

Title: 22-170 Te Tiriti Compass
Section: Te Kai Arataki Tuia Whakapakari
Prepared by: Te Rina Whaanga - Senior Adviser - Maori Focus
Meeting Date: Thursday 29 September 2022

Legal: No

Financial: No

Significance: **Medium**

Report to COUNCIL for decision

PURPOSE

This report provides a draft Te Tiriti Compass for Council decision. The draft Te Tiriti Compass consists of a framework which outlines Council's commitment to giving effect to Te Tiriti and Council's Treaty Partnership obligations.

SUMMARY

Over the last 12 months Council has undertaken a journey of improved understanding of the Te Tiriti o Waitangi (Te Tiriti) context in Tairāwhiti. This has included:

- Developing an improved understanding of tangata whenua aspirations, and a desire to enhance our relationships through wānanga with iwi
- Clarifying our intent and role as a Te Tiriti partner and improving our understanding of Te Tiriti o Waitangi through internal workshops
- Making an in-principle decision to pursue the establishment of a joint decision-making body with tangata whenua.

Through the information gained from this mahi, Council staff have developed a Te Tiriti Compass, to support elected members in their role as decision-makers and to improve consistency in staff interpretation of Te Tiriti o Waitangi.

A draft Te Tiriti Compass

The draft Te Tiriti Compass (the Compass) has been developed and provided for Council consideration and decision (see **attachment 1**). The Compass is a high-level framework, consisting of a statement of intent and commitment, and series of objectives relating to each article within Te Tiriti o Waitangi. The Compass provides:

- an articles-based approach to support applying Te Tiriti with consistency as an organisation
- a set of internally facing principles, or tikanga we can apply to Te Tiriti partnership; and
- guidance in our role as a Te Tiriti partner.

The decisions or matters in this report are of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

- 1. Adopts the draft Te Tiriti Compass.**

Authorised by:

Anita Reedy-Holthausen - Director Engagement & Maori Responsiveness

Keywords: te tiriti compass, te tiriti partnership

BACKGROUND

2021/22 Wānanga between Council and iwi

1. During 2021 Council participated in a Department of Internal Affairs (DIA) pilot. This looked at enhancing relationships between mana whenua and local government. Its focus was to investigate and develop practical solutions to enhance the relationship between mana whenua and local authorities while identifying ways in which central Government can provide better support to the parties to achieve their ongoing Treaty responsibilities.
2. Over several months Council staff workshopped challenges and opportunities with DIA facilitators, culminating in wānanga between elected members and iwi leadership on 4 November 2021, and a subsequent wānanga held on 10 May 2022.
3. These provided a platform for open collective discussion regarding the current and future state of partnership between iwi and Council, what needs to occur to enhance the relationships involved, and what joint decision making might look like in the future.

In principle decision to establish co-governance of the TRMP

4. In 2021 councillors considered how it could partner with mana whenua at a governance level to oversee and provide direction on the Tairāwhiti Resource Management Plan review.
5. On 28 October 2021 ([Report 21-234](#)) the Sustainable Tairāwhiti Committee agreed, in principle, to establish a new co-governance committee to oversee the review of the Tairāwhiti Resource Management Plan (TRMP) subject to further discussion and confirmation from mana whenua.

Our Journey

INCREASED COMMITMENT TO TE TIRITI

2021-2031 LTP

We revised our Strategic Priorities, including that we 'Deliver for and with Māori', with an emphasis on iwi being significant partners in Council decision making.

We reviewed the existing Tairāwhiti Piritahi Policy. While the structure changed, policy outcomes remained the same as prior years

GOVERNANCE WĀNANGA

Across 2021-2022 we undertook relationship based wānanga with iwi leadership, governance to governance. Set to continue, these aimed to establish a forum for open and frank discussion leading to jointly designed partnership.

TE TIRITI WĀNANGA

During 2022 elected members participated in a series of workshops in house to explore Te Tiriti o Waitangi, Te Tiriti Partnership in practice, and an articles based approach to interpreting application of Te Tiriti. Following this, staff have drafted a Te Tiriti Compass, reflected aspirations and direction provided by Councillors in workshops.

PARTNERSHIP

A steering group of operational representatives from each iwi and Council are continuing to explore what a joint decision making body might look and feel like, what is needed to sustain it long term, and what our shared priorities are that the forum would address. These will be recommended back to governance members for decision.



Figure 1: Steps taken to increase our understanding of iwi as partners, and Te Tiriti as a foundation to partnership.

6. That joint committee has yet to be established, but the intent of the committee decision is being progressed in partnership with tangata whenua.

Elected member survey

7. In January 2022 staff provided Councillors the opportunity to complete an anonymous survey. Consisting of 13 questions the survey sought views across five categories – understanding treaty partnership, our relationships and partnership in practice, decision-making, te Ao Māori, and training and development.
8. Insights from the survey confirmed that elected members value establishing operational and strategic approaches to establishing, managing, and enhancing Treaty partnership. Elected members noted how they wished to enter partnership, and potential principles or tikanga to underscore our approach. These included being honest, committed, desiring to understand the individual aspirations of all Tairāwhiti iwi, being able to trust one another as partners, having regular meetings and workshops together with iwi, respecting each other's roles and responsibilities, and understanding the history and context of both our place, and our relationship.
9. Responses also concluded that Council could do more to enhance our relationships with tangata whenua, and that elected members would value a collective Council position and approach to enduring Treaty Partnership and relationships with mana whenua.

Te Tiriti Wānanga

10. On 24 February, staff held Te Tiriti wānanga with elected members. The second occurred over two days, 30 March and 6 April, and the third occurred on 28 April. Elected members outlined the values, and internally facing tikanga that Council associates with Treaty Partnership.
11. Elected members explored an articles-based approach to enhancing relationships and sharing decision-making with tangata whenua. This considered individual biases and apprehensions, legal interpretations of Te Tiriti, and the principles, behaviours and actions needed to grow successful relationships. Consideration was given to the articles of Te Tiriti including examples of what may be required when applied to a local government context. This focussed on:
 - Kāwanatanga - Governance
 - Tino Rangatiratanga - Self- determination
 - Ōritetanga - Equality/Equity
 - Whakaponono – Belief systems.
12. Through these wānanga staff received some strong and encouraging feedback on Councillor aspirations and needs where Treaty Partnership is concerned, spanning four key kaupapa.
 - Principles to guide our partnership behaviours – our tikanga.
 - The standard of partnership we desire.
 - Our responsibilities as a Treaty Partner – what we need to deliver.
 - In principle agreement that a set of Council Te Tiriti based direction is needed.

DISCUSSION and OPTIONS

Two options for consideration

13. This report provides two options for consideration

a. Recommended option. Council adopts the draft Te Tiriti Compass (the Compass) and formalises its place as internal direction and commitment to Te Tiriti.

b. Status quo. Council does not adopt the Compass and continues with the existing policy direction.

14. Our recommended option allows Council to have a considered reference point and understanding of the minimum required for decision making on Treaty matters.

Recommended option: Te Tiriti Compass

What does the Compass consist of?

15. The Compass is a high-level framework, consisting of a statement of intent and commitment, and series of objectives relating to each article within Te Tiriti o Waitangi.

16. These objectives respond to opportunities and aspirations refined by elected members in wānanga, and provide overarching direction to Council staff, laying out our commitment to giving effect to Te Tiriti through partnership.

How does it fit with existing policy and our joint governance journey with iwi?

17. **Our evolution towards being a good Treaty partner.** The Compass acknowledges where Council has progressed on the journey toward establishing joint decision making with tangata whenua, reflecting that:

- Council has started the journey of engineering an approach to meaningful bilateral relationships with iwi and hapū;
- Council is working with tangata whenua to develop a shared decision-making forum that has the full powers of Council; and
- That Council is transitioning away from taking Te Tiriti o Waitangi into account and wants to give effect to Te Tiriti instead. This is a commitment to enacting Te Tiriti, a signal of intent to go beyond existing obligations placed upon Council by legislation.

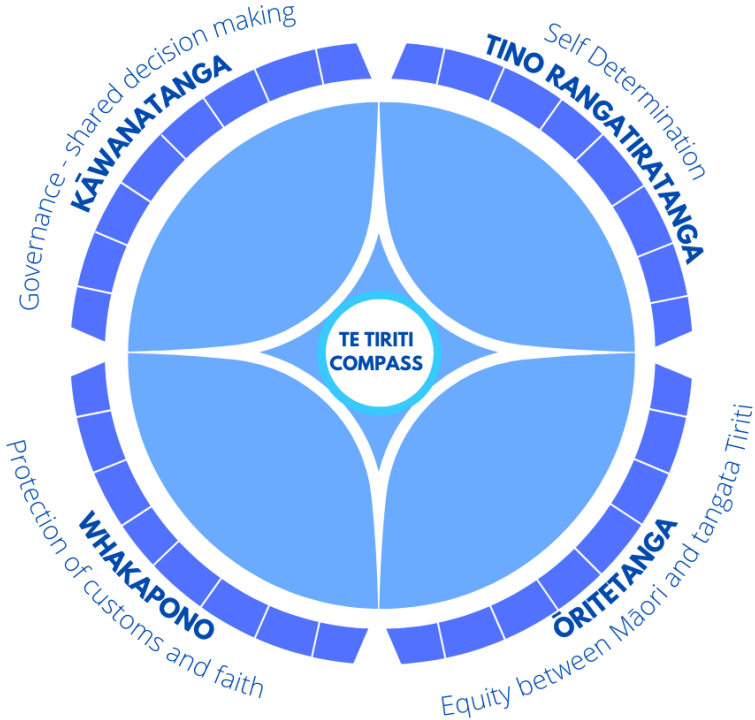


Figure 2: Four articles addressed by the Te Tiriti Compass.

18. **Treaty Partnership.** The Compass elevates and strengthens our commitment to Te Tiriti Partnership, the articles of Te Tiriti, and lays out elected member expectations of how we operate as an organisation.
19. It also provides clarity to Te Tiriti based considerations required of Council as part of making decisions. It will support staff to move away from ad hoc interpretation and mixed understanding of Te Tiriti principles across activities, and toward a consistent application of the four articles in planning, provision of advice, and project delivery. This can occur by adding to staff recommendations and analysis when drafting options for decision, being integrated in activity management planning and in project design.
20. **Community Outcomes.** The Compass also adds structure to our community outcomes expressed in the 2021–2031 Long Term Plan, specifically outcome eight ('Delivering for and with Māori', which notes that 'Iwi are significant partners in Council's decision making').
21. As it is high-level, the Compass provides direction internally on how we approach and undertake partnership with iwi/Māori, but isn't prescriptive on what form partnership takes, allowing for individual expressions of partnership and rangatiratanga to be understood and then for partnership mechanisms to be jointly designed.
22. **Tairāwhiti Piritahi.** The Compass empowers and strengthens the current Tairāwhiti Piritahi: Fostering Māori Participation in Council Decision Making Policy 2021 (Tairāwhiti Piritahi). Through the lens of the draft Te Tiriti Compass, Council has an enhanced foundation for staff to better interpret and apply Tairāwhiti Piritahi, and Council's commitment to Te Tiriti.

Providing confidence in our commitment

23. The proposed Compass also serves as an indication to tangata whenua of Council's intent. It signals how serious Council is in facilitating the foundations for enduring partnership. It also respects the rangatiratanga of each iwi while recognising both the need for a united voice on various issues and the shared goal of enduring Tiriti partnership between Council and iwi, bilaterally and collectively.
24. It seeks to enable some restoration of tangata whenua control over matters affecting the wellbeing of Māori, and the natural and built environments, acknowledging constraints of existing legislation over regional and local authorities to provide this without legislative change.

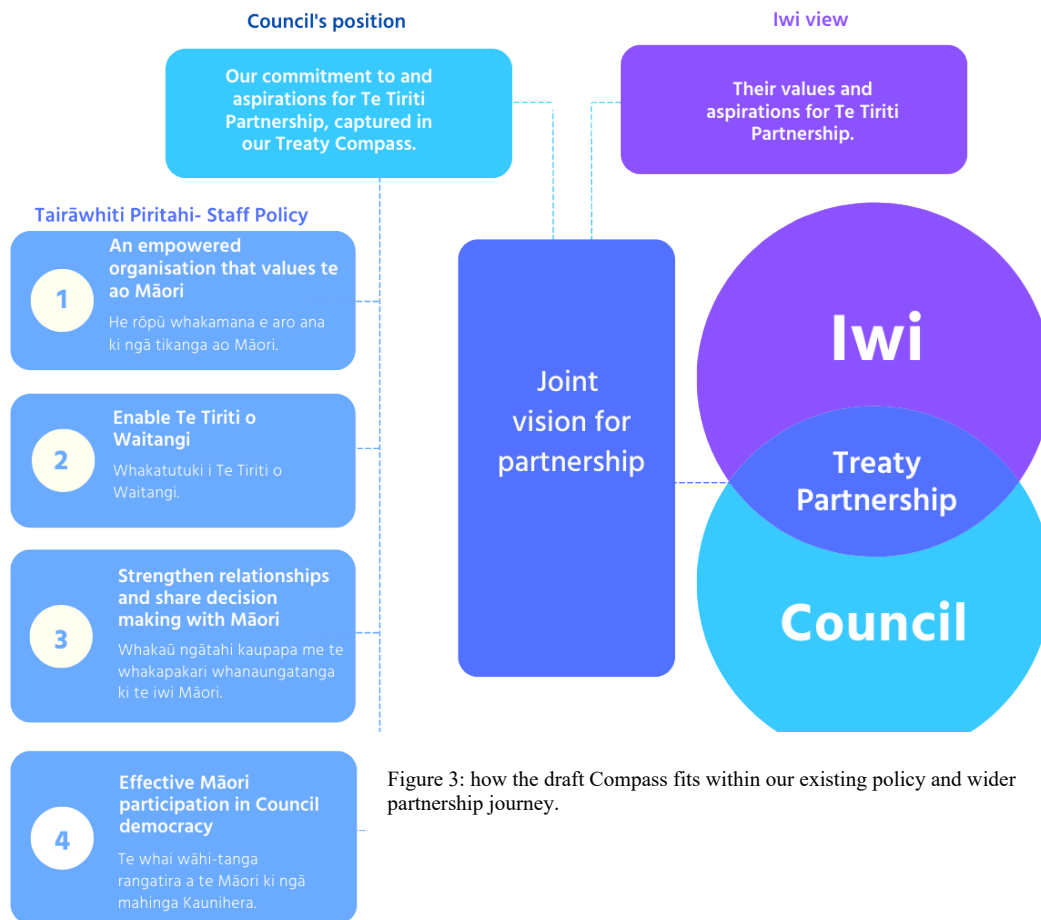


Figure 3: how the draft Compass fits within our existing policy and wider partnership journey.

- 25. Our evolution towards being a good Treaty partner.** During workshops with elected members in 2022, Councillors made clear their desire to share ultimate decision making with mana whenua, alongside the view that existing legislation and legal interpretation of Te Tiriti o Waitangi be considered the floor, not the ceiling, for our Tiriti partnership aspirations as Council.
26. The status quo approach doesn't reflect this growth, or desire to be better and do better with tangata whenua.
27. **Treaty Partnership.** The status quo option misses the opportunity to be better prepared for changes to national direction and legislation that lean toward enabling Treaty Partnership, through giving effect to Te Tiriti.
28. **Consistent approach to interpreting Te Tiriti.** The status quo option does not provide direction and guidance to staff on consistently applying Te Tiriti, or direct staff toward an articles-based approach and so mixed interpretation of Te Tiriti principles will likely continue to occur.
29. **Community Outcomes.** The status quo approach does not provide added direction to enable delivery of our community outcomes expressed in the 2021–2031 LTP; nor does it support tangata whenua confidence in Council as a partner, should a formal position or commitment to Te Tiriti be a desirable foundation for partnership to occur.
30. **Tairāwhiti Piritahi.** The status quo approach does not strengthen progressive interpretation of Council's Tairāwhiti Piritahi policy, and its four key outcomes.

ASSESSMENT of SIGNIFICANCE

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Medium Significance

This Report: Medium Significance

The effects on individuals or specific communities

Overall Process: Medium Significance

This Report: Medium Significance

The level or history of public interest in the matter or issue

Overall Process: Medium Significance

This Report: Medium Significance

31. This report is part of a process to arrive at a decision that may be of **Medium** level in accordance with the Council's Significance and Engagement Policy. Medium significance has been identified as appropriate as the recommendations in this report:
- Have no identified adverse effect on regionally significant assets, or individuals and communities.
 - Is likely to be considered a significant decision to tangata whenua representative bodies.
 - Enhances Council's ability to better provide for the social, cultural and environmental wellbeing of the district through shared decision making with Māori.
 - Supports Council's ability to achieve its strategic objectives, defined in the 2021–2031 LTP.

TANGATA WHENUA/MĀORI ENGAGEMENT

32. Tangata whenua have not been engaged in the development of this report, or in the design and delivery of the Te Tiriti Partnership workshop series for Councillors as this is an internally facing kaupapa.
33. However, through wānanga together on wider relationship matters, iwi leaders have expressed the desire for Tiriti partnership, including the need for infrastructure to support its delivery. The draft Te Tiriti Compass is one tool identified by Council staff that could support and strengthen Council's position as a Tiriti Partner, and strengthen the quality of consistent and informed advice to joint decision-making spaces.

34. Wānanga between iwi leaders and elected members are planned to continue, as a pathway toward the establishment of a joint governance body.

COMMUNITY ENGAGEMENT

35. No community engagement has occurred as part of informing the matters in this report. Section 78 of the Local Government Act (LGA) 2002 outlines that:

78 Community views in relation to decisions

- a. *A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.*
36. While public interest is likely, no adverse effects on community have been identified when forming the recommendations in this report. Staff considered potential for adverse effects on:
- a. standard of living
 - b. right, title or interest in any house, land (including premises, agricultural land and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently; or
 - c. business, occupation, work, or place of residence or habitat.
37. Public interest in an increased commitment to Te Tiriti o Waitangi and Tiriti Partnership is not considered a key influence on Council's ability to make a decision on this report's recommendations. It is the role of elected members and operational staff to manage the expectations of electors and ratepayers, respectively.
38. If Council is to collectively adopt an approach to how Tiriti partnership is approached, it ensures consistency from Council as an organisation, and clarity on Council's position where Te Tiriti o Waitangi and Tiriti partnership is concerned.
39. The recommendation provides for another level of internal guidance and a setting of expectations of Council's regard for and enhancement partnership under Te Tiri o Waitangi and does not decrease any levels of service to communities, stakeholders or individuals across Council activities.

CLIMATE CHANGE – Impacts / Implications

40. No climate change implications are anticipated to occur as a result of the matters in this report. A joint decision-making body is likely to consider regional planning matters, including climate change. That is not a direct result of the matters in this report, though this report's recommendations and the Compass enhance this outcome occurring.

CONSIDERATIONS

Financial/Budget

41. There are no immediate or direct cost implications as a result of the recommendations in this report. However long-term financial implications exist from Council resourcing and servicing partnership arrangements and resulting actions in the future.

Acknowledging long term partnership costs

42. The higher level of commitment indicated in the draft Te Tiriti Compass, alongside these existing obligations to Māori under the Local Government Act (LGA) 2002, require ongoing effective financial provision and in-kind capacity from Council.
43. Some of this already exists and has been programmed into activity budgets across the Governance & Democracy hub and Science & Strategy group, though full financial implications of Te Tiriti partnership, both collectively and bilaterally is unknown. This is due to priorities, supporting infrastructure and partnership mechanisms needing to be determined together. These priorities will be defined through bilateral discussions with tangata whenua.

Legal

44. This report does not pose legal implications or increased risk. It is an opportunity to provide internal leadership in giving effect to Te Tiriti o Waitangi and improving our position as Tiriti partners through a demonstration of enhanced commitment and understanding of Te Tiriti articles.

Treaty of Waitangi in legislation

45. Te Tiriti o Waitangi (Te Tiriti), the Treaty of Waitangi, signed in 1840 between Māori and the British Crown, is not law but is referred to and considered in legislation. Since 1975 many Court cases, new law, Waitangi Tribunal findings and Government statements consider the 'principles' of the Treaty. The first law to do so was the Treaty of Waitangi Act 1975, which established the Waitangi Tribunal.

The Waitangi Tribunal and Te Tiriti 'Principles'

46. When inquiring into Māori Treaty claims, the Waitangi Tribunal must determine whether any Crown act or omission was or is inconsistent with the principles of the Treaty. Each Tribunal panel must determine not only whether the Crown has acted in breach of Treaty principles, but also which principles should apply to the claims before it.
47. For this reason, there is not a single set of Treaty principles that are to be applied in assessing each claim. Inconsistent understanding of principles and how they apply across our activities lends strength to Council taking an articles-based approach in our application and interpretation of Te Tiriti.

Our obligations under the LGA

48. This report for decision assists Council to meet its obligations under Part 6 of the LGA. While part 1 of the LGA clarifies that local authorities do not have Treaty of Waitangi obligations under the LGA, Part 6 of the Act includes provisions for local government to consult with Māori and involve them in decision-making processes.

81 Contributions to decision-making processes by Māori

- 1 *A local authority must—*
 - a. *establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and*
 - b. *consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and*
 - c. *provide relevant information to Māori for the purposes of paragraphs (a) and (b).*
- 2 *A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—*
 - a. *the role of the local authority, as set out in section 11; and*
 - b. *such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.*

Review of local government

49. The traditional roles and functions of local government are in the process of changing. On 23 April 2021, the Minister of Local Government (the Minister) established a Review into the Future for Local Government (the Review).

50. Overall, the purpose of the Review is to identify how the system of local democracy and governance needs to evolve over the next 30 years to improve the wellbeing of New Zealand communities and the environment, and actively embody Te Tiriti partnership.

51. The draft Te Tiriti Compass provides an initial framework to assist Council to give effect to Te Tiriti. It poses higher commitments than existing LGA obligations and, in doing so, better prepares Council for changes signalled through the review of local government.

Resource Management (RM) reform

52. The National and Built Environment Act (NBA), is one of three acts set to replace the Resource Management Act 1991 (RMA). As currently drafted, the NBA will require decision-makers to “give effect to” Te Tiriti and provide greater recognition of te ao Māori (including mātauranga Māori).

53. In the past regional and local authorities have not been required by legislation to give effect to Te Tiriti o Waitangi, in the administration of our powers and functions. The proposed draft Te Tiriti Compass puts Council in a better position to prepare for the transition from the RMA to the NBA emphasis on Te Tiriti o Waitangi.

54. Part 2 of the RMA currently only requires that:

8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

55. Part 2 of the exposure draft NBA requires:

2. Te Tiriti o Waitangi

All persons exercising powers and performing functions and duties under this Act must give effect to the principles of Te Tiriti o Waitangi.

Guidance on giving effect to Te Tiriti

56. Currently there is little guidance for regional and local authority decision-makers on how to give effect to Te Tiriti. Central Government has signalled that it will provide direction and guidance in the [NBA and other new] legislation on how to implement the requirement to 'give effect to' Te Tiriti Principles. However this process of reform will likely heighten expectations from tangata whenua / tangata Tiriti of all Council decision making, beyond management of natural resources.
57. The draft Te Tiriti Compass addresses our future requirement to give effect to the principles of Te Tiriti while going further, taking an articles-based approach to actualise the intent of Te Tiriti in practice.
58. It also provides an opportunity for Gisborne District Council to continue to be exemplars and thought leaders in our commitment to partnering with tangata whenua. A prior example of this is our voluntary joint management agreement (JMA) under section 36 of the RMA, over the Waipapu catchment with Te Runanganui o Ngāti Porou in 2015.

POLICY and PLANNING IMPLICATIONS

59. There are no inconsistencies with existing policy and plans in proposing a greater commitment to Māori responsiveness as an organisation or introducing a commitment to Treaty Partnership.
60. Matters in this report align with Committee decisions to jointly establishing a new joint committee with mana whenua ([Report 22-64](#)) and strategic priorities committed to through the 2021–2031 Long Term Plan, provisions outlined in our Tairāwhiti Piritahi: Fostering Māori Participation in Council Decision Making Policy (2021) and Tairāwhiti 2050, our Regional Spatial Plan.

RISKS

61. The draft Te Tiriti Compass better prepares us for the current legislative reform being undertaken by central Government. This includes the current review of the purpose of local government and the RMA, as both highlight a transition toward heightened provisions for Te Tiriti o Waitangi.
62. The status quo option presents risk. In delaying preparation for the transition from RMA to NBA and changes to the purpose of local government we decrease time needed to foster system change, enhance relationships and review plans in order to give effect to Te Tiriti.
63. Further work will be required to jointly design and establish mutually agreed relationship and shared decision-making mechanisms with iwi. The cost, or staff capacity required for this process, is unknown.

NEXT STEPS

Date	Action/Milestone	Comments
September-December 2022	Steering group for joint governance body to continue to refine pathway to establishment.	Collective group of Council and iwi nominated members.
October-November	Induction of newly elected Councillors and Mayor, to include Te Tiriti Compass.	If adopted
September-December	Draft internal guidance to support staff implementation and use of Te Tiriti Compass, including revised reporting templates to Council and committees to reflect higher consideration of Te Tiriti o Waitangi.	If adopted
(Month TBC)	Joint Governance body in place.	

ATTACHMENTS

1. Attachment 1 - Te Tiriti Compass - Draft Framework (2) [22-170.1 - 2 pages]

TE TIRITI PARTNERSHIP

Te Kaunihera o Te Tairāwhiti (Council) want to develop effective and meaningful collaboration with mana whenua. We want to ensure Iwi and hapū have a long-term role in the future planning and decision-making for the region.

While this can occur in many ways, Te Tiriti Partnership is an ultimate end state for shared decision making, and key to the success of this Council vision long term.

AN ARTICLES BASED APPROACH

When seeking to understand and apply Te Tiriti o Waitangi (Te Tiriti), individuals (and organisations) often look at 'Te Tiriti principles'. Principles are both broad and interpreted differently in across activities. This leads to mixed understandings and inconsistency in how Te Tiriti is understood and given effect to.

The four articles of Te Tiriti give us a quite clear way of working within a Te Tiriti framework.

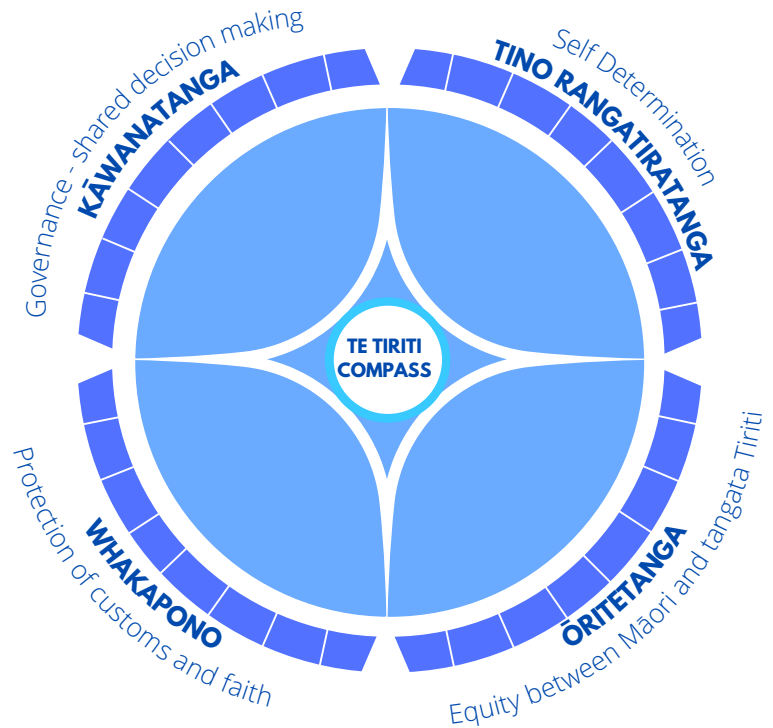
These have been used as the foundation for our Te Tiriti Compass. Council's responsibilities as a Tiriti Partner, and our vision for the standard of partnership we desire, have been framed in response to the articles themselves. These being:

- Kāwanatanga | Governance
- Tino Rangatiratanga | Self Determination
- Ōritetanga | Equity
- Whakapono | Protection of customs and faith.

