



chatham islands council

Chatham Islands Council

BOARD PACK

for

Council Meeting

Thursday, 19 December 2024

9:00 am (+1345)

Held at:

Chatham Islands Council

13 Tuku Road, Chatham Islands

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AGENDA

COUNCIL MEETING



Name:	Chatham Islands Council
Date:	Thursday, 19 December 2024
Time:	9:00 am to 11:00 am (+1345)
Location:	Chatham Islands Council, 13 Tuku Road, Chatham Islands
Board Members:	Cr Amanda Seymour, Cr Celine Gregory-Hunt, Cr Graeme Hoare, Cr Greg Horler, Cr Judy Kamo, Cr Keri Day, Mayor Monique Croon, Cr Nigel Ryan, Cr Steve Joyce
Attendees:	Ms Colette Peni, Ms Jo Guise, Paul Eagle

1. Opening Meeting

1.1 Meeting Opening

1.2 Apologies

1.3 Interests Register

Review and update the interests register of board members and key executives.

Supporting Documents:

1.3.a	Interests Register	8
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1.4 Action List

Review the progress of action items from previous meetings and discuss any pending tasks.

Supporting Documents:

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1.5 Correspondence

For Information

Supporting Documents:

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2. Confirmation of Minutes

2.1 Minutes 28 November 2024

For Decision

Review and confirm the minutes of the previous meeting.

Supporting Documents:

2.1.a	2.1 Minutes 28 Novemberr 2024.pdf	13
2.1.b	Public 28 Nov 2024 Minutes in Review Council Meeting.pdf	14

2.2 PARC Minutes 18 November 2024

For Decision

Supporting Documents:

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3. Finance

3.1 Financial Report

For Information

Information to be received.

Supporting Documents:

3.1.a	3.1 Financial Report.pdf	25
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4. Works & Services

4.1 Stantec Report

For Information

Information to be received.

Supporting Documents:

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4.2 Fulton Hogan Road Maintenance Report

For Information

Information to be received.

Supporting Documents:

4.2.a	4.2 Fulton Hogan Road Maintenance Report .pdf	40
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4.3 Fulton Hogan Water & Wastewater Report

For Information

Information to be received.

Supporting Documents:

4.3.a	4.3 Fulton Hogan Water & Wastewater Contract .pdf	53
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4.4 Fulton Hogan Waste Management Report

For Information

Supporting Documents:

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4.4.b	CIC Waste Management Sept-October 2024.pdf	61
4.4.c	Summary of Te One and Owenga Qtr 4.pdf	71

5. Community

6. Regulatory

6.1 Variations to Afforestation Decisions

For Information

Supporting Documents:

6.1.a	6.1 Variation to Afforestation Decisions.pdf	72
6.1.b	CIC_2024_007.1 Port Hutt Road s127 Variation - Report signed - 26 November 2024 .pdf	73
6.1.c	CIC_2024_005.1 Henga Lodge s127 Variation - Report - signed 26 Nov 2024.pdf	79

7. Emergency Management

8. Government

9. Chatham Islands

9.1 CIC and CIET Review

For Information

Supporting Documents:

9.1.a	9.1 CIC Council Meeting_19Dec24_CIC CIET Review - Consultation and engagement plan.pdf	85
9.1.b	Minutes for 10th December CIC CIET Community Consultation and Engagement Approach Workshop.pdf	87

10. Bylaws & Policies

10.1 Policies for Adoption

For Decision

Policies for adoption as recommended by Council's legal team and Audit NZ

Supporting Documents:

10.1.a	10.1 Policies for Adoption.pdf	113
10.1.b	Draft Chatham Islands Conflict of Interest (Including Gifts and Koha) Policy and Guidelines 2024 17 July 2024.pdf	114
10.1.c	Draft CIC Bullying, Harassment and Discrimination Policy June 2023.pdf	122
10.1.d	Draft CIC Bullying, Harassment and Discrimination Guidelines June 2023.pdf	126
10.1.e	Fraud Corruption and Whistleblowing Policy 2024.pdf	131

11. Public Excluded

11.1 Move to Public Excluded

Supporting Documents:

11.1.a	PE Cover Page 19 December 2024.pdf	143
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11.2 Public Excluded Minutes 28 November 2024

For Decision

For Approval

Supporting Documents:

11.2.a	PE.1 PE Minutes 28 November 2024.pdf	144
11.2.b	PE Minutes 28 Nov 2024 .pdf	145

11.3 Close the meeting

9:00 am

Next meeting: No date for the next meeting has been set.

Summarize the key decisions made and officially close the board meeting.

Interests Register

Chatham Islands Council



As of: 19 Dec 2024

Person	Organisation	Active Interests	Notice Date
Cr Amanda Seymour	CIC	6.8 - Whanau member of applicant	27 Sept 2024
Cr Celine Gregory-Hunt	CIC	6.4 Applicant	27 Sept 2024
Cr Greg Horler	CIC	6.8 Whanau member of applicant	27 Sept 2024
Cr Keri Day	Chatham Islands Council	Interested party - Item 7.1 Water Tank Project Update	1 Feb 2024
Cr Steve Joyce	Chatham Islands Council	Director, Chatham islands Electricity Ltd - 6.1 Wind Turbines	14 Mar 2024
Mayor Monique Croon	Chatham Islands Council	Applicant in Item 6.2 - M Croon Subdivision	1 Feb 2024

Action List

Chatham Islands Council



As of: 12 Dec 2024

Waitangi Hall

In Progress

Meet with interested parties to explain unfavourable legal advice.

Due Date: 26 Sept 2024

Owner: Paul Eagle

Meeting: 15 Aug 2024 Council Meeting, 5.3 Waitangi Hall

Petrol Resolution

In Progress

Work with CIET on fuel resilience.

Due Date: 31 Oct 2024

Owner: Paul Eagle

Meeting: 27 Sept 2024 Council Meeting, 3.1 Financial Report

Communication to CDHB re raising the Hospital Gully traps

In Progress

Write to CDHB requesting that they raise their gully traps to ensure stormwater does not run in to wastewater pipes.

Due Date: 28 Nov 2024

Owner: Paul Eagle

Meeting: 31 Oct 2024 Council Meeting, 4.3 Fulton Hogan Water & Wastewater Report

CIHPT - Report to CiHPT on behalf of Council

In Progress

Chief Executive to report to the CIHPT on the feelings of elected members. It would include options including exiting the trust.

Consideration should also be given at the best role of council for housing on the island.

Due Date: 28 Nov 2024

Owner: Paul Eagle

Meeting: 31 Oct 2024 Council Meeting, 10.4 CIHPT Update

Conserve water notices

Done

Conserve water notices to be sent out.

Due Date: 19 Dec 2024

Owner: Ms Colette Peni

Meeting: 28 Nov 2024 Council Meeting, 4.3 Fulton Hogan Water & Wastewater Report

Hon Simeon Brown**MP for Pakuranga**Minister for Energy
Minister of Local Government
Minister of TransportMinister for Auckland
Deputy Leader of the House

Dear Mayor

Local Government (Water Services) Bill introduced to Parliament

This week I introduced to Parliament the Coalition Government's third Local Water Done Well Bill.

When enacted the Local Government (Water Services) Bill will be the central piece of legislation for New Zealand's water services system.

The Bill reflects key policy decisions shared with you in August this year which give local government the tools required to address New Zealand's water services challenges.

It builds on the foundations already in place through the Local Government (Water Services Preliminary Arrangements) Act 2024, including the development of Water Services Delivery Plans (Plans) by councils.

About the Bill

The Bill is necessarily comprehensive. It sets out key details relating to the water services delivery system, the economic regulation and consumer protection regime for water services, and changes to the water quality regulatory framework.

The Bill gives effect to the policy decisions announced in August. While there are no changes to the information that has already been shared with you on these, the Bill sets out detailed information about the new water services delivery system that will be important for informing your consideration of future water services delivery arrangements.

This includes information about:

- Tax implications for water organisations
- Wastewater and stormwater standards
- Technical details about the implementation of the National Engineering Design Standards
- Bespoke requirements for the consumer trust model of water services delivery
- Arrangements for transferring responsibilities to water organisations
- The objectives, financial principles and other responsibilities that apply to water service providers (councils and water organisations)
- Contractual arrangements for water services delivery
- The new planning and reporting framework for water services.

One area of the Bill that I wanted to draw your attention to is the exclusion of Chatham Islands Council from the economic regulation regime, given the existing Crown funding

arrangements and the size of population currently receiving drinking water and wastewater services from the Council.

The Council could be subject to the economic regulation regime at a later stage (via a designation process), should changes in funding or service delivery justify it.

Information and guidance available

I encourage you to visit the Department of Internal Affairs' website for further detailed information about key aspects of the Bill.

The Department has updated the Local Water Done Well factsheets that were shared in August and developed new factsheets, based on the provisions of the Bill as introduced and including further information.

This information is available at: www.dia.govt.nz/Water-Services-Policy-Future-Delivery-System.

Alongside the material that has been released to support the introduction of the Bill, the Department has developed additional guidance to help inform your consideration of future water services delivery arrangements as part of the development of your Plan. This information is also available on the Department's website.

Transforming water services infrastructure and delivery

The introduction of this Bill represents a significant milestone for Local Water Done Well, and for the delivery of local solutions for improved, financially sustainable and high-quality water services.

With the framework and settings now in place, it is now up to you to consider the best solution for your community.

The Government's expectation is that councils will work together to establish joint water organisations for water services delivery, recognising the cost and operational efficiencies that come with greater size and scale.

A joint water organisation will enable councils to pool resources, improve access to financing via Local Government Funding Agency (LGFA), and reduce costs for ratepayers. It won't mean harmonisation of pricing and other key financial metrics from day one – that process can and should reflect the realities of each region.

While some councils may wish to continue with in-house delivery of water services, it's important to emphasise that the new framework and requirements under Local Water Done Well – such as ringfencing, planning and accountability, and economic regulation – means business as usual is not an option.

Under Local Water Done Well, water services providers will have to operate more like independent utility businesses, much like telecommunications or electricity utilities. They will be structured and operated differently, and they will be directly accountable to customers, regulators and shareholders (where relevant).

Progress on Water Services Delivery Plans

Finally, I want to acknowledge the progress councils are making with the development of your Water Services Delivery Plans – the centrepiece of financially sustainable and locally-delivered water services.

Plans provide a clear pathway for councils to assess their current water services arrangements and chart a course for improvement, using the tools and framework the Government has made available.

While you have until 3 September 2025 to develop your Plan, it's important to emphasise that this is just the start of a locally – or regionally – driven transformation. Laying the groundwork now is critical to shaping high-quality, cost-effective water services in future.

Crown Facilitators continue to be an option to support councils in navigating the complexities of preparing these Plans, and I really encourage you to take up that option if you are experiencing challenges.

Crown Facilitators can provide tailored guidance, facilitate collaboration among councils, or assist with joint planning efforts. These facilitators are not there to impose decisions but to help councils develop robust, achievable plans that meet their unique needs.

Next steps

Once the Bill has had its first reading it will be referred to a select committee, where you will be able to make a submission.

I encourage you to have your say to ensure the legislation provides an enduring framework for the delivery of financially sustainable water services to your community.

Acknowledging that the submission period falls over the Christmas break, I will be writing to the select committee to request that submissions by councils be received until the end of February, to give councils time to meet in the New Year and consider their submission.

More detail on the timing of the select committee process can be found on the Parliament website at www.parliament.nz, following first reading.

Thank you for your continued engagement and support.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Simeon Brown', with a stylized flourish at the end.

Hon Simeon Brown

Minister of Local Government



2. Democracy

2.1 Minutes of Ordinary Meeting 28 November 2024

Date of meeting	19 December 2024
Agenda item number	2.1
Author/s	Jo Guise, Executive Assistant

Purpose

For the Council to receive and confirm the minutes of the Ordinary Meeting held on 28 November 2024.

Recommendations

1. **THAT the minutes from the Ordinary meeting held on 28 November 2024 be a true and accurate record.**

MINUTES (in Review)

COUNCIL MEETING



Name:	Chatham Islands Council
Date:	Thursday, 28 November 2024
Time:	9:00 am to 10:30 am (+1345)
Location:	Chatham Islands Council, 13 Tuku Road, Chatham Islands
Board Members:	Cr Amanda Seymour, Cr Graeme Hoare, Cr Greg Horler, Cr Keri Day, Mayor Monique Croon, Cr Nigel Ryan, Cr Steve Joyce
Attendees:	Ms Jo Guise, Paul Eagle, Ms Tanya Clifford, Mr Jack Boyd, Mr Nigel Lister, Ms Rebecca Tinga
Apologies:	Cr Judy Kamo
Guests/Notes:	Denise Thomas (Finance Lead), Yvonne Yang (AuditNZ), Po Hsu (AuditNZ), Rachel Tutty (ECan) Members of the Public: A Johansen

1. Opening Meeting

1.1 Meeting Opening

Mayor Croon opened the meeting acknowledging the passing of both George Goomes and Jade Dixon.

1.2 Apologies



Apologies

THAT the apologies be received.

Decision Date:	28 Nov 2024
Mover:	Cr Nigel Ryan
Seconder:	Cr Graeme Hoare
Outcome:	Approved

1.3 Interests Register

1.4 Action List

Due Date	Action Title	Owner(s)
26 Sept 2024	Waitangi Hall Status: In Progress	Paul Eagle
31 Oct 2024	Petrol Resolution Status: In Progress	Paul Eagle
28 Nov 2024	Communication to CDHB re raising the Hospital Gully traps Status: In Progress	Paul Eagle
28 Nov 2024	CIHPT - Report to CIHPT on behalf of Council Status: In Progress	Paul Eagle

2. Confirmation of Minutes

2.1 Minutes 31 October 2024



Minutes 31 October 2024

THAT the minutes from the meeting held on 31 October 2024 be a true and accurate record.

Decision Date: 28 Nov 2024
Mover: Mayor Monique Croon
Second: Cr Nigel Ryan
Outcome: Approved

2.2 Proposed Meeting Dates 2025



Proposed Meeting Dates 2025

THAT the Chatham Islands Council -

1. Approve the proposed dates for council meetings in 2025; and
2. Note the Operations Manager will be Acting Chief Executive during January 2025.

Decision Date: 28 Nov 2024
Mover: Cr Steve Joyce
Second: Cr Graeme Hoare
Outcome: Approved

The proposed date for the Info Sharing meeting on 8 October was deleted as it was in the local body election cycle.

2.3 2.3 PARC Minutes 7 October 2024



PARC Minutes 7 October 2024

THAT the Chatham islands Council:

1. Receives the PARC minutes from the meeting held on 7 October 2024.

Decision Date: 28 Nov 2024
Mover: Cr Keri Day
Second: Cr Steve Joyce
Outcome: Approved

3. Finance

3.1 Financial Report



Financial Report

THAT the Chatham Islands Council receives the report.

Decision Date: 28 Nov 2024
Mover: Cr Graeme Hoare
Second: Cr Amanda Seymour
Outcome: Approved

Tanya Clifford joined the meeting and gave an update to the report. She noted the ECan reserve and Better-off funds had been received.

3.2 Annual Report Adoption 2024



Annual Report Adoption 2024

That the Chatham Island Council:

1. receives the draft Annual Report for adoption, as included in Attachments 1 to the agenda report
2. receives the signed audit report from Audit New Zealand on the Annual Report 2024, noting an emphasis of matter paragraph related to going concern has been included
3. adopts the Annual Report 2024, subject to the remaining audit matters related to cash and going concern disclosures being resolved satisfactorily. Noting the Annual Report 2024 includes the audit report, pursuant to section 98 of the Local Government Act 2002; and
4. Approves the draft Annual Report Summary 2024, in Attachment 2 of the agenda report, and notes that this will be audited before being made publicly available within one month of this meeting, pursuant to section 98 of the Local Government Act 2002; and
5. authorises the Mayor and Chief Executive Officer to sign the Statement of Compliance and Responsibility for the Annual Report 2024, on behalf of the Council; and
6. authorises the Mayor and Chief Executive Officer to sign the Letter of Representation to the auditor for the Annual Report 2024, on behalf of the Council; and
7. delegates to the Chief Executive the ability to sign off any minor editorial amendments to the Annual Report and the Summary, prior to them being printed and made available on the Council's website.

Decision Date:	28 Nov 2024
Mover:	Cr Keri Day
Seconder:	Cr Nigel Ryan
Outcome:	Approved

To comply with legislative requirements and avoid revisiting the summary later, new recommendations were proposed and tabled, allowing the Council to approve the summary's adoption before its audit approval, addressing a potential risk identified by Audit NZ.

Yvonne Yang and Po Hsu joined the meeting. They gave a brief overview of the audit and drew attention to notes 16 (Going Concern) and 17 (Events After the End of the Reporting Period).

Yvonne highlighted that the current operating model was not sustainable or financially viable to support the council to provide required levels of service to the community. The council was a non-compliant council with breaches of some legislation. Looking ahead there was further significant uncertainty around DIA funding and the ECan service contract would expire in June 2026.

4. Works & Services

4.1 Stantec Report



Stantec Report

THAT the report be received.

Decision Date: 28 Nov 2024
Mover: Cr Graeme Hoare
Seconder: Cr Amanda Seymour
Outcome: Approved

Nigel Lister, Rebecca Tinga and Jack Boyd gave an update to the report.

Nigel noted they would be focusing on the unsealed road network and that the Owenga barge ramp was nearing completion. He also advised that NZTA had tagged funding with new requirements for the reporting on potholes e.g. how many repairs and how fast they repair them, and what the achievements are on the sealed network re-sealing and rehabs. Along with that, temporary traffic costs.

Rebecca delivered a 30-year plan on the road network which would be with council in the future.

Jack said they were focusing on the ongoing water operation, and noted there was \$10k left for day works to cover critical works in the network.

The Mayor would raise the lack of funding with the DIA and put on the agenda for the next meeting.

4.2 Fulton Hogan Road Maintenance Report



Fulton Hogan Road Maintenance Contract Report

THAT the report be received.

Decision Date: 28 Nov 2024
Mover: Cr Steve Joyce
Seconder: Cr Graeme Hoare
Outcome: Approved

Phil Holt gave an update to the report.

4.3 Fulton Hogan Water & Wastewater Report



Fulton Hogan Water and Wastewater Operation Contract Report

THAT the report be received.

Decision Date: 28 Nov 2024
Mover: Cr Graeme Hoare
Seconder: Cr Nigel Ryan
Outcome: Approved

Phil Holt gave an update to the report. He indicated that water usage had increased by 10,000 litres a day in the past few days and were investigating whether there were any leaks. He also noted that they would need to start shutting the Fulton Hogan water off at night to ensure they could monitor it.



Conserve water notices

Conserve water notices to be sent out.

Due Date: 19 Dec 2024
Owner: Ms Colette Peni

5. Community

6. Regulatory

6.1 Biosecurity Act Submission



Biosecurity Act Submission

THAT the Chatham Islands Council approve the submission on amendments to the Biosecurity Act 1993.

Decision Date: 28 Nov 2024
Mover: Cr Keri Day
Second: Cr Amanda Seymour
Outcome: Approved

Rachel Tutty joined the meeting and gave an update to the submission. The submission had been circulated prior to the meeting.

She discussed the main points of the submission and amendments were noted.

6.2 Afforestation Decisions



Afforestation Decisions

THAT the Chatham Islands Council receives the information.

Decision Date: 28 Nov 2024
Mover: Cr Keri Day
Outcome: Approved

It was clarified that Council would monitor the consents. Council officer Colleen Clearwater would check what the Resource Management document says about earthworks and noted two variations would be on the next council agenda.

Paul Whyte joined the meeting to answer questions and give clarification on the consents.

7. Emergency Management

8. Government

9. Chatham Islands

9.1 CIC / CIET Memorandum of Understanding



Memorandum of Understanding for Local Public Service Reform on Chatham Islands

THAT the Chatham Islands Council -

1. Approve the revised Memorandum of Understanding; and

2. Note that a workshop for CIC elected members and CIET trustees, will take place on Tuesday 10 December 2024 to discuss the consultation and engagement plan.

Decision Date: 28 Nov 2024
Mover: Cr Nigel Ryan
Seconder: Cr Graeme Hoare
Outcome: Approved

The Chief Executive noted the amendments and process to get to the final MOU.

10. Bylaws & Policies

10.1 Stock Control Keeping of Poultry Bees, Pigs & Boundary Fencing Bylaw 2024



CIC Stock Control and Keeping of Poultry, Bees & Pigs and Boundary Fencing Bylaw 2023.

THAT the CIC Stock Control and Keeping of Poultry, Bees & Pigs and Boundary Fencing Bylaw 2023 be adopted.

Decision Date: 28 Nov 2024
Mover: Cr Keri Day
Seconder: Cr Amanda Seymour
Outcome: Approved

11. Public Excluded

11.1 Move to Public Excluded



Move to Public Excluded

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	Chief Executive Officer	Minutes of Public Excluded Meeting 31 October 2024	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 No.	
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.

Decision Date: 28 Nov 2024
Mover: Mayor Monique Croon
Seconder: Cr Steve Joyce
Outcome: Approved

The meeting moved in to public excluded at 10.20am and out at 10.30am.

11.3 Close the meeting

Next meeting: Council Meeting - 19 Dec 2024, 9:00 am

Signature: _____

Date: _____



2. Democracy

2.2 Minutes of PARC Meeting 18 November 2024

Date of meeting	19 December 2024
Agenda item number	2.2
Author/s	Jo Guise, Executive Assistant

Purpose

For the Council to receive and confirm the minutes of the PARC Meeting held on 18 November 2024.

Recommendations

1. **THAT the minutes from the PARC meeting held on 18 November 2024 be a true and accurate record.**

MINUTES (in Review)

PARC MEETING



Name:	Performance Audit & Risk Committee
Date:	Monday, 18 November 2024
Time:	9:00 am to 9:37 am (+1345)
Location:	Chatham Islands Council, 13 Tuku Road, Chatham Islands
Committee Members:	Mr Philip Jones (Committee Chair), Mayor Monique Croon, Cr Keri Day, Cr Greg Horler, Cr Steve Joyce
Attendees:	Ms Jo Guise, Ms Colette Peni, Paul Eagle, Ms Tanya Clifford

1. Opening Meeting

1.1 Apologies

1.2 Interests Register

1.3 Action List

Due Date	Action Title	Owner
21 Aug 2024	Cost reduction programme Status: In Progress	Paul Eagle
7 Oct 2024	Write to Minister re Status: Completed on 18 Nov 2024	Paul Eagle
7 Oct 2024	PNL on Petrol Status: Completed on 18 Nov 2024	Ms Colette Peni
7 Oct 2024	Impact of Shipping Delays Status: Not Started	Ms Colette Peni
7 Oct 2024	Forecasting for Expenditure Status: Not Started	Paul Eagle



Actions

THAT the Actions be received.

Decision Date: 18 Nov 2024
Mover: Cr Keri Day
Seconder: Mayor Monique Croon

2. Confirm Minutes

2.1 Minutes 7 October 2024

PARC Meeting 7 Oct 2024, the minutes were confirmed as presented.



Minutes 7 October 2024

THAT the minutes be received.

Decision Date: 18 Nov 2024

Mover: Cr Steve Joyce
Seconded: Mr Philip Jones
Outcome: Approved

3. Financial Report

3.1 Financial Report



Financial Report

THAT the Financial report be received.

Decision Date: 18 Nov 2024
Mover: Mayor Monique Croon
Seconded: Cr Keri Day
Outcome: Approved

Tanya Clifford gave an update to the report.

The Chief Executive explained the ECan contract was approximately \$1.4k - \$1.5k. The work programme had been revised, and ECan were no longer providing Health & Safety or Human Resource services and funds would be put aside to transition those services out. ECan would do a transitional plan together with Council. Currently there was a monthly sign-off for work.

4. Draft Policies

4.1 Draft Policies



Draft Policies

THAT the policies be received.

Decision Date: 18 Nov 2024
Outcome: Approved

Colette Peni advised feedback or amendments were welcome prior to being adopted by Council.

The Chair noted some wording in the HR policy needed adjusting. He also advised it would be beneficial to have a workplan of policies coming for review.

5. Close Meeting

5.1 Close the meeting

Next meeting: PARC Meeting - 9 Dec 2024, 9:00 am

Signature: _____

Date: _____



3. Finance

3.1 Financial Report

Date of meeting	19 December 2024
Agenda item number	3.1
Author/s	Tanya Clifford, ECan

Purpose

To present to the Performance, Audit & Risk Committee the financial report as at 30 November 2024.

Recommendations

That the Chatham Islands Council receives the report.

