



RANGITIKEI
DISTRICT COUNCIL
Making this place home.

ORDER PAPER

ORDINARY COUNCIL MEETING

Date: Thursday, 29 August 2024

Time: 1.00pm

Venue: Council Chamber
Rangitikei District Council
46 High Street
Marton

Chair: HWTM Andy Watson

Deputy Chair: Cr Dave Wilson

Membership: Cr Brian Carter
Cr Gill Duncan
Cr Richard Lambert
Cr Piki Te Ora Hiroa
Cr Coral Raukawa
Cr Jeff Wong
Cr Simon Loudon
Cr Greg Maughan
Cr Fi Dalgety
Cr Paul Sharland

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Notice is hereby given that an Ordinary Meeting of Council of the Rangitikei District Council will be held in the Council Chamber, Rangitikei District Council, 46 High Street, Marton on Thursday, 29 August 2024 at 1.00pm.

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AGENDA

1 Welcome / Prayer

2 Apologies

3 Public Forum

No Public Forum

4 Conflict of Interest Declarations

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of items on this agenda.

5 Confirmation of Order of Business

That, taking into account the explanation provided why the item is not on the meeting agenda and why the discussion of the item cannot be delayed until a subsequent meeting, [enter item number](#) be dealt with as a late item at this meeting.

6 Confirmation of Minutes

6.1 Confirmation of Minutes

Author: Kezia Spence, Governance Advisor

1. Reason for Report

- 1.1 The minutes from Ordinary Council Meeting held on 25 July 2024 are attached.

Attachments

1. Ordinary Council Meeting - 25 July 2024

Recommendation

That the minutes of Ordinary Council Meeting held on 25 July 2024 [**as amended/without amendment**] be taken as read and verified as an accurate and correct record of the meeting, and that the electronic signature of the Chair of this Committee be added to the official minutes document as a formal record.

MINUTES



UNCONFIRMED: ORDINARY COUNCIL MEETING

Date: Thursday, 25 July 2024

Time: 1.00pm

Venue: Council Chamber
Rangitikei District Council
46 High Street
Marton

Present

HWTM Andy Watson
Cr Dave Wilson
Cr Brian Carter
Cr Gill Duncan
Cr Richard Lambert
Cr Piki Te Ora Hiroa
Cr Coral Raukawa
Cr Jeff Wong (Zoom)
Cr Simon Loudon
Cr Greg Maughan
Cr Fi Dalgety
Cr Paul Sharland

In attendance

Mr Kevin Ross, Chief Executive
Mr Arno Benadie, Chief Operating Officer
Mrs Carol Gordon, Group Manager - Democracy and Planning
Ms Gaylene Prince, Group Manager - Community
Mr Dave Tombs, Group Manager - Corporate Services
Ms Sharon Bennett, Group Manager - People and Performance
Mr Johan Cullis, Group Manager- Regulatory Services (Zoom)
Mr Jarrod Calkin, Economic Wellbeing Lead
Ms Katrina Gray, Manager Strategy and Development
Ms Tiffany Gower, Senior Policy Planner
Mr Eswar Ganapathi, Senior Project Manager
Ms Kezia Spence, Governance Advisor

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1 Welcome / Prayer

His Worship the Mayor opened the meeting at 1.01pm.

2 Apologies

No apologies were received. Cr Duncan advised she would be leaving the meeting early.

3 Public Forum

Marton Arts and Crafts

Mrs Carol Bryant spoke on behalf of the Marton Arts and Crafts group regarding a grant received under the Event Support Scheme for the EMS event being held. Unfortunately, this event will not be happening and would like this to be redirected to another event in Spetember. This will achieve the same outcomes as outlined in their previous application.

Miss Nyssa Nepe

Miss Nepe spoke of her experience with the TUIA programme and her positive perspective on local government.

4 Conflict of Interest Declarations

A conflict of interest was declared by Cr Raukawa in relation to item 9 – CE Report and the Marae Development Fund.

5 Confirmation of Order of Business

There was no change to the order of business.

6 Confirmation of Minutes

Amendment: NBS Rating – (Taihape project plan) needs to be updated.

Resolved minute number 24/RDC/205

That the minutes of Ordinary Council Meeting held on 27 June 2024 **as amended** be taken as read and verified as an accurate and correct record of the meeting, and that the electronic signature of the Chair of this Committee be added to the official minutes document as a formal record.