WHY DO WE HAVE THIS FRAMEWORK?

To enhance our capacity to build and sustain true Te Tiriti Partnership with tangata whenua, Council recognises that we must first inwardly:

- Have a set of internally facing principles, or tikanga we can faithfully apply when designing and working within partnership mechanisms with tangata whenua
- Acknowledge tension between Treaty spirit and intent versus existing legal interpretation
- Define our own expectations of ourselves in our role as a Te Tiriti partner.



- Ensure we consistently apply Te Tiriti as an organisation.
- Ensure resourcing is available to undertake partnership actions with purpose
- Maintain our awareness of individual iwi and hapū points of view and ways of working.

The Te Tiriti Compass framework provides a base to explore and understand these things as Council.

This puts us in a strong position to then seek to understand what Treaty Partnership in practice looks like for iwi, and hapū and enact that together.

OUR TIKANGA

These are the ways in which we approach working with tangata whenua, and guide our behaviour during the establishment and ongoing operation of, partnership spaces and forums. We do so with:

- honesty
- respect
- trust
- openness to change
- desire to understand the individual views and aspirations of tangata whenua partners
- transparency of information and process
- desire for progress

THE TE TIRITI COMPASS FRAMEWORK



Title: 22-210 Mangahauini River Erosion Protection Funding
Section: Community Lifelines 4 Waters Operations - Land Rivers & Coastal
Prepared by: Nick Gordon - Contractor: Land Rivers & Coastal Operations
Meeting Date: Thursday 29 September 2022

Legal: No

Financial: Yes

Significance: **Medium**

Report to COUNCIL for decision

PURPOSE

The purpose of this report is to request Council approval of \$577k of additional funds for the Mangahauini River Erosion Protection Project.

SUMMARY

The floods of March 2022 impacted the East Coast and the Mangahauini River sustained widespread lateral erosion of the riverbanks, impacting State Highway 35 and the Land Rivers and Coastal (LRC) Flood Control Scheme. LRC have two forms of flood control assets on this reach of the Mangahauini River. These comprise just over 0.6km of stopbank which acts to contain flood waters, and approximately 20 groynes which act to resist lateral erosion of the active channel edge. The Mangahauini Flood Control Scheme is now in a damaged and vulnerable state requiring urgent repair.

The estimated cost of this project is \$630k, however the current year budget is just \$52k. To cover the additional project cost, this request seeks to bring forward the \$327k budget from year 4 of the 2021/2031 LTP and raise an additional \$250k of new loan.

Council approval is required to transfer the \$327,300 LTP Funding from Year 4 to Year 2 for this project, and for \$250,000 of unbudgeted expenditure for the urgent repairs required. The repairs are currently underway, and it is expected by the time this is presented to Council in mid-September that approximately \$180,000 of this \$250,000 will have already been spent.

Without this funding, reinstatement of the flood control scheme would be delayed approximately 2.5 years until after winter 2024, and potentially left incomplete due to insufficient funding. If left in a damaged and vulnerable state, there is high risk of significant riverbank erosion with successive floods. There is potential for total loss of several private dwellings, a church, a kura kaupapa (school), breach of Council's stopbank scheme and resultant flooding of downtown Tokomaru Bay (See Figure 1 of pre-flood scheme flooding impacts).

With the approval of the funding transfer and unbudgeted expenditure, the river works currently underway will continue, and completion of the reinstatement will be tendered and constructed this summer.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

- 1. Notes the Mangahauini Flood Control Scheme is in a damaged and vulnerable state requiring urgent repair.**
- 2. Notes there is insufficient budget to undertake the required repairs.**
- 3. Approves funding of \$630k for the Mangahauini Flood Control Scheme; includes transfer of \$327k loan from year 4 to year 2 of the 2021-2031 LTP and \$250k of new loan.**

Authorised by:

David Wilson - Director Lifelines

Keywords: mangahauini flood control scheme, budget for repairs to mangahauini, long term plan, mangahauini river erosion protection project

BACKGROUND

1. The floods of March 2022 impacted the East Coast and the Mangahauini River sustained widespread lateral erosion of the riverbanks, impacting State Highway 35 and the Land Rivers and Coastal (LRC) Flood Control Scheme. LRC have two forms of flood control assets on this reach of the Mangahauini River. These comprise just over 0.6km of stopbank which acts to contain flood waters, and approximately 20 groynes which act to resist lateral erosion of the active channel edge. The Mangahauini Flood Control Scheme in Tokomaru Bay suffered extensive damage and is in a vulnerable state requiring urgent repair.
2. Repairs have commenced in urgency to renew the most critical erosion protection structures (rock filled railway iron box groynes).
3. There is a capital works project in the Long Term Plan (LTP) "Mangahauini River Erosion Protection". This project is to extend the flood scheme upstream by one bend, adjacent 19 Taro Street. Allocated funding is \$52k in LTP Year 2 (this year), and \$327k in Year 4. Therefore, total funding for this project is \$379k, 100% loan funded.
4. Construction of the planned extension at 19 Taro Street is now more time-critical following the flood damage. In addition, renewal of the extensively damaged lower reaches is urgently required (currently underway).
5. The estimated cost of repairs is \$630k which exceeds the total available LTP funding of \$379k.

DISCUSSION and OPTIONS

6. The key issue is twofold. The bulk of funding available via the LTP is not available in a sufficient timeframe, and the total LTP funding that has been allocated is insufficient to complete both the flood repairs and the LTP budgeted extension of the river control scheme.
7. **Option 1** - cease flood damage repairs and fund only the expenditure to date (estimated \$180,000) and stick with the planned timing of LTP year 4 funding. This would leave the flood scheme in a vulnerable state with high risk of future damage (see Risks section (24)).
8. **Option 2** - continue with the flood damage repair estimated at \$250k, and to transfer \$327,300 Long Term Plan Funding from Year 4 to Year 2 for this project to accelerate the extension of the flood scheme (erosion protection).

Project Milestones

9. Stage 1 of the project, emergency works, is currently underway. This includes repair and renewal works at the Kura Kaupapa on Moana Street, works at 12 Taro Street, and vegetation clearance within the floodway.
10. Stage 2 comprises renewal and extension works at Toa Street and 19 Taro Street. Submission of resource consent application for Stage 2 is imminent. The physical works contract will be tendered in September 2022 with work expected to commence in December/January 2023, contractor dependent.

ASSESSMENT of SIGNIFICANCE

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Medium Significance

This Report: Medium Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: High Significance

This Report: High Significance

The level or history of public interest in the matter or issue

Overall Process: High Significance

This Report: High Significance

11. This report is part of a process to arrive at a decision that will/may be of **Medium** level in accordance with the Council's Significance and Engagement Policy
12. Influencing factors in this assessment are the high significance to the community of Tokomaru Bay, and the medium significance to Council's delivery of its Financial Strategy and LTP.

TANGATA WHENUA/MĀORI ENGAGEMENT

13. Tangata whenua have not been engaged at the time of writing due to the floods and awaiting reporting from Tonkin & Taylor. It is envisioned that consultation on this matter could be included in the consultation regarding the Tonkin & Taylor report. In addition, consultation will be addressed through the statutory acknowledgement resource consent process.

COMMUNITY ENGAGEMENT

14. Key stakeholders that have been engaged with are Kura Kaupapa Maori o Nga Taonga Tuturu ki Tokomaru, The Ministry of Education, The Church of Jesus Christ of Latter Day Saints, and several private landowners within close proximity of the erosion prone riverbanks, being 12 & 19 Taro Street, Toa Street no's 29 & 27 & adjoining block to south.

15. The wider community has not been engaged with in this matter. Those at risk are those that reside, work, or own assets, or provide services in Tokomaru Bay township including Fire and Emergency NZ. Impacts are as per the Risks section of this report. Should work on the flood scheme be delayed past the coming summer works season, it is recommended that the increase in risk be communicated to the community and an external communication plan will be developed for this purpose.

CLIMATE CHANGE – Impacts / Implications

16. Climate change is bringing more extreme flood events. This river will continue to put increased pressure on the flood control assets. More erosive events can be expected due to predicted increase in rainfall intensity, combined with aggradation of the inside bends and flood berms of the river. In addition to this increased erosion potential, higher flood levels than historically witnessed can be expected due to this predicted climate change.

CONSIDERATIONS

Financial/Budget

17. This request is for \$577k of unbudgeted loan, of which \$327k will occur earlier than planned (bringing forward from year 4 of the LTP to year 2) and \$250k is new loan. Our debt limits are set at 130% of revenue, this loan will not breach the limit set in the Financial Strategy.
18. There will be additional annual operating costs related to the increase in capital. Interest, principal repayments, and other operating costs are estimated to be an additional \$60k per year. While the expectation is 30% of these costs will come from existing budget, the rest will require an increase in rates to accommodate additional costs.
19. Erosion control is often managed with earthworks and groyne construction (rock & rail, and rope & rail). As such, there is likely to be little if any depreciation related to the capital works.
20. There will be no change to the level of service related to this project.

Legal

21. Council's obligations in the control of natural hazards are guided by the Local Government Act 2002, the Soil Conservation and River Control Act 1941, and the Resource Management Act 1991.

POLICY and PLANNING IMPLICATIONS

22. Of significance, Council previously decided to prioritise funding to this project through the current LTP.

RISKS

23. The key risks associated with not reinstating and extending the erosion protection structures is physical loss of homes and community infrastructure, and the reputational risk that comes with delaying addressing this physical risk. On the southern riverbank (true right), continued erosion has the potential to erode the stopbank and result in flooding of downtown Tokomaru Bay (see the photo below of the 1963 flood prior to the stopbank being constructed). On the northern riverbank (true left), several houses, a church, and a kura kaupapa (school) are at risk of further erosion and loss of land and buildings.

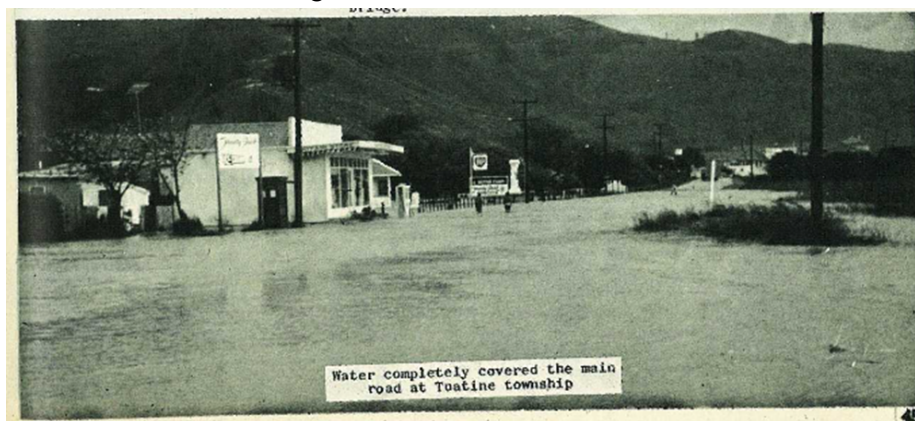


Figure 1: Flood waters of the Mangahauini river. Looking North, taken from intersection of Mangahauini Street and SH35 (Flash Flood - Gisborne Photo News - No 126 : December 3, 1964: www.photonews.org.nz).

24. Successive flooding causing damage before remedial works are completed may necessitate additional works to that currently planned.
25. Degree of contractor availability may extend the timeframe for commencing the works.
26. Budget may increase due to materials and fuel cost increases, and the supply and demand of suitable contractors.
27. An historic previously unknown landfill has been discovered within an erosion prone riverbank of the emergency works reinstatement area near 12 Taro Street. The relevant sectors of Council have been notified. Management of this may impact project cost.

NEXT STEPS

Date	Action/Milestone	Comments
29 September	Council meeting – transfer of LTP funding from Year 4 to Year 2 and unbudgeted expenditure is approved	Will enable Stage 1 Emergency Works to continue to completion
23 September	Stage 2 Resource Consent Application submitted	
23 September	Stage 2 The physical works contract will be tendered	Conditional on gaining resource consent and funding approval
December 2022/January 2023	Work to commence	Contractor dependent

Title: **22-225 Appointment of Commissioner as Chair of the District Licensing Committee**

Section: Environmental Services & Protection, Compliance & Enforcement - Environmental Health

Prepared by: Gary McKenzie – Compliance Monitoring and Enforcement Manager

Meeting Date: Thursday 29 September 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL for decision

PURPOSE

The purpose of this report is to appoint a Commissioner as Chair of the District Licensing Committee (DLC) under s193 of the Sale and Supply of Alcohol Act 2012 (the Act).

SUMMARY

The chair of a DLC can be an elected member of the territorial authority, or a Commissioner appointed by the Chief Executive, on the recommendation of the territorial authority. To be a Commissioner, the person being put forward should be able to demonstrate the following:

- Have good standing in the community and the necessary knowledge, skills and experience relating to matters that are likely to come before the committee.
- Not be involved, or have appearance of involvement, with the alcohol industry to the extent that there would be a bias or appearance of bias.
- Not be a constable, Medical Officer of Health, Inspector, or employee of a territorial authority.

An elected member appointed as the chair of a DLC cannot continue if they cease to be an elected member unless they have the required competencies and are appointed as a commissioner. A commissioner has all the functions, powers, and duties of the chairperson.

The current Chair of the Committee (Cr Seymour) will cease to be an elected member at the upcoming local elections in October 2022. With the vast experience and knowledge that Cr Seymour has, she has the required experience and competencies to be appointed as a commissioner.

The decisions or matters in this report are of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

1. **Appoints Pat Seymour as Commissioner to Chair the District Licensing Committee until the end of the current 2019–2024 cycle.**

Authorised by:

Helen Montgomery - Director Environmental Services & Protection

Keywords: Chair, District Licensing Committee, Appointment

BACKGROUND

1. Section 192 of the Act requires that the Territorial Authority maintain a list of persons approved to be members of its licensing committee ("Council's list")
2. It also specifies that the Territorial Authority:
 - Must not approve a person to be included on the Council's list unless that person has experience relevant to alcohol licensing matters.
 - Must not approve any person who has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry, that he or she could not perform his or her duties without actual bias or the appearance of bias.
 - Must not approve a person that is a constable, medical officer of health, an inspector, or an employee of the territorial authority.
 - A person may be approved for inclusion on the Council's list for a period of up to five years and may be approved for one or more further periods of up to five years.
3. The District Licensing Committee must consist of three members made up of the chairperson and two persons from the Council's list. Appointment to this list is for up to five years, with new appointments due to be made in 2024.

DISCUSSION and OPTIONS

4. Councils can appoint a commissioner to any of its DLC. A commissioner has all the functions, powers, and duties of the chair (s.193(1)) and can be appointed as a chair (s.189(2)).
5. The act requires a commissioner to be of good standing in the community and has the necessary knowledge, skill and experience relating to matters that are likely to come before the committee (s.193(2)).
6. Commissioners are appointed for a fixed term of up to five years and can be reappointed for one or more periods of up to five years.
7. Commissioners and DLC members must understand the nature of alcohol-related harm – what it is, how it impacts communities (particularly vulnerable communities), and how it can be minimised.
8. An elected member appointed as the chair of a DLC cannot continue if they cease to be an elected member unless they have the required competencies and are appointed as a commissioner.
9. The current Chair of the Committee (Cr Seymour) will cease to be an elected member at the upcoming local elections in October 2022.
10. Due to the vast experience and knowledge that Cr Seymour has from her current role as chair of the DLC, she meets the required standard and competencies to be appointed as a commissioner.

11. Cr Seymour should be appointed commissioner until the end of the current 2019–2024 cycle and then we can readvertise for candidates for the DLC.
12. If Council does not appoint a councillor as chair of the DLC or appoint a commissioner in this role Council will be unable to exercise its regulatory obligations under the Sale and Supply of Alcohol Act 2012. This would mean that, until we have a chair or commissioner appointed, no new or renewal applications for licences or certificates would be able to be issued.

ASSESSMENT of SIGNIFICANCE

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Medium Significance

This Report: Medium Significance

The level or history of public interest in the matter or issue

Overall Process: Medium Significance

This Report: Medium Significance

13. The decisions or matters in this report are of Low significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MAORI ENGAGEMENT

14. There are no Tangata Whenua/Māori engagement implications.

COMMUNITY ENGAGEMENT

15. There are no community engagement implications.

CLIMATE CHANGE – Impacts / Implications

16. There are no climate change implications

CONSIDERATIONS

Financial/Budget

17. There are no financial implications.

Legal

18. To deliver Council's responsibilities under the Sale and Supply of Alcohol Act 2012 the Council must have a councillor appointed as the chair of the DLC or appoint a commissioner in this role.

POLICY and PLANNING IMPLICATIONS

19. There are no policy or planning implications.

RISKS

20. If the Council does not appoint a councillor as chair of the DLC or appoint a commissioner in this role Council will be unable to exercise its regulatory obligations under the Sale and Supply of Alcohol Act 2012. This would mean that, until we have a chair or commissioner appointed no new or renewal applications for licences or certificates would be able to be issued.

ATTACHMENTS

1. Attachment 1 - Competency Guidance for DLC Members [**22-225.1** - 18 pages]
2. Attachment 2 - Selecting and appointing DLCs [**22-225.2** - 44 pages]

Sale and Supply of Alcohol Act 2012

Competency Guidance for DLC



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We would like to acknowledge those involved in supporting Local Government New Zealand (LGNZ) in the preparation of this document including the Health Promotion Agency (HPA), Allen + Clarke Policy and Regulatory Specialists and InToto Projects. Thank you also for the input and support provided by the advisory group established for the purposes of this project as well as members of the LGNZ/HPA Alcohol Reference Group and the Ministry of Justice.

Section 1. Introduction

Guidance

This document provides guidance to territorial authorities on the competencies needed by members of District Licensing Committees (DLC). The guidance is high-level and is intended to assist territorial authorities in:

- the selection and appointment of DLC members;
- establishing DLCs, regardless of the size of the organisation or the number of licensing applications; and
- tailoring the DLC selection process to fit local circumstances.

The Sale and Supply of Alcohol Act 2012 (the Act) provides that decisions on all licences and managers' certificates, whether opposed or unopposed, are made by DLCs established by territorial authorities.

While it is a committee of Council, a DLC operates with the powers of a commission of inquiry. DLCs function under the regulatory framework as a semi-judicial board of inquiry, making decisions that can be appealed.

The Act promotes a stricter regime than its predecessor and is aimed at reducing harm to the community.¹ It provides greater scope for DLCs and the Alcohol Regulatory and Licensing Authority (ARLA) to consider whether the granting of a licence is likely to increase alcohol-related harm, and whether it will negatively impact the community.

The object of the Act states that:

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
-

¹ Dormer, Alan. 2013. *Brookers Sale and Supply of Alcohol Act 2012 Handbook*. Wellington

Section 2. Functions and Powers of a DLC

Functions and powers

A DLC has the function of considering all licence applications (new and renewed on-, off-, club and special licences) all managers' certificate applications (new and renewed), and temporary authorities. It considers all applications regardless of whether they are opposed or unopposed. DLCs also consider and determine applications for the variation of all licences and also the suspension, or cancellation of special licences.

A DLC may refer applications to the Alcohol Regulatory and Licensing Authority (ARLA) with the permission of the ARLA chair. A DLC may also be required to conduct inquiries and make reports as requested by ARLA. The role and functions of a DLC are set out in s.187 of the Act. A territorial authority must establish at least one DLC and may have more depending on its requirements.

When considering the functions of a DLC, territorial authorities must understand the powers of the DLC and the implications that these powers may have on establishing a DLC. Every DLC is a committee of its territorial authority² [s.200], but a DLC has the powers of a Commission of Inquiry under the Commission of Inquiry Act 1908 [section 201]. This means that a DLC can issue summonses³ requiring the attendance of witnesses before it or the production of documents.

It also has the power to rehear any matter that it has determined. These powers are greater than other Council committees and particular care is required to ensure that the membership selection process is built on a strong understanding of the competencies required. Table 3 sets out these competencies (see page 18 of this document).

² A DLC does not need to comply with Part 7 of the Local Government Official Information and Meetings Act 1987 which relates to meetings. It must follow the procedure requirements set out in of the Sale and Supply of Alcohol Act; however, it regulates its own proceedings by virtue of being a Commission of Inquiry.

³ See s7 of the Commission of Inquiry Act 1908 for witnesses' allowances.

Section 3. Roles and Functions of DLC Members

3.1 DLC Composition – The Chair

A DLC is made up of a chair and two members:

- the chair of a DLC can either be an elected member of the territorial authority;
- or a commissioner appointed by the chief executive, on the recommendation of the territorial authority;
- the territorial authority can decide which of these two options it prefers.

There is no requirement for an elected member of a territorial authority who is appointed as the chair of a DLC to have experience relevant to alcohol licensing matters and there is nothing to prevent an elected member with this type of experience being appointed as chair. If a commissioner is appointed as chair they should have specialist skills and expertise in conducting hearings and may, for example, have a background in resource management hearings.

A commissioner must have:

'Good standing in the community and the necessary knowledge, skill and experience relating to matters that are likely to come before the committee' [S193(2)].

A territorial authority may consider good standing in the community to include those who are respected in the community and hold positions such as a Justice of the Peace, a lawyer, school teacher or other professionally qualified person.

A commissioner must not be appointed if:

- there are grounds for exclusion including involvement, or appearance of involvement with the alcohol industry to the extent that there would be a bias or appearance of bias [s.193(a)]; or
- that the person is a constable, Medical Officer of Health, inspector, or employee of a territorial authority [193(b)].

A commissioner has all the functions, powers and duties of the chairperson [S193(1)]. The Act does not intend for a commissioner to replace a chair (or vice versa) on an ad hoc basis. This also excludes the possibility of a territorial authority delegating the power to appoint a commissioner to the DLC chairperson.

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.1 The Chair, continued

The chair can only step aside from a meeting when the reasons outlined in s189(3) apply - principally illness or absence from New Zealand. In this situation a deputy chair, who must be an elected member of the territorial authority may be appointed. A commissioner may not deputise for the chair.

Territorial authorities should ensure that elected members of the DLC are aware that they hold a semi-judicial role and cannot allow electioneering or a political standpoint to influence their decisions. Decisions need to be made according to what is legally correct, and must not be influenced by concerns that the decision may be unpopular and affect the member's re-election prospects.

3.2 DLC composition - Members

Members of a DLC:

- are eligible people approved by the territorial authority selected from a list of potential DLC members with experience relevant to alcohol licensing matters, as described in s.192 of the Act;
- these can be community members or elected members of a territorial authority.

The list:

- Ensures that DLC membership is flexible and can accommodate changes in the availability of members.
- Must be established, maintained and published by the territorial authority and can be a combined list with one or more territorial authorities. A combined list will ensure a greater pool of skills and expertise for the territorial authority to select from when appointing DLC list members.
- Each territorial authority decides a process for determining which list members will sit on each DLC for each of its hearings and may adapt other mechanisms such as those used to select members for resource consent hearings.

In determining what is required for appointment of a DLC member, careful consideration must also be given to s192(5)(a), which prevents a person from being included on the DLC member list who is, or has the appearance of being, involved with the alcohol industry. This can include the person's relationship with another person.

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.2 Members, continued

Under s192(5)(b) certain people cannot be included on the list, including constables, Medical Officers of Health, licensing inspectors and employees of the territorial authority.

Examples of who may or may not be included in the list are provided in Table 1 (see page 8 of this document). This is not exhaustive but is designed to provide territorial authorities with an idea of who to consider in establishing a DLC member list.

3.3 Term of office

DLC members, and the chair (whether elected member or commissioner), are appointed for a period of up to five years (as decided by the territorial authority). They can be reappointed for one or more further periods of up to five years.

Any DLC member can resign at any time and can be removed for inability to perform functions, neglect, bankruptcy or misconduct [s194].

An elected member cannot continue as the chairperson of a DLC if they cease to be an elected member of the territorial authority. However a territorial authority can appoint an elected member as a commissioner if they have the required competencies. Advice from the Ministry of Justice is that:

“As a transitional measure around elections, an elected member who is a Chair can be appointed as a Commissioner either until a new elected member can take the position or he or she may remain as a Commissioner if the territorial authority considers that desirable.”

3.4 Meetings and quorum

The quorum for a DLC meeting is three members [s.191] except when applications for new or renewed licences or manager’s certificates where no objection has been filed and no matters of opposition have been raised. In this situation, the chair can form a quorum of one and consider and decide to approve the application on his or her own. When the chair acts as a quorum of one, this is considered to be a meeting of the DLC.

No decision to decline an application may be made by the chair acting alone. All decisions on applications that are opposed, not likely to be approved, or are for a temporary authority must be heard by the full DLC. Decisions are decided by majority vote.

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

Table 1: Examples of inclusions and exclusions for DLC list members

Examples of who could be included on the DLC member list (if they meet the criteria of the Act)	Examples of who should be excluded from the DLC member list
<ul style="list-style-type: none"> • Former licensing inspector • Former Medical Officer of Health • Former council employees • Former licensee • Justice of the Peace • Retired district court judge • Former politicians • Former constable in the role of Alcohol Harm Reduction Officer • Former consultants in the alcohol industry • Trainer for licensing industry • Previous member of staff of Liquor Licensing Authority 	<ul style="list-style-type: none"> • Involvement or appearance of involvement with the alcohol industry s192(5)(a) (consider pecuniary interests) – e.g. <ul style="list-style-type: none"> ○ Owner/licensee/building owner of a restaurant, bar or café holding a licence ○ Shareholder or director in the above ○ Trustee on a charitable trust, e.g. Lions Foundation, Licensing Trust (can be a member of a charitable trust but not maintain a governance position by sitting on the board), due to funds obtained through gambling machines located in licensed premises. • Alcohol industry representatives (s192(5)(a)) • Lobbyist representatives (s192(5)(a)) • Holder of a managers certificate (s192(5)(a)) • Constable, Medical Officer of Health, an inspector or an employee of that territorial authority (s192(5)(b))

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.5 Conflict of Interest and Bias

Those affected by the decisions are more likely to have trust and confidence in the process if they believe that the decision making process is impartial. This also reduces the risk of legal challenge. In considering the appointment of any member of a DLC, a territorial authority must carefully consider any actual or perceived conflicts of interest, as the decisions made by the member must have no bias or perception of bias.

Bias or predetermination is evident where a DLC member has a strong opinion, or is seen to be one-sided on an issue. This includes instances where a member has taken a public position on an issue they have been appointed to make a decision on, as well as instances where they have a 'known' position on an issue (due to previous involvement, interests, or statements). For example, any person who has a strong view either opposed to or in favour of increasing or decreasing licensed outlets should not be appointed to a DLC.