Chatham Islands Council - Council cash financial report year-to-date transactions

Report to 30 November 2024

Year to date 'cash' transactions for twelve months	Revenue	Expenditure	Net surplus/ (loss)	Capital	Cash surplus/ (loss)
Leadership & community partnerships	-	94,761	(94,761)	-	(94,761)
Transportation, roading & coastal networks	1,513,565	743,163	770,402	841,867	(71,466)
Roading	1,499,563	713,265	786,298	841,867	(55,570)
Coasts	14,002	29,898	(15,896)	-	(15,896)
Three waters supply & treatment - potable water	364,855	86,256	278,599	-	278,599
Three waters supply & treatment - wastewater	105,312	70,551	34,761	-	34,761
Waste management & minimisation	99,884	279,501	(179,617)	-	(179,617)
Community development & emergency response	489,681	639,429	(149,748)	102,622	(252,370)
Community services	212,332	299,108	(86,776)	102,622	(189,397)
Petrol	277,349	242,608	34,741	-	34,741
Emergency services	-	97,714	(97,714)	-	(97,714)
Environmental protection, compliance & planning	104,346	144,526	(40,180)	-	(40,180)
Biosecurity and animal control	15,191	96,302	(81,111)	-	(81,111)
Resource management and regulatory	89,155	48,224	40,931	-	40,931
Corporate services and other overheads	4,720,798	787,567	3,933,231	16,587	3,916,644
Corporate services	517,798	787,567	(269,769)	16,587	(286,356)
Annual appropriation	4,203,000	-	4,203,000	-	4,203,000
Totals	7,398,441	2,845,756	4,552,686	961,076	3,591,610

All figures are 'cash' based and exclude year-to-date depreciation budgeted at \$2,100,000 for the year.

Notes:

Leadership & community partnerships	Includes Councillor honorarium. No issues of note.
Transportation, roading & coastal networks	Roading projects on track. NZTA subsidy rate remains at 88%.
Three waters supply & treatment - potable water	Three waters - better off funding grants have been received, and primarily spent in community services areas, retrospective payment related to 2024 expenditure.
Three waters supply & treatment - wastewater	Expenditure on three water operational and capital costs, appears low compared with budget estimates. Some of this is reflective of Council's funding restrictions, this will have further impacts on the levels of service Council is able to provide. Lack of investment in critical asset maintenance increases the risk of asset failure.
Waste management & minimisation	Waste management expenditure tracking slightly below budget. Waste management expenditure in the prior financial year was significantly higher than budgeted levels, which could be a reflection of it including new activities and therefore difficult to estimate costs. However, Council could benefit from reviewing for additional cost efficiencies that could be achieved as part of the cost reduction plan.
Community development & emergency response	Primarily Council office rental expenditure, but also includes ongoing expenditure related to better off funding and Tourism Infrastructure funded projects. Emergency Management water tank project remains ongoing, these costs were not incorporated into the budget for 2024/25. Petrol transactions positive for the year.
Environmental protection, compliance & planning	No issues of note to report, primarily related to works performed by ECan. The contract reserve for work not performed in the 2024 year returned and off-set against expenditure, meaning total ECan expenditure levels are lower than expected/invoiced. Works by ECan currently being provided on an as agreed basis, the service agreement remains in negotiation, but there is an expectation that cost savings will be achieved by reducing the scope of works to be provided; levels of service may be impacted due to delays in confirming ECan work programmes for 2025.
Corporate services and other overheads	Annual budget is \$1.9 million, some overhead expenses have increased significantly, such as audit fees and insurance costs, these are likely to continue into the future.

Chatham Islands Council - Council cash financial report year-end forecast (continued)

Report to 30 November 2024

Remaining 'cash' difference to budget for nine months	Revenue	Expenditure	Net Surplus/ (loss)	Capital	Cash surplus/ (loss)
Leadership & community partnerships	-	186,268	(186,268)	-	(186,268)
Transportation, roading & coastal networks	3,551,498	1,129,428	2,422,070	2,906,133	(484,062)
Roading	3,506,424	1,065,569	2,440,855	2,906,133	(465,277)
Coasts	45,074	63,859	(18,785)	-	(18,785)
Three waters supply & treatment - potable water	-	257,238	(257,238)	-	(257,238)
Three waters supply & treatment - wastewater	3,368	126,925	(123,557)	-	(123,557)
Waste management & minimisation	4,665	474,153	(469,488)	-	(469,488)
Community development & emergency response	41,776	1,226,848	(1,185,073)	-	(1,185,073)
Community services	22,177	937,218	(915,041)	-	(915,041)
Petrol	-	-	-	-	-
Emergency services	19,599	289,630	(270,031)	-	(270,031)
Environmental protection, compliance & planning	106,360	940,785	(834,425)	-	(834,425)
Biosecurity and animal control	106,360	610,832	(504,472)	-	(504,472)
Resource management and regulatory	-	329,953	(329,953)	-	(329,953)
Corporate services and other overheads	733,327	1,202,092	(468,765)	-	(468,765)
Corporate services	-	1,202,092	(1,202,092)	-	(1,202,092)
Annual appropriation	733,327	-	733,327	-	733,327
Totals	4,440,994	5,543,736	(1,102,743)	2,906,133	(4,008,875)
Expected annual transactions	11,839,435	8,389,492	3,449,943	3,867,209	(417,265)
Annual Plan/Budget	10,755,756	7,392,776	3,362,980	3,748,000	(385,020)

Highlighted orange cells indicate instances where the actual transactions exceed budget, purple colours reforecast for timing adjustments - NKMR grant held in Trust and EM water tank insulation project.

Chatham Islands Council - Council financial report benchmarks (continued)

Report to 30 November 2024

Ratio or measure of sustainability	Achieved?	Target	November	October	September
<i>Cash management:</i>					
Available cash (overdraft)	Yes	> -\$150k	2,181,774	2,771,201	2,792,886
Total cash (overdraft)	Yes	> \$200k	2,602,466	3,191,893	2,848,578
Working capital ratio (ability to pay our bills)	Yes	> 1	5	3	21
<i>Operating cash performance:</i>					
Net cash movement for period (2024/25)	Yes	> \$0	2,713,710	3,303,137	2,959,822
Operating performance (cash flow) ratio	Yes	> 5%	35%	44%	43%
Adjusted balanced budget (cash) ratio	Yes	> 100%	194%	209%	325%
<i>Asset replacement:</i>					
Asset sustainability ratio	Yes	> 85%	104%	123%	80%

Notes:

In the initial part of the year, the Council experiences high cash liquidity and positive reporting targets. This is a reflection of the Council receiving the full annual appropriation in July for the 2024/25 financial year. The general trend of the sustainability targets is indicating a general decline in most targets, although currently all are above targeted levels. It is likely these targets will further deteriorate as the year progresses.

Future 'committed' projects - such as the water tank project and some better off funded projects, are also likely to pull further on Council's resources.

Both the budget and the revised cash estimate show expected cash outflows to exceed cash inflows by approximately \$400k for the year ended 30 June 2025. If no further adjustments are made, either by reducing expenditure or increasing revenues, Council will face serious cashflow pressures in the future; especially given year two of the 2024 Long-Term Plan required further expenditure reductions if additional funding could not be secured. A cost savings plan has been requested of the Chief Executive to be produced identifying areas to potentially reduce expenditure for consideration and implementation by Council, this is likely to have some impacts on the levels of service Council can offer to the community.

The Council currently has no cash 'savings', with the Council's emergency management investment fund allocated on design of a new emergency management facility.

Council received significant financial support from three waters funding in 2024, which will no longer be available in 2025.

Formulas:

Working capital ratio (ability to pay our bills)	$=(SUM(cash\ and\ debtor\ assets,\ excluding\ JV))/(SUM(creditors,\ excluding\ loan\ balances))$
Net cash movement for period (2023/24)	$=(Total\ current\ bank\ balance)-(Total\ bank\ balance\ 2022/23)$
Operating performance (cash flow) ratio	$=(Total\ current\ bank\ balance)/(Total\ operating\ revenue\ for\ the\ period)$
Adjusted balanced budget (cash) ratio	$=(Total\ operating\ revenue\ for\ the\ period)/(Total\ operating\ expenditure\ \&\ capital\ for\ the\ period)$
Asset sustainability ratio	$=(Total\ capital\ expenditure\ for\ the\ period)/(Total\ depreciation\ for\ the\ period)$

Highlighting rules:

Ratio within benchmarked expectation

Yes

Ratio not within benchmarked expectation

No

Ratio within +/- 2% of benchmarked expectation

Acceptable



4. Works & Services

4.1 Stantec Engineering Report – November 2024

Date of meeting	19 December 2024
Agenda item number	4.1
Author/s	Stantec New Zealand

Purpose

To update and inform Council about its Engineering Services contract.

Recommendations

THAT the reports be received.

Background

Members from the Stantec team will teleconference in to the meeting to give a verbal report on monthly activities.

Attachments

1. Stantec Monthly Report November 2024



CIC Engineering Services Contract: Monthly Report

Financial update – November 2024

Financial Position: Roding

The total roading budget allocated for the 2024/25 financial year is \$5.8M. The approved budget for the subsidised Continuous Maintenance Programme is \$4.7M.

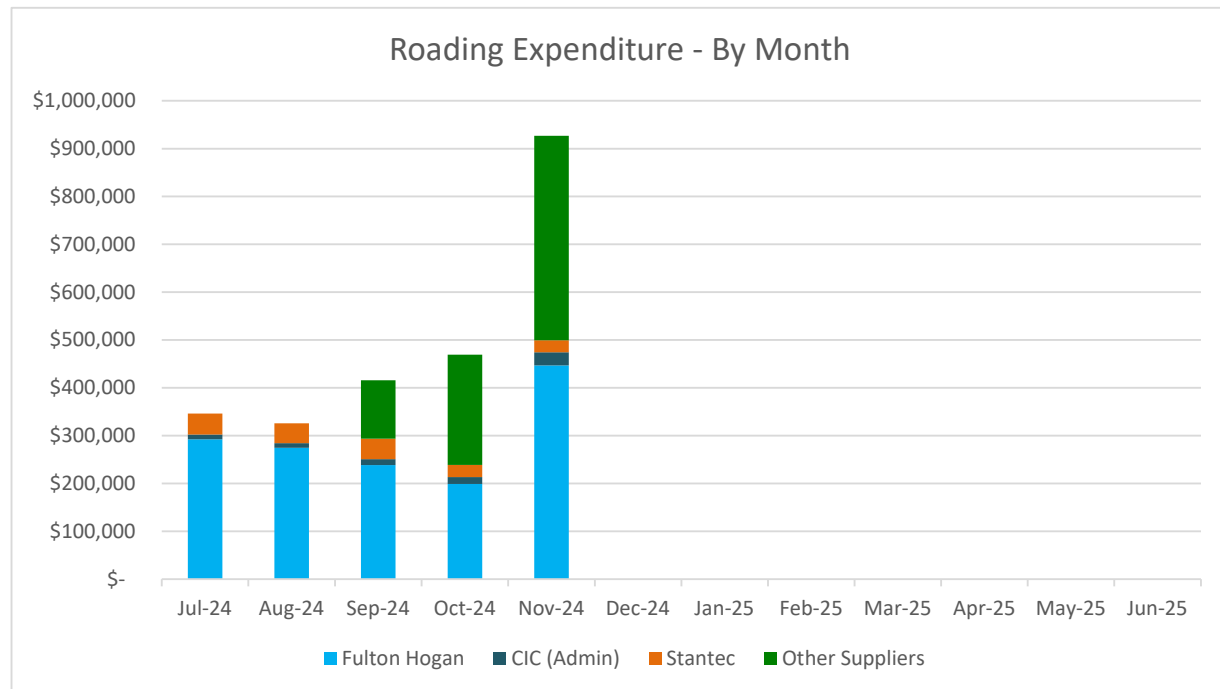
The November claim totalled \$927k.

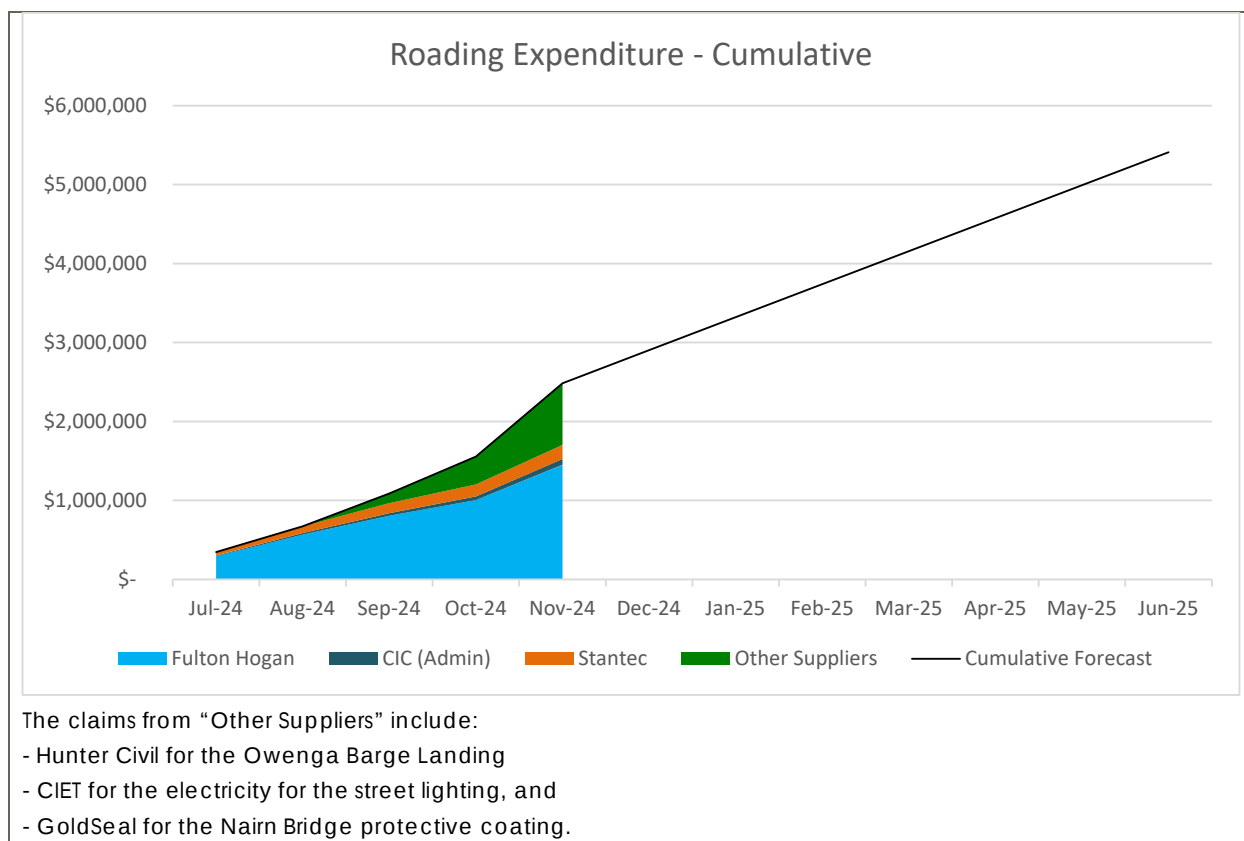
Expenditure of the Continuous Programme has used 39% of the funding allocated for 24/25 and we are 42% of the way through the 2024/25 financial year.

The largest construction cost in November was for the works at Owenga for the Barge Landing. The largest engineering cost was the quality assurance and construction management for the Owenga Barge Landing.

Expenditure Tracking of Waka Kotahi Funding

Tracking graphs for roading expenditure are presented below.







Financial Position: Water and Wastewater

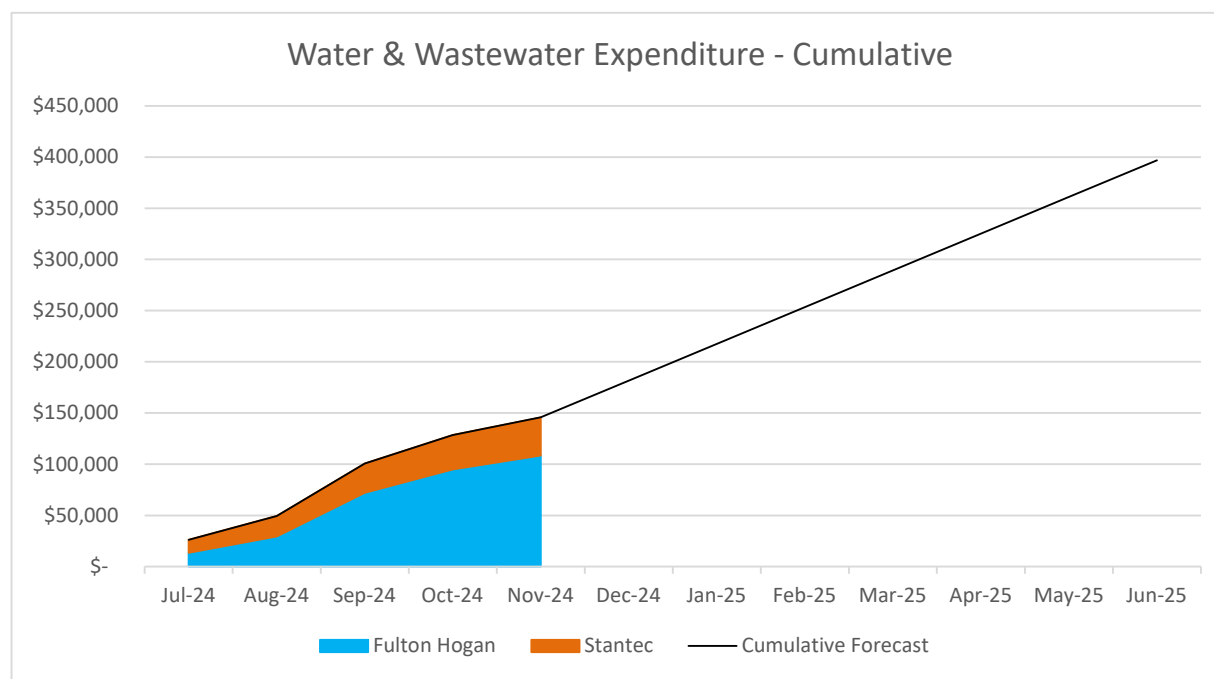
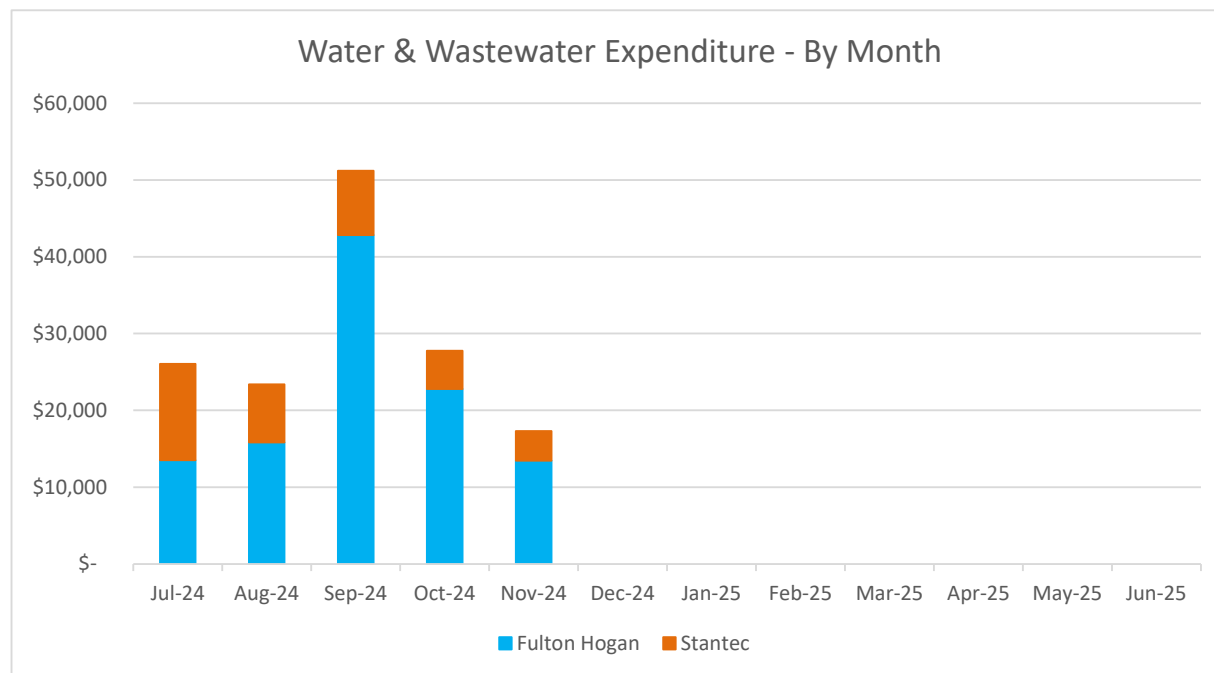
The operational expenditure for W+WW allocated in the 2024-34 LTP for 2024/25 is \$391,000.

The November claim totalled \$17.3k.

The main construction cost was for the replacement of the bolts on the lid of the solids tank at the wastewater treatment plant.

Expenditure Tracking of Water & Wastewater Funding

Tracking graphs for the W+WW expenditure are presented below.



Roading Update – November 2024

Short- & Medium-Term Roothing Forward Work Programme	
Bridges & Structures	Goldseal protective coating reapplication to the Lower Narin Bridge has been pushed back to December following shipping delays getting equipment and materials to the island
Pavement Maintenance	Continue unsealed Strengthening works on North and Waitangi Wharf – Owenga roads
Owenga Loading Facility (LCLR)	Construction of the new landing is very likely to be completed in early December
Network & Asset management	Begin prioritising and costing future roading projects identified in the 30-year plan
Long Term Roothing Forward Work Programme	
Pavement Maintenance	Confirm pavement designs and rehabilitation locations for the Sealed Pavement maintenance programme in summer 2025/26
Bridges & Structures	Replacement of the deck and beams on the Maipito Bridge in 2025/26
Owenga / Kaingaroa MakeSafe Works	Ongoing monitoring of wharf condition

Pavement Maintenance	
Previous Status: Where the weather allows, the final sections of North Road are being strengthened	Updates: - The unseasonably wet weather has given over to unseasonably dry weather and maintenance interventions will change to match - Some types of work require certain amounts of moisture in the pavement and may not be able to be successfully completed during dry spells

Drainage Maintenance	
Previous Status: Swale formation and renewal has remained a priority to ensure that surface water doesn't pool on the roads	Updates: Ongoing drainage maintenance and inspection

Bridge & Structures Maintenance	
Previous Status: The design calculations for the sizing of the replacement beams for Maipito have been completed and the existing Maipito steel beams will be replaced by glulam timber beams to make the structure more resilient to moisture and salt, and to reduce shipping costs	Updates: - The GoldSeal contractor and his equipment should be arriving on Island in December after some delays by the shipping company have pushed back the planned start date - Fulton Hogan are producing a works plan for the Maipito Bridge deck and beam replacement

Owenga Barge Landing	
Previous Status: • Much of the interblock retaining structure and bulk aggregate fill was in place in early November • The concrete nosing of the landing was being placed during the October Site Visit, as the weather conditions were amenable	Updates: • The results of the clegg hammer, anchor creep, and grout cylinder quality tests for the landing have all passed the quality assurance requirements • At least 2 of the concrete slabs are in place at the time of writing • The landing is on track for practical completion in the first week of December
Network & Asset Management	
Previous Status: • There were a number of requests from Audit New Zealand for support for the annual report. • Much of the support was able to be supplied but some questions were challenging.	Updates: • An initial 30-year plan has been populated for the roading activity • Due to the NZTA funding levels recently being adequately high, there are few capital improvements required to the Chatham Islands Roads • There are some areas that may benefit from upgrading unsealed roads to sealed roads, and the component and structural replacements for every remaining timber & steel bridge has been included • We would like to add any ideas to the list to help discuss NZTA funding limitations and benefits to community, and to assist Paul to secure alternative funding sources in future.
Kaingaroa & Owenga Wharf Repairs	
Previous Status: • Hunter Civil have submitted the payment claim for the Kaingaroa Southern Fender and decking repairs. • Some work to install tread grating on the stairs of Owenga Wharf is still to be undertaken, and will be completed in conjunction with the loading ramp construction	Updates: • No Updates
Stantec Site Visits	
Previous Status: • The roading visit at the end of October was for the NZTA combined Audit • The NZTA audit team attended a briefing after the Council Meeting on the 31st of October	Updates: • The next site visit will be in January 2025.
CIC catch-ups in Christchurch	
Previous Status:	Updates: • No updates



- Nigel, Rebecca, Bryan, and Hanna attended a dinner in Christchurch with Monique and Paul, and Owen and Lynette Pickles on the 23rd of October.