Cr P Sharland/Cr C Raukawa. Carried

7 Follow-up Action Items from Previous Meetings

7.1 Follow-up Action Items from Council Meetings

Item 10 - Bulls Bus Lane

Mr Benadie responded to questions on the ability to have barrier arms. This is unlikely due to fitting this into the space.

Item 7 - Otara Bridge

Mr Benadie highlighted the costs for this project to councillors and advised he will send an email to councillors with the breakdown of costs.

Resolved minute number 24/RDC/206

That the report 'Follow-up Action Items from Council Meetings' be received.

Cr D Wilson/Cr P Hiroa. Carried

8 Mayor's Report

8.1 Mayor's Report

His Worship the Mayor highlighted the resignation of Mayor Max Baxter from the Mayor's Taskforce for Jobs.

Resolved minute number 24/RDC/207

That the Mayor's Report – 25 July 2024 be accepted.

HWTM/Cr D Wilson. Carried

Resolved minute number 24/RDC/208

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Representation Reviews

Cr D Wilson/Cr P Hiroa. Carried

Resolved minute number 24/RDC/209

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Community Services Card

Cr G Duncan/Cr F Dalgety. Carried

Resolved minute number 24/RDC/210

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Local government constituencies & wards should not be subject to referendum.

Cr P Hiroa/Cr C Raukawa. Carried Unanimous

Resolved minute number 24/RDC/211

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Entrenchment of Māori wards seats for local government
Cr P Hiroa/Cr C Raukawa. Carried Casting vote.

Resolved minute number 24/RDC/212

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Graduated driver licensing system
Cr G Duncan/Cr S Loudon. Carried

Resolved minute number 24/RDC/213

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Proactive lever to mitigate the deterioration of unoccupied buildings.
Cr G Duncan/Cr S Loudon. Carried

Resolved minute number 24/RDC/214

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Appropriate funding models for central government initiatives
Cr F Dalgety/Cr D Wilson. Carried

Resolved minute number 24/RDC/215

That Rangitikei District Council endorses the following remits for the 2024 AGM for LGNZ:

- Goods and services tax (GST) revenue sharing with local government
Cr F Dalgety/Cr R Lambert. Carried

9 Chief Executive's Report

9.1 Chief Executive's Report - July 2024

Opportunities to submit to External Agencies

Mr Cullis responded to questions that approximately 50% of all inspections fail every week, due to a range of issues, including some information not being provided when applications are submitted.

Marae Development Fund

Cr Raukawa declared a conflict of interest regarding this item.

Resolved minute number 24/RDC/216

That the Chief Executive's Report – July 2024 be received.

Cr G Duncan/Cr C Raukawa. Carried

Resolved minute number 24/RDC/217

That Council approves the submission on the proposal from the Ministry of Business, Innovation and Employment and the Ministry for the Environment “*making it easier to build granny flats*”.

HWTM/Cr B Carter. Carried

Resolved minute number 24/RDC/218

That the report ‘Annual Report to the Alcohol and Regulatory Licensing Authority for the year ending 30 June 2023’ be received.

Cr D Wilson/Cr P Sharland. Carried

Resolved minute number 24/RDC/219

That Council approves the carry-forward of \$1,673.60 for the Bulls Community Committee for the 2024/25 financial year.

Cr D Wilson/Cr C Raukawa. Carried

Resolved minute number 24/RDC/220

That Council approves the carry-forward of the unspent Marae Development fund (\$15,934) from the 2023/24 financial year to the 2024/25 financial year.

Cr G Duncan/Cr D Wilson. Carried

Resolved minute number 24/RDC/221

That Council approves the funding of \$1,600 granted to the Marton Arts and Crafts through the Events Sponsorship Scheme be redirected to another project undertaken by the Marton Arts and Crafts group.

Cr D Wilson/Cr F Dalgety. Carried

10 Reports for Decision

10.1 Marton Industrial Development Area Plan Change - Setting an Operative Date

Ms Gray advised that all appeals are now resolved and it is necessary to formally declare the plan change operative.

Resolved minute number 24/RDC/222

That the report ‘Marton Industrial Development Area Plan Change - Setting an Operative Date’ be received.