A conflict of interest will exist when a member's duties or responsibilities to the DLC could be affected by some other interest or duty that the member may have. Conflicts of interest can arise as a result of a number of reasons, including a DLC member having previously submitted on a licence application decision, or having been a part of a community organisation that has submitted on a decision. This conflict may arise due to a member's own financial affairs or those of persons close to them, existing relationships that could be affected by decisions of the DLC, previous roles, or even something that has been said or done to suggest a conflict.

It must also be made clear to potential DLC members that the role they are proposing to undertake is not one of advocacy. Any form of advocacy will be deemed a conflict of interest and places a decision in jeopardy.

The onus is on those applying to the territorial authority to be included on the DLC member list to disclose any conflict of interest, preferably at the time of application or at least prior to the time that the conflict arises. The territorial authority must assess conflicts of interest on a case-by-case basis.

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.5 Conflict of Interest and Bias, continued

The questions in the following diagram can be used to alert or prompt potential DLC applicants to possible conflicts of interest. It may be kept in mind for recruitment purposes and for consideration of applications. Note that these are only prompts for discussion and not in themselves an indication of a potential DLC member actually having a conflict of interest



Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.6 Support and training for DLC members Support for DLCs in the form of technical guidance and training is important to ensure the ongoing capability of the DLC. Training for DLC members and support staff is a desirable pre-requisite for all DLC members.

The ongoing technical support for DLC members will depend on the capacity and capability of a territorial authority. Support may come from territorial authority staff such as the committee secretary or members of the legal team (where appropriate). Territorial authorities may wish to engage an external advisor to provide guidance on specific matters such hearing procedures, the use of evidence, and the writing of decisions.

Section 4. Competencies

Competency guide

The competencies described in table 2 (see pages 13-15 in this document) are intended to guide territorial authority staff in the development of job descriptions and the selection process of DLC members. The competencies are provided at a level that each territorial authority can interpret as appropriate to their local situation and to those who are likely to apply.

As discussed in section 2 of this document, the mandatory requirements of DLC members and chair are clearly set out in the Act. The territorial authority must be satisfied that, overall, the candidates meet the legal test applicable to each type of applicant. The competencies listed in table 2 might help the territorial authority reach an overall view on this point.

For example, the essential competencies include the skills, knowledge and attributes that are necessary for the role. Desirable competencies are those qualities that may be useful, but are not critical. Chairpersons and list members would demonstrate different levels of experience and expertise against the various competencies but collectively the ideal should be for all competencies to be covered.

It is important for territorial authorities to note that table 2 is for guidance only and not to be interpreted as a strict checklist. That is, candidates who do not meet every requirement before appointment can instead be actively supported in their role to develop a particular skillset. The competencies are considered for the chair or a member.

NB:

- A chairperson is an elected member.
- A commissioner is not an elected member. S193(2) of the Act states: "The chief executive may only appoint a person as a commissioner if that person is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee".
- However, a TA can appoint an elected member as a commissioner assuming they have the competencies necessary to fulfill their functions under the Sale and Supply of Alcohol Act 2012. Advice that MoJ has given before stated: "*As a transitional measure around elections, an elected member who is a Chair can be appointed as a Commissioner either until a new elected member can take the position or he or she may remain as a Commissioner if the TA considers that desirable.*"

Continued on next page

Section 4. Competencies, continued

Table 2: Competencies for DLC chairperson/Commissioner and DLC list members		
CHAIRPERSON/COMMISSIONER		
Competency descriptor	Essential	Desirable
1: Experience relevant to alcohol licensing matters – Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area.		
Knowledge of alcohol licensing		✓
Demonstrate experience of legal and regulatory alcohol environment	✓	
Knowledge of the Sale and Supply of Alcohol Act 2012	✓	
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm.		
Knowledge of alcohol-related harm and its impact on communities		✓
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates.		
Awareness and understanding of the local alcohol policy (if relevant)	✓	
Understanding of community expectations around licensing		✓
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	✓	
Ability to sort fact from fiction	✓	
Operates independently with little direction	✓	
Applies pragmatic decision-making	✓	
Chairperson experience	✓	
Balanced assertiveness	✓	
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation.		
Understanding and application of the legislation	✓	
Understanding written decisions	✓	
Interpreting case law	✓	
Knowledge and understanding of hearings procedure	✓	
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong oral and written communication skills	✓	
Knowledge of and ability to operate under rules of confidentiality	✓	
Skills in questioning- ability to drill down to the issue	✓	
Writes clear and well thought-out decisions	✓	
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	✓	
Refrains from behaviour that fosters the appearance of conflict of interest	✓	
Applies rules and regulations in a consistent, non-biased manner	✓	

Section 4. Competencies, continued

Table 2, continued: Competencies for DLC chairperson/Commissioner and DLC list members		
DLC LIST MEMBERS		
Competency descriptor	Essential	Desirable
1: Experience relevant to alcohol licensing matters – Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area.		
Knowledge of alcohol licensing	✓	
Demonstrate experience of legal and regulatory alcohol environment		✓
Knowledge of the Sale and Supply of Alcohol Act 2012		✓
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm.		
Knowledge of alcohol-related harm and its impact on communities	✓	
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates.		
Awareness and understanding of the local alcohol policy (if relevant)	✓	
Understanding of community expectations around licensing	✓	
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	✓	
Ability to sort fact from fiction	✓	
Operates independently with little direction		✓
Applies pragmatic decision-making	✓	
Chairperson experience		✓
Balanced assertiveness		✓
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation.		
Understanding and application of the legislation	✓	
Understanding written decisions	✓	
Interpreting case law		✓
Knowledge and understanding of hearings procedure		✓
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong oral and written communication skills	✓	
Knowledge of and ability to operate under rules of confidentiality	✓	
Skills in questioning- ability to drill down to the issue	✓	
Writes clear and well thought-out decisions		✓
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	✓	
Refrains from behaviour that fosters the appearance of conflict of interest	✓	
Applies rules and regulations in a consistent, non-biased manner	✓	

Section 4. Competencies, continued

Table 2, continued: Competencies for DLC chairperson/Commissioner and DLC list members		
SUMMARY FOR BOTH CHAIRPERSON/COMMISSIONER (C) & DLC LIST MEMBERS (DLC)		
Competency descriptor	Essential	Desirable
1: Experience relevant to alcohol licensing matters –Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area.		
Knowledge of alcohol licensing	DLC	C
Demonstrate experience of legal and regulatory alcohol environment	C	DLC
Knowledge of the Sale and Supply of Alcohol Act 2012	C	DLC
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm.		
Knowledge of alcohol-related harm and its impact on communities	DLC	C
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates.		
Awareness and understanding of the local alcohol policy (if relevant)	C / DLC	
Understanding of community expectations around licensing	DLC	C
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	C / DLC	
Ability to sort fact from fiction	C / DLC	
Operates independently with little direction	C	DLC
Applies pragmatic decision-making	C / DLC	
Chairperson experience	C	DLC
Balanced assertiveness	C	DLC
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation.		
Understanding and application of the legislation	C / DLC	
Understanding written decisions	C / DLC	
Interpreting case law	C	DLC
Knowledge and understanding of hearings procedure	C	DLC
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong oral and written communication skills	C / DLC	
Knowledge of and ability to operate under rules of confidentiality	C / DLC	
Skills in questioning- ability to drill down to the issue	C / DLC	
Writes clear and well thought-out decisions	C	DLC
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	C / DLC	
Refrains from behaviour that fosters the appearance of conflict of interest	C / DLC	
Applies rules and regulations in a consistent, non-biased manner	C / DLC	

Section 5. Key Relationships

Key relationships

The key relationships that all DLC members must effectively maintain and manage include:

Internal Relationships

- Territorial authority staff members including democratic services, legal team
- DLC Secretary

External Relationships

- Police
 - Inspector
 - Medical Officer of Health
 - ARLA representatives.
-

Section 6. Resourcing Requirements

Applications

Table 3 (on the following page) provides a suggested percentage split of the types of applications that a territorial authority may receive. This split will differ according to each territorial authority's situation and experience.

The table also provides indicative sitting times for the different types of applications. This information is provided by the Ministry of Justice and is based on figures provided by 15 representative councils. The following assumptions have been made for the calculation of the estimated sitting times:

Unopposed applications:

- It is expected that unopposed applications will generally be considered 'on the papers' (that is without a hearing) and, in many cases, will be approved by the chairperson of the DLC on their own. The Chair, acting as a quorum of one, may not decline an unopposed case but must refer it to for a full DLC hearing.
- Special licences are assumed to take as long as unopposed manager's certificates and be considered by the DLC chairperson alone.

Opposed applications:

- Considering opposed applications is more time-consuming than unopposed applications. Opposed applications must be considered by the full DLC and must be considered by way of a public hearing (unless the objector does not require a hearing, the objection is withdrawn, or it is considered vexatious or out of scope).
- Based on prior ARLA experience hearings for opposed licence applications typically take 3-6 hours and hearings of opposed manager's certificates typically take one hour.

Table 3 brings the assumptions together to create an indicative estimate of the direct costs of DLCs. This does not include the cost of additional council support staff to service the DLC. The fees for DLC members are set according to Cabinet fees framework. The DLC Chairperson is entitled to \$624 per day (\$78 per hour for part days) and other members will receive \$408 per day (\$51 per hour for part days).

Continued on next page

Section 6. Resourcing Requirements, continued

Table 3: Indicative estimate of the direct costs of DLCs.

Estimated percentage split by application type and estimated sitting time required for each			
Application	Considered by	Estimated % split of application type	Estimated DLC members' time (sitting hours only)
Unopposed manager's certificates	Chairperson or Commissioner DLC	95%	0.33
Opposed managers' certificates- hearing	Full DLC	5%	1.5
Temporary Authority	Full DLC	100%	0.5
Unopposed licences	Chairperson or Commissioner DLC	70%	0.5
Opposed licences – hearing	Full DLC	30%	5
Unopposed special licences	Chairperson or Commissioner DLC	99%	0.33
Opposed special licences	Full DLC	1%	2 (though will vary depending on circumstances)



Selecting and appointing district licensing committees

A guide for councils

We would like to acknowledge the input and support provided by the advisory group established for the purposes of this project as well as members of the District Licensing Committee Advisory Group, the Local Government Alcohol Reference Group and the Regulatory Agencies Steering Group. We would also like to thank Local Government New Zealand, and the Society of Local Government Managers for their contributions.

Disclaimer

The information contained in this online guide is intended as a general guide. While reasonable measures have been taken to ensure that the information is current and accurate as at October 2019, the Health Promotion Agency cannot accept any liability for any inaccuracy, omission or deficiency in relation to the information. It is not legal advice and you should not rely on anything contained in this guide in any legal proceedings. The information provided does not replace or alter the laws of New Zealand, and you should consult the legislation and obtain your own legal and professional advice, as appropriate. The Health Promotion Agency will not accept liability for any action taken in reliance on anything contained in this online guide.

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About this guide

Who is this guide for?

This guide is for council staff responsible for managing the selection and appointment of district licensing committees (DLCs). The guide will be useful whether you are new to the process or you have had previous experience. It may also be of interest to elected members of council and prospective DLC members.

How will this guide help you?

This guide will support you to:

- understand the range of skills that a DLC needs
- run a robust selection and appointment process
- appoint a DLC with the necessary knowledge, skills and experience
- give effect to the Sale and Supply of Alcohol Act.

The Sale and Supply of Alcohol Act 2012 (the Act) aims to minimise harm from alcohol by managing the way it is sold, supplied and consumed. The Act introduced a new system of alcohol licensing intended to enhance community participation in licensing decisions.

DLCs have an important role under the Act – to consider and decide on all applications for alcohol licences within their local areas. DLCs need the right mix of skills to do their job well.

Councils are responsible for selecting and appointing DLCs. This is an important first step in ensuring that DLCs can carry out their role effectively. This guide will help you run a robust selection and appointment process. You can tailor the guidance to fit your local circumstances, the size of your community and the number of licensing applications you receive.

What does this guide cover?

1. A brief introduction to DLCs
2. Who can be on a DLC?
3. Who can't be on a DLC?
4. Considering your local context
5. Running a robust selection and appointment process
6. Dealing with challenges
7. Providing ongoing support for your DLC

Section 8 provides resources such as examples of advertisements, job descriptions and interview materials that you can use and adapt for your council.

1. A brief introduction to DLCs

This section provides background information on DLCs and relevant legal requirements under the Sale and Supply of Alcohol Act 2012 (the Act). It covers:

1.1 What DLCs do

1.2 The legal status of a DLC

1.3 Relevant sections of the Act

1.1 What DLCs do

Anyone wanting to sell and supply alcohol to the public in New Zealand must apply to their local council (territorial authority) for a licence. District licensing committees (DLCs) consider and decide all applications for licences and manager's certificates (s 187 of the Sale and Supply of Alcohol Act 2012).

DLCs are established under the Act and administered by councils. Each council must establish and maintain a list of DLC members. They can have their own list or have a combined list with one or more other councils (s 192).

A DLC considers the application, agency reports, evidence and submissions presented to it against the criteria in the Act and any relevant case law. It then objectively evaluates the evidence, determines facts, forms opinions and draws conclusions to make its decision.

Within their local areas, DLCs decide applications for:

- new and renewal applications for on-, off- and club licences
- special licences
- new and renewal applications for manager's certificates
- opposed acting or temporary appointments of managers
- variation of licence conditions
- temporary authorities and temporary licences
- orders to vary, revoke, suspend or cancel a special licence.

1.2 The legal status of a DLC

A DLC is a committee of council (s 200(1)), is administered by the council, and may include councillors. However, it is an independent inquisitorial and impartial body and operates differently from all other council committees. A key difference is that in DLC hearings the parties have the right to call, examine and cross-examine witnesses. In addition, DLCs are not required to publicise or run their meetings in the same way as other council committees (s 207 of the Act and part 7 Local Government Official Information and Meetings Act 1987 (LGOIMA)).

DLCs have the powers of commissions of inquiry under the Commissions of Inquiry Act 1908. As a commission of inquiry, a DLC has a quasi-judicial role. DLCs have powers and procedures similar to those of a court of law or a judge and are obliged to objectively make findings of facts and draw conclusions from them. This means, for example, that a DLC can issue summonses requiring the attendance of witnesses before it or the production of documents. It also has the power to rehear any matter that it has determined (s 201(4)). DLCs should not be subject to influence from the council (or from any other third party). A council can, if it wishes, be represented and participate in a DLC hearing (s 204). However, a council cannot override a decision of a DLC.

A decision of a DLC can be appealed to the Alcohol Regulatory and Licensing Authority (ARLA) by any party to the decision. Decisions of ARLA can be appealed to the High Court, and then, if leave is granted, to the Court of Appeal.

1.3 Relevant sections of the Act

The following sections of the Act relate to the appointment and operation of DLCs:

99	Applications to be made to licensing committee
186	Territorial authorities to appoint district licensing committees
187	Functions of licensing committees
188	Powers of licensing committees
189	Composition of licensing committees
190	Meetings of licensing committees
191	Quorum
192	Territorial authority to establish and maintain list of licensing committee's members
193	Appointment of commissioners
194	Resignation or removal
200	Application of Local Government Official Information and Meetings Act 1987
201	Licensing authority and licensing committees have powers of commissions of inquiry
202	Procedure
203	Proceedings of licensing authority and licensing committees
204	Right of certain persons to appear in proceedings
207	Evidence in proceedings before licensing authority or licensing committee
208	Licensing authority or licensing committee may waive certain omissions
211	Decisions to be given in writing



2. Who can be on a DLC?

This section explores who can be on a DLC by considering:

2.1 What the Act says

2.2 What this means: good practice guidance

2.2.1 What is good standing?

2.2.2 What is relevant knowledge, skills or experience?

2.2.3 Detailed guidance on essential and desirable knowledge, skills and experience

2.1 What the Act says

Councils must have a list of DLC members

Councils must establish, maintain and publish a list of people approved to be members of that council's DLC. Councils can establish a combined list with one or more territorial authorities.

Members must have: "experience relevant to alcohol licensing matters" (s 192(2)). Members can be elected councillors or people from the community. Members are included on the list for a fixed term of up to five years and can be reappointed for one or more periods of up to five years.

Councils can appoint commissioners

Councils can appoint a commissioner to any of its DLCs. A commissioner has all the functions, powers and duties of the chair (s 193(1)) and can be appointed as a chair (s 189(2)).

The Act requires a commissioner to be someone who: "is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee" (s 193(2)).

Commissioners are appointed for a fixed term of up to five years and can be reappointed for one or more periods of up to five years.

The composition of a DLC

Each DLC, which is selected to consider an application, is made up of a chair and two members. The chair can be either an elected member of the council (from the approved member list) or a commissioner appointed by the chief executive, on the recommendation of the council.

2.2 What this means: good practice guidance

The Act does not define or set out:

- good standing or the necessary knowledge, skill and experience relating to matters that are likely to come before the committee (required for commissioners)
- the experience relevant to alcohol licensing matters (required for members).

In the absence of such detail, this document provides some guidance to councils about good standing and the types of knowledge, skills and experience that would contribute to the effective running of a DLC.

2.2.1 What is good standing?

A commissioner must be someone who "is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee" (s 193(2)).

The Act does not give a definition of "good standing in the community". When considering good standing you could think about whether an applicant:

- is of good character eg, do they have any convictions? Have they been bankrupted?
- has a good reputation and is held in high regard in their community
- holds positions of leadership within a community eg, school board of trustees or iwi authority
- belongs to a professional organisation that upholds professional standards of ethics.

2.2.2 What is relevant knowledge, skills or experience?

In considering what might be relevant knowledge, skills or experience, it is useful to think about the skills that DLCs need to carry out their role effectively.

DLCs must understand alcohol-related harm and how it can be minimised

All members must have an understanding of the nature of alcohol-related harm – what it is, how it impacts communities (particularly vulnerable communities), and how it can be minimised. While alcohol-related harm is often perceived as direct harm, DLCs need to understand the deeper and more complex layers of impacts on communities. Alcohol-related harm is not just about rubbish and noise. It is also about the broader health, social, economic and cultural impacts (both direct and indirect) of the sale, supply and consumption of alcohol, particularly inappropriate or excessive consumption of alcohol.

DLCs need experience in legal processes

There are different views about the need for legal training and skills on DLCs. Many applicants have legal representation for hearings, so having a DLC that is suitably experienced to address matters of law raised by lawyers is necessary. Some councils value legal expertise and only have lawyers on their DLC. Other councils don't believe that formal legal expertise is essential for a well-functioning DLC and have no lawyers at all. In these cases, chairs may have experience in legal and regulatory processes such as the Resource Management Act 1991 and councils provide legal advice or support to their DLC.

DLCs need skills to facilitate community participation

One of the key drivers behind the Act was to enhance community participation in licensing decisions. DLC practices can have a big impact on the willingness and ability of the community to take part. DLCs need skills and experience to work effectively with community participants in hearings.

When selecting and appointing your DLC you might want to consider:

- the skills and experience that members have in working with communities or running hearings in a way that makes community members feel welcome. This is particularly important for members of the community appearing as objectors who may not be familiar with judicial processes
- whether members have an understanding of:
 - the diversity of the community/communities that the DLC is responsible for
 - how alcohol-related harm impacts disproportionately across different communities and population groups
 - differing patterns of alcohol-related harm in the local community
 - barriers that some communities face to participating in the licensing and hearings process and how these might be addressed
- whether members are open to attending hearings in the evenings to accommodate objectors who work during the day
- whether your chair or members are familiar with basic te reo (language), pronunciation, and tikanga (customs). You can provide support for your DLC members to build this capacity.

You might also think about how the diversity of your DLC reflects the community it serves, in particular those most affected by alcohol-related harm.

The table below provides some detailed suggestions for relevant knowledge, skills and experience.

2.2.3 Detailed guidance on essential and desirable knowledge, skills and experience

The table below provides good practice guidance on essential and desirable knowledge, skills and experience for DLC chairs and commissioners (C), and members (M).

We have not differentiated between chairs and commissioners in this table. Chairs, regardless of whether they are elected members or appointed commissioners, need to have the same knowledge, skills and experience to run effective hearings and decision-making processes.

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
Knowledge, understanding or experience of:			
✓ Te Tiriti o Waitangi/ the Treaty of Waitangi	C, M		While the Sale and Supply of Alcohol Act 2012 does not refer to the Treaty of Waitangi, it is good practice for all people in public office to have a knowledge and understanding of the Treaty and its implications for their decision-making roles.
Law and legal processes			<i>This experience could be through other roles such as an employer or a mediator.</i>
✓ the law and its application (including the Act, case law and written decisions)	C	M	An understanding of law and how it is applied is essential for chairs. Chairs need to understand and apply the Act, case law and written decisions.
✓ judicial processes	C	M	DLCs are quasi-judicial bodies so understanding or experience of judicial processes is essential for chairs who manage hearings.
✓ natural justice and its application	C, M		Chairs and members must understand what natural justice is and what they need to do as decision makers to achieve it.
Sale and Supply of Alcohol Act 2012			
✓ the object of the Act	C, M		All members must be familiar with the object of the Act.
✓ alcohol-related harm and its impacts on communities	C, M		All members must have an understanding of the nature of alcohol-related harm – what it is, how it impacts communities (particularly vulnerable communities), and how it can be minimised.
✓ the Act and its application	C	M	Chairs must have a thorough understanding of provisions of the Act and their application.
✓ alcohol licensing (including local alcohol policies if relevant)	C	M	Chairs need a thorough understanding or experience of alcohol licensing processes.

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
Hearings			<i>This could be through experience in other roles such as an employer or a mediator – and as a facilitator or a participant in hearings.</i>
✓ the purpose of hearings	C, M		Chairs and members must understand the purpose of hearings.
✓ hearing procedures (and the unique nature of DLC hearings procedures)	C	M	Chairs are responsible for running hearings, so must have knowledge, skills and/or experience in hearings procedures generally, and DLC hearings in particular.
✓ the nature of evidence	C	M	Chairs need to understand the nature of evidence, what does (and doesn't) constitute evidence, and how evidence differs from submissions.
✓ conflict of interest and bias and the appearance of conflict of interest or bias	C, M		Chairs and members must understand the nature of conflicts of interest and bias and be able to apply them to their own situations.
✓ operating under rules of confidentiality	C, M		Chairs and members must be able to operate under rules of confidentiality.
The community			
✓ the local community in which the DLC operates	C, M		Chairs and members need to have a good understanding of the local community in which the DLC operates, including: <ul style="list-style-type: none"> • the demography of the community • whether and how it is changing • the environment that the premises are, or would be, in • groups within the community who are particularly vulnerable to alcohol-related harm • whose views are (and aren't) being presented.
✓ the local community's concerns and expectations around alcohol and alcohol-related harm	C, M		Chairs and members need to have a good understanding of the local community's concerns around alcohol and alcohol-related harm
✓ the nature of the licensing environment and alcohol-related harm in the community in which the DLC operates	C, M		Chairs and members need to be familiar with: <ul style="list-style-type: none"> • the local licensing environment: <ul style="list-style-type: none"> – numbers and types of on- and off-licence and club licence premises • the local environment that the application is for, and the nature of the current alcohol-related harm that exists there: <ul style="list-style-type: none"> – who is affected, where, when? – where is the alcohol sold and supplied and consumed?

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
✓ the local iwi, hapū, and Māori communities	C	M	Chairs should have an understanding of local Māori communities: their aspirations; their concerns and expectations about alcohol and alcohol-related harm.
✓ the cultural and ethnic make-up of the local community	C	M	Chairs should have an understanding of the cultural and ethnic make-up of local communities: their aspirations; their concerns and expectations about alcohol and alcohol-related harm.
✓ working with community and community groups		C, M	Previous experience or skills in working with community groups would be valuable to have on any DLC, particularly if they are to provide an environment that is welcoming to public objectors who are not familiar with legal environments.
Skills in:			
Communication and teamwork			
✓ oral communication	C, M		Chairs and members need to be able to communicate effectively with one another, with staff, and with participants at hearings.
✓ listening and asking questions to gain understanding	C, M		Chairs and members must be active listeners who can use questions to gain understanding.
✓ considering information from a variety of sources in an objective, unbiased way and being open-minded in reaching a conclusion	C, M		The key role of the DLC is to evaluate information from a range of parties (often in opposition to one another), consider this in an objective and unbiased way, and come to a conclusion within the context of the Act.
✓ written communication	C	M	Chairs undertake most written communication on behalf of the DLC (including minutes and decisions) so must have strong skills in this area.
✓ te reo and tikanga Māori	C,	M	Chairs should have basic understanding of te reo and tikanga so that they are able to run and manage hearings effectively and appropriately (as required).
✓ computer literacy	C, M		Chairs and members need computer literacy to carry out their role effectively, for example for: <ul style="list-style-type: none"> • email communication • research (eg, case law) • downloading, uploading and amending DLC documents and decisions.

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
✓ facilitating good working relationships with other DLC members	C, M		Chairs and members need to have good inter-personal skills and be able to build good working relationships with others.
Responsibilities of the chair			
✓ running hearings	C		The chair must be able to run or chair hearings in a way that: <ul style="list-style-type: none"> • is fair and effective • is inclusive of members of the community appearing as objectors who may not be familiar with judicial processes • ensures that no party dominates proceedings • ensures procedures are correctly followed • achieves natural justice.
✓ writing clear and well-thought-out decisions	C		Chairs are responsible for writing decisions on behalf of the DLC. They must be able to write decisions that: <ul style="list-style-type: none"> • are well structured, logical and clear • outline the considerations of the DLC in reaching its evaluations, opinions and conclusions • refer to relevant case law • are legally sound.
Personal qualities			
✓ willingness to upskill and develop new knowledge	C, M		Chairs and members need to be open to upskilling where necessary and developing their knowledge.
✓ willingness to make decisions (that may be unpopular) and be subject to media scrutiny and appeals by higher authorities such as ARLA and the High Court	C, M		The decisions made by DLCs will sometimes be unpopular and subject to scrutiny by the courts and the media. Members and chairs need to have the resilience to manage such scrutiny and criticism.



3. Who can't be on a DLC?

This section explores who can't be on a DLC by considering:

3.1 What the Act says

3.2 What this means: [good practice guidance](#)

3.2.1 [General principles for decision makers](#)

3.2.2 [Managing conflicts and bias](#)

3.1 What the Act says

You cannot appoint a commissioner (s 193(3)) or a list member (s 192(5)) if:

- 1 the person is:
 - a police officer, or
 - a Medical Officer of Health, or
 - an alcohol licensing inspector, or
 - an employee of the territorial authority
- 2 the council believes that the person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias.

Chairs who were appointed to the DLC as an elected member of council cannot remain on the DLC if they are no longer an elected member of the council. However, the council could choose to reappoint them as a commissioner if the individual has the necessary knowledge, skill and experience relating to matters that are likely to come before the committee (s 193(2)).

3.2 What this means: [good practice guidance](#)

DLCs make important decisions on applications for licences under the Act and, in doing so, must run a fair process. Councils must ensure that the people they appoint to their DLC can run a fair and objective decision-making process.

The Act specifically prohibits the appointment of anyone to a DLC who could not perform their duties due to bias or the appearance of bias as a result of their involvement, or the appearance of their involvement, in the alcohol industry.

However, considerations of bias and conflict of interest are not restricted to those with industry involvement. Every member or official of a public entity has professional and personal interests and roles. Occasionally, some of those interests or roles overlap. This is almost inevitable in a small country like New Zealand, where communities and organisations are often close-knit and people have many different connections. Elected members of council have extensive involvement in their communities and a great deal of local knowledge. This knowledge can help inform the decision-making processes of the DLC; however, this closeness to the community can also give rise to a conflict of interest or a perception of bias.