NZTA Waka Kotahi Updates

Previous Status:

- The initial feedback from the combined audit is that the condition of the roads was good, and that the activity is by and large being managed well. With some possible non compliances in the signage and markings, and financial records.
- The full audit report is expected to be released in early December.

Updates:

- NZTA have asked CIC to report on Pothole response and TTM expenditure for Q2 in January next year.
- The guidance for the pothole response reporting has not been released, but we understand no RCA has been informed of how to report the pothole requirements.
- The TTM reporting guidance has been sent, and we are working with FH to capture an estimate of these costs. It's likely to be sufficiently low that there will not be any concern over it.

CIC Water and Wastewater O & M – November 2024

Three Waters Funding		
Item	Current Status:	Action
General	- Nigel will issue formal response to the variation request. No objections to what has been proposed. - An operational expenditure of \$391,000 was allocated in the 2024-34 Long Term Plan for 2024/25. Stantec have drafted a Technical Memo for Council highlighting the anticipated budget shortfall. - The ship continues to operate as usual. The shipping company has addressed compliance issues and has been granted permission to run through to March 2025. There is a risk to ongoing supply beyond March 2025. Monitor shipping situation going forward and procure critical spares and stocks are required. - Napier has been added to the shipping route - FH are setting up a planned maintenance schedule on water outlook. FH will draft plans for upload to water outlook. PH explained that they have found old manuals for both WTPs and the WWTP. PH to send these to PG. - PH to send the list of active water meters to JB.	PH PH
Water Supply		
Project:	Current Status:	
Kaingaroa Water Supply Scheme	New Issues: - The do not drink notice has been lifted. Monthly monitoring to continue until three consecutive results below 50% of the MAV - The next lot of samples will be taken on Wednesday 20 November. - Chlorine generation added to critical works list but assigned a lower priority. Funding would be better spent addressing high dissolved organics/ decreasing chlorine demand.	
	Work in Progress: - FAC probe has stopped working. Filtec Rep (Leighton Greaves) didn't have an easy fix but will have a look at possible fixes when on island for the annual service early in the new year. - PH explained that the annual service involves calibrations, general service of plant. Leighton normally sends a report to Stantec. JB to find the report from last year and send to PG for maintenance schedules. - Lake Rangitai intake extension. This will be installed when lake levels allow. - Ongoing operations and maintenance	JB
	Completed: - Ongoing operations and maintenance	
	Critical Works Updates - None	
	New Issues: - Leaky private water assets (pipes, fittings, valves, header tanks) are increasing water demand. CIC have issued a letter. PH noted that demand has stabilised slightly.	
Waitangi Water Supply Scheme		

	- o There is a risk that the Port may use the new 'emergency only' connection for general use. The system does not have capacity for a general use connection. FH to read the water meter weekly and notify Stantec/ CIC if they suspect that the Port is drawing water for non-emergency uses. - o SD queried whether there is a planned response for drought periods. PH previously addressed by issuing letters to the community to conserve water. explained that CIC have issued. FH proactively monitor and notify CIC/ Stantec if there are concerns. - o FH have turned off the water supply at Nairn house to reduce water loss - o Awaiting plumber to fix leaks at the MAF office. Leaks at both Nairn house and MAF office have been using around 4 m³/day.	PH
	• Work in Progress: - o Ongoing operations and maintenance	
	• Completed: - o All actions from the FH audit have been completed.	
	• Critical Works Updates - o None	
Compliance Monitoring October 2024	October 2024 Monthly Water Quality Compliance: • Waitangi - o One Total Coliforms was detected in the raw sample - o No E. coli or Total Coliforms detected in treated and network samples. - o Treated water turbidity (0.06 NTU) was below the operational target (0.3 NTU). - o The UVT for treated water was satisfactory at 93.0%. ▪ Protozoa compliance is being met. • Kaingaroa - o The do not drink notice is lifted. Chlorate measured at 0.4 mg/L, below the 0.8 mg/L MAV - o No E. coli or Total Coliforms detected in the treated and network samples. - o Low levels of both E.coli and Total Coliforms were detected in the raw sample, but as expected with a lake water source. - o Treated water turbidity (0.13 NTU) was below the operational target (0.3 NTU). - o The UVT for treated water was not satisfactory on the day of sampling at 62.1%. ▪ Protozoa compliance may not have been provided for this period. • Recycling Center Supply - o No E. coli or Total Coliforms detected in treated sample. • Council Office Supply (not a CIC supply) - o No E. coli or Total Coliforms detected in treated sample. - o The UVT was good at 94.7%.	
Wastewater		
Project:	Current Status:	

Waitangi Wastewater Scheme	• New Issues: - o There was about 32mm of rain over the weekend. The new pumps coped well and there were no overflows at the solids tank and balance tank. - o Council have issued a letter requesting residents disconnect stormwater connections to the wastewater system. - o Circuit cut out and breaks need to be replaced. Still to do, PH estimated this will cost between 3-4k.	
	• Work in Progress: - o General service of plan has been completed. New sleeves and UV tubes installed, service on pump seals, oil levels, bearings, lines, all mechanical parts. - o Discharge consent review on-going (Stantec progressing). - o Ongoing operations and maintenance	
	• Completed: - o Ongoing operations and maintenance	
	• Critical Works Update - o Nothing added	
Compliance Monitoring October 2024	October 2024 Monthly Compliance Monitoring All parameters were below the annual median except for Total Nitrogen, Ammonia Nitrogen and E. coli which were 22 mg/L, 7 mg/L and 1.15-log higher. The land application system will further reduce nitrogen and micro-organisms prior to reaching groundwater. PH noted that sampling was taken a couple of days before the annual service which could explain the elevated results.	



Solid Waste Update – November 2024

Landfill Operation	
Current Status. • Stantec has provided a quotation for doing the Annual Report. • The plant at the landfill will need replacing. One option is to use local plant, provided it meets required standards. • Fulton Hogan to provide a price for a compactor with front blade and steel-cleated wheels, with smaller excavator. It was noted that the sludge pond capacity is limited. Council to determine the requirements for providing additional capacity.	Actions – Stantec • None noted. Actions – Council • CIC to contact Jay Preece about use of excavator at the landfill. • CIC to consider Stantec quotation for Annual Report. • CIC to find out about capacity needs for sludge disposal. Actions – Fulton Hogan • To provide options for compacting refuse. To get price for footbridge remediation.
Te One Operations	
Current Status. • Baling of wastes and recyclables is going well. • Stantec has provided CIC with a copy of the NES for storing tyres on-site. FH to provide an approximate estimate of quantities of tyres. • Dealing with scrap metal is a pressing issue at Te One. It would be useful to get hold of some open top shipping containers so that metals could be sorted on-site and loaded into the bins, with the future prospect of sending them to the mainland. • Fulton Hogan staff have been on site to sort through scrap metal. Some has been sorted and sent to landfill. FH and CIC to decide on process for sorting the rest and to decide what can be accepted in the future. • The shipping container has been moved to Te One. • It is estimated that a collection of waste oil may be needed in a year or so. FH to source additional IBCs.	Actions – Stantec • None noted. Actions – Council • CIC to discuss with Chatham Islands Shipping about the possibility of obtaining some open top shipping containers. Actions – Fulton Hogan • To provide an estimate of quantities of tyres being stored on-site. • Work through scrap metal pile at Te One to separate out what can be recovered, and what needs to be landfilled. • Provide a quotation for transporting and handling recyclables to Timaru. • Contact Chemwaste about availability of IBCs for waste oil storage.
Other Waste Management Matters	
Current Status. • Monthly solid waste matters meetings have been re-scheduled for 1st Wednesday of each month. • Stantec has started drafting an issues and options memo on the situation at Kaingaroa RTS. FH to provide input so that the memo can be issued to Councillors. • CIC is still to consider solid waste charges, which are most important for bulk users. Stantec has provided some brief advice on the process for formally implementing the charges. • Shipping of recyclables is still likely to be a low priority whilst the shipping company catches up on handling of livestock.	Actions – Stantec • Stantec to finalise an issues and options memo for the situation at Kaingaroa RTS. • Stantec to prepare agendas for directing monthly Solid Waste meetings. Actions – Council • Council to consider memo on MfE reporting requirements and determine if there are impediments for recording waste and diverted material quantities. • Council to determine further action regarding Solid Waste Charging. Actions – Fulton Hogan • To work through Memo and identify how recording waste and diverted materials can be done, and if there are issues to be dealt with. • To provide information for the issues and options memo for Kaingaroa RTS. • To identify waste sources in OWLS returns.



4. Works & Services

4.2 Fulton Hogan Road Maintenance Report

Date of meeting	19 December 2024
Agenda item number	4.2
Author/s	Fulton Hogan Contract Manager

Purpose

To inform and update the Council on the Chatham Islands Road Maintenance programme. Attached is the November 2024 monthly reports from Fulton Hogan.

Recommendation

THAT the report be received.



Mowing Road Verge WW-O Road

CHATHAM ISLANDS ROAD MAINTENANCE CONTRACT MONTHLY REPORT NOVEMBER 2024

Work Summary

Outline of work carried out during month

Routine Maintenance and Operations

Pavement Renewals

Sealed Road Resurfacing

Drainage Renewals

Bridge and Structure Renewals

Traffic Services

Minor Improvements

Vegetation Control

Dayworks

Programmed Work for following month

Schedule of Work by Road Name

1. Maintenance Grading
2. Unsealed Maintenance Metaling

Next Month's Target

Crash Damage Report Summary

Monthly Safety Report and Statistics

1. Safety Engagements

Metal Stockpiles

CIC Owned Materials

Signs

Culvert Pipes

Environmental Compliance & Feedback

Environmental Compliance

Stakeholder Complaints Register

Public Relations & Community Involvement

Innovation

When conditions allow we will continue with the blended maintenance material and continue to monitor areas already done to gauge how they perform in the wet/dry conditions.

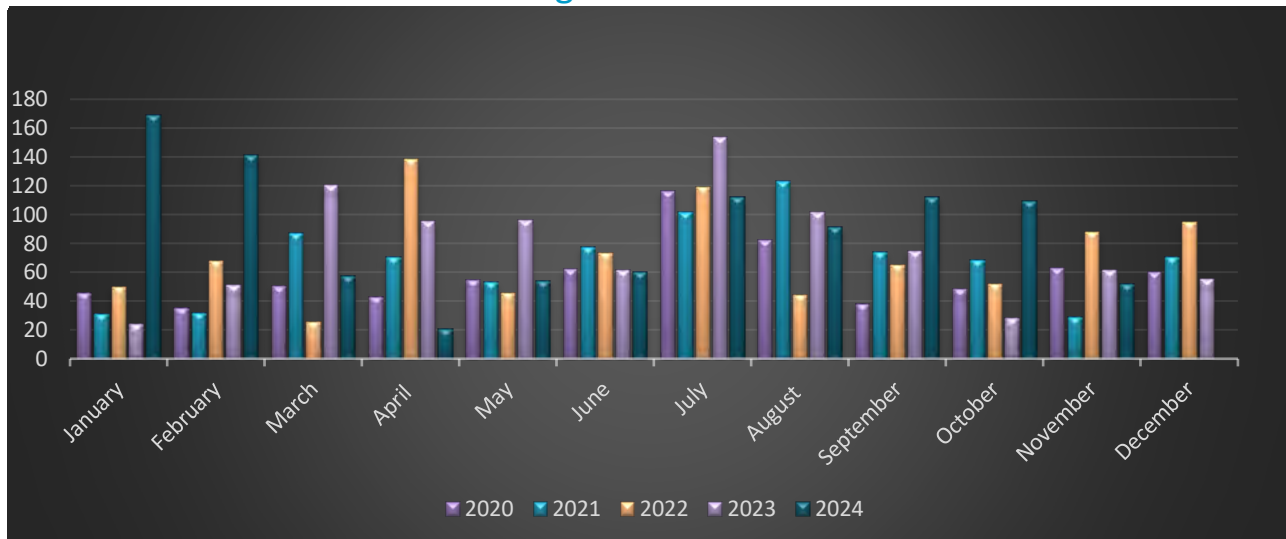
Summary of Monthly Progress Claim by Work Category

1. Miscellaneous
2. Traffic Counting
3. Pitt Island
4. Wind Damage

Photos

Work Summary

Outline of work carried out during the month.



52mm rainfall recorded for 1st – 30th November in the Waitangi yard.

Routine Maintenance and Operations:

After months of above average rainfall, it's good to see a bit of sun. Things have dried out a lot and quite honestly it would be good to get a bit of rain to settle the dust and pack the metal back down on the roads as they are starting to unravel.

Dry weather has allowed us to get back onto the unsealed strengthening and drainage works. Maintenance grading where required and a bit of metal put on to try and keep on top of the potholes.

Roadside berm mowing where required as grass is starting to grow again with the warmer conditions.

Pavement Renewals:

Currently just finishing the strengthening on North Road at RP 35500 - 36400.

Sealed Road Resurfacing:

Drainage Renewals:

A couple of culverts have been replaced/upgraded on this strengthening site.

Bridge and Structure Renewals:

Transported 42 surplus blocks from the Owenga barge loading ramp from the wharf up to the MPA yard.

Traffic Services:

Minor Improvements:

Vegetation Control:

Roadside verge mowing where and as required.

Spraying of gorse on roadside verges and along the edges of the sealed network as weather allows.

Dayworks:

Programmed Work for following month:

Carry on with strengthening and drainage works on sections of North Road, if dry enough.

Finish spraying the gorse on roadside verges, weather permitting.

Schedule of Work by Road Name

1. Maintenance Grading

- Carried out as required during the month on the following roads:

Road ID	Dispatch	Road ID	Start RP	End RP	Quantity M
TE MATARAE ROAD	5628	81	0	8170	8170
AIR BASE ROAD	5636	71	1700	2700	1000
NORTH ROAD	5644	21	4590	10560	5970
WW-O ROAD	5648	11	4440	20395	15955
				Total	31095m
					31.095km

2. Unsealed Maintenance Metaling

Road	Dispatch	Road ID	Start RP	End RP	Quantity m3
WHAREKAURI ROAD	5640	121	350	450	8
NORTH ROAD	5641	21	23350	32950	80
WW-O ROAD	5643	11	4440	20395	80
		Totals		This Month	168
				Revised Target	54500
					m3
					m3

				Contract TD	53750	m3
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Next Month's Target

750m3 behind at this stage.

Crash Damage Report Summary

Date	Event	Action	Repaired Y/N
28/07/23	A vehicle went through both sets of railings on Nairn bridge and landed on the beach.	Damage not found till the next morning and made safe.	Y New post & railings installed.
12/08/23	Vehicle v's beast on North Road just past Murphy's causing extensive damage to the front end of the vehicle. Beast got up and ran away!	Vehicle moved off to the side to be recovered later.	N
17/09/24	Vehicle left at the shop with no hand brake applied = ran across the road and into the rail fence around the playground.	Vehicle removed and rails repaired.	Y
26/10/24	Vehicle hit concrete plinth during the night at D&G and shot across the road and through the fence into the trees.	Vehicle was removed and fence repaired.	Fence repaired by others. No damage to the pavement.
29/10/24	Vehicle ran off the road sometime during the night and through the fence by Wassa's pump shed on North Road.	Vehicle removed and fence to be repaired by others.	N

Network Inspections

Month	Inspection Type	Faults Identified	Inspected By
March 2024	Day	Drive around the network to access and work out a 3-month program of works required.	Phil
April 2024	Day	Drive around the network. Some damage occurring due to the works on North Road.	Tomby
May 2024	Day	Drive around the network, including roadroid survey. Normal wet condition damage which will be addressed with grading and maintenance metal.	Tomby.
July 2024	Day	Drive around and check the network condition to program any maintenance works required.	Phil
August 2024	Day	Network checked during the Roadroid survey. No urgent faults found.	Tomby
October 2024	Day	Full network check during the Roadroid survey. No urgent faults found.	Tomby

Monthly Safety Report and Statistics

Nothing to report.

1. Safety Engagements

Date	Near Miss	Incident	Lost Time Injury	Plant Damage	Depot/Worksite Inspections
22/08/22	N	N	N	N	HSQES site audit carried out while crew clearing culvert ends = all ok.
12/09/22	N	N	N	N	Target Hill counterfort drains = making sure correct installation procedure being followed = all ok.
7/12/22	N	N	N	N	Reseal site inspection = all TM in place and sufficient.
29/3/23	N	N	N	N	Tiki Tiki water plant check with Kirsten.
12/05/23	N	N	N	N	Te Awainanga Bridge cleat replacements.
17/05/23	N	N	N	N	Whangamoe Bridge Replacement
16/08/23	N	N	N	N	Audit done on the workshop by Andy Allen.
19/10/23	N	N	N	N	New workshop washdown area checked while slab being poured to make sure everyone observing FH SOP's
20/12/23	N	N	N	N	Workshop inspected to see the changes made by the new mechanic = all good so far.

Metal Stockpiles

30/11/2024							
Site	AP40 Schist	AP65	AP32 Basalt	AP100 Schist	AP20	G3 Chip	G5 Chip
Waitaha Schist	2,429	0	0	700	0		
Waitaha Basalt	0	2,244	391	0	128	315	271
Paritu	1,805	0	0	1,297	0		
Stoney Crossing	0	1,976	8,458	0	2,536	311	111
Yard	0	0	0	0	0		
Ohinemama	0	0	0	0	0		
Muirsons Schist	3,608	0	0	912	0		
MPA Yard	0	0	0	0	0	51	230
	7,842	4,220	8,849	2,909	2,664	677	612

CIC Owned Materials

Signs

Item Description	Unit	Purchased	Used November 2024	End Measure	Comments
<i>Signs</i>					
CS85 North Rd	ea.			1	
CS85 Port Hutt Rd	ea.			1	
RG1	ea.			0	
RG2	ea.			0	
RM6 White	ea.			6	
RM6 Yellow	ea.			5	
RM7	ea.			16	
P66X242	ea.			7	
PW11	ea.			1	
PW11.1L	ea.			1	
PW11.1R	ea.			1	
PW12L	ea.			1	900
PW12R	ea.			1	
PW24	ea.			2	
PW25 65KM	ea.			1	
PW28	ea.			1	
PW34.1	ea.			1	900 Y
PW34.2	ea.			2	
PW37	ea.			1	900
PW49 FIRE ENGINE	ea.			2	
PWSX1	ea.			2	
RH-4	ea.			2	
PW54	ea.			2	
<i>Marker pegs</i>					
EMP	ea.			622	
CULVERT MARKERS	ea.			45	
WHITE RAPID MARKERS	ea.			60	
<i>Misc. Items</i>					
ACROW PROPS	ea.			6	
ROAD COUNTER	ea.			1	

Item Description	Unit	Purchased	Used November 2024	End Measure	Comments
ROUGHOMETER	ea.			1	

Culvert Pipes

ALUFLOW

Item Description	Unit	Used	Purchased	End Measure
375mm	m			5
450mm	m			0
600mm	m			0
750mm	m			6

Civilboss

225mm	m			24
300mm	m			54
375mm	m	24		30
450mm	m			23.2
525mm	m			15
600mm	m			30
700mm	m			30
800mm	m			23.2
1000mm	m			12

Builders Mix

CEMENT	T			0
GEOGRID Triax 160 3.8 x 75	Rolls			13
BIDIM CLOTH 3.9m x 100m	Rolls			13
BIDIM CLOTH 3.9m x 50m	Rolls			0

Environmental Compliance

Date	Site Inspected	Compliant Y/N	Abatement Order Issued	Corrective Action Required	Completed By
14/03/22	WW-O Rd Culvert Installation	Y	N	N	Phil
27/06/22	Stoney Crossing Quarry	Y	N	N	Phil
26/08/22	North Road Strengthening works	Y	N	N	Phil
13/10/22	Target Hill Rehab Site	Y	N	N	Phil

1/12/22	Kaingaroa Rehab Site	Y	N	N	Tomby
21/02/23	Whangamoe Bridge Replacement	Y	N	N	Tomby
18/05/23	Whangamoe Bridge Replacement	Y	N	N	Tomby
27/06/23	FH Workshop Wash Down Pad	Y	N	N	Phil

Stakeholder Complaints Register

Month	Council/ Public Complaint	Complaint	Repair Undertaken	Response Time
May 24	Public	Parent from Pitt Island complained to council about state of Flowerpot-Glory Road.	Inspection and Roadroid completed. Repairs to be completed in November.	2 weeks.
July 24	Public	Road soft where strengthening work is being carried out.	Strengthening material got too wet while being placed. Site needs to dry out before work continues.	When weather allows.
July 24	Public	Numerous potholes throughout the unsealed network.	Very wet conditions graders doing the best they can.	Ongoing.
July 24	Public	Grader making roads rough causing punctures in tyre.	Roads inspected and nothing out of the ordinary found.	3 days.

Public Relations & Community Involvement

Innovation

Summary of Monthly Progress Claim by Work Category

	November 24	Separable Portion One - Roothing			
Item	Work Category	Value for Month	Value YTD	Annual Budget	% of Annual Budget
1	P&G Other	\$184,990.50	\$737,035.90	\$1,500,000.00	49.14%
2	Routine Maintenance and Ops	\$57,734.33	\$293,415.35	\$810,000.00	36.22%
3	Pavement Renewals	\$182,695.50	\$282,841.34	\$662,000.00	42.73%
4	Sealed Road Resurfacing	\$0	\$0	\$9,000.00	0%
5	Drainage Renewals	\$9,113.12	\$42,996.13	\$405,000.00	10.62%

6	Bridge Renewals	\$847.60	\$1,129.08	\$50,000.00	2.26%
7	Traffic Services	\$5,686.78	\$27,773.99	\$86,000.00	32.3%
8	Minor Improvements	\$0	\$16,320.57	\$50,000.00	32.64%
9	Vegetation Control	\$5,408.41	\$35,137.90	\$55,000.00	63.89%
11	Dayworks	\$206.30	\$3,303.80	\$150,000.00	2.2%
	Total	\$446,682.54	\$1,439,952.06	\$3,770,000.00	38.19%

1. Miscellaneous

2. Traffic Counting

Traffic counts on various roads is ongoing.

3. Pitt Island

Starting to program and source plant for the work required on Pitt once the loading ramp has been constructed at Owenga.

4. Wind Damage

No reported or visible signs of damage this month.





RP 35500 – 36400 North Road Strengthening Works



4. Works & Services

4.3 Fulton Hogan Water and Wastewater Operation Contract Report

Date of meeting	19 December 2024
Agenda item number	4.3
Author/s	Fulton Hogan Contracts Manager

Purpose

To inform and update the Council on the Chatham Islands Water and Wastewater Operation programme.

Recommendations

THAT the reports be received.

Background

Attached is the November 2024 Water & Wastewater report from Fulton Hogan.

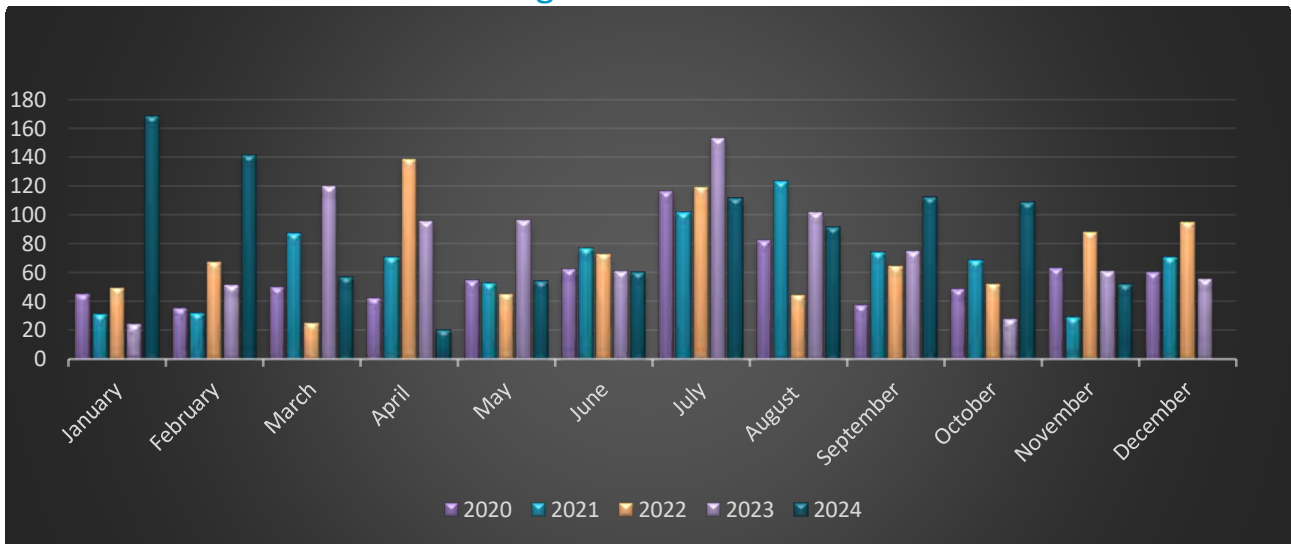


WWWT Plant Control Panel

CHATHAM ISLANDS WATER AND WASTEWATER OPERATION CONTRACT MONTHLY REPORT NOVEMBER 2024

Work Summary

Outline of work carried out during the month:



52mm rainfall recorded for 1st – 30th November in the Waitangi yard.