Cr F Dalgety/Cr P Hiroa. Carried

Resolved minute number 24/RDC/223

That Council adopt the Marton Industrial Development Area Plan Change, pursuant to Clause 17 of Schedule 1 of the Resource Management Act 1991 in accordance with the decision of the Environment Court dated 15 May 2024, and declares the plan change operative as of 12 August 2024 in accordance with Clause 20 of Schedule 1 of the Resource Management Act 1991.

Cr F Dalgety/Cr C Raukawa. Carried

ITEM 6.1
ATTACHMENT 1

10.2 Contract Award Recommendation - Taihape Town Hall and Library Redevelopment

Mr Ross advised this report is provided to bring this decision into the public arena. Councillors noted the a contestable procurement process during the initial stages of this project.

His Worship the Mayor requested an amendment to the Project Plan that makes it clear that there are options for both the façade and the first floor.

Resolved minute number 24/RDC/224

That the report "Contract Award Recommendation - Taihape Town Hall and Library Redevelopment" be received.

Cr P Sharland/Cr P Hiroa. Carried

Resolved minute number 24/RDC/225

That Council confirms that the direct appointment of the preferred contractor is independent of the original procurement process for the Taihape Town Hall and Library Redevelopment and that Council approves setting the requirements of the Procurement Policy aside for this appointment on this occasion.

HWTM/Cr D Wilson. Carried

Resolved minute number 24/RDC/226

That the Project Work Plan for the Taihape Town Hall and Library Redevelopment be adopted as amended.

HWTM/Cr G Duncan. Carried

Resolved minute number 24/RDC/227

That Council authorise the Chief Executive to enter into a contract with Maycroft Construction Limited in a sole contractor arrangement for the Design and Construction of Taihape Town Hall and Library Redevelopment project, for a sum not exceeding \$14 Million excl. GST in accordance with the submitted programme and decision-making hold points.

Cr D Wilson/Cr S Loudon. Carried

11 Reports for Information

11.1 Mayors Taskforce for Jobs 2023/24 Review

Mr James Towers and Ms Louise McCoard provided their report on the Mayors Taskforce for Jobs for the past financial year. The Mayor noted that the Rangitikei district has been the highest achiever in the country.

Resolved minute number 24/RDC/228

That the report Mayors Taskforce for Jobs 2023/24 Review be received.

Cr D Wilson/Cr B Carter. Carried

11.2 Project Management Office Report – July 2024

Staff advised that Mr Haasbroek will be leaving Council for another opportunity in Australia.

Marton Water Strategy

Mr Ganapathi responded to questions that Council is basing estimates off the trial plant as part of the application to PowerCo. The estimates have nothing to do with the application to Power Co, but to measure operating costs in terms of consumables and power consumption.

Mr Ross advised that the issues with iwi engagement for this project is a consequence of how busy iwi are, however, staff continue to inform iwi of any developments.

Councillors noted that there are new regulations on dams and staff advised that council is aware and are on top of these.

His Worship the Mayor noted that there were offers received on Taihape water. Mr Benadie responded that due to staff capacity this will be looked at next year.

Taihape Grandstand

His Worship the Mayor spoke that the benefit of concept designs coming out of the \$1 million will allow the community to understand the costs associated and support their fundraising efforts. Councillors noted that there was a MOU request with the Taihape Grandstand subcommittee group and requested staff to revisit this.

Resolved minute number 24/RDC/229

That the report 'Project Management Office Report - July 2024' be received.

Cr F Dalgety/Cr R Lambert. Carried

Resolved minute number 24/RDC/230

That Council investigates for any future options for the proposed water source for Taihape, noting this item is added to the follow-up actions register.

HWTM/Cr G Duncan. Carried

Resolved minute number 24/RDC/231

That Council approves expenditure of up to \$40,000 from the existing Taihape Grandstand budget to enable staff to progress concept designs and engage a quantity surveyor, as the next steps for the Taihape Grandstand project.

HWTM/Cr D Wilson. Carried

12 Minutes from Committees

12.1 Minutes from Committees

The report was taken as read.

Cr Raukawa advised that the Bulls Community Committee noted an outstanding action item relating to Criterion and Taumaihi streets which needs to be looked at.