Conflicts of interest sometimes cannot be avoided, and can arise without anyone being at fault. They are a fact of life. But they need to be managed carefully. Even where no conflict of interest exists, councils and DLCs must be careful to avoid any perception of a conflict of interest. DLCs need to be impartial and be seen to be impartial.

This section sets out some general principles for decision makers and some specific guidance on managing bias and conflicts of interest.

3.2.1 General principles for decision makers

Decision makers must uphold natural justice

Natural justice is about fair process. It means that any public decision-making body, including a DLC, must be independent and impartial and its procedures must be fair and transparent. Natural justice can be enforced by the courts, administrative tribunals or ombudsmen. Determining whether a decision complies with natural justice will generally depend on whether a fair and proper procedure was followed in making it.

Decision makers must avoid bias and the appearance of bias

Decision makers must be unbiased in all procedures, when holding a hearing or making a decision. A decision maker must be impartial and must make a decision based on a balanced and considered assessment of the information and evidence before them without favouring one party over another. Even where no actual bias exists, decision makers should be careful to avoid the appearance of bias.

Decision makers must avoid conflicts of interest

The Office of the Auditor-General defines it the following way: "Put most simply, a conflict of interest can arise where two different interests overlap."

In the public sector, there is a conflict of interest where a member's or official's duties or responsibilities to a public entity could be affected by some other interest or duty that the member or official may have.

The other interest or duty might exist because of:

- the member's or official's own financial/business interests or those of his or her family
- a relationship or other role that the member or official has
- something the member or official has said or done.

3.2.3 Managing conflicts and bias

Involvement in the alcohol industry – what might this mean?

Examples of involvement in the alcohol industry that might lead to real or perceived bias or conflicts of interest for DLC members could include (but are not limited to):

- having a financial interest in a licensed premises
- having family members with interests in a licensed premises
- having close personal or working relationships with licensees
- being the property owner of the site of a licensed premises.

People who have had involvement in the alcohol industry will have knowledge, skills and experience that would be useful on DLCs. For example, ex-licensees would bring knowledge of the practical application of the Act in licensed premises. In this case, you might consider how much time has passed since they left their role. It is not easy to prescribe a specific length of time – it should be long enough that the person is unlikely to be dealing with parties they have worked closely with, but recent enough that their knowledge and skills are still relevant.

If you are thinking about appointing someone with previous involvement with the industry, then consider:

The nature of their relationships

- Who does the individual have professional relationships with?
- Could these relationships lead to bias or a perception of bias?

Awareness

- Does the person concerned have an awareness of their potential bias and whether/how it could be managed?

The observer test

- Would a reasonably informed, objective observer consider that the individual could perform their duties without bias or a perception of bias?

Managing bias and conflicts of interest in the selection and appointment process

Run a robust selection and appointment process

The best way to avoid and manage any concerns about bias and conflict of interest of DLC members is to run a robust selection and appointment process. See **Section 5.3** for more details.

Document your process

Document your selection and appointment process. If the council is challenged about an appointment (or the decision of a DLC), you will have documentation which can be made publicly available (subject to necessary privacy redactions).

Keep good notes of interviews, assessments of candidates, panel decisions and of course council decisions. Document the consideration of any potential bias or conflict of interest and the resulting conclusions. Make sure that all documents are filed in the council's electronic filing system and can be easily retrieved at a later date.



Managing bias and conflicts of interest in DLC decision making on specific applications

There are many ways that bias can be managed in the context of a specific application including:

- assessing the relationships between DLC members/chairs and applicants or parties to a hearing
- members excluding themselves
- appointing an outside commissioner if required
- allowing for concerns about bias prior to a hearing, for example:
 - all DLC members/chairs could have a photo and short biography on the council website
 - when an application is advertised and a committee is selected, the parties could be sent a link to the biographies
 - council could provide a timeframe for parties to state any concerns around bias of members prior to the hearing
- members making a declaration at the start of the hearing that they have no conflicts. Parties can object and be heard in 'chambers' if required
- the DLC referring the case to ARLA (s 170(a)).

For more information on managing conflicts of interest see the Office of the Auditor-General's guide – **Managing conflicts of interest: Guidance for public entities**.

4. Considering your local context

Each territorial authority must establish and maintain a list of DLC members. You can have your own list or have a combined list with one or more other territorial authority. Each territorial authority must have at least one DLC; larger metropolitan centres may have more than one. This section of the guide focuses on your local context and what you need to think about in selecting, appointing and administering your DLC. It considers:

4.1 Local needs and demands

4.2 Achieving the right mix

4.3 Timing of appointments

4.1 Local needs and demands

DLCs in large metropolitan areas regularly deal with high numbers of applications. While the majority are still dealt with 'on the papers' (by the chair), these DLCs may have more than 20 public hearings a year. Depending on the number of members on the list and the practices of the council, these members are likely to be involved in many hearings. Some councils in larger cities have several DLCs and a pool of chairs that can rotate.

In contrast, many smaller towns or rural areas have only a few applications per year and even fewer public hearings. Councils in smaller provincial and rural areas may have only one chair (either an elected member or a commissioner), who takes part in every hearing. If you only appoint one chair, you will need to appoint a competent deputy chair who can cover the chair if they are on leave or unwell.

Where neighbouring councils have shared lists of DLC members, DLCs can cover multiple council areas. This can be useful in areas where there are few applications and members have less chance of being involved in a hearing and keeping their skills up to date.

You need enough members to cover each other's holiday or illness or any conflicts of interest. Four members must be available for each hearing: three for the hearing and one alternate in case of illness.

Things to think about:

The demand in your community

- What is the population of your city or district? Is it likely to change significantly in the next five years?
- How many applications do you generally receive each year? Is this likely to change significantly in the next five years (eg, as a result of rapid urban growth)?
- How many hearings have you had each year in the recent past? Is this likely to change significantly in the next five years?

The make-up of your DLC

- How many DLCs do you need to meet the demand in your community?
- How many members do you need?
- How many chairs/commissioners do you need?
- What should be the ratio of chairs/commissioners to members?
- Do you need your own list of members or could you share with neighbouring councils?
- Do you have enough members to cover illness, leave and conflicts?

4.2 Achieving the right mix

Consider the overall make-up of your DLC. It is unlikely that any individual, whether they are a chair, commissioner or list member, will bring all the skills, experience and qualities needed. Rather, it is important that you get the right mix of skills in the pool.

Elected members, commissioners and community members can bring different things to a DLC. You can use a combination of each to build a DLC that reflects the needs and skills of your community and council.

Different options include:

- **No elected members** – you can have commissioners as chairs and community members as list members. This approach can de-politicise the process, emphasising the independence and separation of the DLC from the elected members. It provides for elected members to advocate more broadly for their community on alcohol issues, ensuring no conflict of interest.
- **Commissioners and elected members** – if your elected members have great understanding of the local community but little experience in alcohol licensing, a commissioner can provide that knowledge and help build local capability.
- **Elected members and community members** – if you have elected members with the necessary skills and experience but you want to reflect your community (or particular parts of it) or broaden your skill base, you might include list members from the community.
- **Only elected members** – some councils value the local knowledge that elected members bring and so only have elected members on their DLCs. This can work if your elected members have the skills required for a DLC to function effectively, such as knowledge and experience of legislation, regulation, alcohol licensing, hearings and decision writing. However, this could increase the likelihood of conflict of interest, raise perceptions of bias, and reduce advocacy options for elected members to participate in hearings. The need to be available for hearings may also impact on their elected member duties.

4.3 Timing of DLC appointments

4.3.1 Tenure

Councils can appoint DLC members, chairs and commissioners for up to five years. They can be reappointed for one or more periods of up to five years.

A DLC member can resign at any time and can be removed for inability to perform functions, neglect, bankruptcy or misconduct.

Chairs who were appointed to the DLC as an elected member of council cannot remain on the DLC if they are no longer an elected member of the council. However, the council could choose to reappoint them as a commissioner if the individual has the knowledge, skills and experience relating to matters that are likely to come before the committee.

4.3.2 Timing of appointments

You need to think about when you will appoint members and for how long. You can predict the timing of some appointments – such as when a term ends or following local government elections. Some others will not be as predictable, for example if a member resigns during their term.

Some councils stagger their appointments or appoint members for different lengths of time so that terms do not all end at the same time. This can help with succession and maintaining knowledge within the DLC, but it can also be very resource intensive.

You need to start recruitment of new members several months before the expiry of an outgoing member. See **Section 5.3, which outlines the selection and appointment process in detail.**



5. Running a robust selection and appointment process

Your selection and appointment process must be robust, transparent, objective and well managed. This section provides guidance to help you achieve this. It covers:

5.1 Who should be involved?

5.2 Attracting a wide pool of skilled candidates

5.3 The process in detail

5.1 Who should be involved?

5.1.1 Staff

Staff should run and manage the selection and appointment process. The staff who are usually involved include regulatory managers, DLC advisors and hearings advisors. Inspectors should not be involved. Staff should advise elected members on the selection and appointment process, run the selection process, and provide recommendations on appointments to council.

5.1.2 Elected members

Different councils involve elected members at different levels. Whatever involvement elected members may have, the key is to maintain transparency and objectivity in the process.

Many councils keep elected member involvement to a minimum: elected members are informed of the process at the start and approve staff recommendations for appointments at the end. Elected members have no active involvement in implementing the process or making decisions about who is appointed.

Other councils involve elected members at particular points in the process. For example, some councils who have elected members on their DLC include them on interview panels. Any elected members involved in the selection process would need to follow the selection criteria and assessment process in a transparent and objective manner, as with other members of the selection panel.

Remind elected members of the potential risks of not following good process (challenges to the appointment process and associated legal costs, reputational risks, a DLC without the necessary skills, poor decisions by the DLC, etc).

5.1.3 Members of Iwi or Māori committees

Several councils have provided for an Iwi or Māori voice in the selection and appointment process. You could do this by involving members of your local Iwi, Hapū or Māori advisory board/committee in: determining selection criteria; interviewing candidates; shortlisting; or making recommendations for selection.

5.1.4 External contractors

Some councils have used an external contractor to run the entire process. This can assist in providing transparency and independence from the council. However, this option can be costly and so may not be available to all councils.

5.2 Attracting a wide pool of skilled candidates

Section 2.2.2 outlined the skills, experience and knowledge that DLCs need. These include an understanding of alcohol-related harm and how it can be minimised; experience in legal processes; and skills to facilitate community participation.

Your DLC can be more effective if members have a thorough understanding of:

- the local community in which the DLC operates including the local Iwi, Hapū, and Māori communities
- the local community's concerns and expectations around alcohol and alcohol-related harm
- the nature of the licensing environment and alcohol-related harm in the community in which the DLC operates.

Try and attract as wide a range of candidates as possible. You might need to be proactive to attract candidates that have the necessary experience and reflect the community the DLC serves. Organisations that you might approach to seek a broader range of candidates could include:

- Hapū or Iwi organisations
- community health providers – including Māori, Pacific or migrant health providers
- legal associations – such as Community Law or the Māori Law Society
- youth organisations
- women's organisations such as the Māori Women's Welfare League or Rural Women New Zealand
- Māori Wardens.

5.3 The process in detail

- This section sets out the steps in process for selection and appointment of your DLC. It covers:
 1. Potential review of any appointment policy
 2. Preparation and planning
 3. Seeking council approval for the process
 4. Establishing an appointment panel
 5. Developing your documentation
 6. Advertising, notifying and proactively seeking out candidates
 7. Screening your applicants and assessing eligibility
 8. Carrying out the interviews
 9. Selecting your candidates and considering the mix of your DLC
 10. Providing recommendations to council on appointments
 11. Confirming contracts for services

1. Potential review of any appointment policy

If your council has an appointment policy, consider whether it needs a review before you start your selection and appointment process. If it does need to be reviewed, work out how long this will take, who will need to be involved, and whether council will have to sign off the final policy.

2. Prepare and plan

How many DLCs do you need?

Think about the demand in your community and how the make-up of your DLC can respond to this demand. You need an idea of how many DLCs you will need and whether you can share with neighbouring councils. Think carefully about the ratio of chairs/commissioners to members. For more information and questions to consider see Section 4.1.

Elected members, commissioners, or community members?

Elected members, commissioners, and community members can bring different things to a DLC. You can use a combination of each to build a DLC that reflects the needs and skills of your community and council. Section 2.2.2 looked at the skills needed for a DLC and the different options for getting these. Think about the skills that exist among your elected members and whether you need or want to seek candidates from the community.

Consider your process

Think ahead of time about how you will run your process:

- Who will run the process?
- Who else will be involved in the process and at which stages?
- Who will make decisions?
- Do you need to proactively seek out candidates? When and how will you do this?
- Who will be responsible for drafting key documents?
- What is your timeline?
- How will you communicate with people involved in the process?
- What will the process cost and is the money allocated in your budget?
- When does council need to make decisions or be informed?

Appointing elected members

Many councils appoint elected members to their DLC following local body elections as part of the process of assigning committee roles within council. The appointment of community members/ commissioners then happens on a different timeframe. Elected members are not usually interviewed in the same way as community members, so some of the steps set out in this process may not apply when appointing elected members to DLCs.

3. Seek council approval for the process

Draft a paper to council outlining your proposed process before you start it. You should cover:

- the number of DLCs, chairs, commissioners and members you propose to appoint
- when and how elected members will (and won't) participate in the process.

4. Establish an appointment panel

Based on the decisions made by council in Step 3, establish your appointment panel.

5. Develop your documentation

You will need several documents for applicants as well as internal documentation of the process. It is critical that you document your process accurately in case you are challenged at a later stage. You may want to involve your appointment panel in this step of the process, or they might lead this step.

For applicants you will need:

- advertisements
- job descriptions
- FAQs (optional).

In your communication to potential applicants you need to be clear about the role(s), the skills and experience required, eligibility criteria and conflicts of interest, along with likely time commitments and remuneration.

For your own processes you will need

- criteria for selection
- interview questions
- scoring sheet for candidates
- reports to council.

You can find examples and templates for these documents in [Section 8 of this guide](#).

6. Advertise, notify and proactively seek out candidates

Seek out candidates through a range of channels including:

- your council website
- online job and career sites
- newspapers
- council's community and business networks
- Iwi, Hapū and Māori networks
- proactively seeking out potential candidates (see [Section 5.2 for more information](#)).

7. Screen your applicants and assess eligibility

Once applications have been received, the appointment panel will need to screen them for eligibility and skills. See Section 3 for more information on eligibility and Section 2.2.2 for more information on skills.

8. Carry out the interviews

The appointment panel will then carry out the interviews with the chosen candidates.

9. Select your candidates and consider the mix of your DLC

The interview panel will select their preferred candidates. As part of this process they will need to consider the overall mix of skills and how these match the skills required of a DLC. See Section 4.2 for more information on achieving the right mix.

This step will also cover: short-listing; acceptance of role; drawing up the contract for services.

10. Provide recommendations to council on appointments

Draft a paper to council with recommendations for appointment of members and commissioners. You might go through the relevant council committee before going to full council.

11. Confirm contracts for services

The final step in the process is to confirm the contract for services with members. Some councils only have contracts with list members who are not elected members. Others have contracts with all list members including elected members.



6. Dealing with challenges

Following the best practice set out in this guide will support you to run a robust, transparent and objective selection and appointment process. However, despite your best efforts, you are likely to run up against problems or face risks to your process. This section

provides some ideas for dealing with these risks and challenges. It is a good idea to talk with colleagues in your council or other councils if you are facing risks or challenges: you don't have to have all the answers.

Risk to the process/Challenges	Options
Difficulty attracting skilled candidates	<ul style="list-style-type: none"> Proactively seek out skilled candidates through relevant organisations or contacts Consider appointing a commissioner Consider having a combined members' list with neighbouring councils. This can provide a greater pool of skills and expertise to select from Think about training or mentoring to upskill your members (including regional and national training or mentoring) See Section 2.2.2 for information on skills required
<p>Your DLC does not have a good understanding of your community and the impacts of alcohol-related harm on it</p> <p>OR</p> <p>Your DLC does not reflect the community it serves</p>	<ul style="list-style-type: none"> Consider the current and projected demographics of your community. Is your community changing? If so, how? Proactively seek out skilled candidates through relevant organisations or contacts to address gaps Think about who is applying to your DLC and being appointed (and who isn't). Do you need to review your processes and documentation to attract different people? Consider having a combined members' list with neighbouring councils. This can provide a greater pool of skills and expertise to select from See Section 5.2 for more ideas
Politicisation of the process/ Councillors not supporting staff recommendations for appointments	<ul style="list-style-type: none"> Prepare and plan your process (see Section 5.3) Have a DLC Appointment Policy which sets out the process for appointments and reappointments Draft a paper to council outlining your proposed process before you start it. Clearly set out the roles of councillors and staff from the beginning. Seek council agreement to the process Remind elected members of the potential risks of not following good process (challenges to the appointment process and associated legal costs, reputational risks, a DLC without the necessary skills, poor decisions by the DLC, etc)
Too many members, chairs or commissioners	<ul style="list-style-type: none"> Prepare and plan your process (see Section 5.3) Consider the demand for alcohol licensing in your community and the make-up of the DLC to provide for it (see Section 4.1) Clarify your community's requirements in your initial paper to council Start small and add members later if necessary. It is easier to add members than remove them

7. Providing ongoing support for your DLC

Councils are responsible for resourcing and supporting DLCs so that they can fulfil their obligations under the Act effectively. The level and nature of support may vary across councils depending on their size and capability. All councils should provide an induction for new members.

Learning can be formal and structured (with associated costs) but it can also be informal and unstructured, for example meeting neighbouring DLCs for a morning tea or going out with Police and licensing staff on weekends. Different people have different learning styles: some like a written, formal document to take away and read; some prefer an informal chat. Talk to your members about their learning styles and what they would find helpful.

More experienced DLC members could provide mentoring to new members on a range of topics. Support could also come from council staff such as the DLC secretary or members of the council's legal team. Councils can hire external people to provide specific technical guidance, for example on hearing procedures, the assessment of evidence and submissions, and writing decisions.

Understanding the impact of alcohol-related harm on different communities is important for all DLC members. You might consider providing training opportunities for members to gain a deeper understanding of this, for example through access to health equity training, or attending a local hospital's emergency department.

In some regions, councils coordinate shared training for DLCs from across the region. Councils also hold regular training and invite DLCs from other areas to attend. This is a great way for DLCs to upskill and network.

Training support can also come from national bodies such as **Local Government New Zealand** and the **Health Promotion Agency** or the **national DLC network**. It is worth finding out about resources and training opportunities that these groups provide.



8. Tools and resources

Section 8 provides resources such as examples of advertisements, job descriptions and interview materials that you can use and adapt for your council.

8.1 Advertisements

8.2 Position description

8.3 Interview questions

8.4 Scoring sheet for candidates

We have not provided example contracts, but you can access **central government model contract templates** through the Ministry of Business, Innovation and Employment.



8.1 Advertisements

Advertisement Example 1

District Licensing Committee Members and Chairs

Great decision-making skills? Former alcohol licensing experience? We are calling for applications from persons interested in making alcohol licensing decisions to be part of [NAME] Licensing Committee.

The District Licensing Committee is responsible for determining all alcohol licences and manager's certificates in [AREA]. We are looking for applicants with strong skills and experience, including:

- relevant alcohol licensing experience in previous roles
- demonstrated knowledge of the Sale and Supply of Alcohol Act 2012 and how it is applied
- highly developed decision-making skills and investigative ability
- demonstrated knowledge of the hearing process
- an understanding of [AREA] communities and their expectations around alcohol licensing
- strong oral and written communication skills
- some knowledge of alcohol-related harm in [AREA].

Please note that applicants must not have any involvement, or the appearance of involvement, in the alcohol industry or alcohol retail business.

Applicants should be prepared for flexible working hours, noting that this is not a full-time role. Successful candidates will be contracted to [NAME] council and will not be employees of the council. Work will be on an 'as required' basis at the remuneration rate set by the Minister of Justice for a term that expires in June [year].

Preference will be given to candidates that live in the [NAME] area/region.

Any enquiries please contact [NAME] on [NUMBER].

Applications close on [date] at [time]

Applicants must apply via our website [WEBSITE] including a recent copy of their curriculum vitae, and if you are applying to be a chair or commissioner, examples of recent decisions you have written.

Advertisement Example 2

Expressions of Interest – New District Licensing Committee for [NAME] Council

Great decision-making skills? Former alcohol licensing experience? We are calling for applications from persons interested in making alcohol licensing decisions to be part of [NAME] Licensing Committee.

Expressions of interest are invited from suitable persons for consideration for appointment as the Commissioner and Licensing Committee Members. The District Licensing Committee consists of a Commissioner and two other Committee Members drawn from a list of members appointed by [NAME] Council.

The District Licensing Committee has responsibility for all local decisions on applications made under the Sale and Supply of Alcohol Act 2012, including:

- premises licence applications – new, renewals, variations
- new applications and renewals of manager's certificates
- applications for temporary authority
- special licences variations, suspensions and cancellations.

Council is keen to reflect the diversity of the community it serves and encourages applicants who can demonstrate:

- knowledge of alcohol licensing and the legal framework
- an understanding of the impact of alcohol-related harm on communities
- highly developed analytical and decision-making skills
- experience applying legislative and regulatory frameworks
- knowledge of and familiarity with the conduct of public hearings
- excellent verbal and written communication skills
- the highest standard of professional and personal integrity.

DLCs are quasi-judicial committees of Council with decisions being appealable to the Alcohol Regulatory and Licensing Authority. It is preferable that applicants for Commissioner or Chair have demonstrable experience in writing decisions in a legal context.

Further information on the roles, including application details, position competencies and remuneration can be found on Council's website.

Applicants should demonstrate how their ability to make decisions on alcohol matters and their experience of hearings processes will benefit Council's DLC.

Applications close on [date] at [time]

Applications should be made to:

The Secretary
[NAME] Licensing Committee
[ADDRESS]

Or by email to the Secretary of the District Licensing Committee [EMAIL]

8.2 Position description

Position Description Example 1 – Chair/Commissioner

[NAME] Council

POSITION DESCRIPTION

POSITION TITLE: Chairperson/Commissioner, District Licensing Committee

Position purpose

The purpose of this position is to chair a [NAME] District Council District Licensing Committee (DLC) that will consider and determine applications made under the Sale and Supply of Alcohol Act 2012.

More particularly, the functions of the DLC are to:

- consider and determine licence applications, renewals, variations, suspensions and cancellations
- consider and determine new applications for and renewals of manager's certificates
- consider and determine applications for temporary authority
- conduct inquiries and make reports to the Alcohol Regulatory and Licensing Authority (ARLA)
- with the leave of ARLA, refer applications to ARLA.

A DLC consists of three members appointed by a territorial authority for its district.

The DLC will have to issue reasoned decisions in writing and send copies to the relevant parties.

In its decision making, the DLC will have regard and, where applicable, give effect to the [NAME] Council Local Alcohol Policy.

Workload

The workload of the DLC will depend on the number of applications received and the number of these applications that are objected to by members of the public or where reporting agencies are in opposition. All uncontested applications are to be considered on the papers by the Chairperson/Commissioner, while contested applications are considered by the full DLC.

A DLC can transfer an application to ARLA for its consideration, with the agreement of the Chair of ARLA.

The table attached as Appendix A outlines the types and numbers of applications that have historically been lodged at [NAME] Council:

As formal meetings will only be required for contested applications, an estimate has been made as follows based on historical data:

- Chair: 7 hours per week to consider and determine uncontested applications
- Full DLC: 3 half day hearings per annum (total one and half days)

Remuneration

As determined by the Minister of Justice in accordance with the Cabinet fees framework, the DLC Chair will receive remuneration at a rate of \$624.00 per day or \$78.00 per hour for part days.

The DLC Chair will also be reimbursed for reasonable expenses incurred in the discharge of duties associated with the position.

Duration of appointment

The appointment will be for a period of up to five years. The appointee may be reappointed for one or more further terms.

A Chairperson/Commissioner may resign from office at any time by written notice to the relevant territorial authority.

The territorial authority may at any time remove a member of a DLC or a Chairperson/Commissioner appointed to a DLC for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the territorial authority's satisfaction.

Person specification

A person can only be appointed as a Chairperson/Commissioner if that person is of good standing in the community and has the necessary knowledge, skill and experience relating to matters that are likely to come before the DLC.

Additionally, a person must not be a Chairperson/Commissioner or DLC member if:

- a. the territorial authority believes that person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias; or
- b. the person is a constable, a Medical Officer of Health, an inspector (Alcohol Licensing), or an employee of the territorial authority.

Attached is the *LGNZ Guide to Selecting and Appointing District Licensing Committees*, which sets out skills expected for a Chair/Commissioner.

Important functional relationships

Internal

- DLC Secretariat staff
- Other staff of the [NAME] Council

External

- Police
- Medical Officers of Health representatives
- Licensing inspector(s)
- Fire and Emergency NZ
- ARLA

Appendix A

Types and numbers of applications that have historically been lodged at [NAME] District Council:

TYPE	1 July 2017 – 30 June 2018	1 July 2016 – 30 June 2017	1 July 2015 – 30 June 2016	1 July 2014 – 30 June 2015	1 July 2013 – 30 June 2014
Special licences					
On-licences					
Club licences					
Off-licences					
Manager's certificates					
Temporary authorities					
TOTAL					
Number of hearings held					

Position Description Example 3 – List Member

[NAME] Council

POSITION DESCRIPTION

POSITION TITLE: List Member, District Licensing Committee

Position purpose

The purpose of this position is to act as a List Member of a [NAME] Licensing Committee (DLC) that will consider and determine applications made under the Sale and Supply of Alcohol Act 2012.

More particularly, the functions of the DLC are to:

- consider and determine licence applications, renewals, variations, suspensions and cancellations
- consider and determine new applications for and renewals of manager's certificates
- consider and determine applications for temporary authority
- conduct inquiries and make reports to the Alcohol Regulatory and Licensing Authority (ARLA)
- with the leave of ARLA, refer applications to ARLA.

A DLC consists of three members appointed by a territorial authority for its district.

The [NAME] Council has an appointed Chairperson/Commissioner to chair the DLC.

The Council will maintain a list of DLC members from which members will be appointed to sit in accordance with terms of reference agreed by the Council.

The DLC will issue reasoned decisions in writing and send copies to the relevant parties.

In its decision-making, the DLC will have regard and, where applicable, give effect to the [NAME] Council Local Alcohol Policy.

Workload

The workload of the DLC will depend on the number of applications received and the number of these applications that are objected to by members of the public or where reporting agencies are in opposition. All uncontested

applications are to be considered on the papers by the Chairperson/Commissioner, while contested applications are considered by the full DLC.

A DLC can transfer an application to ARLA for its consideration, with the agreement of the Chair of ARLA.

The table attached as Appendix A outlines the types and numbers of applications that have historically been lodged at [NAME]:

As formal meetings will only be required for contested applications, an estimate has been made as follows based on historical data:

- Chairman: 7 hours per week to approve uncontested applications
- Full DLC: 3 half day hearings per annum (total one and a half days)

List members will be rotated as required to sit at hearings; rotation will be influenced by such factors as availability, location of hearing, territorial locality of premises involved, conflict of interest etc.