Water Supply Operation & Maintenance:

No major maintenance issues during the past month.

Water Treatment:

Tiki Tiki plant = Plant has been good this month with no issues. Bore level starting to drop with the current dry spell. Plant has been working a bit more as there seems to be an extra demand for water towards the latter part of the month.

Kaingaroa plant = Plant ticking along ok this past month with no issues.

Wastewater Treatment Plant at Waitangi:

Plant had no issues during the month, with the balance and irrigation tanks maintaining steady levels.

Finally got the effluent fields mowed so evaporation process should be a lot better now.

Dayworks – Water:

Had a leak outside River Onion. Once fixed we could see a 2500lt deference in the daily usage.

Dayworks – Wastewater:

Water and Wastewater Reticulation Network:

Apart from the leak all good the past month.

Water and Wastewater Treatment Plant: Monitoring:

No issues this past month. Chlorite levels at Kaingaroa are within spec.

Chatham Islands Monthly Report

Kaingaroa Lake Monitoring Post = lake level is still very high preventing us from installing the new intake filter. Looking at options to install new intake while level is high.

Summary of Monthly Progress Claim by Work Category:

	November 24	Separable Portion Two - Water and Wastewater			
Item	Work Category	Value for Month	Value YTD	Annual Budget	% of Annual Budget
13	Preliminary and General	\$4,213.09	\$32,206.20	0	0%
14	Water Supply Ops and Maint	\$922.32	\$4,611.60	0	0%
15	Water Treatment	\$2,947.89	\$16,584.11	0	0%
16	WWTP Waitangi	\$922.32	\$4,611.60	0	0%
17	Dayworks - Water	\$1,691.87	\$12,109.05	0	0%
18	Dayworks - Wastewater	\$1,168.12	\$31,967.74	0	0%
19	Water and Wastewater Reticulation	\$0	\$0		
20	Treatment Plant Monitoring	\$1,188.52	\$5,942.60	0	0%
	Total	\$13,054.13	\$108,032.90	\$140,000.00	77.17%

Provisional Budget

Programmed Work for Following Month:

Keep the plants operating.

Water Meter Report:

Next readings will be done in December unless we have a leak somewhere.

Irrigation Dosing:

Evaporation has been good now that the fields have been mown. With very little rain this month there is no sign of any runoff.

Quality Assurance:

Site Safety Report:

Date	Near Miss	Incident	Lost Time Injury	Plant Damage	Depot/Worksite Inspections
23/08/23	N	N	N	N	WWWT Plant check once service had been completed.

19/03/24	N	N	N	N	Water & WWWT plant checks after services.
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Environmental Non-Compliance:

Monthly Stocktake of Supplies:

General Supplies Stockpile – Month Ending November 2024

	Stock Purchased	Stock End of Previous Month	Stock Used	Stock Remaining End of Month
Salt		173 Bags	30	143bags
Chlorine		60lts	0L	60lts

PHOTOS





WWWT Plant Effluent Feilds



4. Works & Services

4.4 Fulton Hogan Waste Management Operation Contract Report

Date of meeting	19 December 2024
Agenda item number	4.4
Author/s	Asheesh Chand – Fulton Hogan Divisional Manager, Maintenance

Purpose

To inform and update the Council on the Chatham Islands Waste Management Operation programme.

Recommendations

THAT the reports be received.

Background

Attached to this report is the September and October 2024 Waste Management report from Fulton Hogan.



PVC liner cover and Bob hitching bales and placing on top of the Geotech to hold into place

CHATHAM ISLANDS WASTE MANAGEMENT CONTRACT MONTHLY REPORT SEPTEMBER AND OCTOBER 2024

Introduction
 Te One Transfer Station
 Owenga Landfill
 Appendix 1

Introduction

This report provides a summary of waste management activities through the month of September and October 2024.

Staff

- Bob Howat – came to assist 11th – 23rd October

Te One Transfer Station

Mother nature “Hath no mercy” once again influencing the daily operations and open days for our public. The seasonal weather played havoc, forcing temporary closures. Influenza and illness taking down our whole team for a day or two. Part in parcel to the nature of working in the elements.

Plant/ Machinery maintenance and availability.



(“Bumble Bee” back to work, filling, weighing and loading skips)

With much relief after a long wait, Front End Loader “Bumble Bee’s” tyre was swiftly replaced by our Workshop Mechanic - Andy and Rikard with the Support of Noel Dix from the Chatham Islands Auto and Marine.

Staff actioned into manual processing for the 2 weeks of plant down time. We directed public up to the top of Te One site to deposit itemised wastes, into designated areas for future processing. General bagged wastes were loaded into the Compactor Truck “Squishy”, and recyclables were collected and processed as normal.

Amidst our usual public open days Staff quickly began the task of clearing the held wastes from Te One, Binning itemised wastes, weighing skips ready for transporting and processing out at Owenga landfill.

The big bale up:

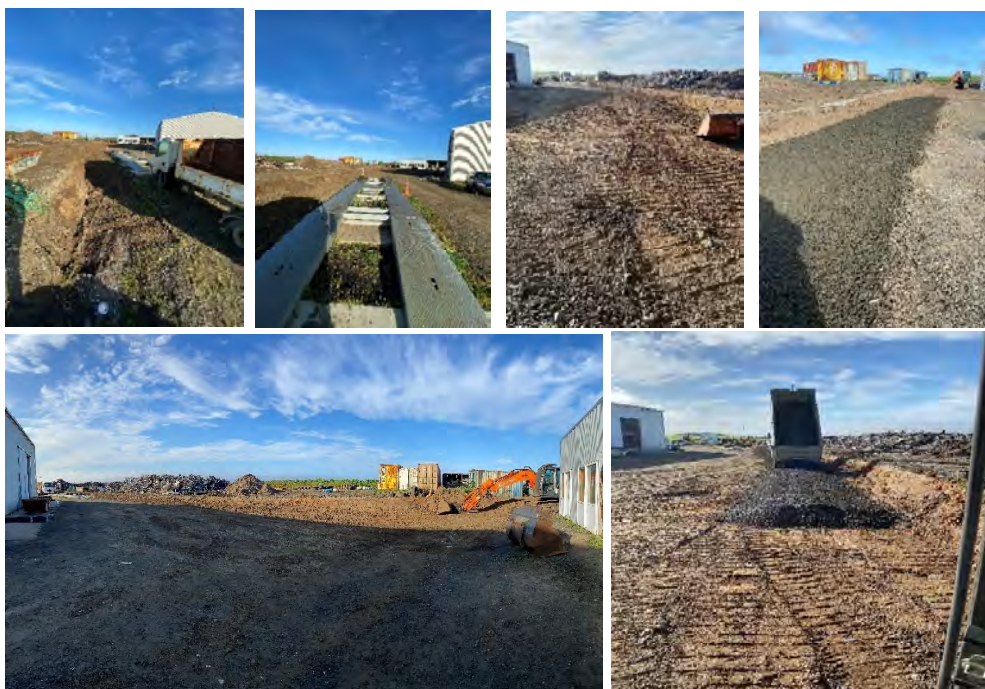
All collected sorted recycling wool packs were brought out of the external storage areas and into the main MRF building for baling. The team managed to process x2 Aluminium can x1 Tin and x1 Plastics Bales ready for future shipping.

October, in preparation for the future shipping of our recycled items to Red Roof Timaru, Simon Norman has delivered the second empty shipping container for our team to load with the good quality bales of recyclables. While onsite he was able to move the full container down to the front entrance gate for easy access when ready to pick up and transport to Waitangi Wharf.



This is great news as this relieves the open sheds from being used as storage space, and a step closer to having our Recycled Items shipped off Island.

The Te One service forecourt area has had a major revamp. We have dug out along the top wall where the skip bins are laid out for collection of incoming wastes. 3 truckloads of new metal supplied by our maintenance crew where swiftly delivered and spread accordingly. This has created a double lane where vehicles can travel safely either side of the forecourt for general and domestic wastes or on the other side for the larger commercial items. There is ample room for public to park out of the way by the Mitre 12 building.



We hope to change the entrance gate to the other side of the MRF building so we have better view of what is coming in and relieves the congestion at the current entrance point as public tend to stop here instead of driving rite around.

Safety Improvements:

The old driveway leading up to the scrap metal pile has now been removed. We now have an access driveway for staff and Plant behind the weighbridge. This is now in clear view and easier to block off from public.



The yellow oil bund container has been shifted to the top area nearest to the old shipping containers and closer to where we are setting up the de cantering area for waste oils. This bund is where we will hold sealed 20litre containers for future de cantering into fit for purpose drums or IBC containers.



(Bob positioning the Oil bund up by the other shipping containers)

Kaingaroa Transfer Station:

We continue to encourage the Kaingaroa community to bring large items into The Te One Transfer Station and remain to supply a general layout for collecting Recyclable items Tin food cans, Aluminium cans, Plastics 1.2.5 and cardboard. Then there are 2 skip bins for the collection of Bagged general waste and Glass.

We are still experiencing random dumping of dog meat legs, large scrap metals and unbagged general waste. We are working towards resetting Kaingaroa up for a more user-friendly space.

Owenga Landfill



(Liner at the Northern wall before being covered with Geotech and soil)

The 4 sides of the Owenga Landfill bladder lining are now complete, with the Northern High wall of the landfill fully covered with a protective layer of Geotech matting, over the cell bladder/PVC lining and then held in place at the top with bales and a good 600mm spread of soil cover. This helps to create a barrier between the wastes and the bladder lining.



(Geotech matting covering the PVC liner, Bob hitching bales and placing on top of the Geotech to hold into place)



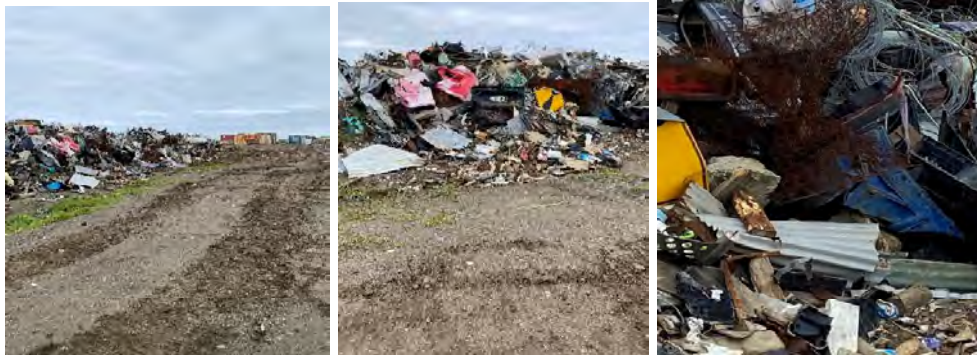
The Northern end is now ready for baled waste placement. By doing this first creates yet another protective layer between the bladder and untoward sharp wastes.

Processing of Scrap Metal Wastes at the Owenga landfill



As recommended, we are ensuring that there is at least a good meter of fluff/bagged or baled wastes between the floor and wall linings of the bladder. We have dug down into existing waste creating a trench to fill with well worked scrap metal so that it is mixed with existing waste to prevent pockets and welling.

Scrap Metal



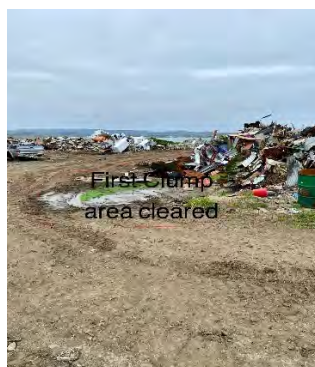
(Scrap Metal Mountain at Te One Resource Recovery Center)

Bob Howat rejoined the team for round 2 of tackling the scrap metal pile.

We networked with our wider scope team, Phil Holt FH, Phil Landmark Stantec, and Collette Peni Operations Manager for Council during the first couple of days to establish a plan on how best to process the scrap metal moving forward. We established that the level of scrap waste exceeded the amount in which could be recovered for reuse.



A couple of ideas were projected for discussion and recommendation.



It was decided that we would pull small clumps out from the pile. Where possible Bob would pull out obvious large items such as coiled fencing wire, Whiteware and oversized steel then ground staff would retrieve any hazardous items such as batteries, gas bottles, and hazardous liquids not suitable for landfill. The rest would then be scooped up and loaded into the skip bins for weighing and transporting out to Owenga Landfill for processing.



(Bob and the ground team working together sorting the scrap metal)



(Skip bins filled with waste scrap metal and soil cover, ready for transporting)

Before scrap sorting commenced, Bob and Arlette concluded that Te One required a good tidy up of the surrounding area of the scrap metal pile we also needed to prepare the Owenga Landfill to receive future wastes. An estimated 18 skip bin loads of general, wood and mixed wastes were cleared away from the pile and transported out to Owenga landfill.



(Bob and Arlette clearing the area around the scrap metal pile)

We asked that there be a temporary stop to the acceptance of scrap metals during Bobs visit but has also encouraged future conversations about the long term non acceptance of scrap Metals due to the large amount requiring to be sorted and cleared first.

Our team also worked hard together to ensure that there were no disruptions to the daily operations during our open public days.

We called upon the support of our Maintenance crew for Rikard to Drive and support the Waste Minimisation team to transport and unload the skip bins from Te One and out to Owenga Landfill. Over the final 3 days before Bobs departure, with the use of Hino and Hiab a mammoth 45 skip bin loads were filled with scrap metal wastes and transported out to Owenga Landfill for processing



(Loaded Hiab, team awaiting to be reloaded)

Appendix 1

Te One Waste Record

Owenga Waste Record

Te One	Quarter 3- 2024			
	Oct	Nov	Dec	Total
Residential	29.44			
Commercial	2.18			
Construction	0.89			
	32.51	0.00	0	0.00

Te One - Breakdown	Oct-24
General solid waste	19.38
Glass	2.47
Cardboard	2.06
Plastic 1,2,5	0.3
Tin	0.43
Aluminium	0.84
Woody Waste	7.03
Scrap Metal	0
Tyres	0
Rope	0
Batteries	0
Oil containers	0
Gas cannisters	0
Paint	0
Total amount	32.51

Owenga	Oct-24
Residential	135.79
Commercial	1.82
Construction	0.89
Total Amount	138.5

Owenga - Breakdown	Oct-24
General Solid Waste	38.17
Woody Waste	6.48
Foam	0
Glass	0
Soil	0
Scrap Metal	85.63
Cardboard	8.22
Total Amount	138.5
Glass cover	0
Soil Cover	48.832
Total Cover	48.832



6. Regulatory

6.1 Variation to Afforestation Decisions

Date of meeting	19 December 2024
Agenda item number	6.1
Author/s	Colleen Clearwater, Regulatory Officer

Purpose

Information for Chatham Islands Council to receive.

Recommendations

THAT Chatham Islands Council receives the information.

Background

Attached to this report are variations to decisions granted by Independent Commissioner Sharon McGarry in relation to applications for afforestation on the Chatham Islands.

Attachments

1. Variations to Afforestation Decisions

Resource Management Report for Chatham Islands Council CIC/2024/007.1

Applicant:	CC Family Trust - Kevan Huia Clarke and Carey James Rohloff
Application:	s127 Variation Application (CIC/2024/007.1) by Tāmata Hauhā on behalf of CC Family Trust - Kevan Huia Clarke and Carey James Rohloff relating to the establishment of afforestation for commercial purposes at Port Hut Road.
Site Description:	Port Hutt Road, legally described as Lot 2 DP 475002 and Part Wharekauri 1R2 Block
Zoning:	Rural Zone of the Chatham Islands Resource Management Document (CIRMD).
Type of Activity:	Change of conditions pursuant to section 127

1. Introduction

This report is prepared by Kate Graham, Senior Planner of Beca Ltd for the Chatham Islands Council (the Council). Kevan Huia Clarke and Carey James Rohloff (hereon referred to as the Applicant) seeks to vary the conditions of an existing resource consent (CIC/2024/007) which was granted on a non-notified basis by Commissioner McGarry on 11 October 2024.

CIC/2024/007 resource consent was granted for the establishment of afforestation for commercial purposes at Port Hutt Road, Chatham Islands.

This report is prepared under section 42A of the RMA and reviews the application for resource consents and addresses the relevant information and issues raised.

It should be emphasised that the recommendation made in this report is not binding on the Council or Commissioner and it should not be assumed that the Council nor the Commissioner will reach the same conclusion having considered the merits of the application.

2. Proposal

The Applicant seeks to vary the conditions of the original resource consent issued under the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017 for the establishment of afforestation for commercial purposes at Port Hutt Road, Chatham Islands.

The Applicant seeks to amend the consent conditions to reflect the replacement of *E. ovata* (Swamp gum), *E. gunnii* (Cider gum) and *E. nitens* (Shining gum). Therefore, *E. botryoides* A (Bangalay) is proposed to replace the aforementioned species in Areas 1 & 2, comprising 13.5ha and 78.2ha respectively.

All other details of the proposed activity remain as consented under CIC-2024-007 including the planting timing, methodology, and all other conditions of consent.

The original consent term of 5 years from date of issue remains as consented, being 11 October 2029.

3. Site and Surrounding Environment

Application site

The application site is at Port Hutt Road, legally described as Lot 2 DP 475002 and Part Wharekauri 1R2 Block. (Figure 1).



Figure 1- Location of Site (Source: Application)

There have been no noteworthy changes to the site and surrounding properties since the issue of CIC/2024/007, as such, I adopt the description of the site and surrounding environment contained within Section 3 of the section 42a for CIC/2024/007.

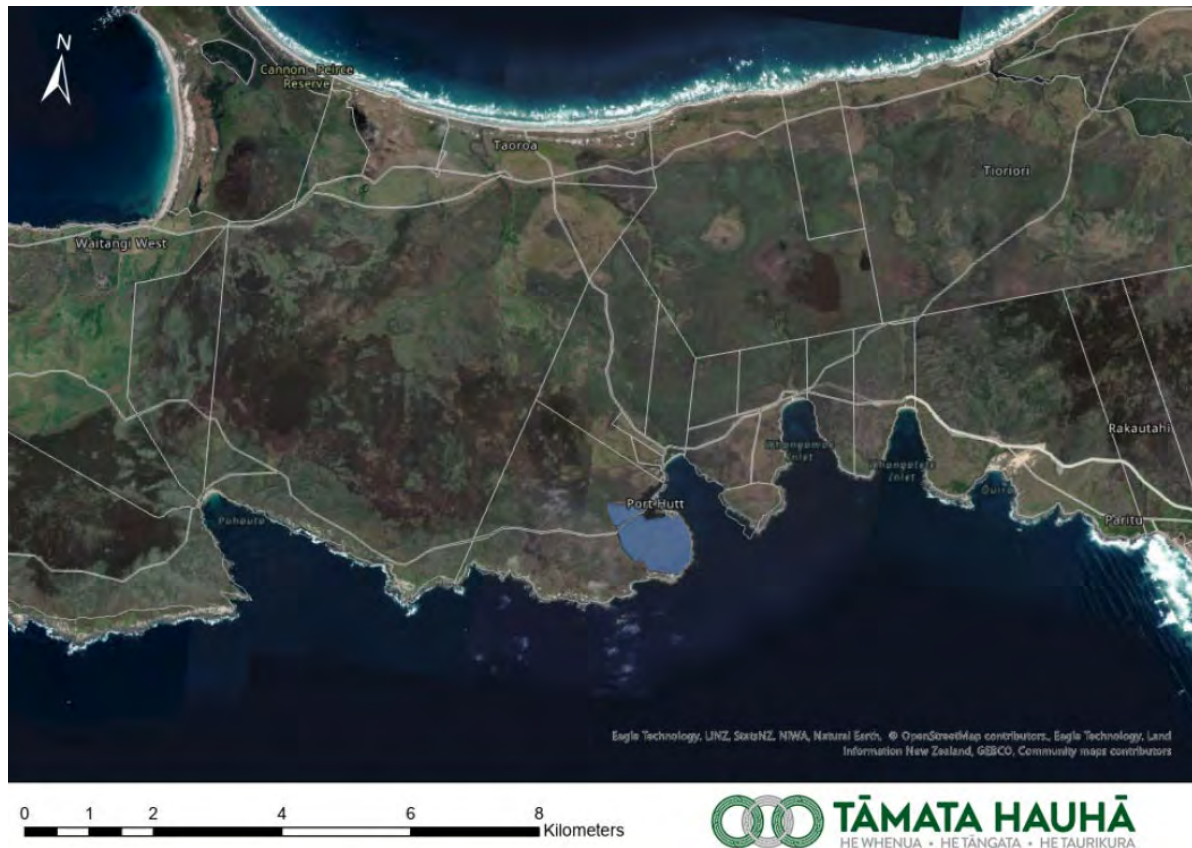


Figure 2- Proposed site and surrounds (Source: Application)

4. Statutory Considerations

Section 127 of the Resource Management Act 1991 states:

“127. Change or cancellation of consent condition on application by consent holder

- (1) *The holder of a resource consent may apply to the consent authority for a change or cancellation of a condition of a consent, subject to the following:*
 - (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *Repealed*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if -*
 - (a) *the application were an application for a resource consent for a discretionary activity; and*
 - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who -*
 - (a) *made a submission on the original application; and*
 - (b) *may be affected by the change or cancellation.*

The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application.

The original application sought to establish a plantation forestry block at the subject site, comprised of several species. The proposed change in species to be *Eucalyptus botryoides* (Bangalay) will not fundamentally change the nature of the activity, nor will the potential and actual adverse effects be materially different. Additionally, the proposed change will not result in any new non-compliances with the CIRMP or the NES-CF.

In my opinion this application can be considered as a variation to the original resource consent as the nature of the activity will not fundamentally change and the adverse effects will not be materially different from those associated with the original consent.

Chatham Islands Resource Management Document (CIRMD)

The site is located in the Rural Zone of the CIRMD. In the CIRMD, forestry is defined as *“the establishment, tending, or harvesting of forest (whether native or exotic) for wood production”*

As the proposed activity remains to be forestry for carbon sequestration purposes, the aforementioned definition and associated Rule 5.3.4.13 “Forestry and Shelterbelts Separation” does not apply. The proposed afforestation is a Permitted Activity under the CIRMD under Rule 5.3.4.1 “Permitted Activities General” which states:

“(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Zone unless related to plantation forestry then regulations in the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 prevail over this rule”

National Environmental Standards for Commercial Forestry 2017 (NES-CF)

Afforestation is generally provided for as a permitted under Part 2, Subpart 1, Regulation 9 of the NES-CF. Under Regulation 16 of the NES-CF, afforestation is a restricted discretionary activity if—

- (a) regulation 11, 12, or 14(3) is not complied with and the afforestation is in any—*
 - (i) green, yellow, or orange zone; or*
 - (ii) red zone where the land proposed for afforestation is 2 ha or less in any calendar year; or*
- (b) it is in any red zone and the land proposed for afforestation is more than 2 ha in any calendar year; or*
- (c) the land proposed for afforestation is undefined in the erosion susceptibility classification.*

The Chatham Islands are undefined in the erosion susceptibility classification, as such, resource consent is required as a restricted discretionary activity under Regulation 16 and a discretionary activity under s127 of the Resource Management Act.

5. Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

6. Effects on the environment and affected persons [Sections 95A, 95B, 95E(3), 95D and 104(1)(a)]

Pursuant to Section 127(3) the application must be assessed as a discretionary activity. As such, the Council’s assessment is unrestricted and all actual and potential effects of this proposal must be considered. While effects, other than those considered under the original application which were

restricted to erosion and sedimentation type effects, it is considered on balance that the effects associated with the proposed change of conditions relating to erosion and sedimentation effects associated with the change in species, should only be considered given the scale of the change.