Resolved minute number 24/RDC/232

That the following minutes are received:

- Santoft Domain Management Committee-06 March 24
- Finance and Performance- 30 May 24
- Te Roopuu Ahi Kaa -11 June 24
- Erewhon Rural Water Scheme- 11 June 24
- Ratana Community Board- 11 June 24
- Policy and Planning - 13 June 24
- Santoft Domain Management Committee- 19 June 24
- Risk and Assurance - 20 June 24
- Finance and Performance - 27 June 24

Cr C Raukawa/Cr R Lambert. Carried

13 Public Excluded

The meeting went into public excluded session 3.13pm.

Resolution to Exclude the Public

Resolved minute number 24/RDC/233

That the public be excluded from the following parts of the proceedings of this meeting.

- 1 Public Excluded Council Meeting - 27 June 2024
2. Follow-up Action Items from Council (Public Excluded) Meetings
3. Rate Remission Application

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Public Excluded Council Meeting - 27 June 2024	To consider the minutes relating to matters that were the subject of discussion at the 27 June meeting.	S48(1)(a)
13.2 - Follow-up Action Items from Council (Public Excluded) Meetings	To consider the matters arising from previous public excluded meetings s7(2)(a) - Privacy s7(2)(b)(ii) - Commercial Position s7(2)(h) - Commercial Activities s7(2)(i) – Negotiations	s48(1)(a)(i)
13.3 - Rate Remission Application	To protect the privacy of the people involved. s7(2)(a) – Privacy	s48(1)(a)(i)

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

Cr B Carter/Cr D Wilson. Carried

14 Open Meeting

The meeting went into open session 3.58pm

Resolved minute number 24/RDC/238

That the public excluded meeting move into an open meeting, and the below recommendations be confirmed in the open meeting:

24/RDC/234 - 24/RDC/237

Cr P Hiroa/Cr B Carter. Carried

The meeting closed at 3.58pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 29 August 2024.

.....
Chairperson

7 Follow-up Action Items from Previous Meetings

7.1 Follow-up Action Items from Council Meetings

Author: Kezia Spence, Governance Advisor

ITEM 7.1

1. Reason for Report

1.1 On the list attached are items raised at previous Council meetings. Items indicate who is responsible for each follow up, and a brief status comment.

2. Decision Making Process

2.1 Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

Attachments:

1. Follow-up Actions Register [↓](#)

Recommendation

That the report 'Follow-up Action Items from Council Meetings' be received.

Current Follow-up Actions

Item	From Meeting Date	Details	Person Assigned	Status Comments	Status
1	27-Jun-24	Look at traffic calming options on Criterion St and Taumaihi St. from Bulls Community Committee		Higgins and the Roading team are considering potential solutions for Taumaihi Street. This speed calming structure will include the pedestrian crossing adjacent to the school. This location receives a high number of SH bypass traffic. Unfortunately Criterion street is not currently being considered for any traffic calming interventions.	In progress
2	24-Apr-24	Putorino project - is there still some soil that has not been disposed of? What's the status of this project?	CE	Work is ongoing to understand whether there is still soil that needs to be disposed of. Likely that the project will not be able to be finally signed off until summer, when water levels are lower.	In progress
3	24-Apr-24	Ratana Wastewater discharge to land - more regular updates to the stakeholder group	Arno	The project team is in the process of organising a suitable date for the next follow-up meeting. No date has been selected at this stage.	In progress
4	25-Jul-23	Council approves that a final submission is made to the Ministry for the Environment to recover \$200,000 of Waste Levy fees (re Putorino Landfill)	CE /Arno	Finalising the removal of the remaining material will be managed by RDC staff. Discussions with land owner started.	In progress
5	24-May-23	Otara bridge - ongoing comms during the duration of the project	Comms / Carol G	Manawatu District Council lead this project. Updates on progress are made to RDC's website when they are received from the contractor. This item will remain on this list until the project has been completed.	In progress
6	24-May-23	Progress putting the macron above the second I in Rangitikei	Carol G	Consultation is underway by LINZ.	In progress
7	30-Jun-22	Adoption of the Procurement Policy; this was left to lie at Council's 30 June 2022 meeting, in order to allow the PMO to review the policy and make changes. Once these changes are complete, the policy will go back to the Audit and Risk Committee for review/feedback, before being presented to full Council for adoption. Carbon reduction to be included in this review, and potentially the Policy.	Dave T	A revised Policy was presented to the Policy / Planning Committee on 13 June 2024, feedback is being incorporated and will be presented to Council for adoption at the August Council meeting.	In progress
8	26-May-22	As per resolution 22/RDC/165 : That due to safety concerns around vehicles other than buses using the Bulls Bus Lane, Council staff be asked to investigate possible options around discouragement and enforcement practices.	Arno / Carol / Karin	Staff have engaged a supplier to conduct a review of council CCTV operation whereafter a recommendation report will be completed with a roadmap to identify priorities and programme of work.	In progress
9	28-Oct-21	With regards to the recommendation from the Bulls Community Committee for rubbish bin/s at the picnic area at the Bulls river: A recommendation by Council to approve this request was lost, and past Cr Gordon instead requested that staff contact Horizons Regional Council and request that they investigate this further as this area of land lies under their responsibility. From 3 Nov meeting - Cr Carter raised the issue of fly tipping - CE undertook to speak to him more about this.	CE / Arno B / Raj K	Staff tracked down the new contact person at Horizons and a meeting has been organised on 27 August to discuss the best way forward.	In progress

