposed change
3.2 Te Mana o te Wai	(3) Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to Te Mana o te Wai.		Objective to be written and included in the CIRMD. To be developed in consultation with tāngata whenua and the local community
3.3 Long-term visions for freshwater	(1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.		Long-term visions to be developed after engagement with tāngata whenua and the community. Objectives to be written and included in the CIRMD.
3.5 Integrated management	(2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of: (a) the use and development of land on freshwater; and (b) the use and development of land and freshwater on receiving environments. (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.	4.2.2 Objective – Natural Character of Lakes, Rivers and Wetlands and their Margins (i) The control of inappropriate use, development and subdivision where it may adversely affect the natural character of lakes, rivers and wetlands and their margins. 4.2.2.1 Policies (i) The adverse effects of activities on natural character should be avoided, remedied or mitigated in terms of: (a) natural flows and levels, (b) water quality, (c) ecosystem functioning and health, (d) indigenous vegetation and habitats, (e) historic heritage, cultural and recreational values. 4.2.2.2 Methods (i) Encouraging landowners to protect natural values by private agreements, conservation covenants, fencing and planting of margins.	Consider whether effects of land use on freshwater other than natural character should be included, given that the CIRMD includes a wide range aspects under natural character. For (2) is using avoid, remedy or mitigate strong enough? Promotes positive effects but not specifically of urban development – may need a specific provision. Under 4.2.3.1 (iv) as far as practical may not be strong enough to protect freshwater and receiving environments. Also this policy does not apply to existing discharges – would need to be amended. 4.2.3.2 methods – minimising land-use run-off may not be sufficient – consider a change to avoid, remedy or mitigate.

		<p>(ii) Using of guidelines, Codes of Practice and education workshops.</p> <p>(iii) Use of Rules which regulate activities which have the potential to have an adverse effect on the natural character of beds and margins of lakes, and rivers and wetlands.</p> <p>(iv) Esplanade reserves/strips to be set aside as conditions of subdivision consents where appropriate or otherwise negotiated with the landowner.</p> <p>(v) Purchase/designate land.</p> <p>4.2.3 Objective – Water Quality</p> <p>(i) The maintenance and enhancement of the islands' water quality at a level which sustains its life supporting capacity for natural, economic, recreational and cultural reasons.</p> <p>4.2.3.1 Policies</p> <p>(i) Discharges or dumping of contaminants to water or land should not have a more than minor adverse effect on the standard of water and the discharge should not give rise to any adverse effects on natural ecosystems and biodiversity values.</p> <p>(ii) Discharges of stormwater should not include levels of contaminants that would adversely affect the receiving environment.</p> <p>(iii) To create, retain and enhance vegetation on the margins of lakes and rivers where it will maintain and enhance water quality.</p> <p>(iv) To manage, as far as practicable, land uses so that contaminants from nonpoint discharges do not adversely affect water bodies and biodiversity values, including the following actions:</p> <p>(a) controlling stock access to water bodies,</p> <p>(b) avoiding excessive nutrient runoff,</p> <p>(c) planting of margins,</p> <p>(d) stipulating minimum distance between water bodies and effluent disposal fields, waste disposal sites etc.</p> <p>(v) Esplanade reserves/strips may be set aside where it can be established that they will</p>	<p>Policy 4.2.4.1 It is not just activities adjacent to Te Whānga that need to be controlled. Te Whānga is the receiving environment for freshwater rivers and streams – activities that impact on them will also impact on Te Whānga.</p> <p>Policy 4.3.2.1 managing land uses as far as practical may not be strong enough.</p>
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		<p>contribute to the maintenance and enhancement of water quality.</p> <p>(vi) When considering any application for a discharge the consent authority must have regard to the following matters:</p> <p>(a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and</p> <p>(b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.</p> <p>(viii) This policy applies to the following discharges (including a diffuse discharge by any person or animal):</p> <p>(a) a new discharge; or</p> <p>(b) a change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.</p> <p>4.2.3.2 Methods</p> <p>(i) To encourage practices which minimise land use runoff.</p> <p>(ii) To encourage use of programmes, such as “Growsafe” for the application of sprays.</p> <p>(iii) Esplanade strips/reserves to be set aside as conditions of subdivision consents where appropriate or otherwise negotiated with the landowner.</p> <p>(iv) Rules to ensure that discharge of contaminants and stormwater from residential, industrial or commercial developments do not adversely affect water quality.</p> <p>4.2.4 Objective – Te Whanga</p>	
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		<p>(i) The maintenance and enhancement of Te Whanga as a significant natural ecosystem and community resource in respect of:</p> <ul style="list-style-type: none"> (a) food gathering and recreation, (b) the functioning of ecosystems, (c) imi/iwi values and relationships. <p>4.2.4.1 Policies</p> <p>(ii) Activities in or adjacent to Te Whanga should not adversely affect:</p> <ul style="list-style-type: none"> (a) imi/iwi values and relationships, (b) community access, (c) water quality, (d) ecosystem values. <p>4.3.2 Objective - Coastal Water Quality</p> <p>(i) The maintenance and enhancement of the coastal water quality of the Chathams at a standard which safeguards its life supporting capacity.</p> <p>4.3.2.1 Policies</p> <p>(i) That discharges or dumping of contaminants to water or land within the land above mean high water springs should not adversely affect the standard of coastal water and the discharges should not give rise to any adverse effects on habitats, feeding grounds or ecosystems in the coastal environment.</p> <p>(ii) That all vessel construction, maintenance and servicing sites should possess facilities for the containment and collecting and treatment or disposal of wastes or contaminants arising from activities on the site.</p> <p>(iii) To manage, as far as practicable, land uses so that contaminants from non-point discharges do not adversely affect coastal water.</p> <p>4.3.2.2 Methods</p> <p>(i) Rules to ensure that discharges of contaminants from rural, residential, industrial, utility, community or commercial developments do not adversely affect coastal water quality.</p>	
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		<p>(ii) Encouragement of practices which minimise land use runoff, such as the maintenance and protection of coastal vegetation.</p> <p>5.3.4 Rural Zone Rules</p> <p>2. Industrial and Commercial Activities. PA if below size limit and separated from neighbouring dwellings. Otherwise DA – adverse effects of discharges to water.</p> <p>3. Buildings. PA if setback from boundaries, below height limit and >100m from MHWS. Otherwise DA – effect on CE</p> <p>8. Haz. Substances. PA if compliant and no discharge to waterbody, or stormwater system. Otherwise DA – type of substance, proximity of ecological sites.</p> <p>10. Earthworks. PA if <50m³ within 100m of MHWS otherwise no limit, no change in water colour or clarity. Otherwise DA – effect on water quality.</p> <p>11. Roads. PA if near existing road or in a road reserve. Otherwise DA – effect on water quality.</p> <p>12. Subdivision – RDA if meets conditions including >100m from MHWS. Matters of disc include imi/iwi values, vesting of lake and river beds. Otherwise DA – effect on NC of coastline,</p> <p>15. Quarries – PA if at scheduled sites and no change in colour or clarity and fish passage not impeded. Otherwise DA – effects on water quality and fish passage.</p> <p>16. Activities in or near waterbodies – PA if not structures (other than fences, access tracks...) and not IV clearance, and no change in colour or clarity. Restrictions only apply to wetlands >1ha and rivers >1.5m wide. Otherwise DA – Necessity to undertake the activity there, effects on water quality, ecosystems, cultural and community values.</p> <p>17. Discharge of effluent – PA for sewage if enough soakage, new effluent fields >20m from a waterbody or MHWS. Otherwise DA – alternative methods, rate of discharge, sensitivity of receiving env.</p>	
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		<p>19. Discharge of contaminants to water – PA if stormwater or freshwater, after reasonable mixing no scums, suspended materials, change in colour or clarity, odour, unsuitable for animal consumption, significant effects on aquatic life. Otherwise DA – effects on cultural values and ecosystems.</p> <p>20. Taking of water – PA if existing take, or <3m³/day, or for stock water, domestic needs, school, firefighting and Council notified and flows and levels do not impede fish passage. Otherwise DA - type of activity, volume of water, effects on aquatic life and cultural values.</p> <p>21. Damming and diversion of water – PA if dams and weirs meet size restrictions, and don't impact on other uses, and flows and levels don't impede fish passage, and is for certain uses. Otherwise DA - type of activity, volume of water, effects on aquatic life and cultural values.</p> <p>22. Structures in beds of lakes and rivers – PA if existing, or fences or utility lines, or culverts, bridges, fords, or meet size limits, and do not impede fish passage. Otherwise DA - type of activity, volume of water, effects on aquatic life and cultural values.</p> <p>23. Disturbance of beds of lakes and rivers – PA if for a fence or utility line, or for opening Te Whānga etc., if no disturbance of Te Whānga. Otherwise DA – effects on water flows and quality, ecosystems, cultural values, erosion, scouring, deposition.</p> <p>24. Discharge of contaminants onto land – PA if not within 30m of a waterbody or water supply or MHWS. Otherwise DA – type of contaminant, effect on ecosystems.</p> <p>25. Areas of Significant Natural Value – PA if in accordance with an agreement or covenant. Otherwise DA – effects on natural values including water quality.</p>	
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3.9 Identifying values and setting environmental outcomes as objectives	(4) The regional council must include the environmental outcomes as an objective, or multiple objectives, in its regional plan(s).		<p>Environmental outcomes to be developed to give effect to the long-term vision for freshwater, in consultation with tāngata whenua and the local community.</p> <p>Targets and limits will need to be identified</p> <p>Objectives and methods to be written and included in the CIRMD.</p>
3.12 How to achieve target attribute states and environmental outcomes	<p>(3) In order to achieve any other target attribute state or otherwise support the achievement of environmental outcomes, a regional council must do at least one of the following:</p> <p>(a) identify limits on resource use and include them as rules in its regional plan(s)</p> <p>(b) prepare an action plan</p> <p>(c) impose conditions on resource consents to achieve target attribute states.</p>		<p>Rules and action plans will be developed once environmental outcomes and target attribute states have been set.</p>
3.15 Preparing action plans	<p>(4) Action plans:</p> <p>(b) may be published either by appending them to a regional plan or by publishing them separately.</p>		<p>Action plans can sit outside of the CIRMD and don't need to be appended to it. They can be developed alongside the plan and can include the non-statutory methods for achieving Te Mana o Te Wai. They can also be appended to the CIRMD once they have been developed.</p>
3.16 Setting environmental flows and levels	(1) Every regional council must include rules in its regional plan(s) that set environmental flows and levels for each FMU, and may set different flows and levels for different parts of an FMU.	<p>4.2.1 Objectives – Water Quantity</p> <p>(i) To retain flows and levels in water bodies and groundwater sufficient to support their life supporting capacity, while providing for human requirements.</p>	<p>FMUs need to be identified. Alongside visions and objectives for each FMU. Monitoring requirements will be needed for FMU's.</p> <p>FMU/catchment rules setting flows, levels and allocation limits need to be developed and</p>

		<p>(ii) To develop measures in cooperation with all agencies to prevent the establishment of aggressive exotic macrophytes.</p> <p>(iii) To develop a programme, appropriate to the issues facing the Chatham Islands, that implements the National Policy on Freshwater Management. This programme will be implemented in a staged manner and Policies and Methods will be included through plan changes to the Chatham Islands Resource Management Act.</p> <p>4.2.1.1 Policies</p> <p>(i) To maintain sufficient water in water bodies to:</p> <p>(a) Safeguard the life supporting capacity of aquatic ecosystems, including significant habitats of indigenous fauna and areas of significant indigenous vegetation,</p> <p>(b) protect existing value of the water bodies as sources of mahinga kai for imi/iwi and as food gathering sites for the community,</p> <p>(c) protect wāhi tapu and other wāhi taonga of value to imi/iwi,</p> <p>(d) preserve natural character of lakes and rivers and protect outstanding natural features and landscapes,</p> <p>(e) provide for human consumption and stock drinking water.</p> <p>4.2.1.2 Methods</p> <p>(i) Rules requiring resource consent for use of water for activities other than domestic, stock and fire fighting purposes, existing takes and small takes.</p> <p>(ii) Rules that protect natural values of water bodies.</p> <p>(iii) Encouraging landowners to protect natural values by private agreements, conservation covenants, fencing and planting of margins and use of guidelines and education.</p> <p>(iv) Requiring all persons taking groundwater and surface water to notify Council on the location and amount of water.</p>	<p>included in the CIRMD. If limits are to be set higher than existing allocation, technical information (science, mātauranga, economic, social) will be needed to show how new limits correspond to te mana o te wai.</p>
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		<p>Reasons and Explanation Current national policy requires the Council to set a timeframe and methodology to address over allocation of water bodies. The Council considers it impractical to develop and implement such an approach by the end of December 2014 (the time stipulated in the NES), given that at present there are no over-allocation issues on the islands. The Council will develop a policy and in the interim will consider the water body's Mean Annual Low Flow (MALF) when assessing applications to take water to ensure that over allocation does not occur, and ensure that a surface water flow of 50% of the 7 day mean annual low flow is maintained.</p> <p>4.2.2.1 Policies (i) The adverse effects of activities on natural character should be avoided, remedied or mitigated in terms of: (a) natural flows and levels, (b) water quality, (c) ecosystem functioning and health, (d) indigenous vegetation and habitats, (e) historic heritage, cultural and recreational values.</p>	
<p>3.17 Identifying take limits</p>	<p>(1) In order to meet environmental flows and levels, every regional council:</p> <p>(a) must identify take limits for each FMU; and</p> <p>(b) must include the take limits as rules in its regional plan(s); and</p> <p>(c) must state in its regional plan(s) whether (and if so, when and which) existing water permits will be reviewed to comply with environmental flows and levels; and</p>	<p>4.2.1 Objectives – Water Quantity (i) To retain flows and levels in water bodies and groundwater sufficient to support their life supporting capacity, while providing for human requirements. (ii) To develop measures in cooperation with all agencies to prevent the establishment of aggressive exotic macrophytes. (iii) To develop a programme, appropriate to the issues facing the Chatham Islands, that implements the National Policy on Freshwater Management. This programme will be implemented in a staged manner and Policies and Methods will be included</p>	<p>Take limits will need to be identified once flows and levels have been set for each FMU/catchment. There may need to be considerable scientific input into this process. The NPSFM states that the best information available need to be used and that Councils are not to be held back by imperfect information. There will be a choice for Council to make around investing in science or setting conservative limits. Mātauranga, economic and social information would also need to be considered.</p> <p>The take limits will be included as rules in the CIRMD.</p>