The Applicant has advised that *Eucalyptus botryoides*, commonly referred to as 'Bangalay' is a fast-growing eucalypt species native to southeastern Australia that is relatively hardy. It is suitable for steep slopes due to its coppicing habit and is a prized tree for timber due to its rich red heartwood.

The Applicant has provided an amended ecological memorandum prepared by Wildland Consultants Ltd. Wildlands provided the ecological memorandum to accompany the original consent, as such, are considered to be sufficiently informed and aware of the proposal and the context it sits within. Wildlands Senior Ecologist Mr Roland Payne has reviewed the proposed s127, assessed the proposed changes and concluded that they are "unlikely to make any difference in terms of erosion and sedimentation effect, provided all other factors remain the same". This includes site preparation and planting, in which there are no proposed changes to those consented.

Environment Canterbury were also contacted and did not express any concerns in terms of "pest species".

Should the species, location, timing, or planting establishment practices change again, this would be subject to a further s127 Change of Conditions and the potential and actual effects of this would be assessed at this time.

4. Notification/Non-Notification

Sections 95A and 95B set out the steps that must be followed to determine whether public notified or limited notification of an application is required.

Public notification

- Step 1. The application does not meet any of the criteria for mandatory notification in section 95A(2).
- Step 2. The application does not meet any of the criteria in section 95(A)(5)(b) precluding public notification.
- Step 3. There are no rules or NES requiring notification, and any adverse effects on the environment will be no more than minor (section 95A(8)).
- Step 4. There are no special circumstances that warrant public notification (section 95A(9)).

In accordance with the provisions of section 95A, the application must not be publicly notified.

Limited notification assessment

- Step 1. There are no affected groups or persons in relation to customary rights, customary marine titles or statutory acknowledgements as outlined in section 95B(2) and (3).
- Step 2. There are no rules or NES preventing limited notification, and the application is not for a controlled activity land use consent under the District Plan (section 95B(6)).
- Step 3. As discussed above, no persons are considered to be affected under section 95E (sections 95B(7) and (8)).
- Step 4. There are no special circumstances that warrant notification to any other persons (section 95B(10)).

In accordance with the provisions of section 95B, the application must not be limited notified.

6. Conclusion

Overall, in terms of Section 104(1)(a) RMA any effects of the proposal on the environment are less than minor and the proposal is consistent with the objectives and policies of the CIRMD in respect of Section 104(1)(b). For the avoidance of doubt, the Applicant has provided a comprehensive assessment of the relevant objectives and policies within the application, and this is adopted.

Additionally, the proposal is consistent with the objectives, policies and outcomes sought in the higher order legislation including the Climate Change Response (Zero Carbon) Act 2002, National Policy Statement for Freshwater Management 2020 (NPS-FM),

The proposal is in accordance with Part 2 of the RMA in that the application will enable social and economic well-being for the community without compromising the environment. Accordingly, it is considered that the resource consent can be granted subject to conditions.

7. Recommendation

- A. That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95B of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Section 127 of the Resource Management Act 1991, subject to the following condition:
 - 1. The development shall proceed in accordance with the information submitted with the original application (CIC/2024/007), **as varied by s127 application CIC/2024/007.1**.

Advice Notes:

The lapse date of the consent remains unchanged, 11 October 2029. The consent will lapse on this date unless it is given effect to before then.

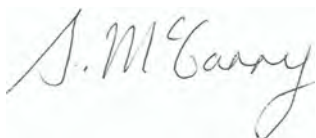


Kate Graham
Consultant Senior Planner
 22 November 2024

8. Decision

That the above recommendations are adopted for the reasons outlined in the report and the change to conditions of resource consent CIC/2024/007.1 under s127 of the RMA is granted.

Commissioner: Sharon McGarry



26 November 2024

Resource Management Report for Chatham Islands Council CIC/2024/005.1

Applicant:	Kopi Holdings Limited
Application:	s127 Variation Application (CIC/2024/005.1) by Kopi Holdings Limited relating to the establishment of afforestation for commercial purposes at Henga Lodge, 1297 North Road, Chatham Islands.
Site Description:	Henga Lodge, 1297 North Road, Chatham Islands.
Zoning:	Rural Zone of the Chatham Islands Resource Management Document (CIRMD).
Type of Activity:	Change of conditions pursuant to section 127

1. Introduction

This report is prepared by Kate Graham, Senior Planner of Beca Ltd for the Chatham Islands Council (the Council). Kopi Holdings Limited (hereon referred to as the Applicant) seeks to vary the conditions of an existing resource consent (CIC/2024/005) which was granted on a non-notified basis by Commissioner McGarry on 11 October 2024.

CIC/2024/004 resource consent was granted for the establishment of afforestation for commercial purposes at 1297 North Road, Chatham Islands.

This report is prepared under section 42A of the RMA and reviews the application for resource consents and addresses the relevant information and issues raised.

It should be emphasised that the recommendation made in this report is not binding on the Council or Commissioner and it should not be assumed that the Council nor the Commissioner will reach the same conclusion having considered the merits of the application.

2. Proposal

The Applicant seeks to vary the conditions of the original resource consent issued under the Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2017 for the establishment of afforestation for commercial purposes at 1297 North Road, Chatham Islands.

The Applicant seeks to amend the consent conditions to reflect the replacement of *E. ovata* (Swamp Gum) with *Cupressus lusitanica* (Mexican cypress) in Area 6. This comprises an area of 6 ha. Additionally, for information purposes only, the Applicant has proposed to replace *E. ovata* (Swamp Gum), *E. robusta* (Swamp Mahogany) and *T. distichum* (Bald cypress), and now propose Chatham Island endemic/native species.

All other details of the proposed activity remain as consented under CIC-2024-005 including the planting timing, methodology, and all other conditions of consent.

The original consent term of 5 years from date of issue remains as consented, being 11 October 2029.

3. Site and Surrounding Environment

Application site

The application site is at 1297 North Road, legally described as Part Kekerione 1E Block (Figure 1). The site is located approximately 13 km from Waitangi (main residential area on the island).

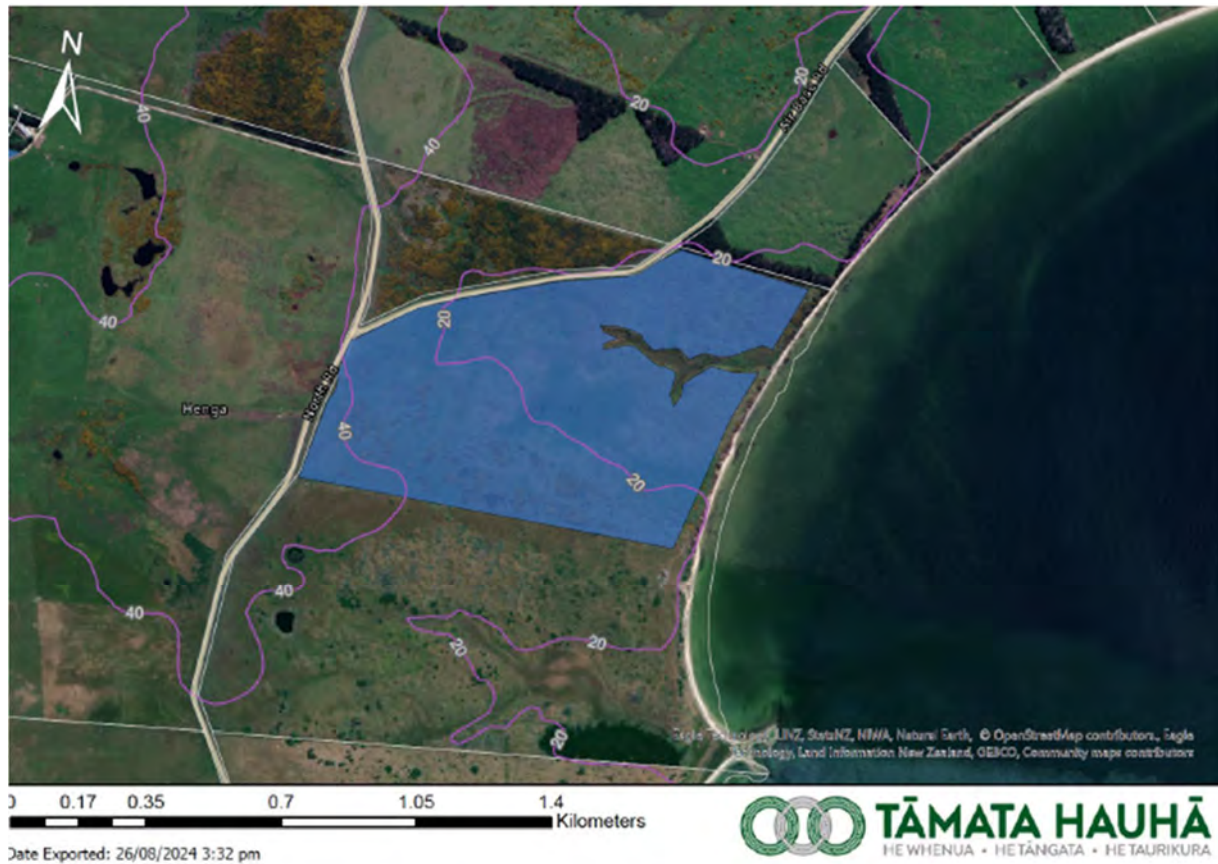


Figure 1- Location of Site (Source: Application)

There have been no noteworthy changes to the site and surrounding properties since the issue of CIC/2024/005, as such, I adopt the description of the site and surrounding environment contained within Section 3 of the section 42a for CIC/2024/005.

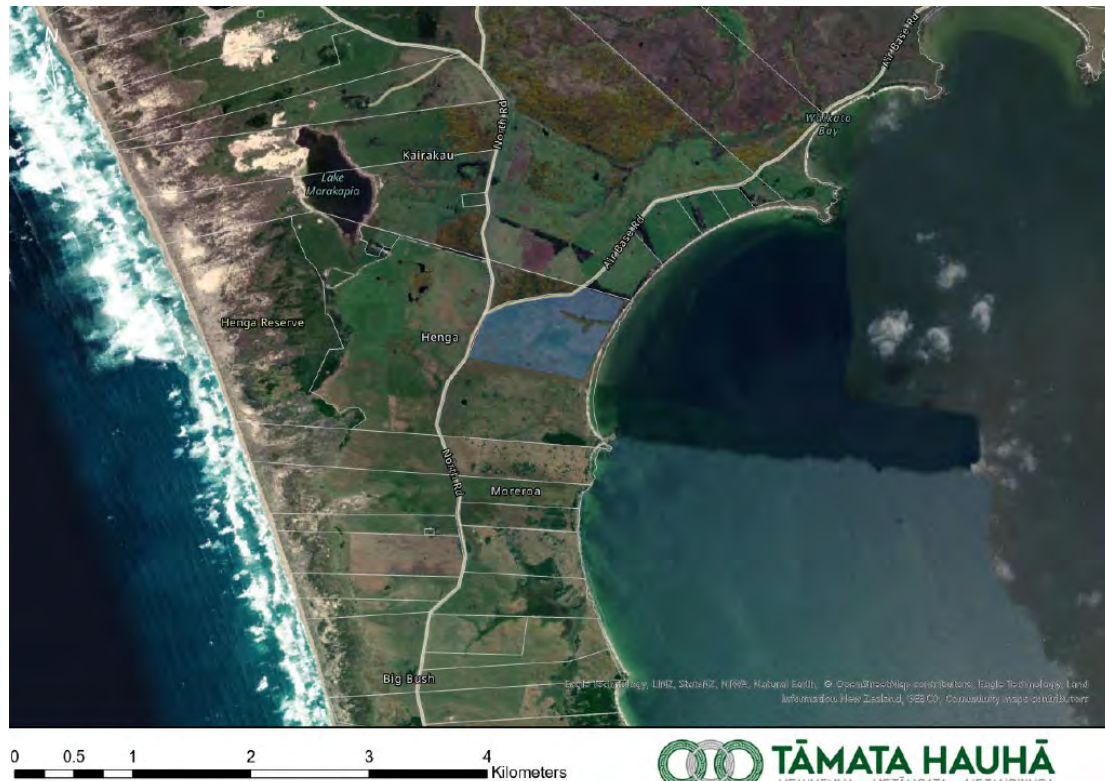


Figure 2- Proposed site and surrounds (Source: Application)

4. Statutory Considerations

Section 127 of the Resource Management Act 1991 states:

“127. Change or cancellation of consent condition on application by consent holder

- (1) *The holder of a resource consent may apply to the consent authority for a change or cancellation of a condition of a consent, subject to the following:*
 - (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) *No holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *Repealed*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if -*
 - (a) *the application were an application for a resource consent for a discretionary activity; and*
 - (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the local authority must consider, in particular, every person who -*
 - (a) *made a submission on the original application; and*
 - (b) *may be affected by the change or cancellation.*

The first consideration that is required is whether the application can be treated as one for a change of conditions or whether it will result in a fundamentally different activity or one having materially different adverse effects, such that it should be treated as a new application.

The original application sought to establish a plantation forestry block at the subject site, comprised of several species. The proposed change in species to include *Cupressus lusitanica* (Mexican Cypress) will not fundamentally change the nature of the activity, nor will the potential and actual adverse effects be materially different. Additionally, the proposed change will not result in any new non-compliances with the CIRMP or the NES-CF.

In my opinion this application can be considered as a variation to the original resource consent as the nature of the activity will not fundamentally change and the adverse effects will not be materially different from those associated with the original consent

Chatham Islands Resource Management Document (CIRMD)

The site is located in the Rural Zone of the CIRMD. In the CIRMD, forestry is defined as *“the establishment, tending, or harvesting of forest (whether native or exotic) for wood production”*

As the proposed activity remains to be forestry for carbon sequestration purposes, the aforementioned definition and associated Rule 5.3.4.13 “Forestry and Shelterbelts Separation” does not apply. The proposed afforestation is a Permitted Activity under the CIRMD under Rule 5.3.4.1 “Permitted Activities General” which states:

“(i) Any activity is a permitted activity provided that it does not contravene any other rule in this Zone unless related to plantation forestry then regulations in the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 prevail over this rule”

National Environmental Standards for Commercial Forestry 2017 (NES-CF)

Afforestation is generally provided for as a permitted under Part 2, Subpart 1, Regulation 9 of the NES-CF. Under Regulation 16 of the NES-CF, afforestation is a restricted discretionary activity if—

- (a) *regulation 11, 12, or 14(3) is not complied with and the afforestation is in any—*
 - (i) *green, yellow, or orange zone; or*
 - (ii) *red zone where the land proposed for afforestation is 2 ha or less in any calendar year; or*
- (b) *it is in any red zone and the land proposed for afforestation is more than 2 ha in any calendar year; or*
- (c) *the land proposed for afforestation is undefined in the erosion susceptibility classification.*

The Chatham Islands are undefined in the erosion susceptibility classification, as such, resource consent is required as a restricted discretionary activity under Regulation 16 and a discretionary activity under s127 of the Resource Management Act.

5. Written approvals [Sections 95D, 95E(3)(a) and 104(3)(a)(ii)]

No written approvals have been provided with the application.

6. Effects on the environment and affected persons [Sections 95A, 95B, 95E(3), 95D and 104(1)(a)]

Pursuant to Section 127(3) the application must be assessed as a discretionary activity. As such, the Council’s assessment is unrestricted and all actual and potential effects of this proposal must be considered. While effects, other than those considered under the original application which were restricted to erosion and sedimentation type effects, it is considered on balance that the effects

associated with the proposed change of conditions relating to erosion and sedimentation effects associated with the change in species, should only be considered given the scale of the change.

The Applicant has advised that *Cupressus lusitanica*, commonly referred to as 'Lusitanica' or Mexican cypress, is a species of cypress native to Central America commonly grown for timber purposes due to its higher shade tolerance. Additionally, the Applicant has advised that *Lusitanica* is commonly used for erosion control purposes on mainland New Zealand, noting these species do require some shelter from high winds. Due to the siting of the proposed *Lusitanica* plantings, being within Area 6 only, it is considered that sufficient shelter protection has been provided.

The Applicant has provided an amended ecological memorandum prepared by Wildland Consultants Ltd. Wildlands provided the ecological memorandum to accompany the original consent, as such, are considered to be sufficiently informed and aware of the proposal and the context it sits within. Wildlands Senior Ecologist Mr Roland Payne has reviewed the proposed s127, assessed the proposed changes and concluded that they are "unlikely to make any difference in terms of erosion and sedimentation effect, provided all other factors remain the same". This includes site preparation and planting, in which there are no proposed changes to those consented.

Environment Canterbury were also contacted and did not express any concerns in terms of "pest species".

Should the species, location, timing, or planting establishment practices change again, this would be subject to a further s127 Change of Conditions and the potential and actual effects of this would be assessed at this time.

4. Notification/Non-Notification

Sections 95A and 95B set out the steps that must be followed to determine whether public notified or limited notification of an application is required.

Public notification

- Step 1. The application does not meet any of the criteria for mandatory notification in section 95A(2).
- Step 2. The application does not meet any of the criteria in section 95(A)(5)(b) precluding public notification.
- Step 3. There are no rules or NES requiring notification, and any adverse effects on the environment will be no more than minor (section 95A(8)).
- Step 4. There are no special circumstances that warrant public notification (section 95A(9)).

In accordance with the provisions of section 95A, the application must not be publicly notified.

Limited notification assessment

- Step 1. There are no affected groups or persons in relation to customary rights, customary marine titles or statutory acknowledgements as outlined in section 95B(2) and (3).
- Step 2. There are no rules or NES preventing limited notification, and the application is not for a controlled activity land use consent under the District Plan (section 95B(6)).
- Step 3. As discussed above, no persons are considered to be affected under section 95E (sections 95B(7) and (8)).
- Step 4. There are no special circumstances that warrant notification to any other persons (section 95B(10)).

In accordance with the provisions of section 95B, the application must not be limited notified.

6. Conclusion

Overall, in terms of Section 104(1)(a) RMA any effects of the proposal on the environment are less than minor and the proposal is consistent with the objectives and policies of the CIRMD in respect of Section 104(1)(b). For the avoidance of doubt, the Applicant has provided a comprehensive assessment of the relevant objectives and policies within the application, and this is adopted.

Additionally, the proposal is consistent with the objectives, policies and outcomes sought in the higher order legislation including the Climate Change Response (Zero Carbon) Act 2002, National Policy Statement for Freshwater Management 2020 (NPS-FM),

The proposal is in accordance with Part 2 of the RMA in that the application will enable social and economic well-being for the community without compromising the environment. Accordingly, it is considered that the resource consent can be granted subject to conditions.

7. Recommendation

- A. That the application be processed on a **non-notified** basis in accordance with Sections 95A – 95B of the Resource Management Act 1991.
- B. The application **be granted** pursuant to Section 127 of the Resource Management Act 1991, subject to the following condition:
 1. The development shall proceed in accordance with the information submitted with the original application (CIC/2024/005), **as varied by s127 application CIC/2024/005.1**.

Advice Notes:

The lapse date of the consent remains unchanged, 11 October 2029. The consent will lapse on this date unless it is given effect to before then.

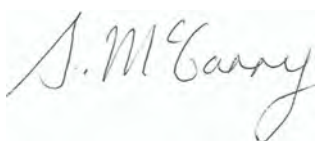


Kate Graham
Consultant Senior Planner
 22 November 2024

8. Decision

That the above recommendations are adopted for the reasons outlined in the report and the change to conditions of resource consent CIC/2024/005.1 under s127 of the RMA is granted.

Commissioner: Sharon McGarry



26 November 2024



9. Chatham Islands

9.1 Local public service reform on the Chatham Islands – consultation and engagement plan

Date of meeting	19 December 2024
Agenda item number	9.1
Author	Paul Eagle, Chief Executive

Purpose:

Update elected members of the amendments from the Workshop held on Tuesday 10 December 2024 with trustees of the Chatham Islands Enterprise Trust on the consultation and engagement plan (document) for the local public service reform on the Chatham Islands; Seek approval of the revised version to enable public consultation; and provide an update on work in progress.

Recommendations:

- 1. Approve the consultation and engagement plan for the local public service reform on the Chatham Islands.**

Background:

A workshop for CIC elected members and CIET trustees to discuss the consultation and engagement plan was held on Tuesday 10 December 2024. The minutes of the Workshop are attached, and the documents included in the workshop pack have been updated accordingly as follows (also attached):

Consultation approach

- Iwi/Imi timelines brought forward

Consultation document

- Review Panel and Agite Report explained
- Reference to merger changed to 'fit-for-purpose' entity
- Example added to 'confusing roles and responsibilities of each entity' (i.e. port ownership)
- 'Analysis of benefits and costs' added to the 'what next' section.
- New section added 'do you need more information?' for those who would like to read the full reports

Survey

- Question about location on/off Island made compulsory

- Minor errors in survey fixed (ethnicity/iwi affiliation options and 'Councillor' typo)
- Word 'diaspora' removed

Gantt chart

- Updated gantt chart provided

Trustees of CIET met on Tuesday 17 December 2024 to approve the consultation and engagement plan. This follows the approval from elected members of the revised Memorandum of Understanding (MOU) for local public service reform on the Chatham Islands at the Council meeting on Thursday 28 November 2024. The Mayor and CIET Chair Hamish Chisholm also signed the revised MOU on 28 November 2024. Note, elected members requested the CIC Chief Executive commit resources and develop a plan to meet CIC's commitments to the MoU, and report back to Council regularly on progress.

Plan to meet CIC's commitments to the MOU

The working group set-up consisting of the Mayor, CIET Chair as co-chairs, and Chief Executives from both entities with secretariat services from Agite have met four times now. It will be renamed the governance group and its primary purpose is to move the project forward and address any issues. Formal decisions will always go through CIC elected members and CIET trustees, however, the governance group will facilitate the process. Minutes have been made available for all to access. A log is to be set up for any questions or concerns.



Meeting date	Tuesday 10 th December 2024
Meeting time	10:00am (CI time)
Meeting location	CIC meeting room
Purpose	To agree on an approach to community consultation for the future of the Council and the Trust
Facilitator	Mayor Monique Croon
Minutes prepared by	Samantha Taylor

Community Consultation Workshop

#	Agenda	Attachments
1	Workshop Introduction	
	Meeting opened with a karakia by Mayor Monique Croon	
	Discussion: Monique outlined: ▪ Purpose of this workshop. ▪ That the consultation approach and consultation document are in draft form and are to be finalised at 19th December meeting following changes as a result of this meeting. ▪ Where we have come from to date 1) Review Panel (Finlayson report), 2) further options from Agite, and 3) subsequent workshops between CIC elected members and CIET trustees. 4) A community consultation approach and document has been created to reflect the work to date.	
2	Governance group	
	Discussion: The governance group consisting of Mayor Monique Croon, Chair Haimish Tuanui-Chisholm and CEOs Toni Gregory Hunt and Paul Eagle now meet weekly to move the project forward and address any issues. Formal decisions will always go through Elected Members and Trustees, however, the governance group will facilitate the process. Minutes are to be made available for all to access. A log is to be set up for any questions or concerns. Action: Minutes to be shared. An issues log is to be created and shared for any concerns or questions.	
3	Review panel	

#	Agenda	Attachments	
	Discussion: A draft letter has been written to thank the panel for their involvement and to conclude their involvement. The draft letter is with Monique and Hamish and is planned to be sent next week.		
4	Phased approach	Appendix 1 – Consultation approach	
	Discussion: The two-phase approach to consultation was explained. There were no concerns raised over the approach to consult twice – now and late 2025.		
5	Community engagement	Appendix 1 – Consultation approach	
	Discussion: There is a scale of public participation. It is suggested that this consultation sits between consult and involve. The final decision rests with Elected Members and Trustees. There was a discussion about the Trusts requirement to consider beneficiaries and whether this meant there was a threshold of support that needed to be met. Actual or perceived conflicts of interest were discussed. These are inherent in such a small community, but it is imperative that they are well-documented and managed. It was suggested that a decision-making framework is created to outline conflicts and how decisions are to be made etc. Action: Decision-making framework to be created		
6	Consultation method	Appendix 1 – Consultation approach	
	Discussion: Iwi/Imi should be consulted before the wider community in accordance with the KMT partnership. The entities will seek a letter of support from both Iwi and Imi for the process being proposed to be undertaken. Information should be given to the community with enough time to read through and gather their thoughts and questions. In person drop-in sessions are important for people that aren't interested in reading a lot of material or who have questions not covered in the material. Action: Timeline updated that Iwi/Imi consulted first.		
7	Consultation document	Appendix 2 – Consultation document	
	Discussion: Some further clarification on the role of the review panel and the Agite report is need to be outlined in the consultation document. The sections on principles, issues, risks, opportunities and benefits are a copy of the Agite Options report – thus the Options Report doesn't need to be appended but can be made available on request. The Review Panel report and the Agite options report should be combined with a preamble to be sent out together in one pdf. The reference to Option 2 as a 'Merger' could be misleading as it's a re-creation of a new purpose-built entity.		