Remuneration

As determined by the Minister of Justice in accordance with the Cabinet fees framework, a DLC list member will receive remuneration at a rate of \$408.00 per day or \$51.00 per hour for part days.

A list member will also be reimbursed for reasonable expenses incurred in the discharge of duties associated with the position.

Duration Of Appointment

The appointment will be for an initial period of up to five years. The appointee may be reappointed for one or more further terms of up to five years.

A list member may resign from office at any time by written notice to the relevant territorial authority.

The territorial authority may at any time remove a list member of a DLC for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the territorial authority's satisfaction.

Person specification

A person must not be approved to be included on the DLC members' list unless that person has experience relevant to alcohol licensing matters.

Additionally, a person must not be a DLC list member if:

- the territorial authority believes that person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias; or
- the person is a constable, a Medical Officer of Health, an inspector (Alcohol Licensing), or an employee of the territorial authority.

Attached is the LGNZ Guide to Selecting and Appointing District Licensing Committees.

Important functional relationships**Internal**

- DLC Secretariat staff
- Other staff of the [NAME] Council

External

- Police
- Medical Officers of Health representatives
- Licensing inspectors
- Fire and Emergency NZ
- ARLA

Appendix A

Types and numbers of applications that have historically been lodged at [NAME] District Council:

TYPE	1 July 2017 – 30 June 2018	1 July 2016 – 30 June 2017	1 July 2015 – 30 June 2016	1 July 2014 – 30 June 2015	1 July 2013 – 30 June 2014
Special licences					
On-licences					
Club licences					
Off-licences					
Manager's certificates					
Temporary authorities					
TOTAL					
Number of hearings held					

8.3 Interview questions

Interview Questions Example 1 – List Member

Position	DLC Member
Applicant	
Panel member	
Date	

Compulsory conflict of interest question:

Can you confirm that there is no potential, perceived or actual conflict of interest between any current professional or private interests you may have and [NAME] Council? (eg, Do you or a family member have a private business that does or potentially may do business with [NAME] Council?)

Opening question: What attracted you to apply for this position?

1. What is your understanding of the Sale and Supply of Alcohol Act 2012 and its purpose?

2. What is your understanding of the role of DLC committees and members?

What do you consider are the community concerns and expectations around alcohol and addressing alcohol-related harm for this territorial authority?

How do you think we can address these concerns through alcohol licensing?

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Can you tell us about your knowledge and experience in working with legislation?

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Can you tell us about your experience in meeting protocols ie, types of meetings you have been involved with and your role/responsibilities?

Describe your specific role.

Exactly what did you do?

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Can you tell us about a time you were involved in a decision-making process with multiple stakeholders with differing views?

What was the situation?

How did you approach this?

What was challenging?

What did you do?

What was the end result?

Little or no evidence	Some evidence	Good Evidence	Strong Evidence
1	2	3	4

What are the key communication strengths you will bring to this role, and how have you demonstrated these in previous roles?

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

What do you think are the key requirements for working as a team, and how have you demonstrated these in previous roles?

Little or no evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Please confirm the time you are able to commit to the DLC:

Post questions:

Ask candidate if they have any questions

Confirm referee details on CV. We will tell candidate of our intention to contact referees

Interview Questions Example 2 – Commissioner

Position	DLC Commissioner
Applicant	
Panel member	
Date	

Compulsory conflict of interest question:

Can you confirm that there is no potential, perceived or actual conflict of interest between any current professional or private interests you may have and [NAME] Council? (eg, Do you or a family member have a private business that does or potentially may do business with [NAME] Council?)

Opening question – What attracted you to apply for this position?

1. Can you tell us about your experience in chairing committees?**2. Can you tell us about the most challenging committee/board decision-making process you have been involved in?**

What was your role?

What factors did you consider?

What were the risks?

What was the outcome?

How did you address being challenged on perceived bias or pre-determined outcomes?

3. Can you tell us about your understanding of the powers of a Commission of Inquiry, and how it would relate to your role as Commissioner?

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

1. An expectation of the role of Commissioner is writing legal decisions, in particular from licensing hearings. Can you tell us about the most complex legal decision or legal report that you have written?
2. What factors do you take into account when preparing and writing reports/decisions?

1. What do you consider are the community concerns and expectations around alcohol and addressing alcohol-related harm for this territorial authority?
2. How do you think we can address these concerns through alcohol licensing?

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

1. What is your experience in working with the Sale and Supply of Alcohol Act 2012?
2. How do you ensure that you keep up to date with current trends/case law/and legal considerations in relation to the Sale and Supply of Alcohol Act?

What are the key leadership and communication strengths you will bring to this role, and how have you demonstrated these in previous roles?

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Little or No Evidence	Some Evidence	Good Evidence	Strong Evidence
1	2	3	4

Council is moving towards end-to-end electronic processing of licensing applications.

What challenges would receiving electronic application packs, and writing and issuing of electronic decisions present to you in your role as Commissioner? What support would you require to undertake this processing?

Please confirm the time you are able to commit to the DLC:

Post questions

Ask candidate if they have any questions

Interview close

Confirm referee details on CV. We will tell candidate of our intention to contact referees

Interview Questions Example 3 – Generic

Interview Questions for Members of the [NAME] District Licensing Committee

1. What were the key factors that made you decide to register your interest as a member of the District Licensing Committee?
 - a. What are the main strengths you could bring to this role?
 - b. What is your current knowledge of what the District Licensing Committee does?
2. How would you proceed to advocate for your viewpoint effectively to the other Committee members during a hearing?
 - a. What is your style in dealing with conflicting viewpoints?
3. How do you assimilate new information? eg, Are you a note taker, do you research your topic etc?
 - a. After you have a clear overview of the topic, how do you demonstrate an understanding of what this means and articulate it to a varied audience?
4. Where do you see the value in research documents and overseas literature/studies in assisting the Committee when making a decision?
5. How do you think the balance should be addressed between the perceived harm and other social consequences in the community and the need for a vibrant inner city precinct?
 - a. Do you have a personal opinion on this topic?
6. How do you believe you can represent the diversity of our community?
 - a. Can you share with us your experience of dealing with a diverse range of people?
7. What in your opinion is the driving force of the Sale and Supply of Alcohol Act?
8. It is important that we engage with our stakeholders at all levels. What are some of the key factors that you think would put people at ease if they were appearing before the Committee?
9. What awareness do you think is necessary in regard to the decisions of the Committee where ultimately these decisions could result in having a detrimental impact on the livelihood of the applicants?
10. If appointed to the Committee, do you think that you would be open to criticism by our community for any perceived conflict of interest or bias?
 - a. If so, can you share this with us?
11. Do you have any questions for the panel?

8.4 Scoring sheet for candidates

Scoring Sheet Example 1 – List Member

Applicant evaluation – DLC list member

Follow the three steps below to tally the applicant's interview score:

Scoring:

Complete your scoring straight after the interview is complete and the applicant has left the room. The panel will discuss and agree on a score using the Competency Rating at the bottom of each page.

How to work out your Applicant Total Score:

First work out the weighted score, after which you can tally the Total Score. Follow the instructions in the header of the scoring table and example table below. Finally, add the total scores together to determine the Applicant Total Score.

Example:

Key requirement/competency	Score	Weighting	Weighted score	Total score
Customer Service	2	20	$2 \times 20 = 40$	40 divided by 4 = 10

Applicant name				
Interview panel				
Date & time				
Competency/ Key requirements	Score (Out of 4)	Weighting (All weightings should add up to 100)	Weighted score (Score x weighting)	Total score (Weighted score divided by 4)
Experience relevant to alcohol licensing • Knowledge of the Act and/or licensing		20		
Understanding of alcohol-related harm		20		
Understanding of community expectations around alcohol licensing		15		
Experience in a legislative or regulatory framework		10		
Familiarity with public meeting and hearings • Knowledge of meeting protocols		10		
Decision making • Understands written decision making		10		
Communication • Good oral communication skills • Skills in questioning • Good listener		10		
Team work • Ability to work as part of a team • Understands role requirements		5		
SUB-TOTALS		100		
APPLICANT TOTAL SCORE				/100

Scoring Sheet Example 2 – Commissioner

Applicant evaluation – DLC Commissioner

Follow the three steps below to tally the applicant's interview score:

Scoring:

Complete your scoring straight after the interview is complete and the applicant has left the room. The panel will discuss and agree on a score using the Competency Rating at the bottom of each page.

How to work out your Applicant Total Score:

First work out the weighted score, after which you can tally the Total Score. Follow the instructions in the header of the scoring table and example table below. Finally, add the total scores together to determine the Applicant Total Score.

Example:

Key requirement/competency	Score	Weighting	Weighted score	Total score
Customer Service	2	20	$2 \times 20 = 40$	40 divided by 4 = 10

Applicant name

Interview panel

Date & time

Competency/ Key requirements	Score (Out of 4)	Weighting (All weightings should add up to 100)	Weighted score (Score x weighting)	Total score (Weighted score divided by 4)
Chairing formal committees or tribunals <ul style="list-style-type: none"> Knowledge and experience of the hearings procedure Understanding Commission of Inquiry powers 		25		
Writing decisions in a legal context <ul style="list-style-type: none"> Understanding and interpreting case law Preparing and writing legal decisions 		20		
Experience relevant to alcohol licensing <ul style="list-style-type: none"> Knowledge of the Act Experience of legal and regulatory alcohol environment Knowledge of alcohol licensing 		15		
Understanding of community expectations around alcohol licensing		10		
Understanding of alcohol-related harm		10		
Leadership and decision making <ul style="list-style-type: none"> Considers information in an unbiased way Operates independently Shows balanced assertiveness 		10		
Communication <ul style="list-style-type: none"> Strong oral and written communication skills Skills in questioning 		10		
SUB-TOTALS		100		
APPLICANT TOTAL SCORE				/100

Health Promotion Agency

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Title: 22-221 Transition to a New Council Following Elections
Section: Democracy & Support Services
Prepared by: Heather Kohn - Democracy & Support Services Manager
Meeting Date: Thursday 29 September 2022

Legal: Yes

Financial: Yes

Significance: **Low**

Report to COUNCIL for decision

PURPOSE

The purpose of this report is to:

1. Provide information about the transition between pre- and post-election Councils and the measures proposed to continue the business of Council during the interim election period.
2. Inform Council of the timelines, risk, options and decision recommendations to ensure business continuity during the interim election period.

SUMMARY

The report covers –

- inauguration and transition planning
- coming into and leaving office
- power to act
- business in the interim election period.

The Triennial Elections take place on Saturday 8 October 2022. Both the Local Electoral Act 2001 (LEA) and the Local Government Act 2002 (LGA) describe what is to occur.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

1. In addition to the Gisborne District Council Delegations to the Chief Executive Officer adopted 23 June 2022 the Chief Executive may only:
 - a. Act after consultation with the Mayor-elect.
 - b. Attend to those matters that cannot reasonably wait until the first meeting of the new Council.
2. Notes that the Chief Executive is required to report any decisions to the first ordinary meeting of the new Council.

Authorised by:

James Baty - Director Internal Partnerships

Keywords: transition, council, election, delegations, interim,

BACKGROUND

1. The result of the election is to be declared as soon as practicable after the validity of all special votes are determined and all valid votes are counted (s 86 of the LEA). The result should be officially declared by public notice during the period Friday 14 October to Wednesday 19 October 2022.
2. Candidates at a triennial election who are declared to be elected come into office on the day after the official result of the elections is declared.
3. Councillors Seymour, Burdett, Dowsing, Hughes, Faulkner and Worsnop have not made themselves available as candidates and therefore vacate (resign) from office on the same day along with any members who are not declared elected.
4. Sections 115 and 116 of the LEA provide:

115 When members come into office

1. *Candidates at a triennial general election who are declared to be elected come into office on the day after the day on which the official result of the election is declared by public notice under section 86.*

116 When members leave office

- (1) *Every member of a local authority or community board, unless vacating office sooner, vacates office, -*
 - (a) *in a case where the member's office is the subject of an election, when the members elected at the next election come into office.*
 - (b) *in a case where provision is made by any enactment to fill a vacancy by appointment, when the member's successor comes into office.*
 - (2) *Despite subsection [\(1\)\(a\)](#), if a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election.*
5. Under Schedule 7, clause 30(7) of the LGA, Council's Committees and subcommittees, including the Regulatory Hearing Panel, will be discharged on the coming into office of the members of the local authority elected or appointed at or following the triennial general election, unless the Council resolves otherwise. There will be no official Committees until the election results are declared and Council agrees on the membership of the new or reformed Committees.

INAUGURATION and TRANSITION PLANNING

6. Staff are planning the Swearing In Ceremony on 27 October 2022. The details will be confirmed after the election. The likely sequence of meetings is -
 - Between 14 and 19 October - Election result declared.
 - 27 October 2022 – Swearing in Ceremony (Inaugural meeting).
 - 9 and 10 November 2022 – first committee meetings as a whole.
 - 16 November 2022- first ordinary Council meeting.
7. As there will be no Council Committees during the period between the day after the election, and the time that the Council resolves to appoint new committees, some interim arrangements may be needed. The options include having interim Committees and Chairs, or the Council meeting effectively acting as a Committee of the whole to transact the business. These are all decisions for the new Council. While it is a matter for the Mayor-elect, a caucus opportunity may be arranged following election day.
8. Management and staff will assist induction and orientation by –
 - Induction commencing Monday 10 October 2022.
 - Distribution of a briefing pack as soon as practicable after the declaration of preliminary results.
 - Advising elected members of the Local Government NZ's introductory workshops and Ākona series of programmes.

POWER TO ACT

9. No person can act as a member until the appropriate declaration is made at the Swearing In Ceremony of the new Council (Schedule 7, clause 14 LGA), which will form a part of the inaugural meeting of the Council. The business to be undertaken at this first meeting must include:
 - Declarations by Mayor and Councillors.
 - Appointment of the Deputy Mayor.
 - Explanation of guiding legislation.
 - Fixing date and time of first meeting (or adoption of a schedule).
10. The Chief Executive is required to give the persons elected to the Council at least seven (7) days' notice of this first meeting, unless there is an emergency. We aim to have the first meeting on 27 October 2022.

BUSINESS IN THE INTERIM ELECTION PERIOD

11. The period between the current Council ceasing office and the new Council being sworn in and effectively taking control is known as the "interim election period". The Mayor and Councillors have no powers to act during that period.
12. All business-as-usual matters that need to be actioned during the interim election period will be dealt with through the Chief Executive and other delegates, in consultation with the Mayor-elect and Councillors-elect, if needed.

13. The Chief Executive already holds delegated authority to act in relation to any matter, excluding those matters in respect of which delegation is prohibited by legislation. No further delegation to the Chief Executive is required.
14. The Chief Executive will report to the Council as appropriate on any action taken during the interim election period, and any action required in relation to matters that have been carried over.
15. The only matters which the Chief Executive will not be able to decide on behalf of Council are those matters for which delegation is prohibited under clause 32(1) of Schedule 7, matters for which a decision by resolution is required, and matters for which a hearing is required. We anticipate that there will be no need for decisions of this nature to be made during the interim election period, with the exception of the alcohol licensing, emergency management and various hearings matters as described below.
16. The **District Licensing Committee (DLC)** is a Committee of Council set up under the Sale and Supply of Alcohol Act 2012 to make decisions on all licences and Manager's Certificates. The current Committee was established in 2019 for five years ending in 2024. A resolution is therefore not required under clause 30(7) of Schedule 7 of the LGA for this Committee to continue after the elections, however an elected member appointed as the chair of a DLC cannot continue if they cease to be an elected member, unless they have the required competencies and are appointed as a commissioner. [Alcohol Resources — District Licensing Committees \(DLCs\)](#) - this matter will be addressed in a separate report to Council.
17. The National Emergency Management Agency has advised the Mayor cannot **declare a state of emergency** during the interim election period. Our plan provides for the Minister for Emergency Management to declare a state of emergency in place of the Mayor.
18. Some of the Council's decisions require a hearing. This includes publicly notified applications under the Resource Management Act, and objections under the Dog Control Act. The Chief Executive will continue to have delegated authority to appoint a hearings panel or independent commissioner on a case-by-case basis to make these decisions during the interim election period.
19. Standing Order 28.4 requires the Chief Executive and relevant chairpersons to sign, or agree to have their digital signature inserted, **the minutes of the last meetings of the local authority before the next election of members**. The minutes of the final meetings in September 2022 will be circulated for comment prior to confirmation in accordance with the Standing Order. The Chairperson will make the final decisions regarding any changes sought by Councillors and confirm the minutes with their signature before the day after the public notice of election results.
20. The next ordinary Council meeting is scheduled for 16 November 2022, that meeting is likely to deal with Committee members, appointments, meeting schedules and delegations.

ASSESSMENT of SIGNIFICANCE

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Medium Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Medium Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Medium Significance

This Report: Low Significance

21. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT

22. Due to the transactional nature of this decision engagement with tangata whenua/Maori is not required.

COMMUNITY ENGAGEMENT

23. Due to the transactional nature of this decision engagement with the community is not required.

CLIMATE CHANGE – Impacts / Implications

24. There are no climate change impacts or implications arising from this decision.

CONSIDERATIONS

Financial/Budget

25. There are no financial or budget considerations arising from this decision.
26. The Remuneration Authority (Authority) has released a determination for the current period 1 July 2022 before the election of members (schedule 1) and from the 2022 election of members (schedule 2). The Authority has set the Mayor's remuneration, the minimum allowance per councillor and the remuneration pool. At its first ordinary meeting Council will determine payment for positions of additional responsibility and once approved by the Authority will commence with a new rate and be back paid from the public notice of the declaration of results.

Legal

27. Relevant legislation is listed in **Attachment 1**.

POLICY and PLANNING IMPLICATIONS

28. This decision is not inconsistent with the provisions of the Local Government Act 2002 and there are no policy or planning issues.

RISKS

29. Risks are outlined in paragraphs 21 and 23.

ATTACHMENTS

1. Attachment 1 - Relevant Legislation under Local Government Act 2002 and Local Electoral Act 2001 [**22-221.1** - 2 pages]

Relevant Legislation under Local Government Act 2002 and Local Electoral Act 2001

1 LOCAL GOVERNMENT ACT 2002

1.1 Clause 14 of Schedule 7 - Declaration by member

1. A person may not act as a member of a local authority until—
 - (a) that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and
 - (b) a written version of the declaration has been attested as provided under subclause (2).
2. The written declaration must be signed by the member and witnessed by—
 - (a) the chairperson; or
 - (b) the mayor; or
 - (c) a member of the local authority; or
 - (d) the chief executive of the local authority; or
 - (e) in the absence of the chief executive, some other officer appointed by the chief executive.
3. The form of the declaration must consist of the following elements:

“Declaration by mayor or chairperson or member

“I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [region or district], the powers, authorities, and duties vested in, or imposed upon, me as [mayor or chairperson or member] of the [local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act

“Dated at [place, date]

“Signature:

“Signed in the presence of:

“CD, [mayor or chairperson or member or chief executive of local authority]”.

1.2 Clause 30 (7) of Schedule 7

A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.

1.3 Clauses 31 of Schedule 7

Clause 31 (4)

(4) Despite subclause (3),—

- (a) at least 1 member of a committee must be an elected member of the local authority; and an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.

Clause 31 (5)

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

1.4 Clause 32(1) of Schedule 7

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

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

2 LOCAL ELECTORAL ACT 2001**2.1 Section 86 – Declaration of Result**

The electoral officer conducting an election or poll must give public notice declaring the official result of the election or poll in the prescribed manner as soon as practicable after—

- (a) Repealed.
- (b) the validity of all special votes has been determined; and
- (c) all valid votes have been counted.

2.2 Section 115 - When members come into office

Candidates at a triennial general election who are declared to be elected come into office on the day after the day on which the official result of the election is declared by public notice under section 86.

2.3 Section 116 - When members leave office

4. Every member of a local authority or community board, unless vacating office sooner, vacates office,—
 - (a) in a case where the member's office is the subject of an election, when the members elected at the next election come into office;
 - (b) in a case where provision is made by any enactment to fill a vacancy by appointment, when the member's successor comes into office.
5. Despite subsection (1) (a), if a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election]

11. Reports of the Chief Executive and Staff for INFORMATION



22-214

Title: 22-214 Tairāwhiti Regional Housing Strategy 2022-2027
Section: Strategy
Prepared by: Joanna Noble - Chief of Strategy & Science
Meeting Date: Thursday 29 September 2022

Legal: No

Financial: No

Significance: **Low**

Report to COUNCIL for information

PURPOSE

The purpose of this report is to provide an overview of the Tairāwhiti Regional Housing Strategy 2022-2027 recently adopted by Rau Tipu Rau Ora and actions for Council.

SUMMARY

The extent of the housing crisis in Tairāwhiti has been well-documented. In response, Manaaki Tairāwhiti developed a Housing Strategy in 2019. The 2019 Strategy was a good starting point and provided Manaaki Tairāwhiti with a strong platform to advocate for more investment in social housing in Tairāwhiti. However, there are gaps in the response to date, such as a lack of crisis, temporary and affordable housing. There have also been changes to delivery and funding of housing and associated infrastructure.

A new Tairāwhiti Regional Housing Strategy 2022-2027 has been developed by Manaaki Tairāwhiti and endorsed by the Rau Tipu Rau Ora Governance Group. This is **attachment 1** to this report.

The Housing Strategy vision is: *All Tairāwhiti whānau have access to a safe, fit-for-need and affordable home.*

A series of actions and targets are identified in the Strategy and are intended to achieve the vision. The Regional Housing Steering Group will oversee implementation of the Strategy and provide updates to Rau Tipu Rau Ora.

Gisborne District Council is a lead or partner for several actions. Most of these relate to regulations and consent processes, or infrastructure planning provisions. As shown in table 1 of this report, we are already progressing, or have plans to undertake, most of the actions for which we are a lead or partner.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

- 1. Notes the contents of this report.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: housing supply, infrastructure, Housing Strategy

BACKGROUND

Council's role in housing supply

1. Council has an important role in enabling housing supply:
 - We manage and provide core infrastructure required for essential needs and liveable communities.
 - We are a regulatory authority under the Building Act 2004 and Resource Management Act 1991 - we assess building and subdivision projects against national and regional standards, and can grant resource consent, building consent and service connection.
 - Through district zoning, Council controls where different residential structures can be built and the type of development which occurs. This is one means of supporting affordable housing.
 - Council has a Development Contributions Policy in place, under the Local Government Act 2002 (LGA). Development contributions reduce the pressure on rates and Council debt by requiring contributions from developers to fund infrastructure associated with their development. This includes the cost of infrastructure like roads, water supply, wastewater and stormwater disposal.
 - As a regional leader, we advocate for our communities' vision for their place – sustainable, well planned, and affordable housing options alongside enabling direction from Central Government.
 - Council also owns and maintains some community housing assets, which contribute to the regional social housing network.

Why the Tairāwhiti Regional Housing Strategy 2022-2027 was developed

2. The extent of the housing crisis in Tairāwhiti has been well-documented. Regional housing stocktakes undertaken on behalf of Manaaki Tairāwhiti identify an immediate shortage of at least 400 houses across the housing spectrum.
3. Work undertaken by Council indicates that there is likely to be a 17% increase in population by 2050, which means that demand for homes in Tairāwhiti will continue to rise.
4. Manaaki Tairāwhiti developed an initial Housing Strategy in 2019. This was presented to Council by Manaaki Tairāwhiti on 27 February 2020, and a staff report provided to Sustainable Tairāwhiti on 8 March 2020 (report **20-61**). The 2019 Strategy was a good starting point and provided Manaaki Tairāwhiti with a strong platform to advocate for more investment in social housing in Tairāwhiti. However, there are gaps in the response to date, such as a lack of crisis, temporary and affordable housing. There have also been changes to delivery and funding of housing and associated infrastructure, including an increased focus on Tairāwhiti from central government agencies that play a role in enabling housing supply and dedicated support for Māori housing suppliers.

5. Late in 2021, representatives from Toitū Tairāwhiti, Manaaki Tairāwhiti, Trust Tairāwhiti and Gisborne District Council agreed to develop an updated and more integrated Tairāwhiti Regional Housing Strategy that:
 - Anchors our respective efforts around an agreed shared vision and set of housing outcomes.
 - Builds on the Tairāwhiti Housing Strategy 2019.
 - Focuses on how we propose to meet various housing needs, supply requirements, and address consenting and infrastructure challenges and requirements.
 - Does not preclude those already working on increasing housing supply, such as Toitū Tairāwhiti Housing Ltd, from continuing their work and/or progressing negotiations with government.

How the Tairāwhiti Regional Housing Strategy 2022-2027 was Developed

6. Development of the Strategy was progressed by staff from Manaaki Tairāwhiti. As part of the process, they engaged with members of the Manaaki Tairāwhiti Housing Operations Group and others who play a key role in enabling or delivering housing supply in Tairāwhiti.
7. The Strategy was endorsed by the Rau Tipu Rau Ora Governance group on 22 June 2022, following sign off by the Manaaki Tairāwhiti Board. The document is **Attachment 1** to this report.

DISCUSSION

All Tairāwhiti whānau have access to a safe, fit-for-need and affordable home

8. The Tairāwhiti Regional Housing Strategy vision is: *All Tairāwhiti whānau have access to a safe, fit-for-need and affordable home.*
9. The Strategy identifies seven enabling factors (or goals) that will help to achieve the vision and increase housing supply:
 - Understanding whānau needs and aspirations for housing.
 - Changing regulations and improving consent processes to accelerate housing development.
 - Ensuring a reliable supply of building materials and resilient supply chains.
 - Developing solutions to the building labour shortage that build the capacity of our people.
 - Funding and programming the infrastructure needed to support housing development.
 - Addressing financial barriers to home ownership and tenancy.
 - Developing partnerships that harness our collective resources for greater impact.

10. Actions and targets have been identified under each enabling factor. The Regional Housing Steering Group will oversee implementation of the Strategy and provide updates to Rau Tipu Rau Ora. The Steering Group includes representatives from Te Runanga o Ngāti Porou, Te Runanga o Tūranganui a Kiwi (TROTAK), Gisborne District Council (GDC), Trust Tairāwhiti, Rongowhakaata Iwi Trust, Ngai Tāmanuhiri, Te Aitanga a Māhaki, Te Puni Kokiri, Ministry of Social Development, Kainga Ora and Manaaki Tairāwhiti.
11. The Strategy reflects actions already underway, and new actions needed to achieve the outcomes or speed up delivery.

Council's role in delivering the updated Regional Housing Strategy

12. Actions where Gisborne District Council is a lead or partner are set out in table 1, with a brief comment on progress. Most of the actions relate to regulations and consent processes, or infrastructure planning provisions. As shown in the table, we are already progressing, or have plans to undertake, most of the actions for which we are a lead or partner.