	<p>(3) Where a regional plan or any resource consent allows the taking, damming, diversion or discharge of water, the plan or resource consent must identify the flows and levels at which:</p> <p>(a) the allowed taking, damming, or diversion will be restricted or no longer allowed; or</p> <p>(b) a discharge will be required.</p>	<p>through plan changes to the Chatham Islands Resource Management Act</p> <p>4.2.1.1 Policies</p> <p>(ii) To record the location and volume of all water takes for information purposes.</p> <p>(iii) When considering any application the consent authority must have regard to the following matters:</p> <p>(a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem; and</p> <p>(b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.</p> <p>(iv) This policy applies to:</p> <p>(a) any new activity and</p> <p>(b) any change in the character, intensity or scale of any established activity– that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out</p> <p>5.3.4 Rural Zone Rules</p> <p>20. Taking of water. PA – if existing use, or <3m³/day, or for stockwater, domestic, school, or fire fighting, and Council is notified of location of new takes, and flows or levels allow fish passage. Otherwise DA – type of activity, volume, effects on aquatic life and cultural values.</p> <p>21. Damming and diversion of water – PA if meets size limits, and it is for domestic needs, stockwater, school, public water supply, fire</p>	<p>A statement on the review of existing water permits will be included in the CIRMD.</p> <p>The CIRMD will be amended to include the flows and levels at which taking, damming or diversion will be restricted, or a discharge will be required.</p>
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		fighting, does not impinge on a consented take, and flows and levels allow fish passage. Otherwise DA – type of activity, volume, effects on ecosystems and cultural values.	
3.22 Natural inland wetlands	<p>(1) Every regional council must include the following policy (or words to the same effect) in its regional plan(s): “The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:</p> <p>(a) the loss of extent or values arises from any of the following:</p> <p>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</p> <p>(ii) wetland maintenance, restoration, or biosecurity (as defined in the National Policy Statement for Freshwater Management)</p> <p>(iii) scientific research</p> <p>(iv) the sustainable harvest of sphagnum moss</p> <p>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</p> <p>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020</p>	<p>4.2.2 Objective – Natural Character of Lakes, Rivers and Wetlands and their Margins</p> <p>(i) The control of inappropriate use, development and subdivision where it may adversely affect the natural character of lakes, rivers and wetlands and their margins.</p> <p>4.2.2.1 Policies</p> <p>(i) The adverse effects of activities on natural character should be avoided, remedied or mitigated in terms of:</p> <p>(a) natural flows and levels,</p> <p>(b) water quality,</p> <p>(c) ecosystem functioning and health,</p> <p>(d) indigenous vegetation and habitats,</p> <p>(e) historic heritage, cultural and recreational values.</p> <p>(iv) The disturbance of any bed or margin of river, lake or wetland by excavation, dredging, drilling, tunnelling, deposition or reclamation should not have more than a temporary effect on the life supporting capacity of ecosystems, amenity values and downstream users.</p> <p>(v) Vegetation on the margins of lakes, rivers and wetlands should be sustainably managed where it will:</p> <p>(a) enhance or maintain water quality, through the interception of non-point source contamination from adjacent land,</p> <p>(b) enhance existing ecosystems,</p> <p>(c) maintain or enhance the natural character of lakes, wetlands, rivers and their margins,</p> <p>(d) maintain or enhance amenity values.</p> <p>4.2.2.2 Methods</p> <p>(i) Encouraging landowners to protect natural values by private agreements, conservation covenants, fencing and planting of margins.</p>	<p>Insert Policy 3.22 into the CIRMD as soon as possible without a schedule 1 process. In the CIRMD review we will need to ensure that there are methods in place to deliver this policy. . . . Note also that coastal wetlands are not included in this requirement (natural inland wetlands only).</p> <p>Existing Policy 4.2.2.1 is not strong enough – needs to avoid rather than offering the options of remedying or mitigating effects.</p> <p>Excavation, dredging.. of wetlands where there could be partial drainage is a prohibited activity under the NES-F.</p> <p>Need specific provisions for the list of allowable activities.</p> <p>Need provisions for restoration.</p> <p>5.3.4 Rural Zone Rules- an assessment is required to determine whether these rules duplicate or conflict with the NES.</p>

	<p>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</p> <p>(b) the regional council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</p> <p>(ii) the specified infrastructure will provide significant national or regional benefits; and</p> <p>(iii) there is a functional need for the specified infrastructure in that location; and</p> <p>(iv) the effects of the activity are managed through applying the effects management hierarchy.” Or</p> <p>(c) the regional council is satisfied that:</p> <p>(i) the activity is necessary for the purpose of urban development that contributes to a well-functioning urban environment (as defined in the National Policy Statement on Urban Development); and</p> <p>(ii) the urban development will provide significant national, regional or district benefits; and</p> <p>(iii) the activity occurs on land identified for urban development in operative provisions of a regional or district plan; and</p>	<p>(ii) Using of guidelines, Codes of Practice and education workshops.</p> <p>(iii) Use of Rules which regulate activities which have the potential to have an adverse effect on the natural character of beds and margins of lakes, and rivers and wetlands.</p> <p>(iv) Esplanade reserves/strips to be set aside as conditions of subdivision consents where appropriate or otherwise negotiated with the landowner.</p> <p>(v) Purchase/designate land.</p> <p>5.3.4 Rural Zone Rules</p> <p>16. Activities In or near waterbodies. PA in a wetland or within 5 m of a wetland -if fences, access tracks, wetlands <1ha, or no erection of structures, no indigenous vegetation clearance, no change to the colour or clarity of water. Otherwise DA – necessity to locate it there, effects on water quality, ecosystems, cultural and community values.</p>	
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	<p>(iv) the activity does not occur on land that is zoned in a district plan as general rural, rural production, or rural lifestyle; and</p> <p>(v) there is either no practicable alternative location for the activity within the area of the development, or every other practicable location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and</p> <p>(vi) the effects of the activity will be managed through applying the effects management hierarchy; or</p> <p>(d) the regional council is satisfied that:</p> <p>(i) the activity is necessary for the purpose of quarrying activities; and</p> <p>(ii) the extraction of the aggregate will provide significant national or regional benefits; and</p> <p>(iii) there is a functional need for the activity to be done in that location; and</p> <p>(iv) the effects of the activity will be managed through applying the effects management hierarchy; or</p> <p>(e) the regional council is satisfied that:</p> <p>(i) the activity is necessary for the purpose of:</p> <p>(A) the extraction of minerals (other than coal) and ancillary activities; or</p>		
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	<p>(B) the extraction of coal and ancillary activities as part of the operation or extension of an existing coal mine; and</p> <p>(ii) the extraction of the mineral will provide significant national or regional benefits; and</p> <p>(iii) there is a functional need for the activity to be done in that location; and</p> <p>(iv) the effects of the activity will be managed through applying the effects management hierarchy; or</p> <p>(f) the regional council is satisfied that:</p> <p>(i) the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area; and</p> <p>(ii) the landfill or cleanfill area:</p> <p>(A) will provide significant national or regional benefits; or</p> <p>(B) is required to support urban development as referred to in paragraph (c);</p> <p>(C) is required to support the extraction of aggregates as referred to in paragraph (d); or</p> <p>(D) is required to support the extraction of minerals as referred to in paragraph (e); and</p>		
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	<p>(iii) there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and</p> <p>(iv) the effects of the activity will be managed through applying the effects management hierarchy.”</p> <p>(2) Subclause (3) applies to an application for a consent for an activity that:</p> <p>(a) is for a purpose referred to in subclause (1)(a) to (f), other than the purpose referred to in paragraph (1)(a)(i); and</p> <p>(b) would result (directly or indirectly) in the loss of extent or values of a natural inland wetland.</p> <p>(3) Every regional council must make or change its regional plan to ensure that an application referred to in subclause (2) is not granted unless:</p> <p>(a) the council is satisfied that:</p> <p>(i) the applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning,</p>		
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	<p>Māori freshwater values, and amenity values; and</p> <p>(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate, and</p> <p>(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and</p> <p>(b) any consent granted is subject to:</p> <p>(i) conditions that apply the effects management hierarchy; and</p> <p>(ii) a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland; and</p> <p>(iii) conditions that specify how the requirements in (a)(iii) will be achieved.</p> <p>(4) Every regional council must make or change its regional plan to include objectives, policies, and methods that provide for and promote the restoration of natural inland wetlands in its region, with a particular focus on restoring the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values.</p>		
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<p>3.23 Mapping and monitoring natural inland wetlands</p>	<p>3.23 Mapping and monitoring natural inland wetlands</p> <p>(1) Every regional council must identify and map every natural inland wetland in its region that is:</p> <p>(a) 0.05 hectares or greater in extent; or</p> <p>(b) of a type that is naturally less than 0.05 hectares in extent (such as an ephemeral wetland) and known to contain threatened species.</p> <p>(2) However, a regional council need not identify and map natural inland wetlands located in public conservation lands or waters (as that term is defined in the Conservation General Policy 2005 issued under the Conservation Act 1987).</p> <p>(3) In case of uncertainty or dispute about the existence or extent of a natural inland wetland, a regional council must have regard to the Wetland Delineation Protocols (see clause 1.8).</p> <p>(4) The mapping of natural inland wetlands must be completed within 10 years of the commencement date, and the regional council must prioritise its mapping, for example by:</p> <p>(a) first, mapping any wetland at risk of loss of extent or values; then</p> <p>(b) mapping any wetland identified in a farm environment plan, or that may be affected by an application for, or review of, a resource consent; then</p>		<p>The CIRMD will require mapping of the natural inland wetlands as set out in 3.23 Mapping and monitoring natural inland wetlands</p>
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	<p>(c) mapping all other natural inland wetlands of the kind described in subclause (1).</p> <p>(5) Every regional council must establish and maintain an inventory of all natural inland wetlands mapped under this clause, and the inventory:</p> <p>(a) must include, at a minimum, the following information about each wetland: (i) identifier and location</p> <p>(ii) area and GIS polygon</p> <p>(iii) classification of wetland type</p> <p>(iv) any existing monitoring information; and</p> <p>(b) may include any other information (such as an assessment of the values applying to the wetland and any new information obtained from monitoring).</p> <p>(6) Every regional council must:</p> <p>(a) develop and undertake a monitoring plan that:</p> <p>(i) monitors the condition of its natural inland wetlands (including, if the council chooses, wetlands referred to in subclause (2)); and</p> <p>(ii) contains sufficient information to enable the council to assess whether its policies, rules, and methods are ensuring no loss of extent or values of those wetlands; and</p>		
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	(b) have methods to respond if loss of extent or values is detected		
3.24 Rivers	<p>3.24 Rivers</p> <p>(1) Every regional council must include the following policy (or words to the same effect) in its regional plan: "The loss of river extent and values is avoided, unless the council is satisfied that:</p> <p>(a) there is a functional need for the activity in that location; and</p> <p>(b) the effects of the activity are managed by applying the effects management hierarchy."</p> <p>(2) Subclause (3) applies to an application for a consent for an activity:</p> <p>(a) that falls within the exception to the policy described in subclause (1); and</p> <p>(b) would result (directly or indirectly) in the loss of extent or values of a river.</p> <p>(3) Every regional council must make or change its regional plan to ensure that an application referred to in subclause (2) is not granted unless:</p> <p>(a) the council is satisfied that:</p> <p>(i) the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential</p>	<p>4.2.2 Objective – Natural Character of Lakes, Rivers and Wetlands and their Margins</p> <p>(i) The control of inappropriate use, development and subdivision where it may adversely affect the natural character of lakes, rivers and wetlands and their margins.</p> <p>4.2.2.1 Policies</p> <p>(i) The adverse effects of activities on natural character should be avoided, remedied or mitigated in terms of:</p> <p>(a) natural flows and levels,</p> <p>(b) water quality,</p> <p>(c) ecosystem functioning and health,</p> <p>(d) indigenous vegetation and habitats,</p> <p>(e) historic heritage, cultural and recreational values.</p> <p>(iv) The disturbance of any bed or margin of river, lake or wetland by excavation, dredging, drilling, tunnelling, deposition or reclamation should not have more than a temporary effect on the life supporting capacity of ecosystems, amenity values and downstream users.</p> <p>(v) Vegetation on the margins of lakes, rivers and wetlands should be sustainably managed where it will:</p> <p>(a) enhance or maintain water quality, through the interception of non-point source contamination from adjacent land,</p> <p>(b) enhance existing ecosystems,</p> <p>(c) maintain or enhance the natural character of lakes, wetlands, rivers and their margins,</p> <p>(d) maintain or enhance amenity values.</p> <p>4.2.2.2 Methods</p>	<p>Policy 3.24 needs to be inserted into the CIRMD as soon as possible without the need for a schedule 1 process. The plan review will need to ensure that there are methods in place to deliver this policy. Need specific provisions for the list of allowable activities.</p> <p>Need a provision that requires resource consent decisions to require the effects management hierarchy to be applied to the loss of extent and values of the river.</p>

	<p>value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and</p> <p>(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and</p> <p>(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and</p> <p>(b) any consent granted is subject to:</p> <p>(i) conditions that apply the effects management hierarchy; and</p> <p>(ii) conditions that specify how the requirements in (a)(iii) will be achieved.</p> <p>(4) Every regional council must:</p> <p>(a) develop and undertake a monitoring plan:</p> <p>(i) to monitor the condition of its rivers; and</p> <p>(ii) that contains sufficient information to enable the council to assess whether its policies, rules, and methods are ensuring no loss of extent or values of the rivers; and</p>	<p>(i) Encouraging landowners to protect natural values by private agreements, conservation covenants, fencing and planting of margins.</p> <p>(ii) Using of guidelines, Codes of Practice and education workshops.</p> <p>(iii) Use of Rules which regulate activities which have the potential to have an adverse effect on the natural character of beds and margins of lakes, and rivers and wetlands.</p> <p>(iv) Esplanade reserves/strips to be set aside as conditions of subdivision consents where appropriate or otherwise negotiated with the landowner.</p> <p>(v) Purchase/designate land.</p> <p>5.3.4 Rural Zone Rules</p> <p>16. Activities In or near waterbodies. PA within 5 m of the bank of a river -if fences, access tracks, wetlands <1ha, or no erection of structures, no indigenous vegetation clearance, no change to the colour or clarity of water. Otherwise DA – necessity to locate it there, effects on water quality, ecosystems, cultural and community values.</p>	
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	<p>(b) have methods to respond if loss of extent or values is detected.</p> <p>(</p>		
3.26 Fish passage	<p>3.26 Fish passage</p> <p>(1) Every regional council must include the following fish passage objective (or words to the same effect) in its regional plan:</p> <p>“The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.”</p> <p>(2) Every regional council must make or change its regional plan to include policies that:</p> <p>(a) identify the desired fish species, and their relevant life stages, for which instream structures must provide passage; and</p> <p>(b) identify the undesirable fish species whose passage can or should be prevented; and</p> <p>(c) identify rivers and receiving environments where desired fish species have been identified; and</p>	<p>4.2.2.1 Policies</p> <p>(ii) Any new structure on the bed of any lake or river, should, where necessary, provide for fish passage through or past it.</p> <p>(iii) Structures that do not have a functional need to locate in rivers, lakes or wetlands or their margins should be avoided, particularly in unmodified areas.</p> <p>5.3.4 Rural Zone Rules</p> <p>15. Quarries – PA if at scheduled sites, doesn't affect water quality, and fish passage is not impeded. Otherwise DA – effects on water quality and fish passage.</p> <p>20. Taking of water – PA in certain circumstances where flows and levels mean fish passage is not impeded. Otherwise DA – effect on aquatic life</p> <p>21. Damming and diversion of water – PA in certain circumstances where flows and levels mean fish passage is not impeded. Other wise DA – effect on ecosystems</p> <p>22. Structures in beds of lakes and rivers – PA in certain circumstances where they do not impede the passage of fish. Otherwise DA – effects on ecosystems and cultural values.</p>	<p>Existing policy may be enough to cover (1) given that there are no undesirable freshwater fish species on the Islands.</p> <p>Objective 3.26 needs to be inserted into the CIRMD as soon as possible without the need for a schedule 1 process. The plan review will need to ensure that there are methods, policies and rules in place to deliver this objective.</p> <p>Need to include a policy that identifies desired fish species and their relevant life stages, as well as the rivers and receiving environments where they have been identified. This will require significant science help.</p> <p>Need to include rules covering matters to have regard to for a consent application consideration.</p>