#	Agenda	Attachments	
	Action: Consultation document updated with suggested improvements and removal of the term 'merger'.		
8	Survey questions	Appendix 3 - Survey	
	Discussion: The survey data will be collected using Survey Monkey with the raw data pulled into a report that can be analysed in several ways. Question two on whether the person lives on the island or has family on the island should be compulsory so that answers can be split on this basis. Minor errors highlighted. Action: Survey updated.		
9	Budget		
	Discussion: The due diligence will need to be extensive to ensure due diligence is adequate. This will require specialist advice including independent lawyers, and financial and regulatory experts. The budget is still in progress and will be shared in due course. The expectation is of 50/50 cost share between the entities at this stage. The entities will approach government for funding support soon. The government's expectations on alignment on the Islands have been made clear.		
10	Timeline	Appendix 4 – Gantt chart of process	
	Discussion: The Gantt chart has been updated already and is subject to change however it provides insight into 6-9 months of work ahead. Timelines for community consultation need to be sufficient to ensure community feel they have a good chance to have their say and understand the process. If the consultation documents are approved on the 19th of December both entities will send out comms to let community know that there will be a consultation process coming late January (date TBC).		
	Close: Meeting closed with karakia by Hayden Preece		

Attached

In line with discussions held at the workshop the documents included in the workshop pack have been updated as follows:

Consultation approach

- Iwi/Imi timelines brought forward

Consultation document

- Review Panel and Agite Report explained
- Reference to merger changed to 'fit-for-purpose' entity
- Example added to 'confusing roles and responsibilities of each entity' (i.e. port ownership)

- 'Analysis of benefits and costs' added to the 'what next' section.
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Survey

- Question about location on/off Island made compulsory
- Minor errors in survey fixed (ethnicity/iwi affiliation options and 'Councillor' typo)
- Word 'diaspora' removed

Gantt chart

- Updated gantt chart provided.

Community engagement approach

This document sets out the approach to engaging the community on the future of the Chatham Islands Enterprise Trust (the Trust) and the Chatham Islands Council (the Council). The consultation follows work to date, including commissioning an options report on the options and an MOU between both organisations to move forward together. Consultation is the next step in the process.

What do we need community feedback on?

There are two stages to community consultation, based on the two main decision-making points for the Council and the Trust.

Stage 1: proceed to due diligence on an option

The first decision to be made is whether to proceed with doing a detailed investigation of any option(s) for change. This means agreeing to proceed with the legal, financial and regulatory due diligence needed and formally engage with the Crown regarding the preferred option. This decision has short-term financial implications (cost to do the due diligence and planning) but is not a decision on the implementation of a particular option. Ideally, the decision would be to select one option to do due diligence on and planning for, however it could involve more than one option (at greater expense).

Consultation for this stage seeks to ensure the Council and the Trust have understood the issues at hand and get feedback on the principles guiding decision-making. It should also gather information on what the community thinks about the high-level options and which option they prefer at this early stage. However, it should be noted that there is insufficient information to make an informed choice about implementing a particular option at this stage –

Stage 2: decide between preferred option(s) or status quo

The second decision to be made is the substantive decision on the implementation of an option after doing due diligence and planning. At this stage, the Council and Trust would again engage with community sharing what they learnt in the due diligence and planning process and what they now consider to be the best option going forward. This may be to retain the status quo.

This second round of consultation would require a substantial level of detail and would include a revised Long-Term Plan. It would show the structures, ownership and operations of each asset/service along with financial and service delivery models.

The consultation for this phase should outline the preferred option in detail and seek to understand if the community agrees with the preferred option or the status quo. It should gather information about any issues or concerns the community and partners have about the detailed option.

How will the community inform these decisions?

Public participation can range from inform to empower. As the decisions to be made are significant, complex and require a high level of technical knowledge it is not considered appropriate to fully empower the community to make the decision themselves. It is the Elected Members and elected Trustees responsibility to make decisions on behalf of the community in the best interests of the community.

Therefore, it is suggested that the overall consultation approach sits between consult and involve on the spectrum of public participation:

INCREASING IMPACT ON THE DECISION					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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This means engaging in two-way communication and letting the community know that their input genuinely matters to the outcome. However, it is important to be clear that elected members and trustees are not going to make decisions by referendum or overall community consensus.

Who are we engaging with?

There are three main groups to engage with:

- The Chatham Islands community
- Iwi and Imi
- The Crown via DIA as well as directly with Ministers

Additionally, there is value in hearing from those who have connections to the Chatham Islands though are not residing in the Chatham Islands.

Engagement methods

Both entities agree to consult together in partnership. This means that they both send out the same information, with the same questions and that they are both represented in any in-person meetings.

Engagement with Iwi/Imi should be undertaken kanohi-ki-te-kanohi and following appropriate tikanga. Iwi and Imi should be invited to express how they would like to work in partnership with any new or changed entities in accordance with any existing partnership arrangements.

Stage 1

The initial consultation document with a link to the survey will be distributed by:

- Maildrop
- Facebook
- Notice board posters

- CCF newsletter

Engagement will be held through community workshops with sector groups including township visits at Kaingaroa, Owenga and Pitt Island. Council will host a drop-in session at their offices, as well as a zoom meeting.

Stage 2

For Council this will need to be done as a revised Long Term Plan consultation. The Trust may wish to use the same timelines but with their own documentation about the changes to the Trust.

Timelines

Stage 1

Name	Dates
Decision to go out to consultation	19/12/2024
Consultation with Iwi/Imi	20/12/2025 - 20/01/2025
Undertake consultation with community	20/01/2025 - 07/02/2025
Summarise consultation feedback	07/02/2025 - 14/02/2025

Stage 2 – TBC



The future of the Chatham Islands Council and the Chatham Islands Enterprise Trust



Setting us up for a prosperous future

The Chatham Islands Enterprise Trust (the Trust) and Chatham Islands Council (the Council) aim to create thriving and sustainable islands for both current and future generations to enjoy. However, both organisations face tough challenges in providing affordable and accessible infrastructure services available to the community.

We have decided to work together to tackle some of these challenges in a united, whole-of-island way. The aim of this work is to improve the cost of living on the islands, improve the services available and provide further long-term stability for a more prosperous future.

We plan to do this by taking a critical look at the current structures of ownership, delivery and governance of each of the assets or services we run for the community and consider if these could be better delivered in a unique way. This is an opportunity for self-determination and will be Island-led.

Below are some questions and answers regarding the process and how you can have your views heard.

What's wrong with the status quo?

As well as the cost of living and reliability of the services, the main problems we are trying to solve are:

- The double up of roles and effort between the Trust and Council such as in administration and management
- Low population and low economic growth, in part due to the poor quality and high cost of infrastructure like electricity and shipping
- The lack of whole-of-island strategic priority over what is proposed for funding by government meaning infrastructure with less priority gets funded when there are likely more urgent priorities
- The ad-hoc approach to grant funding where asset maintenance, depreciation, insurance or operating costs are often underfunded or unfunded. This risks future liabilities not being well understood or planned for
- Confusing distribution of roles and responsibilities between the two entities (for example, both entities are responsible for two ports each)
- A lack of competition in many services, this includes a lack of competition in procuring the long-term contracts for services for the Islands

Continuing with the current status quo is an option. The status quo may involve more risk than producing an alternative way of doing things to set up the islands for the decades ahead.

What are the Council and Trust trying to achieve with the changes?

The following principles guide us in this work:

- Simplified and reduced governance structure enabling accountability and transparency
- Localism in decision-making and a reduced role for the Crown in the day-to-day affairs on the Chatham Islands
- The application of the best expertise available, including public or private sector, to address the challenges faced by the community
- Effectiveness and efficiency in service delivery
- Reduced duplication and unnecessary costs
- Most appropriate asset ownership for least cost delivery of services and maximum level of service for residents
- A long-term perspective

Why now?

There are three main factors are driving the need to look at this urgently:

- Increasing community concern on the cost of living and the level of service being provided to the Island by deteriorating assets;
- Concerns voiced by Trustees of the Trust regarding their increasing personal liability; and
- The need for integrated and aligned thinking of the island's decision-makers, including enabling a clear and consistent voice for engaging with the Crown.

What are we considering?

We are considering four options. The first option was created by the Review Panel, a group of three panel members who were appointed by the Trust and Council together (Hon. Chris Finlayson KC, Alfred Preece and Tim King). The next three options were created in an Options Report to fulfil the requirements of the Local Government Act for considering a range of alternatives. The Options Report was created by Agite Consulting.

All four options are outlined at high level as more work needs to be done to understand the risks, opportunities, costs, benefits and implications of each option in detail. This work is proposed to be done after community consultation should the entities decide to proceed with doing due diligence on a preferred option.

Option 1: Greater collaboration

This option is similar to the status quo but with greater collaboration between the Council and Trust. It would involve keeping the Trust and Council as separate entities but locating them in the same building and having more joint meetings. It also includes simplifying the governance structure of the Trust and appointing a Crown Observer to the Council. This option was developed by the Review Panel and is based on the earlier Hugh Rennie Report recommendations.

Key benefits:	Key costs:	Key risks:
▪ Simple to implement – little change to the status quo. ▪ Co-location and greater collaboration across the CIC and CIET should improve the relationship between entities ▪ There is a possibility of some efficiencies including simplifying the Trust governance.	▪ This structure retains a high number of governance roles and potentially retains the complicated Trust governance model. ▪ It does not substantially reduce inefficiencies. ▪ Is unlikely to set the Islands up to deliver lower-cost public services in the future. ▪ No new injection of capital or expertise to run commercial ventures.	▪ A key risk is that the on-island entities are not set up to deliver more efficient and effective public services. ▪ That there is an additional burden on the Crown to monitor activities on the island with the use of a Crown Observer. ▪ Quota revenues continue to subsidise poorly structured businesses.

Option 2: Create a new fit-for-purpose entity

Through workshops to date, the Council and the Trust have identified a preference for working together to create a singular entity. That is, there will be only one organisation to own public assets and deliver services on the Islands.

This option is bringing together of the Council and the Trust to create one, efficient, purpose-built on-island entity. The entity will continue to be a Council under the Local Government Act and Chatham Islands Council Act.

A 'Council Controlled Organisation' (CCO)– effectively a company owned by the Council would be created to own assets. The company would have a Governance Board of people who have the requisite skill, knowledge and experience. The Board would be accountable to and appointed by the Council, who are in turn elected by the community.

All assets that the Trust owns and manages will be assessed on a case-by-case basis to determine the most appropriate asset ownership, operations and funding mechanisms. It is expected that most of the assets would be owned by the CCO or by a combination of a CCO and the government, but the private sector or other forms of ownership should also be considered where this will improve the delivery of services. The operations would be managed either by the Council Controlled Organisation or contracted out. The decision criteria for where operations would sit should be based on the least cost delivery and maximum level of service.

It is proposed that the Trust will continue to own the existing fisheries quota, with annual revenues from the existing fishing quote to be used only to support the economic development of the community. It is intended that the fisheries quota will be held in perpetuity on this basis.

Key benefits:	Key costs:	Key risks:
▪ Efficient use of resources with combined activities. ▪ Unified on-island provision of services. ▪ Bring additional capacity and expertise for some contracted services that may be better served by the private sector. ▪ Reduced and simplified governance model. ▪ Simplified and collaborative relationship with central government.	▪ Loses separation between Council and Trust activities, which need to be managed carefully within one entity ▪ One off Legal and HR costs of the restructure of Council and a wind-down of the Trust. ▪ The change process will require dedicated and intensive workstreams and will take time to set up and bed in. ▪ Change is always unsettling and can be hard to predict	▪ Loads one organisation with more balance sheet risk. ▪ Contracting out of some provisions may result in a loss of control over key critical public services if contracts are poorly conceived or managed. ▪ Low market interest leading to a lack of innovation or competitive bidding for the services. ▪ Changes to the Chatham Islands Council Act are required, there

Key benefits:	Key costs:	Key risks:
	what costs might arise as a result.	may be difficulty in getting legislative change through Parliament. There is some uncertainty about the legal arrangements required to implement this option.

Option 3: Contractual outsourcing

This structure centres around the contractual outsourcing of operations for both Council and the Trust. The Council and Trust would remain two entities but with some shared services such as professional support. The Trust would be simplified into one asset-owning entity, with no subsidiary companies.

Ownership would remain with the current entities. However, both entities would contract out the asset management and maintenance across their various functions in partnership. This is likely to be either a few contracts, or potentially a consortium of private companies to service the island's needs. The contracts would be put to market to find an outsourcing partner with a mix of asset management, planning, capital project delivery, and maintenance/delivery expertise application. The entities would combine resources to manage the contract(s) for service delivery.

Key benefits:	Key costs:	Key risks:
- Outsourcing should ensure that experienced operators are operating the services. This is likely to bring efficiency benefits which may or may not bring lowered costs. - Some professional support service sharing between the CIC and CIET	Contract management of outsourced contracts will require capacity and capability in the Council and the Trust which may result in additional resources than if those activities were directly undertaken by the Council/Trust.	- Loss of control over key critical assets for term of the contract. - A lack of capability and capacity to effectively contract manage all or most of the key assets. - Loss of institutional knowledge in fewer people on-

Key benefits:	Key costs:	Key risks:
- will bring efficiencies. ▪ Defined outcomes with risks being transferred to the maintenance alliance to manage.	▪ It is possible that services cost more due to margins by third-party contractors. ▪ There will be human resource costs of the restructuring of Council and Trust, including subsidiary companies.	island with succession risks.

Option 4: Amalgamation with another Council

This option involves both the CIC and CIET amalgamating into a larger Council. There would be no on-island entity, however, there could be an on-island office as a 'branch' office of the larger home entity.

Some assets could be held in a Chatham Islands-specific Council Controlled Organisation (or similar) which could have an on-island General Manager.

The governance structure would depend on the structure of the unitary authority it amalgamated with.

The quota dividends could be ring-fenced for economic development.

Key benefits:	Key costs:	Key risks:
▪ This option would provide a range of local government and commercial expertise to the Chatham Islands. ▪ It may, or may not, reduce costs from efficiencies gained by being within a larger organisation. ▪ Government may perceive this as reducing their	▪ There is likely to be a loss of institutional knowledge and skills from the Islands. ▪ There may be an increased cost for airfares and accommodation for Council staff flying to and from Chatham Islands.	▪ The loss of direct control and connection to the Council's activities is likely to erode the sense of local democracy. ▪ There is a risk that no unitary authority or suitable district and Regional Council combination is willing to take on the Chatham Islands

Key benefits:	Key costs:	Key risks:
risks and increasing efficiency.		Council and Trust functions. ▪ This option would likely require a referendum and thus be a lengthy process with no guaranteed outcome.

What next?

The Council and Trust will gather all the feedback from the community to help inform the preliminary decision on whether to continue with this process, and if so, what the preferred structure is.

Each organisation will then do due diligence on the implications, risks, costs and benefits of shifting to the preferred structure. The due diligence will include legal, financial and regulatory assessments to determine what options or limitations are available for service delivery, ownership and governance. Both entities will need to fulfil consultation requirements of any detailed option proposed, including a consultation on a revised Long-Term Plan by the Council and for the Trust to meet the requirements of its Trust Deed.

This current consultation is to help inform the elected members' and Trustees' decision on whether to take the next steps in investigating, designing and developing a preferred option. A further decision will be required in the future (likely mid 2025) on whether to implement that option.

Do you need more information?

If you would like to see further background information and reports, please contact either the Council or the Trust.

We encourage you to come to our drop-in sessions, give us a call or send us an email if you have any questions.



Chatham Islands Future

Future of the Chatham Islands Council and Enterprise Trust

This survey is designed to ask people who have a stake in the future of the Chatham Islands their views on how to deliver better outcomes for the future.

The Council and Enterprise Trust are considering how they can best deliver services to residents of the Islands, now and in the longer-term future. The focus is on making the Islands a more affordable place to live, with a resilient community, an economy that is growing and creating opportunities for people, and where there is a better future for people who live on the Islands.

It asks questions about the following:

1. What problems or issues are most important to you?
2. What principles should guide Councillors and Trustees as they consider how these two entities should work together to deliver a better future for Islands residents;
3. What would you like to see in a plan for the future of the Chatham Islands that starts with today, and that looks out over a 30 year period.

The survey should take around 10-15minutes to complete. Thank you for taking the time to answer the survey.

Monique Croon (Mayor, CIC) and Hamish Chisholm (Chair, CIET)

1. Please provide your name (leave this blank if you prefer to be anonymous)

First name

Last name

* 2. Which of the following best describes you?

- | | |
|---|--|
| ☐ Resident of Chatham Island | ☐ Stakeholder in service delivery on the Chatham Islands |
| ☐ Resident of Pitt Island | |
| ☐ Non-resident but have family on the Chatham Islands | ☐ None of the above |

3. Which of the following best describes your connection to the Chatham Islands?

- | | |
|---|--|
| ☐ I have lived on the Chatham Islands for less than 5 years | ☐ My whanau / family has lived on the Chatham Islands for multiple generations |
| ☐ I have lived on the Chatham Islands for more than 5 years | ☐ Prefer not to say |
| ☐ I have lived on the Chatham Islands my entire life (apart from leaving for school and training) | |

4. What is your gender?

- ☐ Male
- ☐ Female
- ☐ Other
- ☐ Prefer not to answer

5. What is your age group?

- ☐ Under 18
- ☐ 18-24
- ☐ 25-34
- ☐ 35-44
- ☐ 45-54
- ☐ 55-64
- ☐ 65 and above
- ☐ Prefer not to say

6. Do you identify as:

- | | |
|---|--|
| ☐ Māori - Ngāti Mutunga o Wharekauri | ☐ NZ European |
| ☐ Moriori | ☐ Other |
| ☐ Māori - other iwi | ☐ Prefer not to say |

7. What is your primary occupation

- ☐ Farmer, or involved in farming sector
- ☐ Fisher, or involved in fishing sector
- ☐ Tourism operator
- ☐ Services (professional, tradesman, infrastructure)
- ☐ Social Services (health, teaching)
- ☐ Conservation and biosecurity
- ☐ Other (please specify)

8. If you are a stakeholder, please specify your role or connection to the Chatham Islands.



Chatham Islands Future

This section seeks your views on the most important issues facing the Chatham Islands

9. When you think about the future of the Council and the Trust, which of these things are important to you?

Strongly Disagree Disagree Neutral Agree Strongly Agree

Simplified and reduced governance structure enabling greater efficiency, accountability and transparency.	☐	☐	☐	☐	☐
Allowing the Chatham Islands community to be self-reliant and to have greater confidence in the funding and delivery of public services.	☐	☐	☐	☐	☐
Recognise the importance of the Crown as a strategic partner.	☐	☐	☐	☐	☐
Deliver greater local leadership, responsibility and accountability for the day-to-day affairs of the Chatham Islands.	☐	☐	☐	☐	☐
Apply the best expertise available, including public or private sector, to address the challenges faced by the community.	☐	☐	☐	☐	☐
Effectiveness and efficiency in service delivery.	☐	☐	☐	☐	☐
Reduced duplication and unnecessary costs.	☐	☐	☐	☐	☐
Financial and operational sustainability of the entities.	☐	☐	☐	☐	☐
Improved affordability of services, and reduced cost of	☐	☐	☐	☐	☐

living for the
community.

Increased
resilience of the
community

☐☐☐☐☐

Infrastructure is
owned by
whoever can
enable least cost
delivery of
services and
maximum level
of service for
residents.

☐☐☐☐☐

A long-term
perspective that
benefits the
current and
future
inhabitants of
the Chatham
Islands.

☐☐☐☐☐

Other (please specify)

10. Please rate each of the following services on the island

	Poor	Okay	Good	Excellent	Not available to me
Water Supply	☐	☐	☐	☐	☐
Wastewater / sewerage	☐	☐	☐	☐	☐
Electricity	☐	☐	☐	☐	☐
Freight (by air)	☐	☐	☐	☐	☐
Travel off island (by air)	☐	☐	☐	☐	☐
Freight (by ship)	☐	☐	☐	☐	☐
Roads	☐	☐	☐	☐	☐
Community facilities (e.g. sports fields, halls)	☐	☐	☐	☐	☐
Communications (phone/internet)	☐	☐	☐	☐	☐
Education (on island)	☐	☐	☐	☐	☐
Health Services (on island)	☐	☐	☐	☐	☐
Fuel Supply (Petrol)	☐	☐	☐	☐	☐
Fuel Supply (Diesel)	☐	☐	☐	☐	☐
Grocery Delivery (on-island)	☐	☐	☐	☐	☐
Grocery Delivery (off-island)	☐	☐	☐	☐	☐
Banking	☐	☐	☐	☐	☐
Biosecurity control	☐	☐	☐	☐	☐
Pest control (weed and feral animal)	☐	☐	☐	☐	☐
Council Services generally	☐	☐	☐	☐	☐
Enterprise Trust services generally	☐	☐	☐	☐	☐
Visitor accomodation	☐	☐	☐	☐	☐
Hospitality (bar/restaurant/eating out)	☐	☐	☐	☐	☐

Comment

11. What are the most important issues for you

12. The Council and the Trust are considering options for the future. Would you like to see any of the following:

- ☐ The Chatham Islands needs both a trust and a council, but they should work more closely together
- ☐ The Chatham Islands doesnt need two organisations, and they should merge together
- ☐ The Chatham Islands isn't big enough to govern itself, and we should instead be a ward of another Council from New Zealand
- ☐ The Chatham Islands should make much more use of expertise from New Zealand to deliver services
- ☐ Other (please specify)

13. If the Council and Trust were to remain as separate entities, but continued to work closer together, what do you think are the main risks and opportunities

Risks

Opportunities

14. If the Council and Trust merged together what do you think are the main risks and opportunities

Risks

Opportunities

15. If the Council and Trust services were to be provided by a mainland Council (amalgamation) what do you think are the main risks and opportunities

Risks

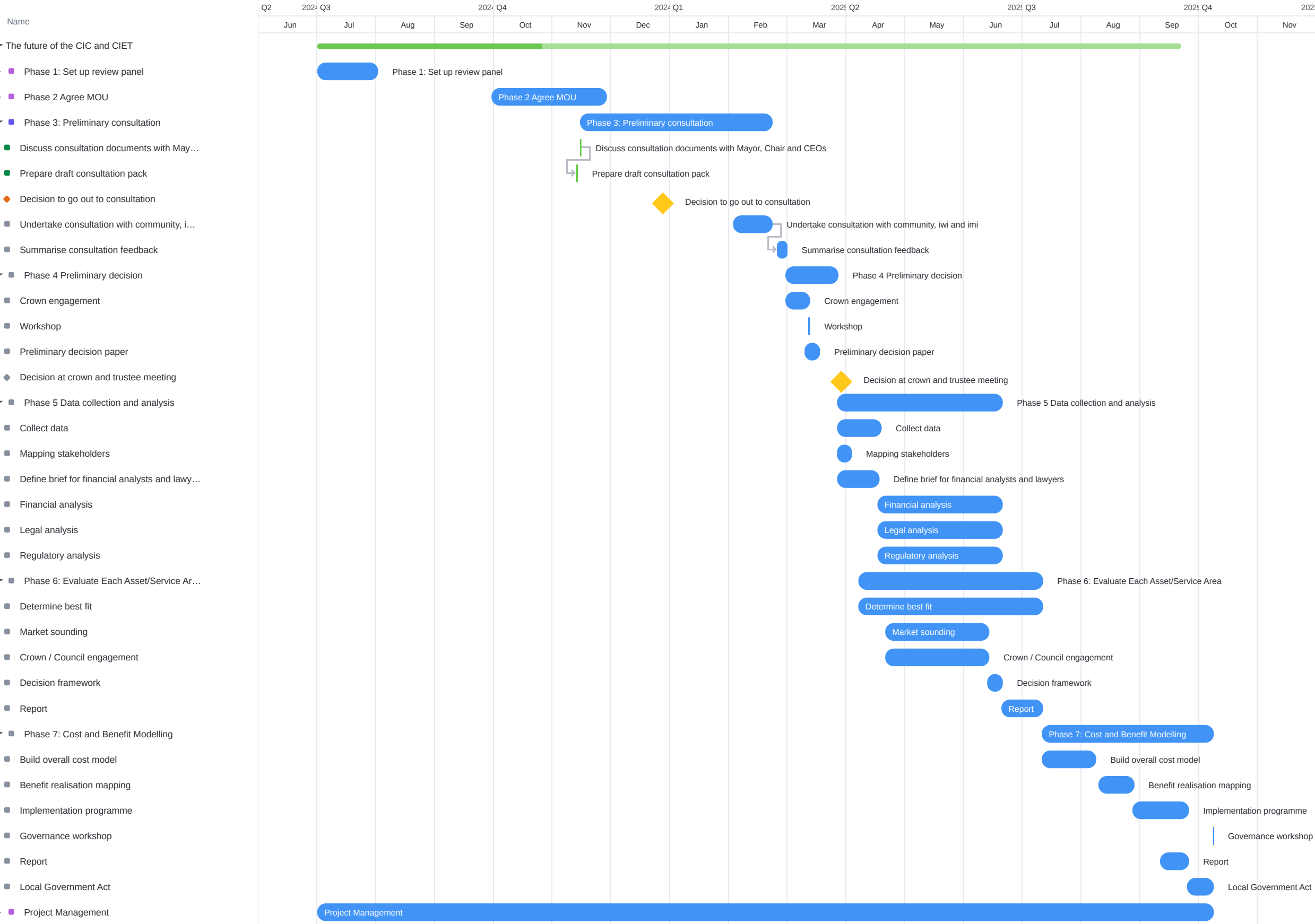
Opportunities

16. If the Council and the Trust were to bring in more private sector market expertise to run services for the community what do you think are the main risks and opportunities?