Table 1 Overview of Gisborne District Council actions in the Tairāwhiti Regional Housing Strategy

Action	Comment
Meeting whānau needs and aspirations for housing	
<ul style="list-style-type: none"> Advocate for raising minimum building standards that meet whānau housing aspirations 	Advocacy for our community is business as usual.
Changing regulations and improving consent processes to accelerate housing development	
<ul style="list-style-type: none"> Consult on future development priorities 	Complete.
<ul style="list-style-type: none"> Consult on draft future development strategy Finalise future development strategy Identify areas for mixed use development and residential intensification 	Underway – full public consultation on the Future development Strategy (FDS) is scheduled for February 2023.
<ul style="list-style-type: none"> Consult on new housing provisions in Tairāwhiti Resource Management Plan Notify new housing provisions for formal consultation Enact new housing provisions 	Housing provisions will be drafted to reflect the FDS. Notification planned for 2023/2024.
<ul style="list-style-type: none"> Review building and resource consent processes as new legislation is enacted Design new consenting processes to better meet needs of whānau 	<p>Medium term actions expected to be delivered over 2-5 years. There are some challenges associated with delivering these actions – see commentary in paragraph 13. However, some work is underway</p> <ol style="list-style-type: none"> We are working with developers, Toitū Tairāwhiti and other applicants to streamline and simplify consenting process. We have appointed a principal planner role with a focus on housing matters, including support to developers and others for navigating the consenting process. We are changing the information management systems we use to underpin much of the work we do as a council, including consenting. Roll out will be complete in 2024.

Action	Comment
<ul style="list-style-type: none"> • Advocate for changes locally and nationally to support papakāinga development • Understand, advocate, and submit on key strategic reforms impacting on housing 	Advocacy for our community is business as usual
Ensuring a reliable supply of building materials and resilient supply chains	
<ul style="list-style-type: none"> • Establish a waste recovery programme aimed at reusing construction material 	Medium term action – aligns with our current approach to resource recovery.
Funding and programming the infrastructure needed to support housing development	
<ul style="list-style-type: none"> • Install infrastructure for Taruheru Block development • Identify infrastructure needed to support urban population growth to 2050 • Identify additional infrastructure needed to support rural housing and papakāinga 	<p>IAF funding has been received to support the installation of infrastructure to support Taruheru Block development. Detailed design underway.</p> <p>Identification of future infrastructure needs is underway as part of the FDS workstream.</p>
<ul style="list-style-type: none"> • Upgrade Three Waters infrastructure capacity in Kaiti, Gisborne • Continue Drainwise programme to increase capacity of wastewater system 	<p>The responsibility for upgrading three waters infrastructure in Kaiti will sit with the new Water Service Entity (WSE) from 1 July 2024. The second Water Services Entity Bill (expected in March 2023) will provide greater certainty regarding how the land use planning and integrated resource management functions of councils will interface with the new WSE. In the meantime, we are continuing with integrated land use and infrastructure planning to support our communities' needs and aspirations.</p> <p>The Drainwise programme continues – this is a 10-year programme to reduce stormwater entering the wastewater network.</p>
<ul style="list-style-type: none"> • Review the provision of public transport services to support housing growth. • Complete Taruheru River shared walk and cycle pathway. • Undertake walk and cycle network studies and improvement trials 	<p>A review of the public transport services is underway.</p> <p>Construction of the Taruheru River walk/cycleway is included in the 2021 Long Term Plan contingent on external funding from Waka Kotahi. While the project is ranked "possible", the activity class for walking and cycling is oversubscribed. We have recently applied to the Department of Internal Affairs for Three Waters 'Better Off' funding to deliver intersection improvements that will complement the proposed walk/cycleway.</p> <p>Procurement is underway for consultant support to develop Walking, Cycling and Mode shift Strategies. We have received funding through the Waka Kotahi Streets for People programme to trial projects to create more people-friendly streets in Uawa (Safer Crossing on SH35 and community meeting space) and Gisborne (Grey Street Linear Park).</p>
Developing partnerships that harness our collective resources for greater impact	
<ul style="list-style-type: none"> • Investigate a regional housing entity • Progress aspirations for regional mana motuhake in delivery of housing services 	These are medium-long term actions for all those responsible for delivering housing in Tairāwhiti. We expect mechanisms to deliver these actions will be discussed and agreed at the Regional Housing Steering committee and Rau Tipu Rau Ora.

Challenges to implementation

13. The most challenging actions and targets for council to implement are:
 - Review building and resource consent processes as new legislation is enacted
 - Design new consenting processes to better meet needs of whānau
 - Targets associated with consent processing timeframes.
14. Consent processes are largely prescribed by legislation and short-cutting or streamlining these can present significant liability and litigation risk if not carefully considered. Councils around New Zealand are still facing significant costs associated with building consents issued for what are now known to be leaky homes. There is also a national shortage of building and resource consent staff, delivering fundamental transformation of service delivery during a period of high workload may not be achievable.
15. The Resource Management reform promises to improve consent system efficiency and certainty. The Bill introducing this legislation is expected to be introduced to Parliament towards the end next month (October 2022); however, we anticipate that there will a long transition period of up to 10 years.
16. In addition, the strategy does not recognise that our role in relation to the operation and delivery of Three Waters infrastructure is changing. The new Water Services Entity will be responsible for delivery the medium-term actions.

ASSESSMENT of SIGNIFICANCE

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Medium Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Medium Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: High Significance

This Report: Low Significance

17. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.
18. Housing supply is an issue of high interest to the public, and specific communities and individuals are highly affected by inability to access healthy and affordable housing. However, this report does not require any decisions from Council, and the actions contained in the Housing Strategy attributed to our organisations reflect work already underway or planned.

TANGATA WHENUA/MĀORI ENGAGEMENT

19. Engagement was not undertaken with hapū or whanau by Manaaki Tairāwhiti during development of the Housing Strategy. However, iwi and Toitū Tairāwhiti (a maori housing entity) were involved during the development process. Whilst not speaking for hapū or whanau, these organisations do have a good understanding of the housing needs of māori in Tairāwhiti.

COMMUNITY ENGAGEMENT

20. No community engagement was undertaken by Manaaki Tairāwhiti during development of the Housing Strategy. Council staff input to the strategy was informed by feedback received from the community during development of Tairāwhiti 2050 and current engagement underway on the Future Development Strategy.

CLIMATE CHANGE – Impacts / Implications

21. Construction of housing and associated infrastructure will create carbon emissions. Conversely, how development is planned and integrated with land transport networks and the urban context can reduce the need for car-related travel; thereby reducing carbon emissions.
22. Climate change has the potential to increase the impact and frequency of natural hazard events such as coastal erosion, coastal inundation, and flooding. Where we place and how we build our housing and associated infrastructure affects how vulnerable housing is to the current and future impacts of natural hazards.
23. The Housing Strategy contains five design principles. Of relevance to climate change are:
 - a. Environmentally sensitive homes: We grow our stock of homes that have the smallest of environmental footprints as a legacy for future generations. We will use methods of construction that minimise waste and greenhouse gas emissions. We will design carbon neutral homes that are long-lasting and less resource intensive to run, saving precious natural resources like water. Our homes will be resilient and future-proofed against the impacts of climate change and natural hazards.
 - b. Accessible homes: We design homes for universal accessibility so that as whānau grow and age, accessibility to and within homes is maintained. Our housing develops with walkability in mind and ensuring whānau can access the places important to them such as schools and work with ease.

CONSIDERATIONS

Financial/Budget

24. As noted in paragraph 12, we are already progressing, or have plans to undertake, most of the actions for which we are a lead or partner. This work is being undertaken within existing budgets.
25. There will be financial implications associated with the delivery of infrastructure to support housing development, particularly in the medium to long term. These will be considered by Council during the Long-Term Planning process.
26. There may also be future financial implications associated with changing how we provide consenting services (for example, if additional staff were required). However, it is too early to assess what these could be.

Legal

27. There are no legal implications associated with this report.

POLICY and PLANNING IMPLICATIONS

28. The Housing Strategy aligns well with the outcomes set out in Tairāwhiti 2050 (the regional spatial plan) and 2021 Long term Plan, particularly Outcome 3: A vibrant city centre and townships.
29. Relevant aspirations in Tairāwhiti 2050 are:
 - Our city and township centres are vibrant
 - Everyone is able to live in affordable, healthy and environmentally sustainable housing
 - Māori are significant developers in Te Tairāwhiti from active development of land to increase capacity for use, to sustainable models of living in their rohe. This is seen through the active revival of papakāinga
 - Housing development is enabled within the city's current footprint and provides for a range of residential options

RISKS

30. There are no major risks associated with the matters discussed in this report. There are some risks associated with:
 - **Public perception:** There could be some confusion regarding the status of the Housing Strategy and how it intersects with Council's work programme, particularly the Future development Strategy. Rau Tipu Rau Ora is undertaking communication regarding the Strategy and its intent, which should mitigate this risk.
 - **Managing expectations:** The Strategy contains some aspirational targets. Failure to meet these could be regarded as a failure of the Strategy, despite good progress being made. This is discussed in relation to Council actions and targets in paragraphs 13-16. The Housing Steering committee will be considering how to monitor and report on progress and how this is communicated to the community.

- **Lack of buy-in:** Organisations tasked with actions in the Housing Strategy may not be willing or able to deliver. To some extent this has been mitigated during development of the strategy, as many of the agencies and entities listed have already committed to progressing their actions. The Housing Steering committee will play an important role in identifying gaps in delivery and looking for solutions.

NEXT STEPS

Date	Action/Milestone	Comments
15 September 2022	Housing Steering Committee Meeting	Focus for the next 12 months to be discussed

ATTACHMENTS

1. Attachment 1 - Tairāwhiti Regional Housing Strategy 2022-2027 [**22-214.1** - 48 pages]



TE TAIRĀWHITI REGIONAL HOUSING STRATEGY 2022 - 2027

JUNE 2022



This Strategy has been prepared by Manaaki Tairāwhiti, the regional leadership group for social wellbeing in Tairāwhiti who have improving housing in Te Tairāwhiti as a key result area.



We acknowledge with gratitude the support of many contributors from within the following organisations who care deeply about delivering housing for our community. This Te Tairāwhiti Regional Housing Strategy belongs to all of us:

Toitū Tairāwhiti Housing	Trust Tairāwhiti	Kāinga Ora
Te Rūnanganui o Ngāti Porou	Gisborne District Council	Te Tūāpapa Kura Kāinga
Tāmanuhiri Tūtū Poroporo Trust	Eastland Network	Te Puni Kōkiri
Te Rūnanga o Tūranganui a Kiwa	Oasis Community Shelter	Ministry of Social Development
Rongowhakaata Iwi Trust	Tairāwhiti CARE Regional Skills and Leadership Group	Ministry of Business Innovation and Employment
Te Aitanga-a-Māhaki Trust		

Authors: Judy Campbell
Yvette Kinsella
Angie Tawera

HE MIHI

FOREWORD

The Rau Tipu Rau Ora Governance Group provides a unified regional voice in support of the region's wellbeing and prosperity. We guide collective effort by the region in ensuring the cultural, economic, environmental and social wellbeing of Tairāwhiti whānau.



Manaaki Tairāwhiti is the regional leadership group for social wellbeing in Tairāwhiti. It is an iwi-led and place-based initiative endorsed by Cabinet to explore and evidence alternative social sector service delivery for improved outcomes for whānau, including for housing. Manaaki Tairāwhiti's membership is diverse and includes regional leaders and staff from iwi, community organisations and Gisborne District Council, alongside representatives from government agencies active in the social sector. Manaaki Tairāwhiti works with wider regional leadership under Rau Tipu Rau Ora to ensure integrated action for Tairāwhiti.

While our partners have their own unique voices and priorities, we come together for deeper and more enduring responses on some of the urgent and complex issues facing the region, such as the current housing crisis. What binds us all together is a deep and unwavering commitment to work together to ensure the wellbeing of all Tairāwhiti whānau.

To address the housing crisis in Te Tairāwhiti will require the harnessing of the talents and resources of all of us. We will take rapid and coordinated action on the things that we can control within the region and seek out solutions that are best for region. We need to look wider than our region too, as many of the issues will need central government leadership to resolve. We will work constructively and at pace with government agencies who have a significant role to play in policy and funding for housing including; Te Tūāpapa Kura Kāinga (Ministry of Housing and Urban Development), Kāinga Ora and Te Puni Kōkiri. We will provide a strong regional voice to government to influence wider policy settings that will contribute to alleviating the housing crisis.

We see the challenge in front of us and are fortified in our efforts by the size of the prize – the future wellbeing of our Tairāwhiti whānau. Manaaki Tairāwhiti has prepared this new Strategy to move us toward this end goal.

Co-Chair
Selwyn Parata
(Chair, Te Rūnanganui o Ngāti Porou)

Co-Chair
Rehette Stoltz
(Mayor, Gisborne District Council)



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HE KŌRERO TĪMATANGA

INTRODUCTION

Our housing crisis

The extent of the housing crisis in Te Tairāwhiti has been well-documented. Our regional housing stocktakes identify an immediate shortage of at least 400 houses across the housing spectrum. The most pressure is being placed on social housing with the waiting list for government-provided social houses spiking from just over 200 in 2019 to over 750 in 2022. Further work in-region since has projected that, with population growth and latent demand (estimated using the Public Housing Register), by 2024 there is likely to be a demand for at least 1,280 more homes in Te Tairāwhiti, rising to 2,570 more homes in 2030 and 5,360 homes by 2050.

In addition to a shortage in housing, there are issues with the quality of the housing available in Te Tairāwhiti. In 2018 more than 22% of households experienced dampness, 15.5% had visible mould and more than 8% did not have access to all basic amenities (cooking facilities, safe tap water, kitchen sink, fridge, bath or shower, toilet, electricity supply). Many whānau are living in houses that are ill-designed for their needs, including being culturally inappropriate and/or having poor accessibility.

Work to date

Our first regional Housing Strategy, developed and driven by Manaaki Tairāwhiti and Trust Tairāwhiti in 2019, focused on rapid acceleration of the supply of housing of all types. It has resulted in Te Tairāwhiti having the highest percentage increase in building consents in New Zealand (68%) to the year ended March 2022, and the highest in the region's recorded history, at 183 homes. Iwi and government house building programmes have spear-headed this rapid increase.

The first Strategy also established the foundations for continued growth in housing supply through the:

- establishment of a Housing Steering Group of regional leaders with an operational group in support
- appointment of a Project Manager to coordinate the regional effort on housing
- development of database of all land development and house building activities in the region.

Government has upped its game by establishing a new Ministry of Housing and Urban Development (Te Tūāpapa Kura Kāinga) and a new Crown entity, Kāinga Ora, (both with a broader mandate and more funding) to deliver central government's public housing programme. Significant increases in programmes of work and budgets have also been deployed by Te Puni Kōkiri to support Māori housing needs.

Despite the gains made, the housing crisis has worsened, exacerbated by the COVID pandemic, with its impacts on joblessness, internal displacement and labour. Building material shortages and the resulting spike in costs have reached critical levels. Currently, the development economics are shifting again. Rising interest rates, inflation rates and the cost of living will likely further increase the cost of housing development further constraining supply. While the cost of development is expected to remain elevated for at least three years, households will have less money to invest in property and pay rent. Higher emigration rates are likely to be offset by rising levels of deprivation.

Shifting gears

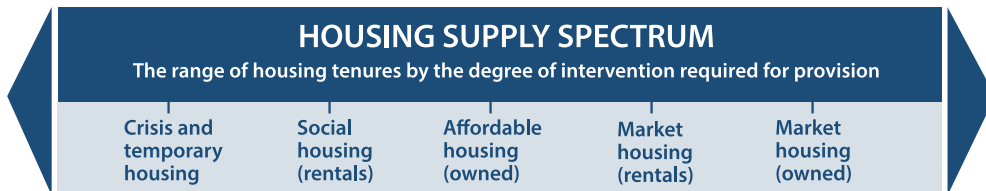
This updated Tairāwhiti Regional Housing Strategy reflects the increase in the scale of the housing challenge, the changes in structural arrangements, delivery and funding, and the gaps in our responses to date (such as a lack of crisis and temporary housing).

Importantly, our focus in this new Strategy is to continue with the acceleration programme while ensuring the future housing stock meets the needs and aspirations of whānau for affordable and sustainable housing that enables them to live well.



Housing spectrum

The Strategy depicts different forms of housing as part of a spectrum in terms of housing tenure and the degree of intervention required to ensure provision.



While the Strategy has a focus on affordable and social housing (with limited market incentives for development) we are also focused on supporting housing development in the private market. When market housing demand outstrips supply, increasing house prices and rents cascade down the housing continuum applying pressure on social housing and whānau with the least financial resources.

Thinking future, acting now

The nature of the housing crisis and its impacts on whānau means action now is imperative. We are intent on a concerted effort over the short term (the next five years) to accelerate housing supply across the housing spectrum.

However, the impacts of the decisions and developments undertaken today in terms of building sustainable and liveable communities will have lasting impacts for our whānau. We want to ensure that those impacts create a positive legacy for future generations. We are acting now with the future central in our minds.

Te Tairāwhiti Regional Housing Strategy is a living document to be reviewed regularly. It needs to bend and flex with the changing world around us and the shifting needs and aspirations of our whānau. As we deliver the priorities in this Strategy, new actions will emerge for us that strengthen our response and engender enduring solutions. Tracking our progress towards our vision will require us to be agile and to pivot regularly to find the path to best outcomes.

Strategy structure

The Strategy is structured around the seven whāinga mātua (goals) that we have identified as critical to being able to achieve our vision (page 7).

Our whakaritenga mahi (implementation plan) tables (pages 11-18) show the priorities for action under each of the seven goals to improve housing outcomes for all Tairāwhiti whānau over the next five years. These actions and the issues that give rise to them are explained more fully in He Mokamoka (details).

Our taumata angitū section outlines how we will measure success and how we will monitor and report on our work and hold each other to account.

Appendix 1 provides details about the roots of the housing crisis in New Zealand.



Ō TĀTOU TIROHANGA WHAKAMUA OUR VISION

We envisage that ...

All Tairāwhiti whānau have access to a safe, fit-for-need and affordable home.

Ō TĀTOU WHĀINGA MĀTUA OUR GOALS

Primary goal

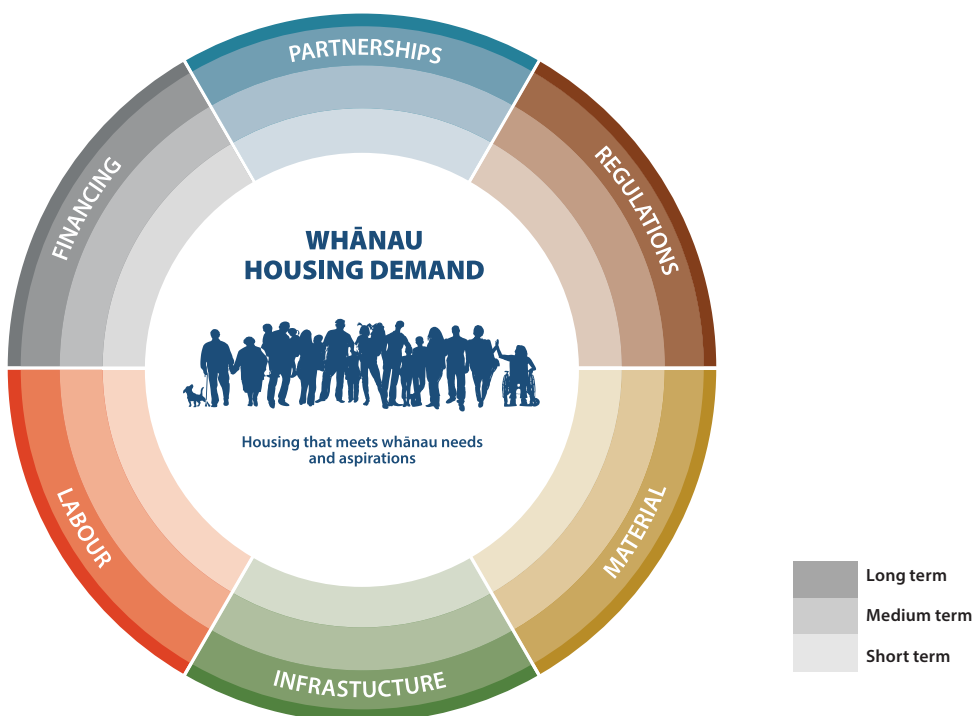
We will achieve our vision by understanding whānau needs and aspirations for housing and rapidly increasing the stock of housing to match this.

Enabling goals

To achieve this goal, we will need to focus on a number of enabling factors:

- Changing regulations and improving consent processes to accelerate housing development
- Ensuring a reliable supply of building materials and resilient supply chains
- Developing solutions to the building labour shortage that build the capacity of our people
- Funding and programming the infrastructure needed to support housing development
- Addressing financial barriers to home ownership and tenancy
- Developing partnerships that harness our collective resources for greater impact.

Housing supply enablers





Ō TĀTOU TIKANGA OUR VALUES

We operate in a complex and challenging environment. Our tikanga/values express our way of working.

1. Collective impact: We are accountable for and committed to our vision for improving housing in our region. We collectively and individually prioritise actions on housing that will have the most significant and lasting impacts on addressing the housing crisis. We are focused on eliminating inequity in access to housing and making a real difference for all whānau in Te Tairāwhiti.
2. Partnership: We give life to the principles of Te Tiriti o Waitangi. We share decision-making while recognising the rangātiratanga of our partners. We share learning and information in a timely way to progress the regional housing agenda. We have honest and trust-based relationships underpinning our work with each other and with whānau.
3. Whānau ora: We are firm that whānau wellbeing is at the centre of our response to the housing crisis. We are not building houses for their own sake. We are building homes for whānau and their diverse needs and aspirations must drive the type, scale, location and cost of regional housing supply. We carefully balance community priorities with the needs of individual whānau.
4. Mana motuhake: We operate on the basis that every individual and whānau have value and the right to be autonomous, to have meaningful choice of housing that meets their needs and aspirations, and to fulfil their potential.

Ō TĀTOU MĀTĀPONO ĀHUATANGA OUR DESIGN PRINCIPLES

Our mātāpono āhuatanga / design principles outline the interdependent outcomes we aspire to in the design of housing in Te Tairāwhiti. While we cannot enforce these design principles, we encourage and promote their use:

5. Affordable homes: We provide homes that our people can afford to buy and/or rent. We ensure that homes are designed with whānau ability to pay in mind without compromising quality and standards. Homes are designed to be affordable across their whole of life, from construction to maintenance. They are designed to be inexpensive to run.
6. Culturally-appropriate homes: We ensure that housing developments and homes are planned and designed in ways that reflect our cultural identity. We adopt kaupapa Māori urban design principles in planning our urban areas and where our people want to live. We enable papakāinga developments through our planning regulations. Māori architectural principles are a core part of housing design, enabling Māori to live well in and be proud of their homes.
7. Environmentally-sensitive homes: We grow our stock of homes that have the smallest of environmental footprints as a legacy for future generations. We will use methods of construction that minimise waste and greenhouse gas emissions. We will design carbon neutral homes that are long-lasting and less resource intensive to run, saving precious natural resources like water. Our homes will be resilient and future-proofed against the impacts of climate change and natural hazards.
8. Healthy homes: We build homes that are thermally comfortable (warm in winter and cool in summer), that are water-tight, that are safe, and that promote healthy outcomes.
9. Accessible homes: We design homes for universal accessibility so that as whānau grow and age, accessibility to and within homes is maintained. Our housing develops with walkability in mind and ensuring whānau can access the places important to them such as schools and work with ease.



Ō TĀTOU WHAKARITENGA MAHI

OUR IMPLEMENTATION PLAN

We have a significant challenge ahead of us. We are up for it. Some of our actions will be addressed relatively quickly through changes in local policies and practices. Others will require longer term systemic and possibly legislative change. We are committed to the long haul.

The tables that follow show the actions over the next five years that we believe will lead to a significant improvement in housing outcomes for whānau of Te Tairāwhiti. The actions are structured under each of the seven whāinga mātua (goals). Some longer term actions have been included that will start within the life of the Strategy but will require a longer timeframe to be completed.

Alongside these actions, which have a defined start and end date, we have included targets for outcomes where we aspire to see improvements to processes and outcomes. These targets will tell us if we are on the right path.

Timeframes for actions and targets are shown as: short term (within 2 years); medium term (2 to 5 years); and longer term (5 to 10 years).