	<p>(d) identify rivers and receiving environments where fish passage for undesirable fish species is to be impeded in order to manage their adverse effects on fish populations upstream or downstream of any barrier.</p> <p>(3) When developing the policies required by subclause (2) a regional council must:</p> <p>(a) take into account any Freshwater Fisheries Management Plans and Sports Fish and Game Management Plans approved by the Minister of Conservation under the Conservation Act 1987; and</p> <p>(b) seek advice from the Department of Conservation and statutory fisheries managers regarding fish habitat and population management.</p> <p>(4) Every regional council must make or change its regional plan to require that regard is had to at least the following when considering an application for a consent relating to an instream structure:</p> <p>(a) the extent to which it provides, and will continue to provide for the foreseeable life of the structure, for the fish passage objective in subclause (1)</p> <p>(b) the extent to which it does not cause a greater impediment to fish movements than occurs in adjoining river reaches and receiving environments</p>		
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	<p>(c) the extent to which it provides efficient and safe passage for fish, other than undesirable fish species, at all their life stages</p> <p>(d) the extent to which it provides the physical and hydraulic conditions necessary for the passage of fish</p> <p>(e) any proposed monitoring and maintenance plan for ensuring that the structure meets the fish passage objective in subclause (1) now and in the future.</p> <p>(5) Every regional council must make or change its regional plan to promote the remediation of existing structures and the provision of fish passage (other than for undesirable fish species) where practicable.</p> <p>(6) Every regional council must prepare an action plan to support the achievement of the fish passage objective in subclause (1), and the action plan must, at a minimum:</p> <p>(a) set out a work programme to improve the extent to which existing instream structures achieve the fish passage objective; and</p> <p>(b) set targets for remediation of existing instream structures; and</p> <p>(c) achieve any environmental outcomes and target attribute states relating to the abundance and diversity of fish.</p>		
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	<p>(7) The work programme in an action plan must, at a minimum:</p> <p>(a) identify instream structures in the region by recording, for each structure:</p> <p>(i) all the information in Part 1 of Appendix 4; and</p> <p>(ii) any other information about the structure, such as the information in Part 2 of Appendix 4; and</p> <p>(b) evaluate the risks that instream structures present as an undesirable barrier to fish passage; and</p> <p>(c) prioritise structures for remediation, applying the ecological criteria described in table 5.1, of the New Zealand Fish Passage Guidelines (see clause 1.8); and</p> <p>(d) document the structures or locations that have been prioritised, the remediation that is required to achieve the desired outcome, and how and when this will be achieved; and</p> <p>(e) identify the structures that have been remediated since the commencement date; and</p> <p>(f) specify how the ongoing performance of remediated structures will be monitored and evaluated, including the effects of the structure on the abundance and diversity of desired fish species.</p>		
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	<p>(8) An action plan for fish passage may be part of, or separate from, an action plan prepared for any purpose under this Part, but clause 3.15, about preparing action plans, applies in either case.</p>		
<p>3.27 primary contact sites</p>	<p>3.27 Primary contact sites</p> <p>(1) Every regional council must monitor primary contact sites for:</p> <p>(a) their risk to human health; and</p> <p>(b) their suitability for the activities that take place in them (for example, by monitoring whether there is slippery or unpleasant weed growth, and the visual clarity of the water).</p> <p>(2) For every primary contact site in an FMU, the regional council must identify one or more monitoring sites representative of the primary contact site or a number of primary contact sites.</p> <p>(3) Every regional council must identify, for each primary contact site in its region, a time period (a bathing season) during the year when the regional council considers that the site is regularly used, or would be regularly</p>		<p>The CIRMD must include monitoring of primary contact sites as set out in 3.27 of the NPSFM.</p> <p>However it doesn't need to be included in the CIRMD itself.</p>

	<p>used but for existing freshwater quality, for recreational activities.</p> <p>(4) During the bathing season for primary contact sites, every regional council must undertake weekly sampling for E. coli at each relevant monitoring site.</p> <p>(5) However, if a single sample taken during the bathing season from a monitoring site is greater than 260 E. coli per 100 mL, the regional council must (unless the council is satisfied that the elevated result is temporary or the cause is being addressed):</p> <p>(a) increase sampling frequency to daily, where practicable; and</p> <p>(b) take all practicable steps to identify potential causes of microbial contamination.</p> <p>(6) If a single sample from a monitoring site is greater than 540 E. coli per 100 mL, the regional council must, as soon as practicable, take all practicable steps to notify the public and keep the public informed that the site is unsuitable for primary contact, until further sampling shows a result of 540 E. coli per 100 mL or less.</p> <p>(7) A regional council may comply with subclause (6) by, for example, erecting signs and publicising the situation, or liaising with an environmental health officer or other relevant body or person to co-ordinate how to inform the public about the situation.</p>		
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3.28 Water allocation	<p>3.28 Water allocation</p> <p>(1) Every regional council must make or change its regional plan to include criteria for:</p> <p>(a) deciding applications to approve transfers of water take permits; and</p> <p>(b) deciding how to improve and maximise the efficient allocation of water (which includes economic, technical, and dynamic efficiency).</p> <p>(2) Every regional council must include methods in its regional plan to encourage the efficient use of water.</p>	<p>No relevant provisions</p>	<p>Need to include provisions in the CIRMD to include criteria set out in 3.28 of NPSFM to approve transfers of water permits (this may not be relevant on the islands), deciding how to improve and maximise efficient allocation of water, and encourage the efficient use of water.</p>
3.29 Freshwater accounting systems	<p>3.29 Freshwater accounting systems</p> <p>(1) Every regional council must operate and maintain, for every FMU:</p> <p>(a) a freshwater quality accounting system; and</p> <p>(b) a freshwater quantity accounting system.</p> <p>(2) The purpose of the accounting systems is to provide the baseline information required:</p> <p>(a) for setting target attribute states, environmental flows and levels, and limits; and</p>		<p>Need to set out freshwater accounting systems in the CIRMD as per 3.29 NPSFM.</p> <p>But do need to look into more about whether this is included in the CIRMD or outside of the plan.</p>

	<p>(b) to assess whether an FMU is, or is expected to be, over-allocated; and</p> <p>(c) to track over time the cumulative effects of activities (such as increases in discharges and changes in land use).</p> <p>(3) The accounting systems must be maintained at a level of detail commensurate with the significance of the water quality or quantity issues applicable to each FMU or part of an FMU.</p> <p>(4) Every regional council must publish information from those systems regularly and in a suitable form.</p> <p>(5) The freshwater quality accounting system must (where practicable) record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated:</p> <p>(a) loads and concentrations of relevant contaminants; and</p> <p>(b) where a contaminant load has been set as part of a limit on resource use, or identified as necessary to achieve a target attribute state, the proportion of the contaminant load that has been allocated; and</p> <p>(c) sources of relevant contaminants; and</p> <p>(d) the amount of each contaminant attributable to each source.</p>		
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	<p>(6) The freshwater quantity accounting system must record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated:</p> <p>(a) amount of freshwater take; and</p> <p>(b) the proportion of freshwater taken by each major category of use; and</p> <p>(c) where a take limit has been set, the proportion of the take limit that has been allocated.</p> <p>(7) In this clause, freshwater take refers to all takes and forms of water consumption, whether metered or not, whether subject to a consent or not, and whether authorised or not.</p>		
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4.7. Communications

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Teresa Hancock, Principal Communications & Engagement Advisor
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To give the Chatham Islands Council Steering Group an update on communications.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Communications report for March 2023 is put forward to the Chatham Islands Council to receive.**

Key points

2. The communications report for March 2023 includes:
 - 2.1 Website updates
 - a. News stories:
 - (i.) [Take a picnic and visit Blind Jim's](https://cic.govt.nz/your-council/news-and-events/2023/take-a-picnic-and-visit-blind-jims/) <https://cic.govt.nz/your-council/news-and-events/2023/take-a-picnic-and-visit-blind-jims/> (36 views)
 - (ii.) [Civil defence exercise to test our capability and capacity](https://cic.govt.nz/your-council/news-and-events/2023/civil-defence-exercise-to-test-our-capability-and-capacity/) <https://cic.govt.nz/your-council/news-and-events/2023/civil-defence-exercise-to-test-our-capability-and-capacity/> (28 views)
 - (iii.) [Plenty on for Predator Free Chathams](https://cic.govt.nz/your-council/news-and-events/2023/plenty-on-for-predator-free-chathams/) <https://cic.govt.nz/your-council/news-and-events/2023/plenty-on-for-predator-free-chathams/> (31 views)
 - b. Document pages:
 - (i.) [Loaded 2019 Investment Strategy document to website](https://cic.govt.nz/documents/2019-chatham-islands-investment-strategy/) <https://cic.govt.nz/documents/2019-chatham-islands-investment-strategy/>
 - (ii.) [CIC February Council agenda](https://cic.govt.nz/your-council/meetings-and-agendas/) <https://cic.govt.nz/your-council/meetings-and-agendas/>
 - 2.2 Facebook posts done by Environment Canterbury staff:
 - a. Boil water notice lifted (reach: 239, engagements: 4, reactions: 3)
 - b. Environment Canterbury compliance monitoring staff on the Island (reach: 255, engagements: 7, reactions: 1)

- c. Promotion of Investment Strategy (reach: 319, engagements: 44, reactions: 6)



- d. February newsletter post (reach: 719, engagements: 153, reactions: 15)



2.2 Council e-newsletter

a. February newsletter:

- Open rate 49.8 (down from 58% in December), clicks 19.7% (up from 2.3% in December)

3. Other tasks - in progress

Task	Due date	Status
Risk and issue management	Ongoing	Comms support for a number of evolving issues.
Developing communications and engagement for the Essential Freshwater Package	Ongoing	Web pages now live. Supporting social media posts, and notices in newsletters as is needed.
Support on Annual Report, Annual Report Summary	Ongoing	Support offered as is needed. Now working through Audit process.
Supporting Annual Plan development	June 2023	Upcoming work expected on Annual Plan 2023/24.
Government submissions	Ongoing	Government submissions published on CIC website.

Task	Due date	Status
Website	Ongoing	Content edits as is needed.
Recreating an A0 poster on Chatham Islands Lakes	None	Draft – need to connect with Steve
Potential development of a Chatham Islands CDEM webpage	?	Haven't heard anything from Rana on this since 2021
Waste management comms	Ongoing	Messaging prepared for material for website, and a handout, to help with sorting waste. Progress on this topic during the first quarter of 2023 expected.
Chatham Islands Investment Strategy support	June/July 2023	Comms support for this project is underway, first meeting had with external support.
Vehicle wrap	January 2023	New design for ECan/CIC biosecurity cars completed. First vehicle will be arriving soon.
Signage	January 2023	Vehicles on beaches & dogs on beaches signage completed.

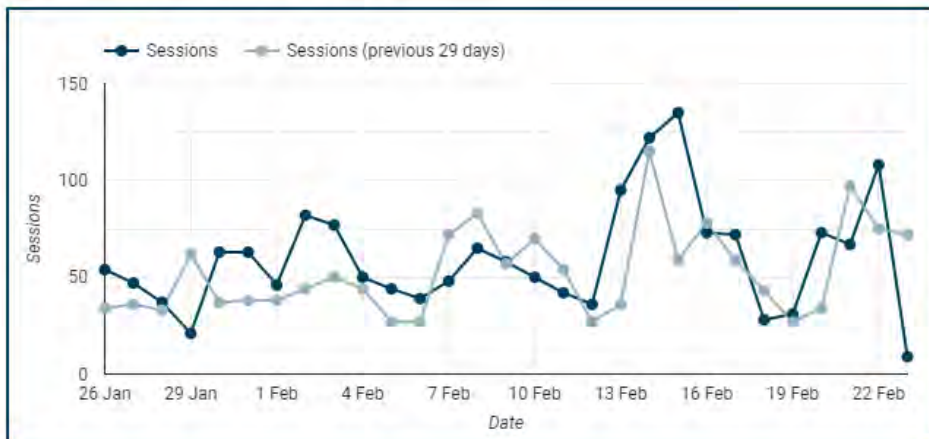
4. Chatham Islands Council [Website report 26 January-23 February 2023](#)

What has been viewed on the website?

	Page Title	Page Views	
1.	Visit the Chatham Islands » Chatham Islands Council	659	101 ↑
2.	Home » Chatham Islands Council	535	46 ↓
3.	News and Events » Chatham Islands Council	201	52 ↑
4.	Meet the Team » Chatham Islands Council	184	39 ↓
5.	Search all Documents » Chatham Islands Council	111	47 ↑
6.	Contact » Chatham Islands Council	71	12 ↓
7.	Your Council » Chatham Islands Council	62	13 ↓
8.	Resource Management » Chatham Islands Council	51	23 ↑
9.	Emergency Management » Chatham Islands Council	46	15 ↓
10.	Airport fitout planning underway with public consultation ...	43	19 ↓
	Grand total	3,139	225 ↑

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When was the website visited?



Where was the website traffic coming from?

"(direct)/(none)" is from typing into browser address bar, or via bookmark/favourite.
 "organic" is from search results. | "referral" is a link from another website.