8 Mayor's Report

8.1 Mayor's Report - 29 August 2024

Author: Andy Watson, His Worship the Mayor

There are so many things to cover for this report it is difficult to know where to start. Perhaps the best place is a thank you to Kevin Ross, our Chief Executive, and staff - the workload especially around understanding Government's options regarding the Three Waters changes takes some understanding and resource. So:

1. Three Waters – the second tranche of legislation means that councils have to submit, within a year, a plan to Wellington for approval. This plan and timeframes can be summarised, in my opinion, by the following process –
 - i) Councils can opt to prepare their plan as a joint plan with other councils as a regional CCO.
 - ii) Councils can go it alone.
 - iii) Step i) is now through to November?? Councils analyse the group costs/financial impacts/risks around various options for Councillors to come up with a preferred option and alternatives.
 - iv) November on – community/iwi discussion around consultation of our preferred option.
 - v) December this year – Council will be faced with new regulations and charters.
 - vi) Council votes on a plan to go to Wellington potentially in June??
 - vii) Wellington decides whether to approve the plan or potentially add Councils to other groups if their plan doesn't meet requirements.

I have tried to simplify the explanation, but the devil is in the detail/costs/risks. The plan must allow for compliance, future growth and funding for the Three Waters (provision of wastewater, drinking water and stormwater). The tough part is understanding what, if any, advantages there could be in working with other councils from our neighbouring regions and understanding their costs now and in the future. My impression is that under the new rules given it may be difficult to go it alone but let's see where the next few months takes us. Remember also that finance is only part of the discussion. Staffing resources nationally and locally will be challenging. Government regulations and new standards for compliance will probably be announced in December along with price regulation. Councils currently do work together on many fronts and whatever decisions are taken need to be taken with the long term future in mind.

2. As a Council we have been thrown another curve ball with the failure of the laminated beams holding up the Marton Swimming Pool roof. Expert opinions are being sought at the time of writing this report, ten days ahead of the Council meeting. I am hopeful that at that meeting myself or staff will be able to provide updates that are needed for the community. Our pool is a fantastic resource and needs to be open as soon as is possible. It could well be partially

covered by insurance but I suspect it will come at a cost beyond the allocation in our LTP for pool maintenance. We will find a way of funding it as, in my view, it is a priority. We will use the Council comms process to advise both the community and affected staff as early as possible.