Meeting whānau needs and aspirations for housing

ACTIONS					
Whānau aspirations	Action description	Timeframe	Lead/partners	Progress	
	• Assess the diversity of whānau aspirations around housing in region	Short term	MT		
	• Assess individual whānau Māori housing needs as part of Toitū programme	Ongoing	Iwi/Toitū		
	• Advocate for raising minimum building standards that meet whānau housing aspirations	Ongoing	GDC		
Retrofit programme	Action description	Timeframe	Lead / partners	Progress	
	• Retrofit homes built by government and iwi so consistent with Homestar 6 and above	Ongoing	KO, Iwi, TPK		
	• Retrofit homes for whānau Māori to be consistent with tikanga Māori design	Ongoing	Iwi/TPK		
TARGETS					
Design principles	Target description	Lead / partners	Short term target	Medium term target	Long term target
	• Percentage of new houses built that meet Homestar 6 and above (new and retrofit)	All	50%	75%	100%
	• Percentage of new housing developments built that meet Homestar 8 and above	All	5%	10%	30%
	• Percentage of new houses built that are consistent with best practice Māori design	All	30%	40%	50%
	• Percentage of new houses built that are consistent with Lifemark 3 universal design standards	All	45%	70%	100%

Rapidly increasing the stock of sustainable housing

ACTIONS					
	Action description	Timeframe	Lead/partners	Progress	
Crisis / temporary housing	• Increase capacity at Oasis community shelter by 15 beds	Short term	Oasis/TT	Complete	
	• Build 10 units at Oasis community shelter to service homeless community	Short term	Oasis/TTKK		
	• Build 30 transitional houses	Short term	KO		
	• Build 24 transitional houses	Medium term	TTKK/TROTAK		
	• Establish mini village of temporary crisis accommodation	Short term	MT		
	• Provide crisis accommodation in marae for whānau	Short term	Marae		
	• Establish 10-bed self-quarantine and isolation facility in existing facility	Short term	TROTAK/MT		
Social housing (rentals)	• Build 190 (government) public homes	Short term	KO		
	• Build 50 social houses	Short term	TRONPnui		
	• Build 100 social rentals with wrap-around wellness services at Tūranga Tāngata Rite	Short term	Toitū/TTKK		
Affordable housing (owned)	• Build 201 affordable houses on whānau land	Short term	Toitū		
	• Build 50 affordable homes with wrap-around wellness services at Tūranga Tāngata Rite	Short term	Toitū		
	• Build 26 affordable houses	Medium term	TTPT		
	• Build 98 affordable houses	Medium term	RIT		
	• Build up to 500 affordable houses	Long term	Toitū		
	• Complete assessment of current and future demand for seasonal worker housing	Short term	TT		
Papakāinga	• Build 128 papakāinga houses	Short term	Whānau/TPK/TTKK		
Market housing (rentals and owned)	• Build up to 150 houses for market	Short term	Private		
	• Build 150 houses for market	Medium term	Private		
	• Build 66 houses for market	Long term	RIT		
	• Build 300 houses for market	Long term	Private		
TARGETS					
Housing stock	Target description	Lead/partners	Short term target	Medium term target	Long term target
	• Number of new houses built	All	800	800	900
	• Number of whanau on social housing waiting lists	All	500	400	300
	• Number of whanau in hotels as emergency accommodation	TTKK/MSD	100	50	0

Changing regulations and improving consent processes to accelerate housing development

ACTIONS				
	Action description	Timeframe	Lead/partners	Progress
Future Development Strategy	• Consult on future development priorities	Short term	GDC	Complete
	• Consult on draft future development strategy	Short term	GDC	
	• Finalise future development strategy	Short term	GDC	
Review of RMA plan housing provisions	• Identify areas for mixed use development and residential intensification	Short term	GDC	
	• Consult on new housing provisions in Tairāwhiti Resource Management Plan	Short term	GDC	
	• Notify new housing provisions for formal consultation	Short term	GDC	
	• Enact new housing provisions	Medium term	GDC	
Process improvement	• Review building and resource consent processes as new legislation is enacted	Short term	GDC/Iwi/Toitū/TTKK	
	• Design new consenting processes to better meet needs of whānau	Medium term	GDC/Iwi/Toitū/TTKK	
	• Advocate for changes locally and nationally to support papakāinga development	Short term	GDC, Iwi	
	• Undertake systems improvement around whānau accessing social housing	Short term	MSD/MT	
Advocacy	• Understand, advocate and submit on key strategic reforms impacting on housing	Ongoing	RTRO, MT/GDC	

TARGETS					
Reducing timeframes	Target description	Lead/partners	Short term target	Medium term target	Long term target
	• Number of agreements with developers for expedited building consent processes	GDC/lwi/developers	3	5	10
	• Percentage of developer pre-applications meetings for housing consents	GDC/developers	15%	15%	45%
	• Percentage of resource consents for housing processed in 20 working days	GDC	70%	80%	90%
	• Reduction in average time for decisions on building consents	GDC/KO	5%	5%	5%
	• Number of days between satisfactory final building inspection (including submission of required documentation) and issue of building code of compliance	GDC/developers	10 days	5 days	3 days
	• Number of new papakainga developments consented	GDC/lwi	50	50	50
	• Number of whanau living in new papakainga developments	lwi, Toitū / GDC	128	+10%	+10%
	• Percentage increase in housing capacity without resource consents	GDC	-	25%	25%

Ensuring a reliable supply of building materials and resilient supply chains

ACTIONS					
Supply chain for imports	Action description	Timeframe	Lead/partners	Progress	
Supply chain for imports	• Work with merchants to optimise building material stock levels in region	Short term	TT/merchants		
	• Establish strategic purchasing partnerships to address logistical issues	Short term	TT		
Imported pre-fab houses	• Investigate efficient and effective supply of pre-fabricated housing from national and international markets	Short term	Toitū		
Local lumber supply	• Ramp up production from WET facility to 7 days per week	Short term	WET/TT		
	• Build new factory to provide framing lumber	Short term	WET/TT		
	• Build a sawmilling operation on Māori-owned land	Short term	Toitū		
Local off-site manufacturing	• Open permanent pre-nail facility at Gisborne airport	Short term	Iconia/TT		
	• Open pre-fabricated housing facility in region	Short term	Toitū/BuiltSmart		
	• Open automated frame and trust plant in Wood Cluster Centre	Medium term	F&TNZ/TT		
Alternative material	• Investigate alternative building materials	Short term	TT		
	• Establish a waste recovery programme aimed at reusing construction material	Medium term	GDC/TT		
TARGETS					
Supply of building materials	Target description	Lead/partners	Short term target	Medium term target	Long term target
Supply of building materials	• Number of strategic purchasing partnerships in place in region	TT/merchants	1	2	2
	• Percentage of framing lumber sourced from local supply	WET/TT	5%	20%	50%
	• Percentage reduction in construction waste to landfill	GDC/TT	10%	30%	60%

Developing solutions to the building labour shortage that build the capacity of our people

ACTIONS					
Imported workforce	Action description	Timeframe	Lead/partners	Progress	
	<ul style="list-style-type: none"> Investigate import of short-term labour options from international market 	Short term	CARE, RSLG/TT		
Local workforce	<ul style="list-style-type: none"> Complete workforce development plan for vertical construction 	Short term	CARE, RSLG/TT		
TARGETS					
Skill pipeline	Target description	Lead/partners	Short term target	Medium term target	Long term target
	<ul style="list-style-type: none"> Number of building academies operational at secondary schools 	MoE, Schools/CARE/KO	2	4	4
	<ul style="list-style-type: none"> Number of new construction apprenticeships started 	TA, EIT / CARE	100	50	50
	<ul style="list-style-type: none"> Number of new workers in construction sector 	All	300	500	1,000
	<ul style="list-style-type: none"> Mean wait time for professional services relating to housing development 	CARE	4 months	3 months	1 month

Funding and programming the infrastructure needed to support housing development

ACTIONS					
Three waters	Action description	Timeframe	Lead/partners	Progress	
	• Install infrastructure for Taruheru Block development	Medium term ⁵	GDC/KO		
	• Upgrade infrastructure capacity in Kaiti, Gisborne	Medium term	GDC/TTKK/Iwi		
	• Continue Drainwise programme to increase capacity of wastewater system	Ongoing	GDC		
	• Identify infrastructure needed to support urban population growth to 2050 ⁶	Short term	GDC		
Electricity	• Increase capacity of electricity into the region	Medium term	EG		
	• Upgrade sub-stations for reliable in-region supply	Medium term	EG		
	• Determine feasibility of large scale solar generation at Gisborne airport (5MW)	Short term	EG		
	• Investigate other large scale solar generation sites in region	Medium term	EG		
	• Investigate large scale wind farm generation sites in region	Medium term	EG		
Transport	• Review the provision of public transport services to support housing growth	Short term	GDC/NZTA		
	• Complete Taruheru River shared walk and cycle pathway	Medium term	GDC/NZTA		
	• Undertake walk and cycle network studies and improvement trials	Medium term	GDC/NZTA		
Internet	• Investigate options for faster, more reliable internet connectivity in rural areas	Medium term	TT/Iwi		
Rural	• Identify additional infrastructure needed to support rural housing and papakāinga	Short term	GDC, EG/Iwi/Toitū/TT		
TARGETS					
Infrastructure	Action description	Lead/partners	Short term target	Medium term target	Long term target
	• Capacity for new house connections to drinking and wastewater systems	GDC	300 houses	1,600 houses	2,500 houses
	• Percentage of external funding to install housing infrastructure secured	GDC/EG/Iwi/TPK	5%	50%	50%

Reducing financial barriers to home ownership and tenancy

ACTIONS					
	Action description	Timeframe	Lead / partners	Progress	
Affordable home ownership	• Investigate more progressive home ownership options for Tairāwhiti whānau	Short term	MT/TTKK/Toitū/Iwi/TT		
	• Investigate options to deliver affordable housing outside of iwi providers	Short term	MT, developers		
Tenancy	• Review criteria for accessing social housing (linked to system improvement p 13)	Short term	MSD/Iwi/Toitū/KO/GDC		
	• Advocate for transfer of social housing stock to Tairāwhiti iwi to manage	Medium term	Iwi/Toitū		
	• Increase the number of CHPs so whānau can access government entitlements	Short term	TROTAK/TTKK/Iwi		
TARGETS					
	Target description	Lead/partners	Short term target	Medium term target	Long term target
Progressive home ownership targets	• Percentage of Tairāwhiti whānau who own their own home	All	45%	55%	65%
	• Number of progressive home ownership schemes offered in region	All	4	4	4
	• Number of total new home owners through progressive home ownership schemes	Toitū/TTKK/KO	200	400	600
	• Number of new Māori home owners under Toitū programme	Toitū	200	300	400
Affordable rentals targets	• Number of whānau on MSD Housing Register	All	500	400	300
	• Number of whānau moving from MSD Housing Register into secure housing	All	250	500	500
	• Percentage of social houses transferred to local iwi management	Iwi/Toitū	5%	10%	20%

Developing partnerships that harness our collective resources for greater impact

ACTIONS					
Leadership	Action description	Timeframe	Lead/partners	Progress	
	<ul style="list-style-type: none"> Investigate a regional housing entity 	Medium term	All		
	<ul style="list-style-type: none"> Progress aspirations for regional mana motuhake in delivery of housing services 	Long term	All		
TARGETS					
Collaboration	Target description	Lead/partners	Short term target	Medium term target	Long term target
	<ul style="list-style-type: none"> Engagement of regional leaders in collaborative efforts on housing 	All	100%	100%	100%





Ō TĀTOU TAUMATA ANGITŪ

OUR INDICATORS OF SUCCESS

We will track our progress towards our vision by reporting regularly on the actions and targets in the tables above.

However, the real test of whether our actions have made a difference in the lives of whānau will require a more comprehensive assessment.

We will undertake three initiatives intended to track how whānau are benefiting from our work in the housing space:

- Capturing the stories of whānau as case studies at critical parts of their housing journey, particularly immediately following intervention and support
- Longitudinal study of how the housing journey impacts on whānau wellbeing to understand what interventions are most effective and guide future investment in intervention
- Longitudinal study of building methods, practices and materials to identify longevity and quality of housing stock over time.



HE WHAKAMĀRAMATANGA DETAILS

Meeting whānau needs and aspirations for housing

The issue

It is not simply a matter of building houses for houses sake. We are building homes as a foundation for whānau to meet their needs and aspirations. Too many of our whānau are living in housing that detracts from their wellbeing.

Affordability is a key constraint on housing currently. Median house prices rose to \$695k in February 2022 (up from \$225k in 2012 and \$350k in 2019). Rents increased by 10% a year between 2018 and 2021, with a spike of 24% in the 6 months to December 2021 (based on the same time in 2020). Median rent sits around \$575 per week. Yet median household incomes have not risen to anywhere near the same degree. House prices are now at least ten times the average household income (eleven times for renting households).

With roughly 50% of the regional population being Māori, provision for culturally-appropriate development is important. The current housing available is generally out of alignment with Māori aspirations. Papakāinga enable whānau to live on ancestral lands and/or to live more communally with whānau members. The current regulatory regime does not readily enable papakāinga development on general land. The status of Māori freehold land as multiple-owned and inalienable affects decision-making and financing options. Older homes were not designed in accordance with tikanga Māori in terms of size, orientation and layout.

Community expectations are growing around the need to minimise our environmental footprint while providing quality housing. Housing planning and construction practices do not uniformly contribute to minimising the region's impacts on natural resources and to moving towards a carbon zero region.

Too many of our homes are cold and damp. They were not designed for longevity and have not stood the test of time well. Too many whānau are living in overcrowded conditions. Poor quality housing conditions can lead to poor wellbeing outcomes for whānau. Te Tairāwhiti has some of the poorest health outcomes in New Zealand with high rates of asthma and mental health challenges.

Accessibility is a key consideration. It is expected that through the life of a rental or social house (estimated at 60 years) it may see as many as 20 whānau through its doors. At least 14% of the population has a physical impairment that limits their everyday activities and 15% of the population is over 65 years of age (expected to rise to 22% by 2031). It is likely that a social house through its useful life, will have to cater for whānau with specific accessibility needs. It is important that universal accessibility is incorporated into the design of all new houses to avoid costly and lengthy retrofit processes at a later date.

Our response

Previous efforts at rapidly increasing social housing unfortunately produced poor quality homes that haven't stood the test of time. This time around, we are determined to do better and build quality housing.

The needs of whānau must drive decisions on the location, type, size, design, quality and price of housing provided. Our mātāpono āhuatanga / design principles outline the expectations for housing in Te Tairāwhiti. Our ability to influence the form of housing in our region is strongest in the social housing space with iwi, government agencies and GDC committing to this plan. In the private housing space, we will advocate and educate to encourage higher quality, fit-for-need housing that meets whānau aspirations.

Putting whānau needs at the centre of our housing solutions will be critical for successful outcomes. All of the actions in this Strategy will contribute to this end.

Promotion of our matapono ahuatanga (design principles) will encourage design and build of homes that follows some key areas of best practice.

Culturally appropriate homes

Auckland Council's Te Pokapū Whakatairanga Tikanga Māori (Māori Design Hub) includes guidance that supports the design of homes and housing that allow Māori to live and thrive as Māori. It includes guidance on large scale developments through to in-fill housing.

While this guidance is helpful in understanding general concepts and plans, it does not replace local knowledge and tikanga held by whānau and hapū, rather it complements it.

We expect the proportion of housing in region that is designed with tikanga Māori in mind to reflect the proportion of the Māori population in region.

Environmentally responsible and healthy homes

The Homestar rating tool aims to improve the performance and environmental impact of new and renovated houses. It rates a home on a ten-point scale across: efficiency, health and comfort, liveability, and environmental responsibility.

All Homestar certified houses must meet minimum standards for resource use, heating, thermal properties and water tightness and select from other criteria (such as universal accessibility) to accrue the remainder of points to meet certification standards.

Homestar Rating	Homestar Minimum Standards							
	Water consumption	Electricity delivered to site	Onsite GH gas emissions	Demand for space heating	Amount of time temp above 25°C	Points for adequate ventilation	Max. air pressure	Requires lifecycle assessment
6	<165 litres / day/person	<59 kWh / m2/year	<4 kgCO2-e /m2	<50 kWh /m /year	7%	2	-	
7	<150 litres / day/person	<43 kWh / m2/year	<4 kgCO2-e /m2	<36 kWh /m /year	5%	2	-	
8	<110 litres / day/person	<33 kWh / m2/year	<2 kgCO2-e /m2	<22 kWh /m2/year	5%	3	<3m3/m2 /hr	v
9	<90 litres / day/person	<26 kWh / m2/year	<2 kgCO2-e /m2	<15 kWh /m2/year	3%	4	<2m3/m2 /hr	v
10	<90 litres / day/person	<20 kWh / m2/year	<2 kgCO2-e /m2	<15 kWh /m2/year	3%	4	<1m3/m2 /hr	v

It is reasonable to expect that small-scale housing developments can meet Homestar 6 standards while remaining affordable for whānau. With Homestar ratings above this, affordability may become a limiting factor as dealing with environmental and liveability performance costs more.

Larger scale developments have greater scope to aim for higher Homestar ratings as they can spread the costs of higher performance across multiple properties. We expect that larger developments aim for Homestar 8 ratings as a minimum.

Accessible homes

While the Homestar rating system includes accessibility criteria, these are not mandatory minimum standards. We encourage all housing developments to provide for different accessibility requirements and for ageing in place.

The Lifemark rating tool aims to design homes based on universal design standards that are usable and safe for all people of all ages and stages to make best use of space in a home.

	Lifemark Rating		
	3 Star Rating	4 Star Rating	5 Star Rating
Key features	<p>Usable and future proofed The home has met mandatory standards for quality design now, with features built-in for easy adaptation in the future.</p>	<p>Well designed for ageing in place A high percentage of the design features are built in, plus the home can be adapted further if required.</p>	<p>High of accessibility The ultimate award for a home that has virtually all requirements in place to be usable, adaptable and safe.</p>

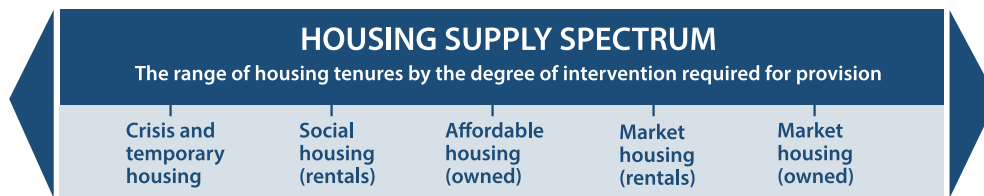
It is reasonable to expect that all new builds can meet Lifemark's 3 star rating while remaining affordable for whānau.

Rapidly increasing the stock of sustainable housing

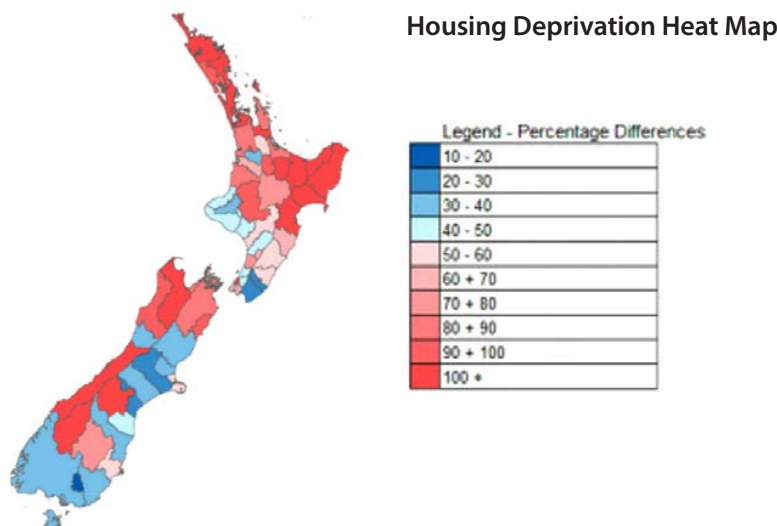
The issue

Since our programme of work began in 2019 demand for housing has increased across the housing spectrum. A perfect storm of intensifying housing need has risen off the back of increasing population (up from 47,517 in 2018 to an estimated 51,385 in 2022), reducing affordability, and declining rental stock.

When housing demand outstrips supply, the pressure on housing is greatest for those with the least financial resources. This can lead to over-crowding, homelessness and poor general wellbeing outcomes. Increasing house prices and rents cascade down the housing continuum, until we see soaring demand for and a waitlist for social housing.



The Ministry of Social Development’s (MSD) public housing register has grown from 50 whānau in 2014 to 306 in September 2019, to 549 in September 2021. At February 2022, MSD advised that 648 whānau in Te Tairāwhiti (made up of 756 adults and 759 children) were on the public housing register, with approximately 375 of those whānau in insecure housing (such as motels, garages, tents).



Since 2019, there has been a considerable increase in house building activity. These builds begin the process of catching up with our shortfall but this level of building will need to be sustained over a number of years.

Gisborne District Council projects the demand for housing will continue to grow based on recent trends and population growth.

The regional Housing and Business Capacity Assessment outlines that with the existing land and infrastructure available for development the demand for housing is likely to grow by 1,280 houses to 2024, 2,570 houses by 2030 and 5,360 houses by 2050.

	Demand, Capacity and Projected Shortage		
	2024	2030	2050
Projected change in demand for housing	+1,280	+2,570	+5,360
Reasonably expected to be realised capacity	1,000	1,700	2,600
Projected shortage of housing	-280	-870	-2,760

We are looking at a projected regional housing shortage of 280 houses to 2024, 870 houses to 2030 and 2,760 houses to 2050.

Our response

The table below identifies the number of new houses in the pipeline currently (including iwi and Kāinga ora housing) and their estimated timeframes for delivery (short term = within 2 years; medium term = 2-5 years; and long term = beyond 5 years). We estimate that by 2024, there could be between 832 and 1,376 new homes in Te Tairāwhiti. Whether these developments can all proceed will be contingent on our action to deliver on other priorities in the Strategy including updating our regulatory framework and building new infrastructure.

Timeframe	Housing providers	Number of Houses (est)
Short term	Kāinga Ora	190
	Toitū Tairāwhiti (affordable housing on land owned by whānau)	351
	Te Rūnanganui o Ngāti Porou	50
	Papakāinga (whānau, Te Puni Kōkiri)	128
	Private developers	150
	TOTAL	869
Medium term	Toitū Tairāwhiti (Tūranga Tāngata Rite on land own by Mahaki)	150
	Te Rūnanga o Tūranganui a Kiwa	24
	Rongowhakaata	98
	Ngāi Tāmanuhiri	26
	Private developers	150
	TOTAL	448
Long term	Rongowhakaata	66
	Private developers	300
	TOTAL	366
	TOTAL	1,683

While the short term prognosis looks positive, the medium to long term are less certain. We cannot afford to be complacent or unfocused or our housing crisis will not only be exacerbated but become entrenched.

Crisis and temporary housing

Our work to date has highlighted a gap in provision of crisis housing. While the region continues with existing build plans, we are bolstering our efforts to increase the availability of emergency, short-term housing across the region, including:

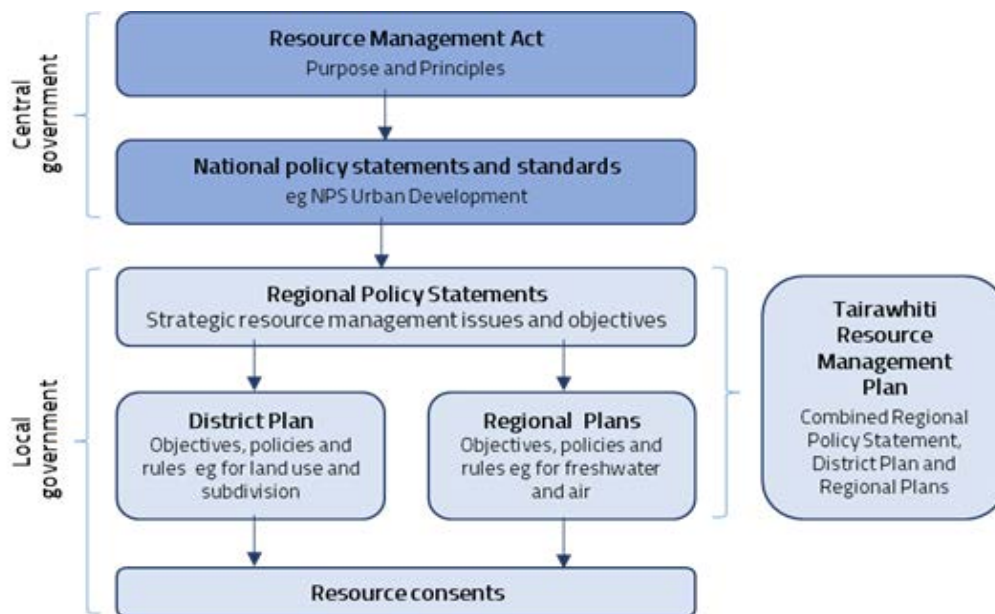
- an increase in the number of beds available for the homeless
- a mini village of temporary housing for whānau in emergency situations
- supporting marae to provide temporary housing for whānau
- self-isolation and quarantine facilities to support whānau through COVID-19.



Changing regulations and improving consent processes to accelerate housing development

The issue

Our planning framework for housing under the Resource Management Act (see figure below) shapes the physical form of our region and determines where we can live, work and play and what forms of housing are appropriate in different places. It needs to strike an optimal balance between enabling new development and ensuring the liveability and sustainability of our place.



The current housing planning framework is based on research and plans that were completed in the early 1990s and is now out of alignment with our demographic profile and new regional priorities.

We have grown our population but our urban footprint remains the same and has not grown with us. This means that land, which is made artificially scarce under current planning provisions, now makes up at least 40% of a new build costs. The current planning framework also has a focus on low density residential development and denser housing development (that are more aligned with the cost of land and more affordable) need multiple resource consents and may experience additional costs and delays. These costs are passed on to future home buyers and renters, and focus on low density residential development.

There are a range of other regulatory factors that make it difficult for whānau to meet their housing needs including:

- accessing government social housing – eligibility criteria exclude some whānau and the process can be long, arduous and frustrating for customers
- establishing papakāinga can be a convoluted process made difficult by the regulatory system around Māori land including land owner consent.

Our response

We are committed to bringing the planning framework into alignment with regional priorities. Gisborne District Council is currently undertaking a Future Development Strategy that will plan the next 30 years of housing and business growth for the region and further define where and how our urban areas can grow. Our FDS will be used to inform urban zoning and new provisions of our planning framework, such as changing residential density and encouraging mixed use development in the city, while recognising the strong demand for a range of rural living options across Te Tairāwhiti including papakāinga.

The key milestones in getting our planning framework right are:

- Finalise Future Development Strategy December 2022
- Consult on new draft planning provisions October 2023
- Notify new planning provisions for formal consultation June 2024
- Enact new planning provisions June 2025

Council is also undertaking shorter-term regulatory initiatives to facilitate housing development:

- working with individual developers to standardise housing plans and building methods to reduce inspections and expedite building consenting processes
- continuing to offer pre-application meetings to developers to advise on and coordinate consenting requirements
- creating user guides for developers to navigate building and resource consent processes.

A review of the regulatory processes around building and resource consents from a customer perspective is important to address systemic issues that lead to delays and uncertainty.

Likewise, understanding the whānau housing journey for those trying to access public housing is important as existing data shows that there are some significant issues with eligibility and process.

There are a number of major shifts in government policy underway or planned, including reforms of the:

- resource management system
- provision of three waters services
- role of local government
- health sector
- vocational education.

The changes could have far-reaching implications for housing in Te Tairāwhiti. Rau Tipu Rau Ora and Manaaki Tairāwhiti will proactively advocate on behalf of our community where the reforms impact housing provision.

Ensuring a reliable supply of building materials and resilient supply chains

The issue

The residential construction sector requires a vast array of materials. A full 90% of construction products sold in New Zealand are either imported as finished products or manufactured locally from imported components.

The COVID-19 pandemic has created several challenges around imports. Lockdowns worldwide in 2020 created shortages of building materials and logistical issues with transport. As the world moved into a new phase of 'living with COVID-19', markets have reopened and major players in the global market (such as the USA, China and India) are experiencing construction booms. New Zealand is a small market in the global context (0.1% of the global construction industry in 2020) and is competing for materials and shipping availability.

The sky-rocketing demand globally for materials and shipping caused a spike in costs of building materials in New Zealand. Construction costs for a medium sized home in New Zealand rose 9% in 2020 and close to 10% in 2021. Freight costs alone, particularly shipping, increased 100% in 2021.

The construction supply sector advises that the true impact of price increases has not yet been felt by clients and property owners. Suppliers are squeezing margins and looking for cost efficiencies elsewhere to try and keep price increases to a reasonable level. More cost increases in the short to medium term are projected.

Prices for building a new dwelling increased by 16% in the December quarter, compared with same period in 2020. [We are] forecasting further price hikes of 15% across all products in the coming year. Tradespeople wear the costs in the short term but it is inevitable that price increases would be passed on to consumers. (Combined Building Supplies Co-operative Chair, Carl Taylor)

Similar cost increases for building the infrastructure to support housing development are manifesting. Access to aggregate for road building (and parts of house building) is increasingly an issue.

Our response

We are looking at a range of options to address the dire shortage in building materials. We will need to have diverse solutions to build a steady and reliable supply chain.

Trust Tairāwhiti is strengthening the supply chain of imported building materials so that Tairāwhiti can access a larger proportion of building materials in a number of ways in the short to medium term:

- working with building supply merchants to collectively optimise stock levels of building material available in the region
- establishing strategic purchasing partnerships with larger merchants to build power in scale by coordinating purchases and consolidating air and sea freights.

We are also looking at in-region growth of building material supplies.

Te Tairāwhiti produces a small amount of timber products (framing) for the construction industry. The Wood Engineering Technology joint venture turns lower-grade logs into high-value structural lumber for framing. It is currently running 3 ½ days per week for 24 hours a day and about 20% of the volume of production is deferred to the local construction market. We are ramping up production at the WET facility to 7 days per week by June 2022 enabling a larger volume of total lumber with a higher proportion of this deferred to the local market.

We are expanding the processing of lumber beyond existing facilities through:

- establishing a new factory in our Wood Cluster Centre by the end of 2023 to provide framing lumber for 1,700 more houses per year with a portion of this for the local construction sector
- building a sawmilling operation on Waipāoa B.

Te Tairāwhiti is investing in and supporting a range of off-site manufacturing (OSM) options to build regional capacity to respond to the housing crisis.

OSM is the construction of buildings and/or parts of buildings offsite in a factory, which are then transported to the sites where they are needed. It has several benefits including:

- enabling building at scale and pace
- driving some costs out of the supply chain
- reducing the impact of skills and material shortages.

There are a number of OSM options underway in Te Tairāwhiti including:

- a temporary in-region pre-nail facility established by Iconiq at Dunstan Road in 2020 to produce 20 housing units per year, with a permanent site at Gisborne airport expected to open in 2022
- a pre-fabricated housing facility to be established at Gisborne airport by August 2022 by BuiltSmart as a satellite of its existing business to service whānau housing needs under Toitū Tairāwhiti
- an automated frame and truss facility is being explored with Frame and Truss NZ as part of the Tairāwhiti Wood Cluster Centre of Excellence.