	Source/Medium	Sessions	
1.	google / organic	1,158	145 ↑
2.	(direct) / (none)	351	71 ↑
3.	bing / organic	65	-3 ↓
4.	en.m.wikipedia.org / referral	23	8 ↑
5.	statics.teams.cdn.office.net / refer...	21	10 ↑
	Grand total	1,735	207 ↑

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Attachments

Nil

4.8. Environmental Monitoring

Environmental monitoring report

Date of meeting	Tuesday, 7 March 2023
Author	Adrian Meredith, Principal Surface Water Scientist
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To update the Chatham Islands Council Steering Group on what environmental monitoring work has been carried out by Environment Canterbury (ECan) recently to show that ECan is meeting environmental monitoring obligations.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Environmental Monitoring report is put forward to the Chatham Islands Council to receive.**

Key points

2. No additional updates for this meeting.

Attachments

Nil

4.9. Biosecurity

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Steve Palmer, Biosecurity Advisor
Endorsed by	Lauren Hamilton, Regional Leader - Zone Delivery, Operations Management

Purpose

1. To give the Chatham Islands Council Steering Group a biosecurity update.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Biosecurity report is put forward to the Chatham Islands Council to receive.**

Border control

2. Very quiet month with no border issues arising
3. SPS Biosecurity visit to the Island postponed for the 2nd time. Cyclone Gabrielle.

Pest Management Plan

4. A relatively quiet month. Robin and Jase both took some leave with Alex filling the gaps with in-coming freight checks.
5. Jase and Robin have been working well at improving the communication lines with the Department of Conservation and this has resulted in the Department contributing \$1,000 to our Cat de-sexing programme subsidy.
6. The Southern Tiare is due to be dry docked for maintenance in mid-March. It is unknown how long it will be out of commission for, but estimates range from 6 weeks to 12 weeks. At this stage it looks highly unlikely we will be able to provide the Helicopter service to the Island in this financial year.
7. Steve Palmer and Jemma Hippolite (Zolve Environmental) will be on the Island between 27 February and 3 March 2023. Jemma is helping us with a review of our Health and Safety Policies and Procedures.

Attachments

Nil

4.10. Navigation Safety

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Tina Jackson, Deputy Harbourmaster
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To give the Chatham Islands Council Steering Group a navigation safety update.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Navigation Safety report is put forward to the Chatham Islands Council to receive.**

Update (Peer reviewed by Guy Harris (Harbourmaster))

2. Replacement for Southern Tiare. The current vessel Southern Tiare has had a special survey to keep it in service for longer than originally expected, suggesting a long timeframe on this project is expected. Funds have been allocated for a new vessel in the recent budget and includes money for gathering community focused requirements. Discussed last week with Toby and waiting for further details on proposed new vessel.
3. In March 2023, Southern Tiare will need another special survey and will be off-service for a few weeks. Small coastal bulk carrier ship Rangitata is on longer being considered as a replacement.
4. Waitangi Port Manager, Toby Kemp, has requested a suitable sized Swing mooring be established in the Waitangi Swing mooring area as a mooring that can used when small fishing vessels have to be moved off the wharf to make room for other vessels. Will be discussed in our joint meeting on 10th March (Joss and Toby.)
5. Point Weedy light has fallen over, parts for replacement will be on the next ship, so repairs should be completed by mid-March. LINZ currently have a Notice to Mariners.

Attachments

Nil

4.11. Marine Oil Spill Response & Readiness

Chatham Islands Council Steering Group report

Date of meeting	7 March 2023
Author	Emma Parr, Coastal Response and Readiness Lead
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To give the Chatham Islands Council Steering Group an update on marine oil spill response capabilities.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Marine Oil Spill Response Readiness report is put forward to the Chatham Islands Council to receive.**

Update

2. Trip to Chatham Islands completed. Strengthened and built relationships across council, industry, responders and many community members.
3. Basic PPE provided to the ROSC for use during exercises and responses
4. Risks and improvement recommendations identified and disseminated. They are:
 - Appointment of alternate Regional On Scene Commander (ROSC) to be pursued by CIC
 - Regional Marine Oil Spill Contingency (MOSC) Plan review proposal put forward to gain compliance with Marine Protection Rules (MPR's,) with priority
 - Tier 1 (operator sites) contingency plans must be renewed to gain compliance with MPR's. All three expired in 2015. EP to work with operator's
 - Recommendations to the ROSC regarding equipment placement and industry training to minimise the impact of a spill in Kaingaroa and Owenga
5. *Continuing* - Some of the foreseeable services are listed below and will be on an ad hoc basis:
 - 24/7 availability of advice and support to the appointed Regional On-Scene Commander (ROSC)

- An additional alternate ROSC (requires CIC formal appointment)
- Lead Tier 1 site operators planning and compliance
- Assistance with Tier 2 response planning, including Regional Plan
- Assistance with MNZ required responder exercising, including planning & debriefing

Attachments

Nil

4.12. Compliance

Chatham Islands Council Steering Group Report

Date of meeting	7 March 2023
Author	Terri Huxtable, Resource Management Technical Lead
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To brief the Chatham Islands Council Steering Group on compliance monitoring and enforcement activities undertaken during this reporting period.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Compliance report is put forward to the Chatham Islands Council to receive.**

Key points

2. The biennial compliance audit was conducted on the week of 14-21 February 2023. The Chatham Islands Council kindly hosted us in their new offices for the duration and helped ensure the visit ran smoothly.
3. A preliminary summary of the visit:
 - a. Thirty-four (34) sites were inspected, consisting of 9 consented sites and 25 sites operating under permitted activity rules.
 - b. Key stakeholder meetings were held with the Hokotehi Moriori Trust, the Chatham Islands Enterprise Trust, the Department of Conservation and ECan staff based on the island. A hui is scheduled with Ngāti Mutunga o Wharekauri for 28 February 2023.
 - c. Improvements since the 2021 visit were found around the management of solid waste, roading, and the general attitude to compliance and good management practices.
 - d. Current issues tended to be around wastewater management and hazardous substance management (including diesel, petrol and waste oil).
 - e. A need was identified for ensuring Pitt Island is included in the next round of monitoring, with a particular focus on solid waste and wastewater management.

- f. Further investigation is advised regarding rates of coastal erosion and the identification of vulnerable areas, particularly along the northern coastline. Rates of 1.5-3m/yr-1 are reported with fence lines needing to be moved.
 - g. A draft report will be submitted to CIC for review and comment in due course.
 - h. Once finalised, a letter will be sent to each site/consent holder outlining our findings with recommendations for better site management practices.
4. Environment Canterbury is not currently processing any consents on behalf of the Chathams Island Council.

Attachments

Nil

4.13. Civil Defence Emergency Management

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	James Thompson, Team Leader, Canterbury CDEM Group
Endorsed by	Lauren Hamilton, Regional Leader - Zone Delivery, Operations Management

Purpose

1. To provide the Chatham Islands Steering Group with an update on Civil Defence Emergency Management (CDEM) support to the Island.
2. Please note that this item will be provided verbally, due to the ongoing emergency with Cyclone Gabrielle.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Civil Defence Emergency Management report is put forward to the Chatham Islands Council to receive.**

Peer reviewers	
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Attachments

Nil

4.14. Corporate Reporting Update

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	
Endorsed by	Lauren Hamilton, Zone Manager -Zone Delivery, Operations Management

Purpose

1. The purpose of this paper is to provide an update on the finance services being performed under the corporate services umbrella for the Chatham Islands Council Regional Council contract. This paper is informative only, no decision is required.

Recommendations

That the Chatham Islands Council Steering Group:

1. Suggests that the Corporate Services update is put forward to the Chatham Islands Council to receive.

Key points

Peer reviewers	Lauren Hamilton
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Attachments

Nil

4.15. Financial Updates

Chatham Islands Council Steering Group report

Date of meeting	Tuesday, 7 March 2023
Author	Mark Smith, Team Leader Finance Business Partnership
Endorsed by	Lauren Hamilton, Zone Manager - Zone Delivery, Operations Management

Purpose

1. To provide a financial update on the service agreement between the Chatham Islands Council and the Canterbury Regional Council for the period ended 31 January 2023.

Recommendations

That the Chatham Islands Council Steering Group:

1. **Suggests that the Financial Update is put forward to the Chatham Islands Council to receive.**
2. **Approves the use of reserve funds of up to \$170k for costs in relation to the recruitment of the next Chatham Islands Council Chief Executive Officer.**

Background

2. Monthly financial results are reported to the Chatham Islands Council Steering Group as part of our prudent financial management responsibilities. The financial results for the period ended 31 January 2022 have been prepared and are now presented to the Chatham Islands Council Steering Group for review.

Key points

3. The year-to-date results show an operating surplus of \$284K consisting of \$5K additional revenue and \$279K less expenditure.

4. Expenditure by work programme (YTD):

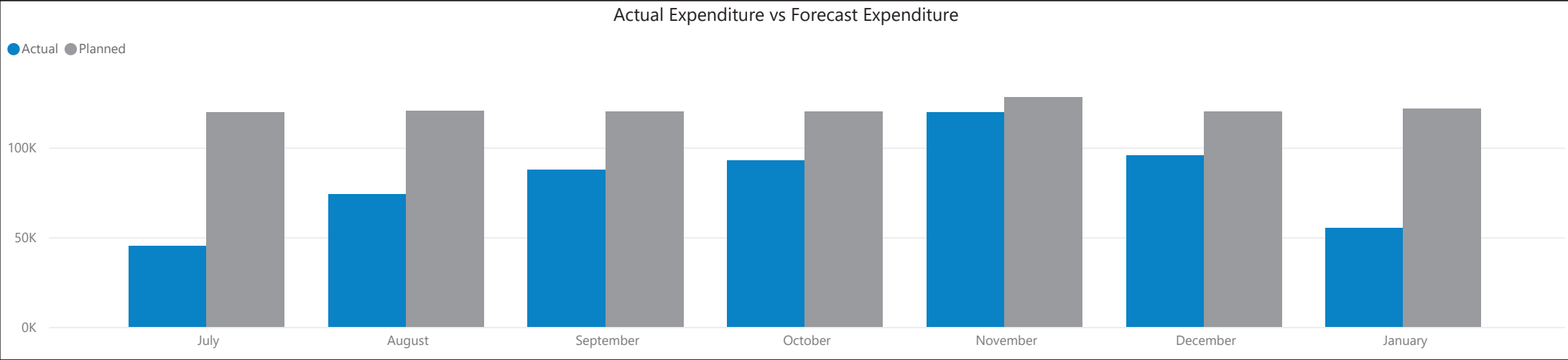
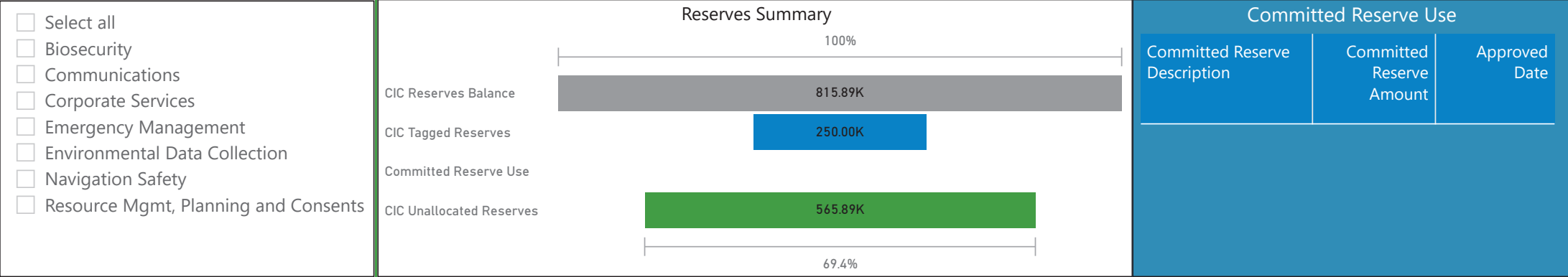
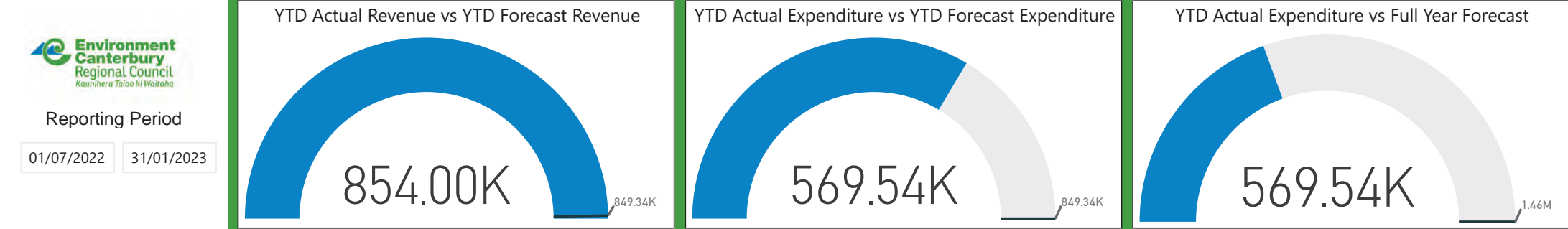
	\$000s	Actual	Budget	Variance
Biosecurity		292	457	(165)
Communications		16	27	(11)
Corporate Services		122	189	(67)
Emergency Management		10	23	(13)
Environmental Data Collection		91	85	6
Navigation Safety		28	22	6
Resource Management, Consents & Planning		11	46	(35)
Total		570	849	(279)