Risks

Opportunities

17. Is there anything else you want to tell us?





10. Policies & Bylaws

10.1 Policies for Adoption

Date of meeting	19 December 2024
Agenda item number	10.1
Author/s	Colette Peni, Operations Manager

Purpose

Decision paper to adopt the following policies –

- CIC Conflict of Interest (Including Gifts & Koha) Policy
- CIC Bullying, Harassment and Discrimination Policy
- CIC Bullying, Harassment and Discrimination Guidelines
- CIC Fraud, Corruption and Whistleblowing Policy

Recommendations

THAT the Chatham Islands Council Stock adopt the following policies –

- **CIC Conflict of Interest (Including Gifts & Koha) Policy**
- **CIC Bullying, Harassment and Discrimination Policy**
- **CIC Bullying, Harassment and Discrimination Guidelines**
- **CIC Fraud, Corruption and Whistleblowing Policy**

Background

Attached to this report are policies as recommended by AuditNZ and legal advice.

CHATHAM ISLANDS POLICY

MANAGING CONFLICT OF INTEREST (INCLUDING GIFTS & KOHA)

EFFECTIVE DATE: [Month] 2024

POLICY OWNER: [Insert owner]

POLICY STATEMENT

To ensure Chatham Islands Council (**Council**) conducts its business in an open and impartial manner, Council's integrity must not be influenced (actual or perceived) through a conflict of interest, including through the acceptance of gifts, payment of koha, or other favours.

A conflict of interest exists where the duty or responsibility to Council could be affected by some other personal interest or duty. Where a member of staff believes they have a conflict of interest, it must be reported and documented as provided in the guidelines and procedures associated with this policy.

A conflict of interest may also extend to circumstances where staff receive a gift or favour from another organisation or individual(s). To ensure impartiality, any gift or favour accepted must follow the guidelines and procedures associated with this policy.

PURPOSE

To provide clear policy and guidelines on the managing of conflict of interests, including the giving or receiving gifts, koha or favours to/from external suppliers, clients or customers.

APPLIES TO

All employees of Council.

DEFINITIONS

A conflict of interest arises where the commitments and obligations owed by an individual member of staff to the Council are likely to be compromised or may appear to be compromised. This conflict may extend to a situation where the self-interest conflict is with a business, organisation, close family member or friend.

Conflicts of interest may be financial or non-financial or both.

Additional direction is provided in the guidelines and procedures associated with this policy including appendix one.

A gift is an item or service given without payment or heavily discounted. This may include but is not limited to: entertainment, favours, prizes, rewards, personal discounts, preferential treatment or other similar gratuities.

Koha is defined as the practice of bestowing a gift where the recipient has neither stipulated that it be given, nor has any expectation of receiving it.

Koha in cultural terms reflects giving a gift to another individual, party or group where the recipient is not obliged to provide services in exchange. Traditionally koha has taken many forms but in more recent times it has tended to be in the form of money.

Offering of Koha - see guidelines for where koha is appropriate.

Donations

Council should not be making donations to external organisations unless it has approved these donations through either an Annual Plan or Long-Term Plan.

This policy does not include:

- Gifts to employees e. g. long service, birth, family bereavement or sickness gifts.
- Hospitality expenditure.

RESPONSIBILITIES

Managers:

- Ensuring staff are aware of the policy and the guidelines accompanying it.
- Ensuring identified conflicts of interest are appropriately reported and managed, including the receipt and giving of gifts.

Staff:

- Understanding and abiding by the policy.
- Declaring any known or potential conflicts of interest.
- Following the processes set out in this policy for receiving and giving gifts.

Finance:

- Maintaining a gifts register.

Human Resources

- Assessing conflict of interest risk and identifying mitigating action if necessary (in conjunction with the Chief Executive Officer).

ADHERENCE TO POLICY

All staff shall adhere to this policy at all times.

This policy is breached if any aspect of this policy is not met, including, but not limited to, circumstances where a staff-member has a conflict of interest and does not meet the requirements of this policy.

If this policy is breached, Council may commence a disciplinary process against the staff-member concerned.

MONITORING AND REVIEW

Monitoring of this policy is the responsibility of the Chief Executive Officer and will occur every three years or earlier in response to legislation or good practice. Any suggested amendments will be referred to the policy owner.

REFERENCES

This policy should be read together with the following other policies and processes:

- Fraud, Corruption and Whistleblowing Policy
- [insert other applicable policies]

POLICY AUTHORISATION

Version	CE Approval	Date	Key Changes
1.0			New Policy.

GUIDELINES AND PROCEDURES

The following guidelines and procedures should be read in conjunction with the managing conflict of interests (including gifts) policy.

The guidelines aim to improve understanding of the processes and procedures in the circumstances a conflict of interest is identified, including circumstances where a gift is to be accepted or given.

Benefits of recording conflict details in employee personnel files

Local government organisations are often subject to intense scrutiny, particularly related to decision making. Creating a robust conflict management system acts as a safeguard for staff by protecting them against any allegation of impropriety. If properly managed, activities can usually proceed as normal whilst at the same time upholding the person's obligations to the Council, protecting the integrity and reputation of the Council and its staff.

Conversely, conflicts which are not managed effectively may jeopardise the Council's public standing and may cause serious damage to the reputation of the Council and of the individual(s) concerned.

The principles of a justified business purpose, moderate and conservative expenditure, and acting with integrity and preserving impartiality are particularly relevant when a conflict is identified, including where a gift is accepted.

A conflict-of-interest policy is intended to help ensure that when actual or potential conflicts of interest arise, Council has a process in place to identify and manage any interest.

Process of managing conflicts of interest:

The procedure associated with treating actual or perceived conflicts of interest includes:

- staff are required to recognise and disclose activities that might give rise to conflicts of interest or the perception of conflicts and to ensure that such conflicts are seen to be properly managed or avoided.
- disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived.
- Where a staff member considers they may have a conflict of interest; they should discuss the situation with their manager in the first instance. Staff are to err on the side of openness and caution when deciding whether something should be disclosed. Some examples of conflicts of interest are noted in appendix one.
- After raising the issue with their manager, any identified conflict is to be documented in the employee's personnel file and the worker interests register (at appendix two). The manager is to notify the Chief Executive Officer, if appropriate, once the disclosure is complete.
- If the staff member is concerned that the Chief Executive Officer is involved in the conflict of interest, or it would otherwise be inappropriate for the Chief Executive Officer to be notified, the manager is to notify the Chair of Council's Performance, Audit and Risk Portfolio Committee (PARC).
- If the Chief Executive Officer considers they have a conflict of interest, they are to directly disclose the matter to, and notify, the Chair of PARC.
- The staff member's manager in conjunction with the staff member and relevant human resources and/or legal personnel (if required) are responsible for managing any risks associated with the conflict by identifying the appropriate action to avoid or mitigate any effects of the conflict. *Section 4- Managing conflicts of interest; Guidance for public entities-OAG.*

Process of managing

If a staff-member receives a one-off gift from a person/organisation as a result of employment with Council, the staff member may accept the gift if it does not

receipt of gifts: influence their impartiality or integrity and the value of the gift is not notable (below \$50). If the value of the gift is notable (above \$50) the staff member must seek authorisation to receive the gift and the gift must be disclosed in the gift register. For clarity, where a gift is of nominal value (below \$50) and openly distributed by suppliers (such as pens, calendars, cups) a disclosure is not required. However, where several gifts are received from the same person or entity the value of the gifts will be cumulative for the purposes of compliance with this policy.

Process of giving gifts Council staff cannot not give gifts or favours to a person who has a client relationship with Council, unless in exceptional circumstances the person/client has surpassed expectation. In such circumstances, written approval for the gift is required from the staff member's manager where gifts are up to the value of \$50, or from the CEO where gift value is in excess of \$50.

All gifts to the person/client must be recorded in the gift register.

Offering of Koha

Council's staff may need to attend pōwhiri / t'hokohokomauiāhiri and hui / huinga on local marae. They need to be aware of the correct etiquette of giving koha and when to give it.

The circumstances in which koha may be appropriate include:

Hui / Huinga / Gatherings

Invitations may be made to Council staff to attend hui / huinga. Representatives attending such hui / huinga should provide a koha to the marae hosting the gathering which assists with costs such as electricity, catering and general upkeep of the marae. The level of koha will be dependent on the importance and extent of the gathering that is being held.

Tikanga / Tikane Services

There are times when Council requests the support of kaumātua / rangata mātua or similarly qualified individuals to undertake tikanga / tikane (protocols) for a specific Council project or event. Circumstances such as pōwhiri / t'hokohokomauiāhiri (welcomes), poroporoāki (farewells), the blessing of new buildings (whakatuwhera), unveilings of signage/statues/artwork, the opening of an exhibition or similar events could require tikanga Māori / tikane Moriori to be undertaken by someone with the suitable skills and knowledge of tikanga / tikane and te reo Māori / ta rē Moriori. In such circumstances where cultural support is required, the gifting of koha is an appropriate acknowledgement of the support provided to Council.

Who gives the koha

On the marae, on most occasions the koha is given by the last manuhiri speaker, after the waiata / rongo (song) to support the final manuhiri speaker. The koha, (in an envelope), is laid down on the marae in front of the manuhiri. A host representative will pick the koha up, sometimes after a karanga or chant of gratitude has been expressed.

For visits where a formal welcome (pōwhiri / t'hokohokomauiāhiri) is not carried out, then the koha is tendered by manuhiri (visitors) at the conclusion of the meeting when their senior spokesperson delivers their concluding speech of acknowledgement prior to departure.

How much should be given?

He mea tuku i runga i te aroha

An unconditional gift

While cost is an important factor in any hui / huinga, it is not, nor was it ever, the basis on which amount of koha was determined.

At times Council will hire the use of a marae. If a pōwhiri / t'hokohokomauiāhiri takes place the attendees are encouraged to provide a personal koha. The personal koha acknowledges the tāngata whenua (people of the land) and their ability to protect the integrity of the pōwhiri / t'hokohokomauiāhiri process.

This table provides a guide when giving koha.

Occasion	Suggested amount (minimum)
Invited to attend a formal hui / huinga at a local marae. Those attending a formal hui / huinga are encouraged to provide a personal koha in addition to the existing koha that may be provided by Council.	\$200

Financial administration

Any gifts or koha from Council must be approved by the Chief Executive Officer or the Operations Manager. Purchase orders for gifts / koha will be raised in Council's finance system.

Finance staff can arrange payment promptly for unexpected occasions as long as appropriate signatories are available (senior leader level).

Further information

Inland Revenue rules - The IRD IR278 Guide to Payments and Gifts in the Māori Community.

Controller and Auditor-General – Controlling sensitive expenditure Guide for public organisations (Part 9: Other types of expenditure).

Appendix one

Additional guidance on types of conflict of interests

A conflict of interest can arise in a wide range of circumstances. The "other interest" that overlaps with the official role might be financial or non-financial. It might be professional or personal. It might be commercial or charitable. It might relate to a potential advantage or disadvantage.

It might relate to the staff-member themselves, or another person or organisation with whom they are closely associated. It might be something the member is actively involved in, or something they have no control over. It might arise from a longstanding, or something that has only just happened.

For instance, the staff-member's other interest could include, but are not limited to;

- holding another public office;
- being a current or (recent) former employee, advisor, director, or partner of another business or organisation;
- pursuing a business opportunity;
- being a member of a club, society, or association;
- having a professional or legal obligation to someone else (such as being a trustee);
- owning a beneficial interest in a trust;
- owning or occupying a piece of land;
- owning shares or some other investment or asset;
- having received a gift, hospitality, or other benefit from someone;
- owing a debt to someone;
- holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue; including any prejudice against different ages, abilities, ethnic origin, religion, gender or sexual orientation;
- an interest in a matter that results in advocating or submitting a position, particularly if different to that of the Council;
- being a relative or close friend of someone who has one of these interests, or who could otherwise be personally affected by a decision of the public entity.

The question to keep in mind is "Whether a worker's or office holder's duties or responsibilities to a public organisation could be affected, or could be perceived to be affected, by some other interest or duty that the worker or office holder may have".¹

Specific conflict of interest examples, which would require completion of the conflict-of-interest form, include, but are not limited to, where staff:

- are involved in a decision to appoint or employ a person with whom the staff member has a personal or private relationship (familial or otherwise);
- decisions about, responsibility for, or involvement in, the management of a person with whom the staff member has a personal or private relationship (familial or otherwise);
- are conducting business on behalf of Council with a person, company or organisation with whom the staff member has a personal or private relationship (familial or otherwise);
- own shares in (or are working for) particular types of organisations that have dealings with (or that are in competition with) Council;
- influencing or deliberating on a public consultation process where they or a relative have made a personal submission;
- influencing or participating in regulatory decisions (such as to grant a consent, certificate or permit) where the staff member has a private relationship or connection to the applicant, or a person or organisation that submits on the application (whether for or against);

¹ Extract from "Managing conflicts of interest: A guide for the public sector". Office of the Controller and Auditor-General, 2020.

- investigating a complaint where the worker has a personal or private relationship (familial or otherwise) with either the complainant, any witness or witnesses, or the person or entity complained about;
- accept gifts in connection with their official role; or
- influence or participate in a decision to award grants or contracts where the staff is connected to a person or organisation that submitted an application or tender.

Where a staff-member is unclear whether the relationship constitutes a conflict of interest, they should err on the side of caution and discuss the matter with their manager.

DRAFT

Appendix Two

Worker Interests Register

Date identified	Staff Member	Staff Title	Details of interest (including the Title of the Entity Involved with)	Risk Assessment (H/M/L)	Treatment	Follow up required (Y/N)	Date resolved



BULLYING, HARRASSMENT AND DISCRIMINATION POLICY

PURPOSE

I'd suggest having a Te Reo /Mori introduction that reflects the English statement below – we would need guidance this

To support a safe, supportive, fair and inclusive work environment for everyone, by reinforcing expectations around positive, values aligned behaviours and by acting to minimise the risk that kaimahi are exposed to, or affected by harassment, bullying or discriminatory behaviours.

To reduce incidents of poor behaviour, or if behaviours and actions occur that are not aligned to our culture, Code of Conduct, and Values, we will ensure that kaimahi:

- Are able to recognise unacceptable behaviour and how to address it.
- Understand the impacts of harassment, bullying or discrimination, which can include both impacts on individuals and the organisation including:
 - individuals experiencing performance or health problems, loss of self-esteem or self-confidence; and/or
 - impacts on the organisation such as a drop in morale, rifts within the workplace as people take sides, increased staff turnover or retention issues, or financial and productivity losses for all parties.
- Recognise, understand and are able to effectively minimise the likelihood of harassment, bullying and discrimination occurring either at work or through channels external but connected to work, (such as social media, email, or social events).
- Know what options exist to resolve situations of alleged bullying, harassment or discrimination.
- Are informed, supported and able to take appropriate action using either informal or formal resolution.

APPLIES TO

This policy applies to all kaimahi, external labour, contractors, volunteers, and consultants of Council.

DEFINITIONS

Bullying

This definition is adopted from WorkSafe's good practice guidelines, "Preventing and Responding to Bullying at Work".

Workplace bullying is:

- **Repeated** and **unreasonable** behaviour directed towards an individual or group of kaimahi that can lead to physical or psychological harm.
 - **Repeated** behaviour is persistent (occurs more than once) and can involve a range of actions over time.
 - **Unreasonable** behaviour means actions that a reasonable person in the same circumstances would see as unreasonable. It includes victimising, humiliating, intimidating or threatening a person.

- Bullying may also include harassment, discrimination, or violence (See Appendix 1 for examples).

Harassment

Harassment, including racial and sexual harassment, may exist on its own or may form part of bullying. It typically involves an act or behaviour that is repeated or significant to the extent that it has a detrimental effect on a person's dignity, welfare or privacy (See Appendix 1 for examples).

Discrimination

Discrimination includes conduct, action or inaction, which is likely to result in less favourable treatment, or create a less favourable environment, for any person/group than for another under similar circumstances.

The prohibited grounds for discrimination, as set out in the Human Rights Acts 1993 are:

- Sex (including pregnancy and childbirth),
- marital status,
- religious belief,
- ethical belief,
- colour,
- race,
- ethnic or national origins,
- disability, age,
- political opinion,
- employment status,
- family status,
- sexual orientation (including gender identity),
- and/or being affected by family violence.

Other

Other behaviours, including one-off incidents of unreasonable behaviour may still be out of alignment with Council Values and may constitute misconduct.

If you are concerned about behaviours, you have experienced or witnessed, you should talk with your manager in the first instance.

Kaimahi

Kaimahi includes all kaimahi, external labour, contractors, volunteers, and consultants of Council.

APPENDIX 1

TYPES OF BULLYING

Bullying behaviours generally fit into two categories, either:

Personal (Direct)

Examples include:

Intimidation, threats of violence, physical attacks, being shouted at, abusive/offensive language, ridiculing, belittling remarks, lies being told, sense of judgement questioned, tampering with personal effects/property, suggestive glances, unwanted sexual approaches, intruding on privacy, persistent or public criticism.

Task-related (Indirect)

Examples include:

“Setting up to fail”, meaningless tasks, constant criticism of work, excluding-isolating/ignoring views, withholding or concealing information required to complete a task, changing goal posts or targets, supplying incorrect or unclear information, making hints or threats about job security, undervaluing contribution— taking credit for work not own/not giving credit due, working below competence— removing responsibility/demotion, etc.

Further examples of Workplace Bullying can be found on the WorkSafeNZ website.

Workplace bullying is not:

- One- off or occasional instances of forgetfulness, rudeness or tactlessness.
- Setting high performance expectations and holding kaimahi accountable to those expectations.
- Constructive feedback and legitimate advice or peer review designed to improve work performance or the standard of behaviour.
- A manager expecting reasonable verbal or written work instructions to be carried out.
- Warning or disciplining kaimahi in line with Council’s Code of Conduct, Values, and disciplinary procedures.
- A single incident of unreasonable behaviour.
- Reasonable management actions delivered in a constructive way.
- Differences in opinion or personality clashes that do not escalate into harassment, bullying or violence. Making informed management decisions that a worker may disagree with.

HARASSMENT

As with any form of bullying or harassment, negative behaviours may be deliberate or unintentional. The key question to consider with harassment is “what is the effect on the person subjected to the conduct?”.

Racial Harassment

Racial harassment involves the use of language, visual material or physical behaviour that may directly or indirectly express hostility against or ridicule a person on the grounds of their race, skin colour, ethnic or national origins.

Sexual Harassment

Sexual harassment involves any physical or verbal sexual behaviour that is unwelcome, uninvited and unwarranted or offensive to a person, and that by its nature or through repetition, has a detrimental effect on that person.

It can arise from sexually oriented jokes, innuendo, unnecessary physical contact, invitations for outings, requests for sex, displays of offensive materials, posters or graffiti, derogatory comments, offensive messages, emails or telephone calls.

Other Forms of Harassment Described Under the Human Rights Act

Other instances of harassment include making negative or offensive comments about a worker's personal religious beliefs, ethical beliefs, sexual orientation, gender identity, age, disability, marital status, political opinion, employment status, victims of domestic violence or family status.

History of Changes

Date	Version	Council Adoption	Description
9/1/2023	1.0		Initial Policy
2/6/2023	2.0		Split Policy and guidelines Inclusion of Te Reo/ Mori Ori language Minor formatting changes



BULLYING, HARRASMENT AND DISCRIMINATION - GUIDELINES AND PROCEDURES

The following guidelines should be read in conjunction with the Council Bullying, Harassment and Discrimination Policy (2023).

These guidelines provide information on the approaches and processes to following instances of bullying, harassment, or discrimination.

You can access support from a range of sources including your manager, or Health and Safety Committee representatives or OCP Workplace support (0800 377 990), union representative, or another trusted advisor.

What to do if you observe or believe you are the target of unacceptable behaviour.

Firstly, understand the situation:

If you consider that you are being harassed, bullied or discriminated against, or believe that you have witnessed this occurring to another person, discuss the situation first with a trusted person. This helps to “*sense check*” that what you are experiencing or observing meets the definitions in the policy, and also helps you to decide what you would like to do about it.

Council encourages kaimahi to feel safe to report any concerns as early as possible.

Approaches

There are three approaches that kaimahi can use:

- Informal
- Formal
- External

Generally, Council encourages kaimahi to take an informal approach where the complainant believes that the situation can potentially be resolved with conversation or support. This may also be appropriate for one off events of unreasonable behaviour in the first instance. Where informal options have been, or are likely to be, unsuccessful, we recommend using a formal approach.

Council will approach the investigation of all allegations, whether raised formally or informally, with an impartial and neutral perspective. While, in the first instance, Council would like the opportunity to work together with you to resolve complaints, there may be times when it is appropriate to raise your concerns with an external agency.

Informal approach

We encourage you to use an informal approach first, where you are comfortable with this approach and where the situation can potentially be resolved without a formal investigation.

The informal approach aims to restore a productive working relationship by exploring the complainant’s concerns through conversation aligned to Council values and Code of Conduct.

At any time, kaimahi are able to seek support from their Manager, OCP etc, to support them in assessing the situation, planning the approach or response and also to gain techniques to maintain resilience and wellbeing.

Informal approach steps

Preparation

Noting the date, time and place that events occurred and including who said or did what, will help you to recognise any pattern of behaviour and help you, and your trusted advisor or the person you contact about the complaint, to better understand the situation.

Raising your concerns

- If comfortable doing so, communicate with the person/people directly. Have a courageous conversation or write a letter or email to them. Explain the situation(s), how you feel, let them know how the behaviour has impacted on you, the outcome you are seeking, and invite their response.
- You may like to involve a support person in these informal conversations. This may be a trusted colleague, Manager, or other person of your choice, or you may wish for your trusted advisor to speak to the person on your behalf.
- Mediation can be used early on in a situation or at other times (e.g., after a formal investigation). Both parties should request and freely agree to take part in mediation.
- Mediation involves a trained and impartial mediator sitting with all parties concerned to try to get mutual understanding and a way forward. It's important that mediation creates a safe and constructive environment.
- Regardless of whether mediation takes place or not, at the end of an informal process, you and the other person(s) should both agree what an acceptable way forward looks like and what form of monitoring will take place to ensure that a resolution had occurred.

Formal approach

Where informal options have been, or are likely to be, unsuccessful, we recommend using a formal approach.

The general principles followed by Council when receiving a formal complaint are outlined below.

Take all allegations seriously and apply the principle of natural justice.

New Zealand Employment Law follows the principles of 'natural justice' and requires formal complaints (and the name of the person who made the complaint) to be put to the person being complained about. Therefore, you will need to be prepared to have your complaint provided to the person complained about.

Act promptly

Timelines are set and reports/complaints are dealt with as soon as possible after receipt.

Clearly communicate the process

Everyone involved is told what the process is.

The people involved are advised if there are delays to timelines.

Ensure non-victimisation.

The people involved, both complainant and person being complained about, are protected from victimisation.

Support the people involved.

Anyone involved can have a support person present at interviews or meetings (e.g., health and safety representative, their union, colleague, friend).

Everyone involved is told what support is available to them (e.g., OCP, union representatives etc).

Maintain privacy (confidentiality)

Privacy is maintained for all parties involved.