3. On 21-23 August Kevin and myself, along with Councillors Loudon, Hiroa and Dalgety will be attending the Local Government New Zealand (LGNZ) conference in Wellington. Most Councils belong to LGNZ and we use LGNZ as an organisation to take our arguments to Government and we submit remits and priorities that we want Government to address. If I am honest, our organisation nationally is not in great shape with both Auckland and Christchurch along with a couple of other smaller Councils having resigned their membership. This means that over half of New Zealand's population is now not represented in Local Government. This is a tragedy as we need to be strong as a sector to hold the Government accountable. This may mean that the Wellington conference could be quite challenging. I will provide an update to this report summarising the LGNZ conference speakers and remits at the 29 August Council meeting.
4. Recently the Winstone Pulp Mill at Tangiwai has taken the step to cease operations indefinitely. This decision impacts directly on 230 jobs and probably at least another 100 jobs indirectly. While the mill is located within the Ruapehu District many of these workers will be from the Rangitikei. The prices received for pulp and timber are currently soft on the international market and the cost of electrical power on the spot market has risen to nearly \$500 per MWh. These energy prices are extreme and make the mill unsustainable. I am not sure what solutions are possible but I will engage with both the mill and the Government further.
5. Recently Marton in particular has been at the front of national news over the history of events at Lake Alice Psychiatric Hospital many years ago. The Government has acknowledged that Lake Alice "patients" and wards of the state were subjected, in many cases, to what has been rightfully termed as torture. This abuse under care happened at many other locations in New Zealand and compensation offered by the Government can never recompense the harm that was done.
6. On 12-14 August Palmerston North hosted the Trade Waste and Industrial Waters Forum. I was a guest speaker and in talking to many trade waste professional contractors and staff you realise how disruptive the lack of knowledge in the Three Waters space is for these people. Quite literally they do not know whether to accept job offers that are being made to them and how secure their existing contracts of employment are.
7. Our Chief Executive Kevin accepted the role as CE in our district on a short term basis. Council has made the decision to appoint in Public Excluded today a recruitment agency to assist us with a new appointment. These processes take time and it may mean that a new CE won't take up the role until early next year. Coming up to speed for the new CE will be challenging with two new capital builds in Taihape and Marton, Three Waters implications and new roading contracts.
8. On 16 July I attended a lunch with the Youth Council hosted by Mayor Tory Whanau of Wellington. This lunch served as the opener for the 2024 Festival for the Future and it gave me the opportunity to spend the best part of the day with our Youth Councillors including an evening meal. The Youth Council and youth voice in our district is incredibly important and we

ITEM 8.1

have membership from both ends of the district and across all of our secondary schools. I have attached a couple of pictures from the day.

9. There are a couple of congratulations that are appropriate –
 - a) On 29 August the Rangitikei Rivers Catchment Collective are holding their AGM at Rangatira Golf Club at 4.30pm. Their commitment and success is widely recognised across New Zealand and they deserve acknowledgement. Driven by people such as Roger Dalrymple and others, they have set up river monitoring and improvement/retirement schemes.
 - b) On 18 August I attended a district farewell for George and Diana Turney at Mangaweka Asparagus Farm, an industry that they founded. The turnout was huge, they are a “larger than life” couple. George and Diana were community drivers in employment, rotary and Local Government with George serving two terms as a Councillor. They took enormous personal/financial risks setting up in business and the community turned up en masse to farewell and give respects to them.
 - c) Simon Nitschke a local Marton farmer was recently voted the Arable Farmer of the Year and Maize Grower of the Year at an industry awards night. Congratulations Simon.

Mayors Engagement

August 2024

1	Attended Regional Infrastructure Fund Discussion with MBIE Attended Workshop on Marton Offices and Library Project
2	Attended function at Government House for survivors of Abuse in Care
5	Attended meeting with Chief Executive Attended Mayor’s Taskforce for Jobs Governance Group Online Meeting Attended Hunterville Rural Water Scheme Meeting Attended Hunterville Community Committee Meeting
6	Attended Rangitikei River Scheme Meeting at Horizons Attended online Mayor’s/CE’s forum on Three Waters Attended Porewa Stream Scheme Meeting at Horizons Attended Whangaehu-Mangawhero Scheme Liaison Committee Meeting at Horizons Attended weekly meeting with Deputy Mayor
7	Attended monthly meeting for Q&A with Executive Leadership Team Attended Taihape Network Meeting Attended Economic Wellbeing Strategy discussion with Beca
8	Attended Marton Offices and Library Project Governance Group Meeting Attended Council Workshop Attended LGNZ Roundtable Zoom – Physical Security & Safety