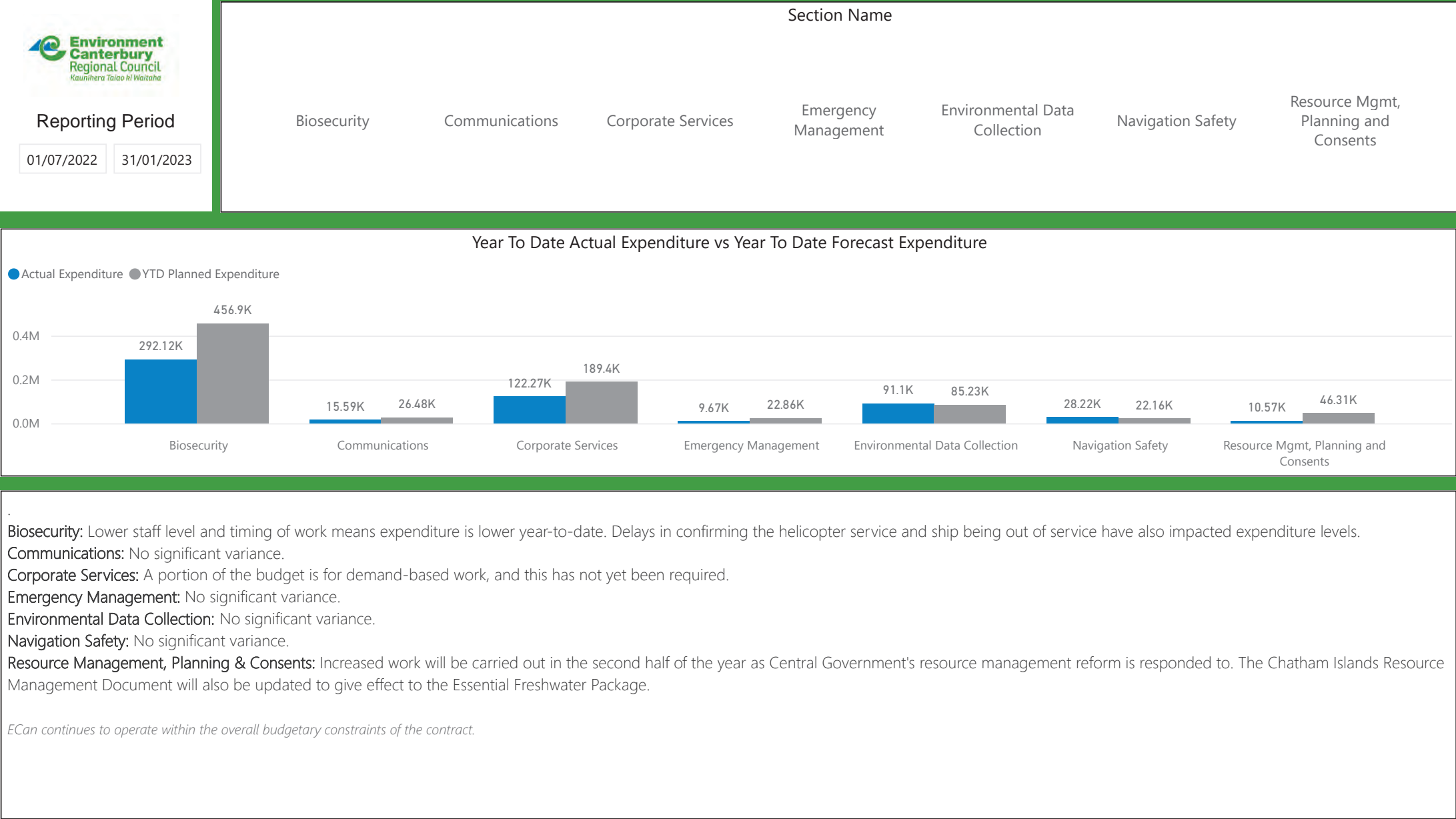
5. The reserve balance at 30 June 2022 was \$567K with \$317K currently uncommitted.
6. The Chatham Islands Council is currently working with Environment Canterbury on the recruitment of the next Chatham Islands Council Chief Executive Officer. The estimated cost of the recruitment process is \$170K. It is recommended that this cost be covered by unspent reserve funds.

Attachments

1. CIC Steering Committee financial report - Jan 23 [4.15.1 - 3 pages]

Peer reviewers	Brian Elliott
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Reporting Period

01/07/2022

31/01/2023

Forecast

Section Name

Biosecurity

Communications

Corporate Services

Emergency
ManagementEnvironmental Data
Collection

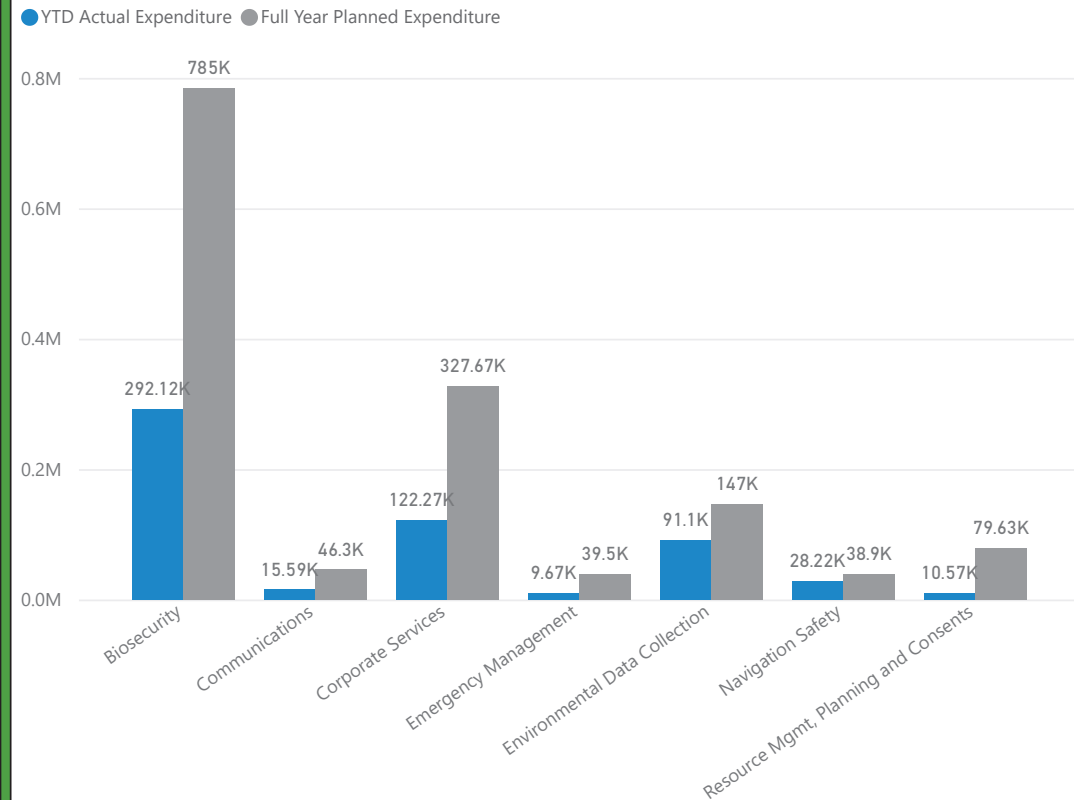
Navigation Safety

Resource Mgmt,
Planning and
Consents

Expenditure Details By Project Level

Project Name	YTD Actual Expenditure	Full Year Planned Expenditure
CIC Biosecurity, Pest Strategy & Implementation	218,039.70	516,000.00
CIC Biosecurity - Border Control	74,082.74	269,000.00
CIC Corporate Services	78,540.27	181,672.00
CIC Water Quality, Ecology & Hydrology	91,100.70	147,000.00
CIC Finance	43,726.67	146,000.00
CIC Resource Management Planning	7,216.77	58,828.00
CIC Communications	15,592.10	46,300.00
CIC Emergency Management	9,665.89	39,500.00
CIC Navigation Safety	24,656.42	38,900.00
CIC Compliance Monitoring	3,355.96	20,800.00
CIC Oil Spill Response Capability	3,561.05	
Total	569,538.27	1,464,000.00

Expenditure availability against Forecast



5. Next Meeting

The next meeting of the Chatham Islands Council Steering Group is scheduled to be held on Tuesday, 11 April 2023 at 9.00am. Any changes to this time will be publicly advertised and updated on the Environment Canterbury website.

6. Mihi / Karakia Whakamutunga - Closing

The meeting will conclude with a karakia by a member of the Chatham Islands Council Steering Group.

8. Government

8.1 Policy Updates

Date of meeting	29 March 2023
Agenda item number	8.1
Author/s	Colette Peni

Purpose

To present the updated Sensitive Expenditure Policy and the Delegations Register.

Recommendations

THAT having been considered and reviewed by Performance, Audit and Risk Committee, the Council adopts the Sensitive Expenditure Policy and the Delegations Policy.

Background

Attached to this report are the Sensitive Expenditure Policy and Delegations Register.

Both the Sensitive Expenditure Policy and the Delegations Register have been reviewed by the PARC on 17 March 2023.



CHATHAM ISLANDS COUNCIL
SENSITIVE EXPENDITURE POLICY

1. Contents

- Definition, rationale and applicability
- General principles for approving expenditure
- Entertainment and alcohol
- Salary related expenditure
- Travel - hotels, meals, air travel, hire car, taxis, annual leave when travelling, overseas travel
- Credit cards
- Disposal of assets
- Purchase of assets
- Sponsorship, Christmas functions
- Attendance at conferences, training courses, and seminars
- Koha (see Council's Koha policy).

2. Definition, rationale and applicability for this policy

'Sensitive' expenditure is that part of Council's spending that may confer a private benefit in addition to its primary business purpose e.g. overseas travel. Although normally not large amounts of money, such spending is sensitive by its nature due to potential adverse public reaction and consequential reputational risk. A good test when making judgements is, how would the public react if the expenditure was in the newspaper?

The Auditor General has considered that public sector organisations should have a policy covering frequently recurring sensitive expenditure for the guidance of management and staff when making individual spending decisions. Council, in its response to the 2008/09 Audit Management Letter, agreed to prepare such a policy.

The purpose of the policy is to reinforce internal control. This will prevent undue benefits accruing to individuals, and set out clear guidance for management and staff when making judgements. The need for such a policy reflects the experience of the wider public sector where, at times, spending has been publicly criticised for being immoderate or extravagant, predominately giving rise to a private benefit with little or no documented business purpose, or otherwise impugning the reputation of the organisation.

In preparing this policy, reference has been made to the Auditor General's Guidance, '*Controlling Sensitive Expenditure: Guidelines for Public Entities*', and the Institute of Internal Auditor's (IIA) publication '*A Management Guide to Discretionary Expenditure*'. The latter calls for annual internal audit as one of the three key internal controls, and Council may wish to consider internal review as a part of one of ECan visits. Other key internal controls identified by the IIA are having a policy to guide staff; and thirdly, that, 'individuals including the Chief Executive should not approve and authorise their own expenditure (i.e. when they are or may be perceived to be, the direct beneficiary). This basic tenet should be stated clearly by organisations.

Good governance standards begin at the top and permeate the whole organisation, therefore these policies will apply to both Councillors and staff on Council business.

3. General principles

Monitoring and reimbursement of expenses

- GST receipts or dockets must be kept to support reimbursements and to enable GST to be recovered.
- Reimbursement is to be on a “one-up” basis.

Approval of sensitive expenditure:

- Must only be given where the person approving the expenditure is satisfied that a justified business purpose and other principles have been adequately met.
- To determine the appropriateness/reasonableness of sensitive expenditure the principles in section 2/3 of this policy must be applied. In addition, the following questions should be considered:
 - Does the expenditure support the Council’s Vision?
 - Could the expenditure be justified to a stakeholder, e.g. the public?
 - Could publicity about the expenditure or occasion adversely affect the Council?
- Must be given before the expenditure is incurred, wherever practical.
- Must be given by a person senior to the person who will benefit or might be perceived to benefit from the expenditure, wherever practical.
- In the case of senior management and Councillors the “one-up” principle must be applied to the maximum extent possible. However, in the case of the Chief Executive and the Mayor an alternative approach is required because there is a no more senior person. In this case the approvals are to be structured to avoid reciprocal arrangements (i.e. the person approving the expenditure having their own expenditure approved by the person whose expenditure they are approving). This is to be achieved by a three-person arrangement e.g. the Operations Manager approves the Mayor’s sensitive expenditure, the Mayor approves the Chief Executive’s sensitive expenditure (noting that all credit card expenditure is reviewed and considered by Performance, Audit and Risk Committee PARC).

The following sections provide guidance in key areas of expenditure.

4. Entertainment and alcohol

Expenditure on entertainment and hospitality is sensitive because of the range of purposes it can serve, the opportunities for private benefit and the wide range of opinions on what is appropriate. The principle that applies is that there should always be a clear business purpose, and the expenditure should be moderate and conservative.

There can be situations where entertaining, including the consumption of alcohol, has a business purpose. Only if there is a clear business purpose should Council money be used for entertaining. Ideally, entertainment expenditure will be from a pre-approved budget with a pre-approved purpose.

Examples include:

- Maintaining, building or developing relationships with a clear benefit to the Chatham Islands;

- Revenue generation;
- Reciprocation of hospitality;
- Reward or thank you;
- Other business purpose.

Reimbursement for meals (including drinks) is limited to the actual and reasonable cost, excluding tips.

Normally it is expected there will be a mix of external and internal staff when entertaining. The most senior person present should pay the bill. This avoids the use of subordinates paying and a superior who was at the event approving the expenditure.

5. Retirements and farewells

Council may thank staff or Councillors on behalf of ratepayers for their services reflecting the contribution of that person to the community. The principles of conservatism apply. Spending will be pre-approved by the Chief Executive.

Spending will not be extravagant and will reflect the contribution of the person to Council and the Community.

6. Salary related expenditure e.g. memberships

Salary related expenditure may be divided into two types: total remuneration, which is generally transparent, and discretionary, and therefore may not be transparent.

- The cost of memberships of professional organisations is a matter for private salary negotiations.
- Airline club membership is a matter for private salary negotiations.
- Reimbursement for the use of telephones shall be on the basis of actual cost supported by phone account.
- Basic mobile phones may be provided for business purposes, and reimbursement shall be on the basis of actual cost supported by phone account.
- Travel insurance for key persons travelling on Council business may be secured and will be paid to the organisation to cover the cost of recruiting a replacement.
- Fuel and car repairs (please refer to Council's vehicle use policy).
- A vehicle may be provided as a part of a salary package. The size of the vehicle, in the case of the Chief Executive, will be determined by Council and will be appropriate to the position without being immoderate. It will be replaced by Council at appropriate intervals.

7. Travelling - hotels, meals, air travel, hire car, taxis, annual leave when travelling, overseas travel

Elected officials and Council staff may need to incur travel and accommodation costs while conducting Council business elsewhere in New Zealand or overseas. The principles of a justified business purpose, and moderate and conservative expenditure, are particularly relevant for travel and accommodation expenditure.

Often this travel is extended due to the schedule operated by Air Chathams. (e.g. A Friday business engagement may result in not returning until Monday.)

In these circumstances Councillors and Staff may use this spare time at their discretion, providing that the Council's exposure to cost is restricted to the equivalent stay at the business location.

Accommodation when travelling

- Hotels shall be of moderate level only considering the location of the event being attended, and any discount programmes the Council participates in.
- Bookings should be made early to secure discounts.
- Mini bar expenses will not be reimbursed.

Meals

Breakfasts, lunches and dinners will be reimbursed on an actual and reasonable basis.

Hire Cars

- Hire cars may be the most suitable form of business travel when off island.
- Hire cars will be the most economical size consistent with the requirements of the trip.
- Hire vehicles may be used for private purposes with extensions outside of time required for the purpose of the trip being a private cost.

Air Travel

- Air travel must only be for trips with a clear business purpose.
- Air travel must be purchased as far in advance as possible to maximise available discounts or using Air Chathams prepaid tickets.
- Accompanying spouses must reimburse the cost of any tickets purchased on their behalf as a package.

Taxis

Council expects the use of taxis to be moderate, conservative and cost effective relative to other transport options.