Details of the matter are kept within those directly concerned and their representative or support person, and appropriate other parties, e.g., Senior Leader or line manager.

Be unbiased and fair.

Initials: _____

People involved are treated fairly.

Appointed investigators are properly skilled for the role and any perceived or actual bias is avoided.

The investigator takes a neutral approach, ensuring both parties have a fair and full opportunity to put forward their case or response.

Decisions on how to deal with the allegation are based on the facts.

The people involved are clearly told what Council is going to do (taking into account privacy).

Formal approach steps

This is the general process, noting that this may vary from time to time, dependent on the circumstances.

Step 1

Details of the complaint must be put in writing covering, where possible:

- What the complaint is about.
- What has happened (including date(s), time(s), place(s), what was said and done, by whom and whether it was a one off or repeated event).
- How the complainant responded and the impact the behaviour had on them.
- Whether anyone else witnessed the behaviour/incident(s); and
- What the complainant would like to happen as a result of the complaint, including what would fix the situation in their view.

Step 2

The written complaint can be given to the CEO or Operations Manager. The person/s who receive formal complaints are required to forward them to the People and Capability Representative or Legal Representative for Environment Canterbury who support Council with these matters.

Step 3

Complaints will be investigated promptly, discreetly and with sensitivity.

Council will:

- Ensure that both you and the subject of the complaint are supported.
- Decide what interim measures may be needed to ensure your safety and welfare during any investigation. Interim measures may include working from home for one or both parties to the complaint, reassignment to other duties until an investigation is complete, suspension of the subject of the complaint pending the outcome of an investigation.
- Keep all parties informed about the progress of the complaint, as appropriate.

A copy of the written complaint will generally be provided to the person/s alleged to have carried out the alleged behaviour so that they have a fair opportunity to respond.

An investigation may take place prior to any disciplinary process, and this may involve an investigator independent of the decision maker being appointed.

Alternatively, Council may use the Disciplinary Policy process to put the concerns to the person whom the complaint is against immediately, where, in Council's view it considers it necessary to move straight to a disciplinary process.

In order to protect the integrity and confidentiality of the process and the participants, no party to the alleged complaint (i.e., the complainant, the person/s alleged to have carried out the behaviour and any witnesses) should discuss any aspect of the complaint with any other worker (excluding with any support person).

Failure to observe this could lead to a disciplinary process in cases where the sharing of information is considered malicious, a breach of confidentiality or privacy, undermining to the investigation, or in any other circumstance disciplinary action may be warranted.

Step 4

Initials: _____

On completion of the investigation the investigator will decide whether the conduct described in the complaint is likely to have occurred. Council will then decide whether it is appropriate that a disciplinary process is commenced with the person/s alleged to have carried out the harassing, discriminatory or bullying behaviour.

Where it is deemed that a formal disciplinary process is required, or this has been the method used to put the complaint to the person, the disciplinary procedures will be followed.

Dependent on the outcome of the investigation, Council may decide to use measures such as mediation, coaching, etc to help rebuild working relationships, effect behaviour or culture change.

The final decisions and actions should be reported back to the complainant(s), taking into account the privacy of the subject of the complaint.

External options

In the first instance, Council would like to be given the opportunity to work with kaimahi to resolve complaints internally, however, recognises that there may be instances where kaimahi wish to raise their concerns with an external agency as well.

Several options exist:

Police

Complaints of a criminal nature, for example physical or sexual assault or stalking, may be considered a police matter as well as an employment matter. Any instances should be reported immediately to your manager, who will seek appropriate legal advice and take appropriate steps to provide for your safety at work. Alternatively, or at the same time, and depending on the circumstances, you may wish to make a complaint directly to the Police.

Employment Relations Act – Personal Grievance

We recommend that you discuss concerns you have about harassment, bullying or discrimination with a manager before lodging a personal grievance complaint, to allow Council the opportunity to work with you to resolve the issue. Under the Employment Relations Act 2000 you have a 90-day limit within which personal grievances must be raised.

Human Rights Commission

Our recommendation is that you discuss the matter with Council first so that appropriate steps can be taken to resolve the matter before taking the matter to the Human Rights Commission.

You are able to pursue an external complaint through the Human Rights Commission process or a personal grievance under the Employment Relations Act, but the law allows you to only do one or the other.

Withdrawing a complaint

A complainant may decide to withdraw their complaint at any stage. However, if an investigation and/or action is underway and where there is evidence of misconduct or continued risk, Council has a duty to continue to investigate or act.

What if you are accused of bullying, harassment or discriminatory behaviour?

- Council recognises that being accused of bullying, harassment or discriminatory behaviour is highly stressful and would encourage you to seek support from OCP (0800 377 990), your union, legal advisor, Citizens Advice Bureau, helplines etc.
- You should understand that Council has a duty to investigate any complaints or any suspected issues of bullying, harassment or discrimination, and that it will make no decision until in possession of full

Initials: _____

information. To this end, you should expect to have a full and fair opportunity to respond and to present any relevant information for consideration.

You should expect to be informed as soon as possible after a complaint has been received.

You should expect to be notified about:

- The details of the complaint and who made it (e.g., details of the allegations, including a copy of the written complaint).
- The process that will be followed and your rights (including the right to have a support person present at any meeting about the complaint).
- The requirement for confidentiality and non-victimisation for both you and the person who made the complaint against you.
- The possible consequences if a claim is substantiated.
- Expectations of behaviour during any investigation/disciplinary process (e.g., to remain professional, maintain confidentiality).
- Any interim measures that are proposed to be taken to ensure the safety and welfare of the complainant and yourself during any investigation. Interim measures may include, but not limited to, you and the complainant avoiding contact with each other, reassignment of yourself or the complainant to other duties until any investigation is complete, your possible suspension pending the outcome of any investigation.
- To avoid conflicts of interest, the same support person/advisor should not be the support people on both sides of a complaint nor be leading or advising the organisation with regard to process.
- The final decisions and actions should be reported back to you. You should be told what Council's processes are if you are unhappy with the final decision.

History of Changes

Date	Version	Council Adoption	Description
9/1/2023	1.0		Initial Policy
2/6/2023	2.0		Split guidelines Inclusion of Te Reo / Moriori Minor formatting changes

Initials: _____

Version 2/6/2023



Chatham Islands Council

Fraud, Corruption and Whistleblowing Policy 2024

Chatham Islands Fraud, Corruption and Whistleblowing Policy

History of Changes

Date	Version	Council Adoption	Description
9/1/2023	1.0		Initial Policy

Purpose and Objectives

Chatham Islands Council (**Council**) is committed to upholding the highest standards of behaviour. The Council does not tolerate any form of fraud, bribery or corrupt conduct (dishonest activities) and it may investigate all suspected instances of dishonesty related to its organisation.

This policy has been developed taking into account best practice under the Protected Disclosures (Protection of Whistleblowers) Act 2022 (**PD Act**) including the guidance provided from the Ombudsman in relation to protected disclosure internal policies and procedures.

The purpose of this policy is to:

- Identify and address the risk of dishonest activities, and to set out actions the Council may take when suspected dishonest activities are reported (or discovered) to protect Council's assets, reputation and staff.
- Provide high level guidance to employees of the Council who encounter or suspect fraud and corruption.
- Prevent, detect and respond to threats of fraud and corruption so that the risk of fraud and corruption is reduced and to ensure that timely action can be taken to rectify and remedy any harm caused.
- Facilitate protected disclosures for the prevention, detection and response to fraud, corruption and whistleblowing within or involving Council.
- Establish effective internal procedures for the investigation of reported serious wrongdoing.

Scope

Under this policy, all workers are obligated to report any instances of fraud or corruption, whether suspected or proven. Fraud and corruption may be committed:

- against the Council by any person (as defined in section 2 of the Crimes Act 1961 and Section 29 of the Interpretation Act 1999); or
- by Council employees against any third party (including another Council employee in a private capacity).

Initials: _____

This policy applies to all current and former employees of the Council, whether they are employed on a permanent, fixed term contract or temporary basis, as well as current or former volunteers, secondees, homeworkers, contractors or consultants engaged by Council except where otherwise specified (together, referred to as **Workers**). This policy also applies to members of the Council (**Members**). Nothing in this policy alters Members' obligations to comply with the Members' Code of Conduct

Policy Detail

Fraud

The term 'fraud' refers to the deliberate practice of deception in order to receive a benefit (which may include an unfair, unjustified or unlawful gain), directly or indirectly, for oneself or any associated or third party. For the purposes of the policy this includes all forms of dishonesty. Within this definition, examples of fraud and dishonesty may include, but are not limited to:

- knowingly providing false, incomplete or misleading information to Council for a benefit;
- unauthorised possession, use or misappropriation of funds or assets, whether belonging to Council or a third party;
- deliberate mishandling or misreporting of money or financial transactions;
- unauthorised access and misuse of Council systems and information for a benefit;
- misuse of, or obtaining, insider knowledge of organisational or judicial activities without consent (this may also be considered corruption);
- destruction, removal, or inappropriate use of records, furniture, fixtures, or equipment for a benefit;
- deliberate misuse of Council resources (including work time, internet, cell phones, photocopiers, fax machines, computers, vehicles, mail services, Council addresses and phone numbers);
- forgery or alteration of any financial instrument; and / or
- forgery or alteration of any document or computer file or record belonging to Council; where any person who has a business involvement with Council acts dishonestly or unfairly, or breaches public trust.

Corruption

'Corruption' is the lack of integrity or honesty (especially susceptibility to bribery) or the use of a position of trust for dishonest gain. It includes foreign and domestic bribery, coercion, destruction, removal or inappropriate use or disclosure of records, data, materials, intellectual property or assets, or any similar or related inappropriate conduct.

Examples of corrupt conduct may include, but are not limited to:

- any person who has a business involvement with Council, improperly using, or trying to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others, for example, fabrication of business travel requirement to satisfy personal situations;

Initials: _____

- knowingly providing, assisting or validating false, misleading, incomplete or fictitious information to circumvent Council procurement processes and procedures to avoid further scrutiny or reporting;
- disclosing private, confidential or proprietary information to outside parties without consent;
- accepting or seeking anything of material value from contractors, vendors, or persons providing services or materials to Council; and / or
- a member of the public influencing or trying to influence, a Worker or any other party that has a business involvement with Council to use his or her position in a way that is dishonest, biased or which breaches public trust.

Reporting and investigating fraud and corruption

The Local Government Act 2002 requires the Council, including elected members, and Workers to safeguard public assets and spend public funds within the standard of probity and financial prudence, such that all public assets and funds are appropriately used for the purposes intended.

Reporting

The Council treats reports of fraud in the strictest confidence to ensure that those who report fraud are not put at risk. Workers who report serious wrongdoing in the workplace are afforded protections under the PD Act. Further information about the PD Act, such as how and when it applies is set out under the Protected Disclosures section of this policy.

Any person who is aware of or suspects that a fraudulent or corrupt act is occurring or has occurred, must immediately report such activity as follows:

- Any suspicion of fraud should be reported to a Worker's manager.
- A Worker's manager is responsible for bringing it to the attention of the Chief Executive Officer (CE).
- A Worker may also report concerns to the CE directly.
- If a Worker is concerned about raising this with their manager or the CE, the Worker can raise concerns with the Human Resources Team.

Workers must cooperate with and not impede any investigation of suspected fraud or corruption. All information relating to the suspected fraud or corruption will be treated confidentially, noting that appropriate disclosures may need to be made for the purposes of investigating the suspected fraud or corruption in accordance with this Policy.

Please note that sufficient information should be provided to enable investigation of the suspected fraud or corrupt act. This should include details about the events or acts constituting the suspected fraud or corrupt act, such as: dates, times and persons alleged to be involved together with any documentary evidence or verifiable facts that support the allegation.

Investigating

Initials: _____

The Council will treat all suspected instances of fraud or corruption by Workers very seriously and may undertake some, or all, of the following actions as appropriate:

- assess reports of suspected fraud to determine whether further investigation is required;
- investigate suspected instances of fraud by Workers;
- seek to recover funds/assets lost through fraud wherever possible and practicable;
- report fraud or suspected fraud to the external auditors; and
- if assessed as appropriate, refer the matter to the Serious Fraud Office (**SFO**) or NZ Police at an appropriate time during or following the investigation process and/or any subsequent disciplinary process.

The Council will also:

;

- develop, maintain and review processes and procedures to prevent and detect instances of fraud; and
- consistently apply this policy.

Free and unrestricted access must be granted to the investigator to access and review Council records and premises.

Fraudulent or corrupt activity must only be reported to the Police, SFO or any other enforcement agency by the Council's CE following consultation, if practicable, with the Council's Performance, Audit and Risk Portfolio Committee (**PARC**). This action will occur where the Suspected Fraud and Corruption, Reporting and Investigation Process confirms that a fraud or corrupt act has been committed, or in the absence of information there is reasonable belief an incident of fraud and corruption has occurred.

Protected Disclosures/Whistleblowing

Council is committed to facilitating the disclosure and timely investigation of serious wrongdoing in the workplace (also known as whistleblowing). Where practically possible, and in line with any legislative requirements, the identity of all the parties involved in the reporting and investigation will be kept confidential and protected (see **Confidentiality** below).

Policy principles

Council has a duty to promote the public interest, and a statutory and contractual obligation to develop and maintain a safe workplace for all disclosers (as defined by this Policy and the PD Act).

Disclosers

Initials: _____

All Workers, as well as those concerned with the management of Council are able to make a protected disclosure under the PD Act (**Disclosers**).

All Disclosers are encouraged to report serious wrongdoing in their workplace to protect the reputation of Council and the integrity of public funds.

Protected Disclosures

A disclosure of information is a Protected Disclosure if the Discloser:

- believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the Council; and
- discloses information about that in accordance with the PD Act, and this Policy; and
- does not disclose it in bad faith.

(**Protected Disclosure**).

In addition to these requirements, any disclosure of information that is protected by legal professional privilege is not a Protected Disclosure.

Serious Wrongdoing

Serious wrongdoing includes any act, omission, or course of conduct in (or by) any organisation, including the Council, that is:

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

Council's Internal Procedures for Receiving Protected Disclosures

Protections for the Discloser

A Discloser is entitled to protection for a Protected Disclosure made in accordance with the PD Act, even if they are mistaken and there is no serious wrongdoing.

The protections a Discloser is entitled to under the PD Act and this policy are:

Initials: _____

- confidentiality (see **Confidentiality** below);
- not to be retaliated against, or to be threatened with retaliation, by Council;¹
- not to be treated less favourably, or to be threatened to be treated less favourably, than others by Council;² and
- immunity from civil, criminal, and disciplinary proceedings.

These protections extend to people who volunteer supporting information for the Protected Disclosure, and a receiver referring a Protected Disclosure to an appropriate authority (see **Appropriate Authority** below).

The PD Act provides that a Discloser who suffers retaliatory action by the organisation for making a Protected Disclosure can take a personal grievance under the Employment Relations Act 2000.

It is also unlawful under the Human Rights Act 1993 to treat whistleblowers or potential whistleblowers less favourably than others in the same or similar circumstances. If a whistleblower is victimised in this way, the legal remedies under the Human Rights Act 1993 may be available to them. This applies to all types of Disclosers, including persons not covered by the Employment Relations Act 2000.

A Discloser is entitled to protection even if:

- they are mistaken and there is no serious wrongdoing; or
- they do not specifically refer to the PD Act when making the Protected Disclosure; or
- they technically fail to comply with some of the PD Act's requirements (if they have substantially complied with the PD Act); or
- they also make the disclosure to another person (if they do so on a confidential basis, in order to seek advice about whether or how to make a Protected Disclosure).

Protection does not apply where allegations are made that the Discloser knows are false, if the Discloser acts in bad faith, or if the information disclosed is protected by legal professional privilege (see Protected Disclosure above).

Confidentiality

If the Discloser makes a Protected Disclosure, information which identifies them will be kept confidential by the receiver, unless:

- the Discloser consents to the release of the identifying information; or
- if there are reasonable grounds to believe that the release of the identifying information is essential:

¹ Protected Disclosures (Protection of Whistleblowers) Act 2022, s 21.

² Protected Disclosures Act 2022, s 22.

Initials: _____

- o for the effective investigation of the Protected Disclosure;
- o to prevent a serious risk to public health, public safety, the health and safety of any individual, or the environment;
- o to comply with the principles of natural justice; or
- o to an investigation by a law enforcement or regulatory agency for the purposes of law enforcement.

If there are reasonable grounds to believe that the release of the identifying information is essential for the effective investigation of the Protected Disclosure, or to comply with natural justice, the receiver at Council will consult with the Discloser before releasing the identifying information.

If there are reasonable grounds to believe that the release of the identifying information is essential to prevent a serious risk to public health, public safety, the health and safety of any individual, or the environment; or is essential to an investigation by a law enforcement or regulatory agency for the purposes of law enforcement, the receiver at Council will, if practicable, consult with the Discloser, before releasing the identifying information.

Council will meet its obligations to keep the identity of the Discloser confidential by taking various measures, including:

- ensuring that knowledge of the Protected Disclosure is limited to the fewest number of people necessary (on a need-to-know basis) to determine how the disclosure should be dealt with; and
- the receiver taking reasonable steps upon receiving the Protected Disclosure to ensure that the disclosure will remain confidential, including storing the information, relevant to the Protected Disclosure, in a secure manner, away from general access.

If identifying information about the discloser is released for any reason, Council will use its best endeavors to ensure that the other protections that the Discloser is entitled to under the PD Act and this Policy are complied with (see **Protections for the Discloser** above).

The release of information that might identify a Discloser in breach of these provisions means a complaint may be made under the Privacy Act 2020 for interference with privacy. As a result, the Privacy Commissioner may undertake an investigation.

How to make a Protected Disclosure

Disclosers are able to make a Protected Disclosure in writing, or orally.

Who to make a Protected Disclosure to in Council

Disclosers can make a disclosure to Council's Operations Manager.

However, if the Discloser believes on reasonable grounds that the Operations Manager is, or may be involved in the alleged serious wrongdoing, or disclosure to them is not appropriate because of their relationship or association with a person who is, or may be, involved in the alleged serious wrongdoing, then the discloser can make the Protected Disclosure directly to the CE.

Initials: _____

Disclosers can make the Protected Disclosure directly to the Council's Mayor, if they believe on reasonable grounds that the CE, may be involved in the alleged serious wrongdoing, or disclosure is not appropriate because of their relationship or association with a person who is, or may be, involved in the alleged serious wrongdoing; or where it is justified by the urgency of the matter or other exceptional circumstances.

External Disclosures

Alternatively, Disclosers can make the Protected Disclosure directly to an appropriate authority (see **Appropriate Authority** below) at any time, if they do not wish to make the disclosure to the Operations Manager, CE, or the Council Mayor.

Disclosers can also make a Protected Disclosure to a Minister of the Crown under certain circumstances (see **Discloser's Entitlement to Disclose Further** below).

Anonymous Disclosures

The Ombudsman can provide advice if a Discloser is considering whether to make an anonymous Protected Disclosure (see **Ombudsman** below).

Council's Process for Receiving Protected Disclosures

Where the Protected Disclosure is made to the Operations Manager, CE, or the Council's Mayor, within 20 working days of receiving the disclosure the receiver will, where appropriate in the circumstances:³

- (a) **acknowledge receipt** to the Discloser of the disclosure and the date it was made (and if the disclosure was made orally, summarise their understanding of the disclosure);
- (b) **consider** the disclosure, which may involve seeking specialist legal advice to assess whether or not the information meets the legal threshold to be a Protected Disclosure and whether it warrants investigation, inform the CE or Mayor of the Council (as appropriate), and confirm to the Discloser that the information has been passed on (any information that may identify the Discloser will not be passed on, unless the Discloser consents in writing or another exception applies (see **Confidentiality** above);
- (c) **check** with the Discloser whether the disclosure has been made elsewhere (and any outcome);
- (d) **deal with** the matter by doing one or more of the following:
 - investigating the disclosure;
 - addressing any serious wrongdoing by acting or recommending action;
 - referring the disclosure to an appropriate authority (see **Appropriate Authority** below) in accordance with the PD Act but not before consulting with the

³ Protected Disclosures Act 2022, s 13.

Initials: _____

Discloser and the intended recipient of the referral (see **Referral of Disclosures** below);

- deciding that no action is required (for example the requirements of the PD Act are not met, the length of time between the alleged wrongdoing and the disclosure makes an investigation impracticable, or the matter is better addressed by other means);⁴ and

(e) **inform the Discloser (with reasons)** about what the receiver has done or is doing to deal with the matter, including if no further action is required.

However, when it is impracticable to complete the above actions within 20 working days, the receiver will undertake the first three steps and inform the Discloser how long the receiver expects to take to deal with the matter. The receiver will then keep the Discloser updated as to progress, as appropriate.

Support for Disclosers

Upon receiving a Protected Disclosure, the receiver of the Protected Disclosure at Council will make best efforts to ensure that the Discloser receives adequate practical guidance and support, including:

- informing the Discloser of the protections they are entitled to under the PD Act (see **Protections for the Discloser** above);
- asking the Discloser whether they wish to have an appropriate support person to assist them by assessing any risks to the Discloser that may have been caused by their Protected Disclosure. If the Discloser wishes to have a support person, the receiver will consult the Discloser on who would be an appropriate support person;
- informing the Discloser of their ability under the PD Act and this Policy to also disclose to an appropriate authority (see **Appropriate Authority** below) and, in certain circumstances, to a Minister of the Crown (see **Discloser's Entitlement to Disclose Further** below);
- informing the Discloser of the process for Council to refer the Protected Disclosure to an appropriate authority (see **Referral of Disclosures** below);
- providing updates to Disclosers throughout the disclosure process; and
- providing any other practical assistance to Disclosers that may be necessary, including establishing support mechanisms to ensure that disclosers are not isolated and obtaining legal or other specialist advice if required. Where the Discloser is a current employee, this will include access to any Employee Assistance Program in place at the time.

Appropriate Authority

A Discloser may make a Protected Disclosure to an appropriate authority at any time. An appropriate authority is a trusted external party who can be approached if a Discloser is not confident about making the disclosure within Council (**Appropriate Authority**).

⁴

Protected Disclosures Act 2022, s 15.

Initials: _____

An Appropriate Authority includes:⁵

- The Ombudsman
- The Commissioner of Police
- The Controller and Auditor-General
- The Director of the Serious Fraud Office
- The Health and Disability Commissioner
- The Parliamentary Commissioner for the Environment
- The Solicitor-General
- The Public Services Commissioner
- WorkSafe New Zealand
- Department of Internal Affairs
- The head of every public sector agency
- Any officer of Parliament
- Privacy Commissioner

An Appropriate Authority does not include a Minister or Member of Parliament. However, in some circumstances, a discloser is able to make a Protected Disclosure to a Minister (see **Discloser's Entitlement to Disclose Further** below).

Referral of Disclosures

Upon receiving a Protected Disclosure, Council may refer the protected disclosure to an Appropriate Authority. Before doing so, Council may consult the Discloser, as well as the Appropriate Authority that it intends to refer the Protected Disclosure to. Once the disclosure has been referred, the Appropriate Authority that has received the referral will become the receiver of the Protected Disclosure.⁶

Discloser's Entitlement to Disclose Further

If the Discloser believes on reasonable grounds that receiver of a Protected Disclosure has failed to investigate the complaint in accordance with the Council's Internal Procedures, or has not dealt with the matter such that the serious wrongdoing has been addressed, the Discloser may also make the Protected Disclosure to a Minister of the Crown, in accordance with section 14 of the PD Act, and will be entitled to protections under the PD Act (see **Protections for the Discloser** above).

Disclosures to Media (including social media)

Disclosures to the media (or on social media) are not protected under the PD Act (journalists' protection of their sources is covered by other legislation).

The Role of the Ombudsman

⁵ See Schedule 2 of the Protected Disclosures (Protection of Whistleblowers) Act 2022 for a full list of appropriate authorities.

⁶ Protected Disclosures Act 2022, s 16.

Initials: _____

As well as being an Appropriate Authority, the Ombudsman has a wide role supporting the operation of the PD Act. The Ombudsman can provide information and guidance to Disclosers regarding the protections under the PD Act.⁷ Please refer to www.ombudsman.parliament.nz and its *Making a protected disclosure – a guide to “blowing the whistle”* resource for further information.

DECLARATION

I have read, understand and accept the conditions of this Policy.

Signed (Employee)_____ Dated_____

⁷ Protected Disclosures Act 2022, ss 30-37.

Initials:_____

Public Excluded Agenda

19 December 2024

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	Chief Executive Officer	Minutes of Public Excluded Meeting 28 November 2024	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.