Local OSM facilities will significantly reduce the need to truck houses in from out of region, reducing our greenhouse gas footprint and providing more jobs for local people.

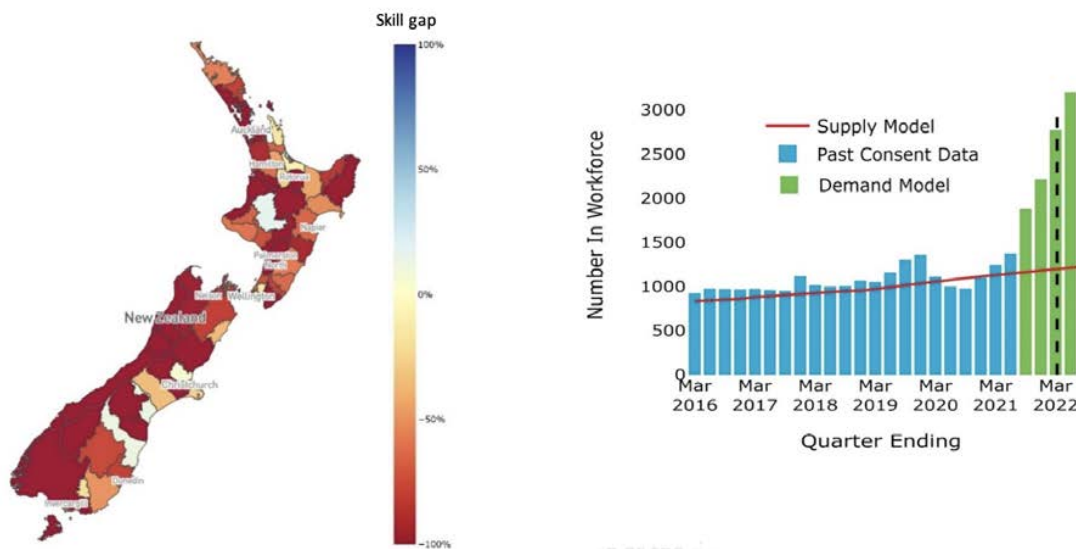
In the medium term we will progress other projects that maximise productivity and improve the use of the building materials we have including:

- maximise the recovery and reuse of construction materials
- sourcing alternative non-standard building materials.

Developing solutions to the building labour shortage that build the capacity of our people

The issue

Waihanga Ara Rau (Construction and Infrastructure) Workforce Development Council describes a serious skill shortage in Te Tairāwhiti and many other regions currently. They estimate that Te Tairāwhiti is short 1,987 tradespeople in the construction sector with that projected to increase until at least March 2023.



Future projections are likely to be a significant underestimation as the demand model does not capture all of the developments represented in our housing pipeline and any future developments yet to be announced. The shortage will not be addressed with current policy settings and initiatives.

The shortage of construction labour is driven by:

- an ageing workforce
- retention issues once trained
- competition nationally and internationally for skilled construction labour
- a tightening labour market for at least the next five years
- a significant shortfall in training capacity.

The services that support the construction sector are also experiencing tight labour markets. Local companies suggest that there is a current shortage of 180 truck drivers in region. Professional services such as planners, surveyors and geotechnical experts are in short supply with minimum six month waiting lists for service.

The time and cost involved in training staff new to construction is a pain point for construction companies, particularly smaller ones. It takes at least three years for a new staff member to reach a reasonable level of skill and qualification to not need intense supervision and, for employment to be sustainable, a relatively high level of pastoral care is required.

Many construction companies locally suggest that the current vocational training system is not producing a workforce that can easily step into work and they want to refocus training towards an 'earn as you learn' model. The national review of vocational education is due to be completed in 2023 and may see opportunities to improve some of these issues.

Our response

The CARE (Commitment, Action, Reciprocity resulting in Employment) group is completing a workforce development plan for vertical construction for Te Tairāwhiti. The Plan is the first step of a more coordinated approach to growing the skills and capabilities of our local talent and matching them to the work and career opportunities available in our region. It will be ready to roll out in July 2022 and will identify the next steps in addressing labour shortages.

Our CARE partners are focused on ensuring pathways to employment for future construction workers.

The Kura Hanga building academy programme has been initiated in Te Tairāwhiti. It aims to help retain secondary aged youth in education while developing the students' basic building skills providing them a leg up into apprenticeships and into the sector. The first in-region academy at Lytton High School is close to operational with another to open at Gisborne Boys' High School in 2023. A number of kura kaupapa Māori are exploring a collaborative building academy using a Māori model of delivery.

Each school will have the capacity for 10-15 students every year and would produce up to two houses a year for the local market. Lytton High is negotiating an agreement to supply its housing to Kāinga Ora. The CARE partners are looking at alleviating the key constraints in seeing more academies established: finding the estimated \$85k initial set-up costs per school and sourcing and funding appropriately skilled teachers.

We are also investigating options for importing labour from national and international markets particularly in the short term while our local training solutions take time to bed in. Accommodating imported labour will pose a challenge in an already constrained property market.

Funding and programming the infrastructure needed to support housing development

The issue

Housing developments need infrastructure to support them. Water supply, wastewater services, electricity, and roads and footpaths are crucial to providing safe and healthy homes.

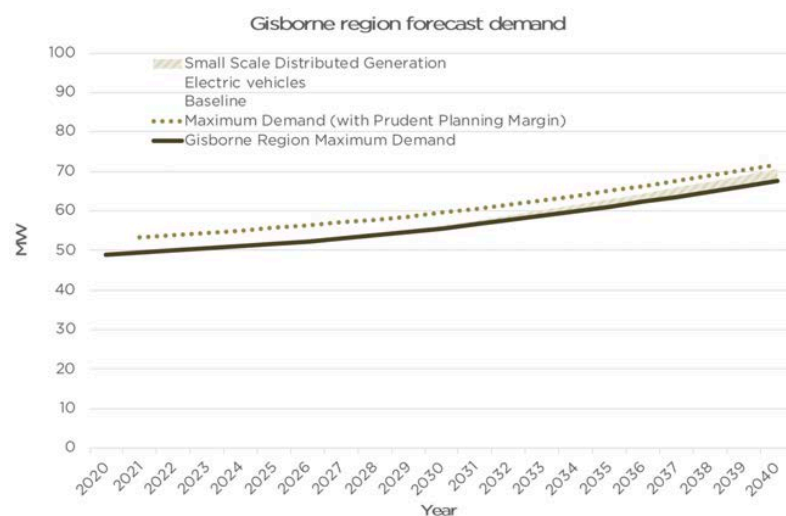
Gisborne District Council is currently the major provider of infrastructure to support housing development, providing roads and footpaths, drinking water, wastewater and stormwater services. Amongst the challenges of quality and resilience of infrastructure networks, the Council is grappling with providing infrastructure to support sufficient capacity for growth. Affordability of the required infrastructure is a major issue for Council.

The capacity of the current three waters network infrastructure is already constraining the ability to provide more housing in some residential areas (brownfield development) through subdivision and intensification. This limits the ability to provide for affordable housing close to existing amenities and services. Known greenfields sites such as the Taruheru cannot proceed until new infrastructure is in place. The Future Development Strategy (due in December 2022) will be key to informing Council's future infrastructure development plans.

Central government is in the process of reforming the three waters sector to move delivery of water services away from councils to four super-regional water services entities. The reforms are likely to impact on the timing and priority of key growth-related water infrastructure projects in the medium to long term.

The Eastland Group manages electricity transmission for Te Tairāwhiti. It is projecting an increase in peak demand for electricity to 68 MW (from 50 MW) by 2040, driven by the interplay of:

- customer connection growth (new houses and businesses)
- energy efficiency improvements
- wood processing
- uptake of electric vehicles
- installation of small-scale distributed generation (SSDG) such as solar.



Our response

Council's current Infrastructure Strategy that is part of its Long Term Plan 2021-31 has a focus on renewal of existing infrastructure. However, it does include funding for some growth projects including:

- three waters and road infrastructure for the Taruheru block development (from 2026)
- Drainwise Programme, which will increase the capacity of the existing wastewater system allowing room for more homes to connect.

Gisborne District Council has made applications to government's Infrastructure Acceleration Fund (announced in 2021 to support local authorities to provide infrastructure for housing growth) to:

- increase capacity of the three waters networks in the Gisborne urban area, namely Kaiti
- bring forward infrastructure planned for the Taruheru Block.

Council is in negotiations about progressing the Taruheru application and decisions on funding this are expected later in 2022. The application for Kaiti was unsuccessful and Council is exploring other funding avenues.

However this infrastructure investment alone is not likely to be sufficient to meet the projected growth in demand for housing particularly in the longer term out to 2050. The Future Development Strategy (see page 25) will identify where sustainable housing developments should occur with master planning a key tool to plan the physical infrastructure (water services, transport links and services) needed at a catchment level.

By 2027 the Eastland Group plans to have increased the capacity of electricity into Te Tairāwhiti to meet this demand and to increase capacity at sub-stations that service Gisborne city and the west of the region to support reliability of supply. Their planning will also align with the growth projections in the Future Development Strategy.

There are a mix of solutions in train for boosting electricity supply including a number of investigations into large scale renewable energy and small scale distributed generation. One of the key issues to resolve is the feasibility and safety of exporting excess electricity back to the network locally and the national grid.

Manaaki Tairāwhiti will continue to advocate with infrastructure providers to keep the focus on infrastructure for housing development to meet all whānau aspirations.

Reducing financial barriers to home ownership and tenancy

The issue

Te Tairāwhiti has among the highest levels of deprivation of any region in New Zealand. More than 18% of our children live in a household where the income is less than 50% of the median equivalised income and 4.8% of our children and their whānau experience severe material hardship.

In 2012 the median house price in Gisborne was \$225k. By 2019 it had risen to \$350k. In December 2021 it was \$695k. House prices are now 10 times the average household income (\$70,000). Rents increased by 10% a year from June 2018- June 2021. In August 2021 they were sitting at a median of \$565. Recent information from the Real Estate Institute of New Zealand estimates that in the six months ending December 2021, Gisborne rents were up 24.7% on the same period in 2020.

House prices and housing affordability are affected by both supply and demand factors, ranging across immigration, tax policy, government benefits or transfers, land availability, building standards, infrastructure and training programmes. (Reserve Bank Governor, Adrian Orr)

Historically, Te Tairāwhiti has had low rates of housing development as the development economics do not stack up. The recent sky-rocketing market prices and low interest rates on borrowing have stimulated some housing developments in the private market. However, this has been curtailed to a degree by the high cost of building material and labour.

Finding the right balance to stimulate housing development that our whānau can afford will require freeing up land for greenfields development and intensification, addressing material and skill shortages, and the right funding and fiscal policy settings to keep borrowing affordable for both developers and potential home owners.

At an individual whānau level, access to capital and financing are constraints for a number of whānau. The impact that high rental costs has on the ability of first-home buyers to save a deposit have been well-documented at a national level.

What has been less visible are the difficulties that many whānau with Māori freehold land have in financing papakāinga and housing development:

- the tenure of land as multiple-owned impacts on the ability of collectives of landowners to make decisions around land use for housing
- the legal status of land as inalienable significantly affects the ability to provide security for loans and access financing
- many whānau are ineligible for Kāinga Whenua Loans, which are under-written by government, as they are unable to meet the test around savings history and income levels that are akin to standard loan scrutiny
- for financing, KiwiBank require a license to occupy (so the bank can get surety over the house) whereas many whānau want the long term surety and rights of inheritance that an occupation order provides but which reduces surety
- KiwiSaver can only be used for deposits on homes where both the land and home will be owned by whānau whereas Māori freehold land often has hundreds of owners
- initial costs of infrastructure to service mostly rural papakāinga (including on site wastewater treatment systems and drinking water supply) represents a big a big up-front capital investment and can make development unaffordable.

Government response

Many of the solutions sit with Government to progress. It has instituted a number of policy settings recently aimed at stimulating housing supply and improving affordability including passing housing intensification legislation and changing fiscal settings to enable first home buyers to enter the property market.

In 2021 Government announced a substantial package of funding support to enable housing development that included:

- Infrastructure Acceleration Fund (\$1b) to increase the pace and scale of housing delivery by helping to fund the critical infrastructure needed for developments in the short to medium-term
- Whai Kāinga Whai Oranga fund (\$380m) to enable Māori to lead and deliver their whānau, hapū and iwi housing aspirations in their own communities and regions
- Māori Infrastructure Fund (\$350m) to support Māori-led housing projects, such as papakāinga, with onsite infrastructure needs
- Residential Development Response fund (\$350m) to support the development of affordable housing on land owned by iwi, councils, community groups and private developers
- Kāinga Ora funding (\$130m+) to enable assessment and progress of urban development opportunities and to accelerate the pace and scale of delivery
- Kāinga ora land development programme lending (\$2b) to scale up land acquisition and operational income to support housing outcomes.

This funding will go some way to re-balancing the development economics. However, the question of affordability of housing for whānau in Te Tairāwhiti remains.

Our response

There are several initiatives the region is undertaking to work around these issues.

The Toitū Tairāwhiti programme (a collaboration of Te Tairāwhiti and Eastern Bay of Plenty iwi) aims to improve housing outcomes for whānau Māori. With seed funding from member iwi and government it will contract the build of 201 affordable homes by 2024 and has plans for at least another 300 over the next 10 years (contingent on funding availability). Toitū coordinates contracts and relationships with suppliers to ensure affordability and fit-for-purpose housing.

The Toitū programme is founded on the principle of Mana Motuhake putting whānau in the driving seat of securing a home to own that meets their needs and aspirations. Kaitakawaenga (navigators) walk beside whānau on their housing journey and offer education and support throughout to help whānau identify housing solutions that will work best for them. A growing number of options are available from full family homes to cabins to relocatable homes to retrofit and repairs of existing homes.

There is also a considerable drive in the region to improve the affordability of rental homes including transitional and emergency accommodation. Iwi and regional partners such as Kāinga Ora are working on several fronts including:

- growing the number of Community Housing Providers in the region so whānau can access government financial support for rising rental costs
- transferring public housing tenancy management to local iwi so costs and quality can align better with whānau needs and aspirations
- introducing shared equity options for whānau to rent to own.



HE TĀPIRITANGA

APPENDIX

Organisational Acronyms

CARE	Commitment, Reciprocity and Action for Employment Forum
EG	Eastland Group
EIT	Eastland Institute of Technology
F&TNZ	Frame and Truss New Zealand
GDC	Gisborne District Council
HT	Hauora Tairāwhiti
HUD	Ministry of Housing and Urban Development
KO	Kāinga Ora
MoE	Ministry of Education
MSD	Ministry of Social Development
MT	Manaaki Tairāwhiti
NZTA	New Zealand Transport Agency
Oasis	Oasis Community Shelter
RIT	Rongowhakaata Iwi Trust
RSLG	Regional Sector Leadership Group
RTRO	Rau Tipu Rau Ora Governance Group
TA	Tūranga Ararau
Toitū	Toitū Tairāwhiti
TPK	Te Puni Kōkiri
TRONPnui	Te Rūnanganui o Ngāti Porou
TROTAK	Te Rūnanga o Tūranganui ā Kiwa
TT	Trust Tairāwhiti
TTPT	Tāmanuhiri Tūtū Poroporo Trust
WET	Wood Engineering Technology



12. Mayor, Deputy Mayor and Elected Members Reports for INFORMATION



22-226

Title: 22-226 War Memorial Theatre Trust Annual Report
Section: District Councillor
Prepared by: Patricia Seymour – District Councillor
Meeting Date: Thursday 29 September 2022

Legal: No

Financial: No

Significance: **Low**

Report to COUNCIL for information

PURPOSE

The purpose of this report is to update Council on the annual activities and performance of The War Memorial Theatre Gisborne Trust (The Trust/WMTT). Council's Gisborne War Memorial Theatre and Lawson Field Theatre are the beneficiaries of the Trust.

SUMMARY

The 2021-22 year was extremely quiet for the Trust. There were no WMTT activities and COVID-19 disrupted many shows and events that would have otherwise been held in the theatres. Funds in hand were invested with the BNZ and show in the **attached** performance report.

At the general meeting following the Annual General Meeting Ms Pene Walsh, Cultural Activities Manager, provided the spread sheet of items that potentially the Trust could fund for the benefit of the theatre patrons and theatre users.

The aircon units for the War Memorial Theatre are now installed and were funded by the Trust.

Attachment 1: Performance report for year ending June 2022.

The Trustees have donated \$200,000 of residual funds to the Sunrise Foundation to establish a fund in perpetuity for the specific benefit of the War Memorial Theatre and the Lawson Field Theatre. The Sunrise Foundation will promote this fund so that other donors may add to the fund. Anticipating that it will grow to provide a long term managed source of funds to the two theatres.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Council:

1. **Notes the contents of this report.**

Authorised by:

Pat Seymour – District Councillor

Keywords: War Memorial Theatre Gisborne Trust

ATTACHMENTS

1. Attachment 1 - 2022 War Memorial Trust Performance Report [**22-226.1** - 12 pages]

Performance Report

War Memorial Theatre Gisborne Trust
For the year ended 30 June 2022

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Chairpersons Report

War Memorial Theatre Gisborne Trust For the year ended 30 June 2022

This has been a very quiet year for the Trust. Covid impacted on theatre use and also on the intended upgrade of the air conditioning units in the War Memorial Theatre. The Trustees had committed to replacing the air conditioning units at the WMT as those installed at the time of the opening of the theatre were from the former theatre and had reached the end of their life. Substantial units are required to both heat and cool a theatre and back stage area such as the War Memorial Theatre. During the year the Trust paid \$16,829 for sundry capital items across both theatres.

At the close of the financial year the Trust funds were \$394,256. Subsequent to year end Trustees made a payment of \$66,944 to Gisborne District Council for the recently installed air conditioning units.

Reflected in the last annual report the Trustees have spent some time taking advice and considering the most appropriate investment of some of the remaining funds. These funds are primarily interest accrued over time and not from the personal donations to the Theatre fundraising. The Trustees have determined to seed a specific Theatres fund with the Sunrise Foundation. To that end \$200,000 has been donated to establish a fund for the 2 Gisborne District Council owned and operated theatres, The Lawson Field Theatre and War Memorial Theatre, in perpetuity. It is hoped that over time Theatre users and patrons will use this Sunrise Foundation Fund as an avenue that they too can donate to so that the fund grows to create long term benefits for both theatres.

Recognising the lesser amount of financial activity for the Trust now that the theatres are both in an upgraded state the Trust took advice on the need for ongoing formal audits. The additional cost for the relatively small amount of activity has deemed the formal audit no longer necessary and therefore the Trust is applying to the Charities Commission to remove that requirement from the Trust Deed.

Special thanks go to Anne Muir, treasurer of the Trust who has shouldered almost all of the activity of the Trust this year including the completion of the Charities Commission report and the application for the minor change to the Trust Deed. I thank my fellow trustees for their willingness to be available to support the theatres and to meet as required to transact the business of the War Memorial Theatre Trust.

Thanks go to the team of GDC officers who manage the theatres and see that they are available to the community of Tairāwhiti for the many and varied events that are hosted within each theatre.



Pat Seymour QSO, OBE
Chair of the War Memorial Theatre Gisborne Trust

Approval of Financial Report

War Memorial Theatre Gisborne Trust For the year ended 30 June 2022

The Trustees are pleased to present the approved financial report including the historical financial statements of War Memorial Theatre Gisborne Trust for year ended 30 June 2022

APPROVED



Chairperson

Date: 13.9.2022



Treasurer

Date: 13.9.2022

Entity Information

War Memorial Theatre Gisborne Trust For the year ended 30 June 2022

“Who are we?”, “Why do we exist?”

Legal Name of Entity

War Memorial Theatre Gisborne Trust

Entity Type and Legal Basis

Charitable Trust

Registration Number

CC47698

Entity's Purpose or Mission

- (a) To raise funds and to assist others to raise funds for the upgrade and ongoing support of the War Memorial Theatre Gisborne and Lawson Field Theatre.
- (b) To specifically apply such funds towards an upgrade of the War Memorial Theatre Gisborne and Lawson Field Theatre to enable both theatres to be used for the benefit of the community of Gisborne and to ensure that it remains as a War Memorial for those who have served their country during major conflict.
- (c) To accept the custody, control and management of any real and personal property which may be bequeathed or donated to the Trust for the purpose of upgrading the theatres.
- (d) to do all things that the Trustess consider necessary or conducive to further or attain the objects of the Trust set out above.

Entity Structure

Board of Trustees with ChairPerson, Secretary and Treasurer, governed by the Trust Deed.

Main Sources of Entity's Cash and Resouces

Grants, donations and fundraising, plus interest from term deposits.

Main methods Used by Entity to Raise Funds

Applications to local community and national charitable funding entities, donations sought from theatre supporters, fundraising concerts organised. Funds invested to earn interest from term deposits.

Entity's Reliance on Volunteers and Donated Goods or Services

All activites run by unpaid volunteers

Physical Address

c/- Gisborne District Council, 15 Fitzherbert Street, Gisborne, New Zealand, 4010

Postal Address

c/- Gisborne District Council, Po Box 747, Gisborne, New Zealand, 4010

Statement of Service Performance

War Memorial Theatre Gisborne Trust For the year ended 30 June 2022

“What did we do?”, “Why did we do it”

Description of Entity's Outcomes

In 2019 we achieved our aim of raising \$1.5m for Lawson Field Theatre.

We continued payments to the Gisborne District Council for the restoration of Lawson Field Theatre and for extra's required for the War Memorial Theatre.

Total paid to Gisborne District Council for the year ended 30 June 2022. \$16,829 paid on 26 May 2022

	2022	2021
Description and Quantification of the Entity's Output		
Donations received towards theatre restoration	-	-
Payments to Gisborne District Council for theatres	\$16,829	\$86,261

Statement of Financial Performance

War Memorial Theatre Gisborne Trust

For the year ended 30 June 2022

“How was it funded?” and What did it cost?”

	Note	2022	2021
Revenue			
Donations, fundraising and other similar revenue	1	-	-
Interest, dividends and other investment revenue	1	300	237
Total Revenue		300	237
Expenses			
Grants and other expenses		16,869	90,998
Total expenses		16,869	90,998
Surplus (Deficit) for the year		(16,569)	(90,761)

Statement of Financial Position

War Memorial Theatre Gisborne Trust As at 30 June 2022

“What the entity owns?” and What the entity owes?”

	30 June 2022	Notes	30 June 2021
Assets			
Current Assets			
Bank accounts and cash	394,256	2	410,825
Total Current Assets	394,256		410,825
Total Assets	394,256		410,825
Total Assets less Total Liabilities (Net Assets)	394,256		410,825
Accumulated Fund			
Accumulated surpluses or (deficits)	394,256	3	410,825
Total Accumulated Funds	394,256		410,825

Statement of Cash Flows

War Memorial Theatre Gisborne Trust For the year ended 30 June 2022

“How the entity has received and used cash”

	2022	2022
Cash flows from Operating Activities		
Donations, fundraising and other similar receipts	-	-
Interest, dividends and other investment receipts	300	237
Payments to GDC and other suppliers	(16,869)	(90,998)
Total Cash Flows from Operating Activities	(16,569)	(90,761)
Cash Flows from Investing and Financing Activities		
Cash Flows from Other Investing and Financing Activities	-	-
Total Cash Flows from Investing and Financing Activities	-	-
Net Increase (Decrease) in Cash	(16,569)	(90,761)
Cash Balances		
Cash and cash equivalents at beginning of period	410,825	501,587
Cash and cash equivalents at end of period	394,256	410,825
Net change in cash for period	(16,569)	(90,761)

Statement of Accounting Policies

War Memorial Theatre Gisborne Trust For the year ended 30 June 2022

“How did we do our accounting?”

Basis of Preparation

The entity has elected to supply PBE SFR-A (NFP) Public Benefit Entity Simple Format Reporting – Accrual (Not-For-Profit) on the basis that it does not have public accountability and has total annual expenses equal to or less than \$2,000,000. All transactions in the Performance Report are reported using the accrual basis of accounting. The Performance Report is prepared under the assumption that the entity will continue to operate in the foreseeable future.

Goods and Services Tax (GST)

The entity is not registered for GST. Therefore all amounts are stated inclusive of GST (if any)

Income

Income from grants, fundraising and donations where there is no ‘use or return’ condition attached is recorded as revenue when cash is received.

For grants and donations where there is a ‘use or return’ condition a liability is recorded. As conditions are met the liability is reduced and revenue is recorded.

Interest income is recorded as it is earned during the year.

Income Tax

War Memorial Theatre Gisborne Trust is wholly exempt from New Zealand income tax having fully complied with all statutory conditions for these exemptions.

Bank Accounts and Cash

Bank accounts and cash in the Statement of Cash Flows comprise cash balances and bank balances (including short term deposits) with original maturities of 90 days or less.

Change in Accounting Policies

There have been no changes in accounting policies. Policies have been applied on a consistent basis with those of the previous reporting period.

Notice to the Performance Report

War Memorial Theatre Gisborne Trust

For the year ended 30 June 2022

	2022	2021
1. Analysis of Revenue		
Donations, fundraising and other similar revenue		
Income: Seat plaques donors	-	-
Income: WMT fundraising events	-	-
Total Donations, fundraising and other similar revenue	-	-
Interest, dividends and other investment revenue		
Interest Receivable: BNZ Bank	300	237
Total Interest, dividends and other investment revenue	300	237
	2022	2021
Analysis of Expenses		
Grants and other expenses		
Costs: WMT fundraising events		
GDC Grants for Theatre Extras	16,869	90,922
Grants to GDC	-	-
Licenses & registration	-	77
Total Grants and other expenses	16,869	90,998
	2022	2021
2. Analysis of Assets		
Bank accounts and cash		
BNZ cheque account	14,239	31,105
BNZ savings account	380,017	379,720
Total Bank accounts and cash	394,256	410,825
	2022	2021
3. Accumulated Funds		
Accumulated Funds		
Opening Balance	410,825	501,587
Accumulated surpluses or (deficits)	(16,569)	(90,761)
Total Accumulated Funds	394,256	410,825
Total Accumulated Funds	394,256	410,825
4. Commitments		
Fundraising for the benefit of the Lawson Field Theatre will be paid to the Gisborne District Council to cover costs of renovations. No commitments as of 30th June 2022.		
5. Contingent Liabilities and Guarantees		
There are not contingent liabilities or guarantees as at 30 June 2022 (2021: nil).		

6. Related Parties

Pat Seymour (Chairperson) and Rehette Stoltz (Trustee) are also Councillors of the Gisborne District Council (GDC). The GDC is recipient of all funds received for the renovation of The War Memorial Theatre and Lawson Field Theatre Gisborne.

7. Events after the Balance Date

On 16 August 2022. A Deed of Gift to The Sunrise Foundation of \$200,00.00 for a fund in perpetuity for the War Memorial Theatre and the Lawson Field Theatres. This money was raised as a result of prudent investment and all trustees agreed and the CEO of Gisborne District Council was advised as well and thanked the trustees.

On 11 August 2022. 2 payments to Gisborne District Council totalling \$66,944.00 were made for The War Memorial Theatre Foyer Air conditioning Unit.

8. Ability to Continue Operating

The entity will continue to operate for the foreseeable future.