- When using a taxi, receipts must be kept. The purpose of the trip must be business related only.

Annual leave when travelling

- Staff and elected officials with the express approval of the Chief Executive or Mayor (as applicable) may undertake private travel before, during or at the end of Council travel, provided there is no additional cost to the entity and the private travel is only incidental to the business purpose of the travel.
- Associated with the above, annual leave may be granted during a trip off island provided no extra cost is incurred, and the trip has a clear business purpose.

Overseas Travel

This is likely to be a rare event.

- A clearly documented itinerary with business purpose and details of travel and meetings must be submitted, on a “one-up” basis, for approval prior to the trip.
- There must be budgetary provision unless the trip is urgent.

Spousal travel

- As a general principle, travel cost for accompanying spouses, partners or other family members are a personal expense and will not be reimbursed by Council. In those rare instances where the involvement of a spouse directly contributes to a clear business purpose and pre-approval has been obtained, then Council may contribute to all or part of the additional costs.

Fines

Fines are a private responsibility.

8. Credit Cards

The use of credit cards has a number of business advantages, but there are risks that can be mitigated by clear policies. Using credit cards is not a type of sensitive expenditure. They however are a common method of payment for such expenditure. This policy is designed to minimise the risks associated with their use namely:

- Inappropriate business-related expenditure (in both quantity and type).
- To obtain cash for a business purpose, with subsequent expenditure being poorly documented or justified.
- For personal benefit, by obtaining cash or paying for personal items.
- The issue of a credit card must be approved by the Chief Executive, including the credit limit- the credit limit for cards will be \$5,000.
- Expenditure must in no circumstances be private, or in the case of hire cars where part of a business trip is private, the appropriate portion of the hire cost will be reimbursed to Council.
- No cash advances will be permitted, except in emergency with prior approval of the Chief Executive.
- Receipts must be obtained and retained.
- All credit card expenditure is reviewed and considered by the Performance, Audit & Risk Committee PARC.
- Cards must be returned on termination of employment.

9. Disposal of Assets

From time to time assets are no longer required by Council e.g. computers, cars, etc.

The principles to be applied in such cases are:

Fairness to staff and community -Items will be offered to staff by negotiation. If there is no staff interest, disposal will be determined by the Chief Executive.

10. Purchases of Assets

Where the purchase of assets confers a private benefit to staff (3 staff members have Council accommodation) the principle of “one-up” authority shall apply (within budgetary provisions, unless the purchase is unbudgeted but is urgent).

11. Sponsorship, Christmas functions

- Council has nominal budget for sponsorships and community grants.
- The Council will fund a Christmas function.

History of Changes

Date	Version	Council Adoption	Description
27/5/2010	1.0	19/4/2012	Initial Policy
24/1/2023	2.0		Review and update Policy



Chatham Islands Council

Delegation Register

Part One – General

Purpose

The purpose of the Delegation Register is to set out the Chatham Islands Council's ('the Council') policies, procedures and delegations relating to decision making when giving effect to its statutory duties, responsibilities and powers. The Delegations Register incorporates terms of reference for committees.

Where decisions or actions under a policy of Council are delegated to a Committee or other decision-making body that has since been disestablished, that delegation will be exercised by Council.

Structure

The Delegations Register is structured in four parts:

Part One – General

This part summarises the overall purpose and structure of the Delegation Register; defines delegations, their duration and the legal basis upon which they are given.

Part Two – Governance

This part sets out the responsibilities and powers of the Council's elected members; describes the structure and appointments to Council's Committees, Subcommittees, Hearing panels, Community Boards and Joint Committees.

The terms of reference for Council's Committees, Community Boards, Subcommittees, Hearing Panels and Joint Committees, including scope, financial, policy and legislative delegations are set out in Part Two.

Part Three – Management

This part sets out responsibilities and powers held by the Chief Executive and Operations Manager to ensure the proper and efficient functioning of the Council as a local authority business.

Part Four – Statutory Delegations to Staff

Statutory delegations to staff may be made where:

- the responsibilities are expressly provided for in legislation; or
- the council holds the power and delegates this responsibility to the Chief Executive
- delegations to staff, if required by any enactment, are made through the Chief Executive by virtue of inclusion in this register.

Statutory appointments occur where, by virtue of being an office holder, staff have duties and powers which are additional to any delegation. In those cases, staff are acting under appointment rather than delegation.

Definition of Delegation

Delegation is the transfer of a duty or power to act on behalf of another, including the authority that the person or body making the decision would themselves have had in carrying out that duty or exercising that power.

For the purposes of administrative efficiency and expediency in the conducting of its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its standing committees, committees, subcommittees, joint committees, elected members and staff and in some cases other persons such as Hearing Commissioners.

Likewise, the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations promote effective and expeditious decision-making.

Delegations avoid administrative delays and inefficiencies that might otherwise occur if all matters had to be referred to Council or the Chief Executive every time a decision needed to be made.

The Legal Basis

Council's authority to delegate to its standing committees, committees, subcommittees, elected members or staff is principally derived from Schedule 7, Clause 32 of the Local Government Act 2002 (LGA).

Schedule 7 Clause 32 of the LGA states that:

“Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except:

- a) The power to make a rate; or*
- b) The power to make a bylaw; or*
- c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan; or*
- d) The power to adopt a Long-Term Plan, Annual Plan, or Annual Report; or*
- e) The power to appoint a Chief Executive; or*
- f) The power to adopt policies required to be adopted and consulted on under this Act in association with the Long-Term Plan or developed for the purpose of the local governance statement; or*
- g) (Repealed)*
- h) The power to adopt a remuneration and employment policy.*

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties.

Term of Delegation

Unless any delegation is expressed to be for a defined period it will continue until revoked by the Council, the Chief Executive or withdrawn by operation of law. The Delegations Register is a 'living' document and as such will be reviewed and amended from time to time. The delegation is normally

to the position, not to the individual. The delegation survives any change in the occupier of any position.

General Provisions

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the requirements in this document. The laws relating to local government generally recognise that a delegation properly exercised binds Council and unless the law or the delegation expressly provides for a review / appeal then no remedy exists other than removing the delegation.

If a delegate considers it is inappropriate for them to exercise a delegation in relation to a specific matter they may refer the decision back to the delegator.

Delegations must be unambiguous and made in writing in order to protect both the Council and the delegate.

In the exercise of any delegation, the delegate will ensure they act in accordance with:

1. Any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and
2. Any relevant Council policy or procedural documents (including reporting and recording requirements).

In relation to delegations to officer level, every delegation will be to a stated office or position and will be exercised in relation to other duties of their position or when an officer has been appointed in an acting capacity.

Where the terms of the delegation require, decisions made under delegated authority will be reported to the Council or a relevant Committee.

Where financial delegations have been given to Committees, Subcommittees, other decision-making bodies or staff, these delegations should be exercised within budgets; adhere to Council's policies; follow a duty of care and fiscal responsibility.

For the avoidance of doubt, delegators and supervisors of subordinate staff shall have the same powers as the delegate, unless the exercise of such delegation requires, by law, a particular qualification or registration.

A delegation once made cannot be further sub delegated other than by the Chief Executive in the case of delegations to staff. The power of sub delegation can be restricted or excluded where, for example, through the operation of legislative authority; the delegation is given directly to an appointed officer.

The Council may, at any time, revoke, suspend for a period, or amend the terms and conditions of relation to any delegation it has made except in relation to decisions already taken. Where this occurs, it will be recorded by resolution of Council.

The Chief Executive may revoke or suspend for a period, or amend the terms and conditions in relation to any delegation to subordinates that they have made.

Staff will not exercise delegated authority in cases of uncertainty or where it would be preferable that policy direction be given. There are also circumstances where staff should seek peer review prior to exercising delegated authority.

Where a delegation exists to make a decision on behalf of Council, the delegate has all the necessary powers of Council to affect that decision, including any related transitional powers prescribed by statute.

The delegations to staff, if required by an enactment, are also made through the Chief Executive Officer by virtue of inclusion in this Register.

Part Two – Governance

1.0 Mayoral Delegations

The Mayor holds certain statutory powers and the list below is only delegations.

- 1.1 The Mayor is authorised to:
 - 1.1.1 permit the attendance of **Councillors at conferences and training opportunities**, with leave of absence and appropriate expenses paid, provided budget is available.
 - 1.1.2 Appoint the **Council’s presiding delegate** to the meetings of Local Government New Zealand on those occasions when they cannot attend the meeting in person.
- 1.2 Where the **Common Seal of Council** is affixed to any document it shall be attested by:
 - 1.2.1 the Mayor, or in his / her absence, the Deputy Mayor; and
 - 1.2.2 the Chief Executive, or in his / her absence, the Acting Chief Executive. *See the Chief Executive’s delegations for further details about use of the Common Seal.*
- 1.3 In relation to executing any Deed, the authority to apply the Common Seal of the Council is delegated to the *Mayor or in his/her absence Deputy Mayor, and any one Councillor* by virtue of section 9 of the Property law Act 2007 (two signatures required).
- 1.4 The mayor, in relation to the Chief Executive’s employment contract, has delegated authority to manage routine employment matters on behalf of the employer such as leave provisions.
- 1.5 The Mayor is authorised to decide on the type and size of payments to be made from the Mayor’s Discretionary Fund, within the yearly budget provision.

2.0 Councillor’s Delegations

- 2.2 All Councillors are authorised to be a Hearings Commissioner for the purpose of hearing and considering submissions to the **Resource Management Plan** or a change to the Plan under Schedule 1 Clauses 8B and 10 and to make recommendations to the Environment and Planning Committee provided they hold a **current accreditation certificate**.
- 2.3 Each **accredited** member has the power to hear and determine objections lodged under Section 357 of the **RMA** in respect of staff exercising delegated authority.

3.0 Committee Structure and Appointments

The Committee Structure was established, and the appointments made, following the 2022 local government triennial elections. Any changes since the triennial elections are also recorded here. The power of Council to establish committees, subcommittees, other subordinate decision-making bodies and joint committees is outlined in section 30, Schedule 7 of the Local Government Act

2002. Under section 41A of the Act, the Mayor may exercise their power to establish committees of the Council and Chairpersons for those committees.

CHATHAM ISLANDS COUNCIL	
MAYOR	Monique Croon
DEPUTY MAYOR	Keri Lea Day
COUNCIL COMMITTEES	
Performance, Audit and Risk Committee	Grants sub committee
Independent Chair, Mr P Jones ¹ Mayor M Croon Cr KL Day ² Cr G Horler Cr RS Joyce	Mayor, M Croon Cr G Hoare Cr C Gregory-Hunt Cr A Seymour Cr J Kamo
CDEM Group	Chief Executive Recruitment Committee³
Council	Mayor, M Croon Cr KL Day Cr A Seymour Cr C Gregory-Hunt
REPRESENTATIVES AND APPOINTMENTS	
CIHPT	Tourism Chathams
Cr KL Day	Cr G Horler
Community Fisheries Forum	Port Liaison Group
Cr A Seymour	Cr S Joyce
CI Stakeholders Forum	Manaaki Whanau o Wharekauri Trust
Mayor Cr KL Day Chief Executive Operations Manager	Mayor Cr KL Day
Pitt Island	District Licensing Committee
Cr C Gregory-Hunt	Cr N Ryan

Standing Committee

3.1 PARC Performance Audit and Risk Committee

3.1.1 Purpose and Areas of Responsibility

The Performance Audit and Risk Committee has the core function for the formulation and monitoring of performance audit and risk frameworks, and the development and review of funding and financial policies and Council's performance monitoring.

¹ Amended by resolution 10 November 2022

² Amended by resolution 10 November 2022

³ Established and approved at Council meeting 15 December 2022

The Performance Audit and Risk Committee also has responsibility to act and advise Council on matters related to the employment of the Chief Executive.

3.1.2 Delegated function

- To develop and review Council's funding and financial policies and frameworks.
- To develop and review the Council's performance monitoring framework.
- To approve and review Council's audit and risk policies and frameworks.
- To review the Chief Executives contract, performance and remuneration annually.

3.1.3 Membership

The Mayor, Deputy Mayor, two Councillors and one independent member as Chair.

3.1.4 Term of Committee

For the period of the 2022-2025 Triennium unless discharged earlier by the full Council.

3.1.5 Specific Responsibilities and Delegated Authority

The Performance Audit and Risk Committee is delegated the power of authority to:

1. develop and review Council's funding and financial policies and frameworks and make recommendations to Council;
2. develop and review Council's performance monitoring framework (financial and non-financial) and make recommendations to Council;
3. review Council's draft Annual Report prior to Council's adoption;
4. receive and review external audit letters and management reports;
5. approve and review the internal audit plan and review the annual programme report;
6. approve, review and monitor Council's risk framework and policy
7. review the risk register;
8. review the Chief Executive contract, performance and remuneration at least annually.

Note:

The Performance Audit and Risk Committee reports directly to the full Council.

The Performance Audit and Risk Committee is not delegated the power of authority to:

- *Develop, approve or review strategic policy and strategy*
- *Develop, approve or review non-financial operational policies and plans*
- *Approve funding and financial policies.*

3.2 Chief Executive Recruitment Committee

3.2.1 Purpose and Areas of Responsibility

To promote efficiency and effectiveness in the conduct of Council's business by acting for, and advising, the Council on matters which relate to the recruitment of Council's Chief Executive.

3.2.2 Membership

The Mayor, Deputy Mayor, two Councillors

3.2.3 Term of Committee

For the period of the 2022-2025 Triennium unless discharged earlier by the full Council.

3.2.4 Specific Responsibilities and Delegated Authority

3.2.4.1 Duties and Responsibilities

The Committee will:

- a. following consultation with Council, undertake such precedent tasks, as are necessary and appropriate in the circumstances, to enable Council to exercise to its power to appoint the Chief Executive. This includes, but is not limited to:
 - i. developing and presenting to Council, for Council's ultimate approval, a process for the recruitment and appointment of a Chief Executive;
 - ii. carrying out or implementing any such process relating to the recruitment and appointment of the Chief Executive;
 - iii. providing recommendations to Council, as the Committee sees fit, in accordance with clause 3.2.5.3 of these Terms of Reference;
- b. develop and carry out the process for the Chief Executive's term expiry following consultation with Council;
- c. if and when appropriate, engage a consultant to assist the Committee at any time; and
- d. do all other things necessary to effect the matters set out in this clause.

3.2.4.2 Delegations from Council to the Committee

- a. Council will consider matters not within the delegation of the Committee.
- b. Council may, from time to time, revoke or modify a delegation to a Council committee or joint committee, including this Committee. Such revocations or modifications may be permanent, or for a specified period of time, and/or be for the purpose of addressing a specific matter, if there is good reason to do so.
- c. The powers delegated to the Committee by Council will be, at all times, subject to the current policies and principles or directions given by Council, from time to time.