	Attended Turakina Community Committee Meeting
9	Attended Fortnightly Economic Development Meeting with staff Attended Workshop on Marton Offices and Library Project
10	Attended Marton Fire Brigade Honours Night
12	Attended Mayor’s Taskforce for Jobs Core Group Online Social Investment Workshop Attended Local Water Done Well – virtual information session Attended Mayoral Forum Attended NZ Trade & Industrial Waters Forum President’s Dinner
13	Attended NZ Trade & Industrial Waters Forum 2024 as Keynote Speaker Attended NZ Trade & Industrial Waters Forum Conference Dinner
14	Attended online meeting with Mayor Kirsten Wise Attended Taihape Community Board meeting
15	Attended Assets & Infrastructure Workshop Attended Accessing Central NZ Governance Group Meeting
16	Attended meeting with Manawaroa Ltd in Tauranga
17	Attended Taihape Netball Closing Day Prizегiving
18	Attended farewell lunch function for George & Diana Turney
19	Attended breakfast meeting with Mayor Helen Worboys Attended Meet & Greet with Higgins Attended Meeting with Mayor Andrew Tripe Attended Council agenda meeting with staff
20	Attended Mayor’s Breakfast meeting with Mayors Helen Worboys & Grant Smith Attended Regional Relationship Catchup with NZTA Attended weekly meeting with Deputy Mayor
21	Attended LGNZ SuperLocal 2024 Conference Opening & Welcome Reception
22	Attended Mayor’s Taskforce for Jobs AGM Attended LGNZ SuperLocal 2024 Conference
23	Attended LGNZ SuperLocal 2024 Conference & Awards Dinner
26	Attended meeting with Chief Executive Attended meeting with ratepayers in Hunterville
27	Attended Regional Transport Matters Regional Chiefs Matters Fortnightly Zoom Attended NZTHA Local Planning Zoom Attended DairyNZ Rural Professional Meeting Manawatu Attended weekly meeting with Deputy Mayor
28	Attended Mayor’s Taskforce for Jobs New Plymouth Visit Attended Marton Offices and Library Project Workshop

ITEM 8.1

	Attended Multicultural Council of Rangitikei/Whanganui AGM
29	To attend Finance & Performance Committee Meeting To attend Council Meeting To attend Rangitikei Rivers Catchment Collective AGM To attend MDG AGM
30	To attend meeting with Chief Executive To attend meeting with GM Department of Corrections Taranaki/Whanganui/Manawatu To attend Zone 3 Chairs Zoom Meeting To attend Whangaehu School Assembly To attend Local Waters Done Well – Models for the Future Zoom with Veolia

Attachments:

1. **Youth Council Photo - Wellington July** [↓](#)
2. **Youth Council Wellington** [↓](#)
3. **Elected Member Attendance** [↓](#)

Recommendation

That the Mayor’s Report - 29 August 2024 be received.



ITEM 8.1 ATTACHMENT 1

ITEM 8.1 ATTACHMENT 2



Date	Meeting	HWTM	Wilson	Carter	Dalgety	Duncan	Hiroa	Lambert	Loudon	Maughan	Sharland	Raukawa	Wong
29-May-24	Creative NZ Committee	PR				PR							
30-May-24	Finance/Performance	PR	PR	AP	PR				PR	PR	AP		PR
30-May-24	Council Meeting	PR	PR	AP	PR	PR	PR	AP	PR	PR	PR	PR	PR
6-Jun-24	Turakina CC	PR		AP							AT		
10-Jun-24	HRWS	PR			PR			PR					
10-Jun-24	Hunterville CC	CB			PR			PR					
11-Jun-24	TRAK Meeting	PR				PR	PR					PR	
11-Jun-24	ERWS	PR											PR
11-Jun-24	Ratana CB	PR					PR						
12-Jun-24	Marton CC	CB	PR										
12-Jun-24	Taihape CB	PR				PR							PR
13-Jun-24	PPL Meeting	PR	PR			PR	PR	PR		AP			PR
19-Jun-24	Santoft DMC	PR		PR							AT		
20-Jun-24	RA Meeting	PR	PR		PR		PR		PR				
27-Jun-24	Finance/Performance	PR	PR	PR	PR	AT			PR	PR	PR		PR
27-Jun-24	Council Meeting	PR	PR	PR	PR	PR	AP	PR	PR	PR	PR	PR	PR
11-Jul-24	AIN Meeting	PR	PR	PR	PR	PR		PR	PR	PR	PR		PR
25-Jul-24	Council Workshop												
25-Jul-24	PPL Hearings	PR	PR			PR	PR	PR	AT	PR	AT	AT	PR
25-Jul-24	Council Meeting	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
5-Aug-24	HRWS	PR			PR			PR					
5-Aug-24	Hunterville CC	PR			PR			PR					
8-Aug-24	Council Workshop												
8-Aug-24	Turakina CC	PR		PR									
12-Aug-24	Youth Council	PR				PR							PR
13-Aug-24	TRAK	CB					PR					PR	
14-Aug-24	Taihape CB	PR				PR							PR