3.2.4.3 Power to Make Recommendations

- a. The Committee may, as it deems appropriate, make recommendations to Council and/or any standing committee.
- b. The Committee Chair may refer to Council any urgent matters, which would ordinarily be considered by the Committee.

3.2.4.4 Power to Act

- a. the Committee is required to review these Terms of Reference at least once every five years or at such a time that the current (for the time being) Chief Executive resigns from that role, whichever is sooner, and, if the Committee considers it appropriate or necessary, make recommendations to Council regarding any changes or amendments to them.
- b. The general delegations to the Committee exclude any specific decision-making powers that are delegated to another Committee of Council or Joint Committee.
- c. The Committee's power to act under these Terms of Reference is subject to an overriding duty to comply with the Act, and where these Terms of Reference are inconsistent with the Act, the Act shall prevail.

3.2.4.5 Limitations on Committee Powers

- a. Pursuant to Clause 32(1) of Schedule 7 of the Act, the following matters are prohibited from being delegated to the Committee by Council:
 - (i) the power to make a rate; and
 - (ii) the power to make a bylaw; and
 - (iii) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; and
 - (iv) the power to adopt a long-term plan, annual plan, or annual report; and
 - (v) the power to appoint a chief executive;
 - (vi) and the power to adopt policies required to be adopted and consulted on under the Act in association with the long-term plan or developed for the purpose of the local governance statement; and
 - (vii) the power to adopt a remuneration and employment policy.
- b. Therefore, and for the avoidance of doubt, the Committee does not have the delegated authority to decide the following matters in relation to the Chief Executive:
 - (i) the Chief Executive's job description and associated job specifications; or
 - (ii) the appointment process for the role of the Chief Executive; or
 - (iii) the appointment and remuneration package of the preferred candidate for the position of Chief Executive.

- c. The Committee may make recommendations to Council regarding the matters referred to at subclause 3.2.4.5.b, above, in accordance with clause 3.2.4.3 above, however, the ultimate decision on these matters remain with Council.

Sub-committee's

3.3 Grants Sub-committee

The Grants Sub-committee has a core function to consider and approve applications for grant funding.

3.3.1 Membership

- Mayor and three Councilors.

3.3.2 Term of the Committee

- For the period of the 2022-2025 triennium unless discharged earlier by the full Council.

3.3.3 Specific Responsibilities and Delegated Authority

The Grants Subcommittee is delegated the power of authority to consider and approve applications for grant funding from, but not limited to, Creative Communities NZ, NZ Rural Travel Fund, Council Community Grant Fund, and any other grant funding opportunities that may arise.

3.4 District Licensing Committee (DLC)

The District Licensing Committee operates under the **Sale and Supply of Alcohol Act 2012 (SSAA)**. Each territorial authority must appoint one or more licensing committees as, in its opinion, are required to deal with licensing matters for its district (s.186 SSAA).

3.4.1 Responsibilities and Powers

- a. Consider and determine applications for licences and manager's certificates.
- b. Consider and determine applications for renewal of licences and manager's certificates.
- c. Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136.
- d. Consider and determine applications for the variation, suspension, or cancellation of special licences.
- e. Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280.
- f. Refer applications to the licensing authority with the leave of the chairperson for the licensing authority.
- g. Conduct inquiries and to make reports as may be required.

- h. Carry out any other functions conferred on licensing committees by or under the SSAA or any other enactment. (s.187).

3.4.2 Administration

- a. In the absence of the Chairperson, the Deputy Chairperson will preside.
- b. A quorum comprises 3 members except when the Chairperson is sitting alone.
- c. Meets as required.
- d. The provisions of the Local Government Official Information and Meetings Act 1987 apply other than Part 7 and section 200 of SSAA applies.
- e. Where appropriate, an Independent Commissioner will be appointed.

Chatham Islands Civil Defence Emergency Management Group (CDEM)

3.5 Chatham Islands Civil Defence Emergency Management Group

The “Chatham Islands Civil Defence Emergency Management Group” (CDEM Group) is a function of the Chatham Island Council.

3.5.1 Status of Committee

The CDEM Group is a committee of Council under the Local Government Act 2002. The CDEM Group has autonomous decision-making responsibilities specified by the Civil Defence Emergency Management Act 2002 and direction from National Emergency Management Agency NEMA.

3.5.2 Goals

- (1) To, where possible, reduce or mitigate the risks from natural or man-made hazards and to increase the level of public awareness.
- (2) To minimize the adverse effects of hazards upon life, the social and economic fabric of the islands, the infrastructure, property and the natural environment.
- (3) To provide cost effective and efficient emergency management on the islands through partnerships with the emergency services and other agencies.

3.5.3 Objectives

- (1) In relation to the hazards and risks to:
 - identify, assess and manage those hazards and risks
 - consult and communicate to the community about risks
 - identify and implement where possible cost-effective risk reduction.
- (2) To take all steps necessary on an ongoing basis to maintain and provide an effective Civil Defence Emergency Management organisation for the islands including the provision of training, appointment of suitable persons and an appropriate organisational structure.

- (3) To take all steps necessary to provide the materials, services, information and other resources necessary for effective Civil Defence Emergency Management for the islands including partnerships with relevant agencies.
- (4) To respond to and manage the adverse effects of emergencies within the islands.
- (5) To carry out recovery measures as required after the impact of any emergency.
- (6) To promote and raise public awareness of and compliance with the CDEM Act 2002 and the legislative provisions in accordance with Section 3, Purpose of the CDEM Act 2002.
- (7) To promote Civil Defence Emergency Management consistent with the purpose of the CDEM Act 2002.
- (8) To establish a Coordinating Executive Group (CEG) as required under Section 20 of the Act.
- (9) To oversee the implementation, development, maintenance, monitoring and evaluation of the Chatham Islands CDEM Plan.

3.5.4 Delegations

Any delegated authority will be assigned as appropriate by the full Chatham Islands Council.

3.5.5 Membership

The CDEM Group consists of all elected members of Council with the Mayor as Chair, with the CEG Chair and Emergency Management Manager/Officer in attendance. A representative of the Ministry of Civil Defence and Emergency Management may also attend (ex officio).

The CEG will comprise:

- The Chief Executive, Chatham Islands Council as Chair
- The Chief Fire Officer (Appointee of the National Commander)
- The Senior Police Officer stationed on the Islands (Appointee of Commissioner of Police)
- The Medical Officer in charge of the hospital
- The Chief Executive Officer, Chatham Islands Enterprise Trust
- The Area Manager, Department of Conservation
- The Emergency Management Manager/Officer (ex officio)
- A representative from Hokotehi Moriori Trust and Ngati Mutunga o Wharekauri Iwi Trust
- A representative from the Ministry of Primary Industries
- St John
- CDEM Area Coordinators and appointed Controllers
- Representative Ministry of Civil Defence and Emergency Management (ex officio)

3.5.6 Meetings

- (1) The CDEM Group will meet as agreed by the Chairperson and Council.
- (2) Meetings will be publicly notified and open to the public except where there are grounds to exclude the public in terms with the Local Government Official Information and meetings Act 1987.

3.5.7 Standing orders

The Chatham Islands CDEM Group will follow the NZ Standard for standing orders (NZS: 9202: 2001) or any NZ standard substituted and adopted by the Council.

3.5.8 Reporting

The CDEM Group is an autonomous body constituted under Section 18 (1) of the Act, but is expected to keep the full Council and its stakeholders informed of its activities.

3.5.9 Funding

All administrative costs will be borne by the Chatham Islands Council. Any costs incurred by members of the CEG will be met by the organization which they represent.

3.5.10 Life of CDEM Group

The CDEM Group is a requirement of Section 12 of the Civil Defence Management Act 2002.

Part Three – Management

1.0 Chief Executive's Delegations

1.1 General

- 1.1.1 The Chief Executive will report the exercise of these delegations to the Council when the delegation requires and as they deem necessary.
- 1.1.2 The Chief Executive is authorised to amend the delegations register to reflect changes in the organisation's structure.

1.2 Acting Chief Executive

- 1.2.1 The Chief Executive may request the Operations Manager to act as Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.

1.3 Employment of Staff

- 1.3.1 Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.
- 1.3.2 The Chief Executive has control over all employment-related matters concerning staff, and retains authority to approve the employment of all staff.

1.4 Common Seal

- 1.4.1 The Common Seal of the Council will be held by the Chief Executive who will be responsible for its use.
- 1.4.2 A Council resolution is required for the Seal to be affixed to a document.
- 1.4.3 Where the affixing of the Seal is required on documents where the matter is:
 - of a routine nature; or
 - urgent

A resolution of Council under clause 1.4.2 can be made retrospectively at the next Council meeting.
- 1.4.4 Where the Common Seal of the Council is affixed to any document it will be attested by:
 - the Mayor, or in their absence, the Deputy mayor; and
 - the Chief Executive, or in their absence, the Acting Chief Executive.

- 1.4.5 The Common Seal will be affixed to any document that is required to be executed under the Seal, including:
- 1.4.5.1 Warrants to enter private land on behalf of the council made under the Resource Management Act, the Biosecurity Act, the Building Act, Local Government Act 1974 or the Local Government Act 2002;
 - 1.4.5.2 Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002;
 - 1.4.5.3 Regional policy statements and regional and district plans prepared under the Resource Management Act;
 - 1.4.5.4 Bylaws prepared under the Local Government Act 2002 or other relevant statutes;
 - 1.4.5.5 Any documents (e.g. covenants, caveats, or consent notices) which otherwise require the use of the Council's Common Seal with the exception of 'Deeds'.
- 1.4.6 In relation to executing any Deed, the authority to apply the Common Seal of the Council is delegated to the Mayor or in his absence Deputy Mayor, and any one councillor by virtue of section 9 of the Property Law Act 2007 (two signatures required.)

1.5 Official Information

- 1.5.1 The authority to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act) is delegated to the Chief Executive.
- 1.5.2 The ability to refuse to release information under Part 1, s.6 or s.7 (conclusive reasons for withholding information); or Part 2, s.17 (refusal of requests) of the Local Government Official Information and Meetings Act 1987 is restricted to the Chief Executive.

1.6 Privacy Act Requests

- 1.6.1 The Chief Executive is delegated the authority to determine in respect of any request for personal information under Part V of the Privacy Act 1993:
- 1.6.1.1 Whether the request can be granted in whole or in part; or
 - 1.6.1.2 Where a request has been granted, whether any information should be withheld; or
 - 1.6.1.3 Whether a request for personal information to be corrected should be granted; or
 - 1.6.1.4 Compliance with all related administrative requirements.

1.7 News Media, Public Notices, Advertisements and Websites

- 1.7.1 The Chief Executive is authorised to make statements to the news media relating to Council's business.
- 1.7.2 Delegations are to be exercised in accordance with Council's Media and Advertising policies.
- 1.7.3 The Chief Executive is authorised to place public notices and advertisements in relevant newspapers or other publications.

1.8 Disposal of Council Records

The Chief Executive is authorised to dispose of any Council records after receiving confirmation from the relevant Officers or, where required, to make application to another authority for disposal, so far as the exercise of this delegation is not contrary to legislative authority or Council policy.

1.9 Financial Management

- 1.9.1 The Chief Executive is authorised to enter into specified contracts for services within his or her authorised expenditure limit.
- 1.9.2 The Chief Executive may award tenders for:
 - 1.9.2.1 contracts up to \$300,000; or
 - 1.9.2.2 contracts up to \$500,000 procured using the qualified panel of suppliers established in accordance with Chatham Islands Council.
- 1.9.3 The Chief Executive is authorised to:
 - 1.9.3.1 approve operating expenditure within approved budgets, up to a **maximum of \$1,000,000** (exclusive of GST) per single item / transaction;
 - 1.9.3.2 commit up to **\$50,000** (exclusive of GST) of capital expenditure that has not been authorised by approved budgets, subject to subsequent reporting to Council as soon as is practicable;
 - 1.9.3.3 approve **contract progress payments** for the supply of goods and services that have been approved by Council, appropriate Committee, or the Tenders Panel;
 - 1.9.3.4 **re-allocate funding** between budgets provided:
 - it is necessary to achieve committed outputs; and
 - the overall end-of-year budgeted surplus or deficit will be achieved;
 - any likely exceedance is reported to Council or the relevant Committee;
 - it does not breach the Revenue and Financing Policy.

- 1.9.3.5 approve **contingency expenditure for an emergency** including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak, subject to:
 - a maximum of \$100,000 (exclusive of GST) for any one event; and
 - the expenditure being reported to the Council as soon as practicable.
- 1.9.3.6 take appropriate action within Council policy to **recover debts**, including but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies.
- 1.9.3.7 write off or compromise bad and doubtful debts of up to \$5,000 following discussion with the PARC committee.
- 1.9.3.8 consider and approve **elected members' remuneration** and expense claims in accordance with the determinations of the Remuneration Policy and Council policy.
- 1.9.3.9 amend **Solid Waste Charges** and **Commercial Activity Charges** at any stage during the year, and advise the public of any price changes by public notification at least one month prior to the changes taking effect.

1.10 Bank, Invest, Operation of Council's Bank Accounts

- 1.10.1 The Chief Executive is authorised to:
 - bank, transfer, and invest funds held by the Council
 - sign and countersign bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council;
 - approve payroll payments and all payroll related matters; and
 - approve all tax payments and tax related matters.
- 1.10.2 Documentation must be counter-signed by another member of staff with the appropriate delegation.

1.11 Unbudgeted Capital Expenditure

Unbudgeted capital expenditure may be needed when, a project was not included in an Annual Plan or Long-Term Plan, the scope of a project has changed and / or costs for a project have exceeded estimates and contingencies.

- 1.11.1 Unbudgeted capital expenditure may be authorised by the Chief Executive where that expenditure:
 - does not exceed the greater of 10% of the project budget or \$50,000; and
 - can be met within the annual capital budget for the activity without compromising delivery of other planned capital works.

- 1.11.2 The unbudgeted expenditure must be reported via the next financial reforecast report to Council.
- 1.11.3 Approval must be sought at the next available meeting of Council for all other unbudgeted capital expenditure i.e. projects that exceed the greater of 10% of the project budget or \$50,000.

Such approval shall be obtained in advance except:

- In an emergency; or
- When it would be imprudent, contrary to sound business practice, inefficient or ineffective to delay the project while approval is sought.

For the purpose of the above section an activity is as set out in the annual Activity Balance report. It is not the broader activity as described in the Long-Term Plan Annual Plan or Annual Report. Finance have a full list of activities.

1.12 Credit Card Expenditure

- 1.12.1 All credit card expenditure is reported to and signed off by PARC.

1.13 Functional Delegations

- 1.13.1 The Chief Executive may decide on an extension to a due date for objections to rating valuations, in accordance with section 6 of the Rating Valuations Regulations 1998, either because:
- 1.13.1.1 the valuation wasn't received; or
- 1.13.1.2 for any other good reason.
- 1.13.2 The Chief Executive is authorised to receive and/or administer external grants or funding on behalf of the Council, including entering into a contract for the receipt of those grants or funds.

1.14 Council Property, Leases, and Licenses

The Chief Executive is authorised to:

- 1.14.1 approve the leasing or granting of any licence to occupy or tenancy, to vary the terms and conditions of any lease, licence to occupy or tenancy, or to terminate any lease, licence to occupy or tenancy involving Council land
- 1.14.2 enter into contracts for the maintenance, management and development of any council property
- 1.14.3 enter into binding agreements for the sale and purchase of property that are necessary to implement any project or work approved by Council, in accordance with the Long-Term Plan, Annual Plan or Council resolution with schedules listing such sales or purchases being submitted to the relevant Standing Committee on a regular basis

- 1.14.4 grant and administer stall site licences including licences for the occupation of legal road (including termination thereof where required for non-payment of rental or other good reason)
- 1.14.5 sign any client authority and instruction for registration by E-dealing.

1.15 Use of Council Property, Assets and Staff

The Chief Executive is authorised to:

- 1.15.1 approve the use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines
- 1.15.2 dispose (whether by tender or otherwise) of any motor vehicle or item of plant in accordance with a recognised programme of vehicle and plant replacement
- 1.15.3 dispose (whether by tender or otherwise), and the terms thereof, of any other surplus Council asset up to a book value of \$10,000 (exclusive of GST) per item (see footnote below); and
- 1.15.4 hire out any Council asset and staff to an outside organisation.

1.16 Legal Advice and Proceedings

The Chief Executive is authorised to:

- 1.16.1 obtain legal advice on Council's behalf
- 1.16.2 sign on Council's behalf any routine legal administrative document
- 1.16.3 release or alter loans, mortgages and to impose or remove statutory land charges, subject to confirmation, for Council's financial security, or that all monies owing to the Council have been repaid.
- 1.16.4 Commence court proceedings, where:
 - there are exceptional circumstances; and
 - time does not permit consideration by Council; and
 - where such action is necessary to protect or further Council's interests; and
 - subject to prior discussion with the Mayor.
 - In all other instances, the ability to commence court proceedings is confined to the Council.
- 1.16.5 File in the name of the Council a Statement of Defence, or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal.
- 1.16.6 Settle claims against Council up to a limit of \$10,000 (exclusive of GST) (consistent with Council's insurance excess) or in accordance with a recommendation from

Council's insurers, or competent legal advice, where time constraints do not permit the matter to be referred to a meeting of Council or an appropriate Committee.

- 1.16.7 Initiate proceedings to have Court costs awarded; and initiate legal proceedings to collect Court costs awarded.
- 1.16.8 Issue a trespass warning, whether orally or by notice, on Council's behalf.
- 1.16.9 Vote on behalf of Council, where a resolution of Council is not a prerequisite.

2.0 Operations Manager Delegations

The Operations Manager must not act outside of Council policy or outside of decisions made by resolution of Council or a Committee.

2.1 Employment

The Chief Executive Officer has authorised the Operations Manager, in relation to their area of responsibility and in accordance with relevant Council policy, to:

- 2.1.1 determine staff hours of attendance that best suits the Council's needs;
- 2.1.2 approve the temporary reallocation of duties provided they do not require an amendment to the Position Description;
- 2.1.3 approve overtime, including granting time off in lieu of overtime.
- 2.1.4 Approve time-in-lieu and all types of leave, except:
 - 2.1.4.1 leave identified as being at the sole discretion of the Chief Executive; and
 - 2.1.4.2 leave without pay for periods in excess of two weeks.
- 2.1.5 Approve the attendance of staff at conferences, courses or seminars.

2.2 Submissions

- 2.2.1 The Operations Manager is authorised to make a submission on matters of general Council interest or concern where it is not possible within the available time to refer the matter to the Council or relevant standing committee.
- 2.2.2 Such submissions shall be reported to the Council or the relevant committee at the next available meeting.

2.3 Official Information

- 2.3.1 The authority to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act) is delegated to Senior Managers.

- 2.3.2 The ability to refuse to release information under Part 1. S.6 or s.7 (conclusive reasons for withholding information); or Part 2, s.17 (refusal of requests) of the Local Government Official Information and Meetings Act 1987 is restricted to the Chief Executive Officer or delegated Officer.
- 2.3.3 The Council Executive Assistant is delegated to manage official information requests and will require the Officers to respond to requests as they relate. The Operations Manager is authorised to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act).

2.4 News Media, Public Notices, Advertisements and Websites

- 2.4.1 The Mayor and Chief Executive Officer or Delegated Officer are authorised to make statements to the news media relating to Council's business. Exercise of these delegations are to be in accordance with the Council's Media and Advertising Policies.

2.5 Financial Management

- 2.5.1 The Operations Manager is authorised to enter into specified contracts for services commensurate with his or her authorised expenditure limit.
- 2.5.2 The Operations Manager is authorised to:
- 2.5.2.1 approve operating expenditure within approved budgets, up to a maximum of \$20,000 (exclusive of GST) per item
 - 2.5.2.2 approve contract progress payments for the supply of goods and services as have been approved by Council
 - 2.5.2.3 re-allocate funding for operating expenditure between budgets provided it is:
 - necessary to achieve committed outputs; and
 - the end-of-year budgeted surplus or deficit will be achieved
 - Any likely exceedance or effect on other programmes deliverables is reported to Council or the relevant Committee.

The Council Revenue and Financing Policy is not to be breached.

- 2.5.2.4 Approve contingency expenditure for an emergency including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak is delegated to the Operations manager to a maximum of \$20,000 (exclusive of GST) and must be reported to the Council as soon as practicable.

2.6 To Operate Bank Account and Invest

- 2.6.1 The Operations Manager is authorised to:

- 2.6.1.1 sign and countersign bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council
- 2.6.1.2 approve payroll payments and all payroll related matters; and
- 2.6.1.3 approve all tax payments and tax related matters.
- 2.6.2 Documentation must be counter-signed by another member of staff with the appropriate delegation.
- 2.6.3 Other specific delegated financial authorities are contained within Chatham Islands Council's Treasury and Risk Management Policy.

2.7 Debts

- 2.7.1 The Operations Manager is authorised to take appropriate action within Council policy to **recover debts**, including, but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies.
- 2.7.2 The Operations Manager is authorised to **write off or compromise bad debts** of up to \$100 (other than rating debts).

2.8 Receipting and Administering External Funds

The Operations Manager is authorised to receive and/or administer external grants or funding on behalf of the Council, including entering into a contract for the receipt of those grants or funds.

2.9 Council Property, Leases, and Licenses

The Operations Manager is authorised to:

- 2.9.1 approve the leasing or granting of any licence to occupy or tenancy, to vary the terms and conditions of any lease, licence to occupy or tenancy, or to terminate any lease, licence to occupy or tenancy involving Council land subject to affixing of the Council Seal, where appropriate;
- 2.9.2 enter into contracts for the maintenance, management and development of any council property.

2.10 Use of Council Property, Assets and Staff

The Operations Manager is authorised to:

- 2.10.1 approve the use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines;
- 2.10.2 dispose (whether by tender or otherwise) of any motor vehicle or item of plant in accordance with a recognised programme of vehicle and plant replacement;

- 2.10.3 dispose (whether by tender or otherwise) of any other surplus Council asset (see footnote 14 above) up to a book value of \$10,000 (exclusive of GST) per item; and
- 2.10.4 hire out, and set the terms and conditions thereof, of any Council asset and staff to outside organisations; and
- 2.10.5 sign easement and other documents where the correct legal processes have been followed and where Council has previously agreed to the granting of such easements.

2.11 RMA Requiring Authority

The Operations Manager is authorised to act within their scope of responsibility, as a Requiring Authority under the Resource Management Act, including giving the written consent of the Council for the use of land being subject to a requirement or designation but excluding the powers in Section 168A.

2.12 Council as an Affected Party

The Operations Manager is authorised to provide the written approval of Council (where such approval is required) in its capacity as landowner or occupier for any application or request by any persons to undertake an activity or activities on or adjacent to any Council land.

2.13 Legal Proceedings

The Operations Manager is authorised to:

- 2.13.1 obtain legal advice on Council's behalf;
- 2.13.2 sign on Council's behalf any routine legal administrative document;
- 2.13.3 file in the name of the Council a Statement of Defence, or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal;
- 2.13.4 settle claims against Council up to a limit of \$10,000 (consistent with Council's insurance excess) or in accordance with a recommendation from Council's insurers, or competent legal advice, where time constraints do not permit the matter to be referred to a meeting of Council or an appropriate Committee;
- 2.13.5 initiate proceedings to have Court costs awarded; and initiate legal proceedings to collect Court costs awarded;
- 2.13.6 impose or remove statutory land charges;
- 2.13.7 release statutory land charges, subject to confirmation, for Council's financial security, or that all monies owing to the Council have been repaid.

2.14 Disposal of Council Records

The Operations Manager is authorised to dispose of any Council records after receiving confirmation from the relevant Officers or, where required, to make application to another authority for disposal, so far as the exercise of this delegation is not contrary to legislative authority or Council policy.

2.15 Elected Member Remuneration

The Operations Manager is authorised to consider and approve elected members' remuneration and expense claims in accordance with the determinations of the Remuneration Authority and Council policy.

2.16 Rating Valuations

The Operations Manager may decide on an extension to a due date for objections to rating valuations, in accordance with section 6 of the Rating Valuations Regulations 1998, either because:

- 2.16.1 the valuation wasn't received; or
- 2.16.2 for any other good reason.

2.17 Authorisation to Decide on Rates Remissions

The authority to consider and decide on applications made under the following Rates Policies:

- Policy on Remission of Uniform Charges on Non-Contiguous Rating Units Owned by the Same Ratepayer.
- Policy on Remission of Rates for Land Occupied by a Dwelling that is Affected by Natural Disaster.
- Policy on Remission of Rates for Land Subject to Council Initiated Zone Changes.
- Policy on Remission of Rates for School Wastewater Charges.
- Policy on Remission of Rates for Sporting, Recreation or Community Organisations.
- Policy on Remission of Penalties.
- Policy on Remission of Rates on Low Valued Properties.

In the event of any doubt or dispute arising about the applicable criteria, the application will be referred to Council for a decision.

2.18 Objections to Rating Valuations

The Operations Manager may decide on an extension to a due date for objections to rating valuations, in accordance with section 6 of the Rating Valuations Regulations 1998, either because:

- The valuation wasn't received; or
- For any other good reason.

2.19 Changes to Valuation Rolls

In accordance with sections 14 to 17 of the Valuations Act 1998 the Operations Manager may make alternations to it Rolls to readjust valuations and entries.

3.0 Sub-delegations to staff below Operations Manager Level

These delegations are in addition to those held by the Chief Executive and Operations Manager.

3.1 Privacy Act Requests

The Operations Manager is authorised to determine in respect of any request for personal information under Part V of the Privacy Act 1993:

- 3.1.1 Whether the request can be granted in whole or in part; or
- 3.1.2 Where a request has been granted, whether any information should be withheld; or
- 3.1.3 Whether a request for personal information to be corrected should be granted; or
- 3.1.4 Ensure compliance with all related administrative requirements.

3.2 News Media, Public Notices, Advertisements and Websites

- 3.2.1 The following staff are authorised to make statements to the news media relating to Council's business and in accordance with Council's Media and Advertising Policies:

CHIEF EXECUTIVE
OPERATIONS MANAGER
CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP CONTROLLER (in relation to civil defence matters)

- 3.2.2 The following staff are authorised to place public notices and advertisements in relevant newspapers or other publications:

CHIEF EXECUTIVE
OPERATIONS MANAGER
EXECUTIVE ASSISTANT

3.3 Electoral Staff

- 3.3.1 Section 12 of the Local Electoral Act 2001 requires all local authorities to have an appointed electoral officer in place at all times to exercise the powers and carry out the duties conferred by this Act.
- 3.3.2 The electoral officer:
- Cannot be the Council's Chief Executive;
 - Is a statutory officer of Council but is not required to be an employee of the Council;

- Remains in office unless he or she dies, resigns, is dismissed from office or becomes incapable of acting;
- Cannot exercise any powers or duties unless a declaration is made and is current.

3.4 Emergency Expenditure

3.4.1 The authority to approve **contingency expenditure for an emergency** including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak is delegated to:

3.4.1 the On-Scene Commander in a Tier II oil Spill; and

3.4.2 the Civil Defence Controller;

To a maximum of \$50,000 for any one event.

3.4.2 Expenditure under this delegation must be reported to the Council as soon practicable.

3.5 Authorisation to Operate Bank Account and Investments

3.5.1 The authority to:

3.5.1.1 Bank, transfer, and invest funds held by the Council in accordance with Council policy, subject to the observance of appropriate internal controls;

3.5.1.2 Authorise electronic payments on behalf of Council;

3.5.1.3 Approve payroll payments and all payroll related matters; and

3.5.1.4 Approve all tax payments and tax related matters;

Is delegated to the following staff:

Chief Executive Officer
Operations Manager
Finance Technical Lead

3.5.2 This delegation is subject to two of the delegates signing and counter signing appropriate documentation

3.5.3 The Chief Executive Officer has authority to invest Council funds in accordance to Council approval.

3.6 Authorisation to Recover Bad Debts

The authority to take appropriate action within Council policy to recover debts, via a debt collection agency is delegated to the Operations Manager.

3.7 Elected Member Payments

The authority to consider and approve Elected Members' remuneration and expense claims is delegated to the Operations Manager.

Part Four – Financial Delegations to Staff

4.0 Financial Delegations

Financial Delegations as at January 2023

Position	Level
Chief Executive Office	500,000
Operations Manager	20,000
Emergency Management Manager	50,000

Schedule of Council Resolutions Relating to Making or Amending Delegations

Date of Resolution	Description of Delegation	Resolution Number

Amendments

August 2020

December 2021

March 2023

Public Excluded Agenda

29 March 2023

Mayor to Move

I move that the public be excluded from the following part of the proceedings of the meeting.

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

Item No.	Minutes / Report of:	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1	Graeme Nelson, HR E.Can	Chief Executive Recruitment	Good reason to withhold exists under Section 7	Section 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by holding the whole or relevant part of the proceedings of the meeting in public, are as follows:

Item Nos	
1.	Would be likely to prejudice the commercial position of the person or persons who are the subject of the information. 7(2)(b)(ii) To maintain legal professional privilege. 7(2)(h) To enable the Council holding the information to carry out, without prejudice or disadvantage, commercial activities. 7(2)(i)

and that appropriate officers remain to provide advice to the Committee.