9 Chief Executive's Report

9.1 Chief Executive's Report - August 2024

Author: Carol Gordon, Deputy Chief Executive

Authoriser: Kevin Ross, Chief Executive

1. Reason for Report

1.1 This report provides Elected Members with an update on key activities across the organisation.

2. Events Held Across the District at Council's Facilities – July 2024

2.1 There were no events held within our district parks during July 2024.

3. Staff Movements

3.1 In July, we welcomed the following employees to RDC, they were previously employees of Manawatū District Council in the shared services function:

- Malory Nikora-Townsend, Team Leader Operations
- Andrew Burberry, Reticulation Technician
- Steven Parkinson, Reticulation Technician
- Warren Kellow, Water and Wastewater Treatment Operator
- Regan Laing, Water and Wastewater Treatment Operator
- Stephen Johnston, Water and Wastewater Treatment Operator
- Jaden Bustard, Reticulation Technician
- Zian Poutama, Senior Water and Wastewater Treatment Operator
- Philip Gifford, Project Engineer – Rooding
- Ivan O'Reilly, Senior Reticulation Technician
- Alicia Ruardy, Infrastructure Support Officer
- Michael Wilton, Reticulation Technician
- Darryn Black, Rooding Transport Manager
- Martin Skinner, Corridor Access Request (CAR) Manager

3.2 In July, we farewelled the following employees to RDC:

- Deana Gunn, Library and Information Officer

3.3 Six-Month Exit Interview Summary, January – June 2024:

3.3.1 All permanent and fixed term employees leaving RDC are invited to participate in an exit interview. Exit interviews provide insights on the persons experience during their time at RDC along with trends on primary reasons for leaving. Reporting is undertaken six-monthly (July to December and January to June). A summary of exit data for January - June 2024 is provided below.

Summary:

3.3.2 There were seven exits during the first half of 2024 (1 January to 30 June 2024), compared to 14 exits for the same period in 2023. Four exit interviews were completed.

3.3.3 Length of service: The highest number of exits (3) occurred between three and four years' service. There was one exit which occurred within the first year of service, and two exits occurred between one- and two-years' service. For the same the same period in 2023 the highest number of exits occurred within one years' service.

Trends:

3.3.4 While it is difficult to assess trends due to low numbers, the most commonly reported highlight was organisational and team culture.

3.3.5 There were no specific trends in terms of common reasons for leaving.

3.4 Feedback gained from exit interviews is incorporated into continuous improvement initiatives.

4. Health, Safety and Wellbeing Dashboard

4.1 Dashboard for July 2024 is attached (Attachment 1).

5. Opportunities to Submit to External Agencies

5.1 The updated list of current and future opportunities to submit on consultations run by external agencies is attached (refer to Attachment 2).

5.2 Consultations submitted on:

5.2.1 In August Council submitted on the Making it Easier to Build Granny Flats (2024) consultation run by MBIE and MfE. Officers incorporated the feedback Council provided at the July 2024 Council Meeting. This submission can be found on our website, along with the other [submissions made to other organisations](#).

5.3 Consultations proposed for submission:

5.3.1 MBIE are seeking advice on the Work Health and Safety Regulatory System to inform future improvements. Officers will be contributing to the MWLASS submission which will be submitted on behalf of all MWLASS Councils.

5.4 Upcoming consultations:

5.4.1 Within the last month Officers have been made aware of the potential introduction of new vaping regulations lead by the Ministry of Health. No further information has been provided to date.

5.4.2 The Treaty Principles Bill will likely be introduced by the end of 2024. National have not committed to support this bill past the Select Committee stage, therefore progress of this bill past the Select Committee stage is unknown.

6. Marton Buildings

6.1 The expressions of interest period is coming to an end and Council Officers have begun reviewing the proposals. There is still some work to be done finalising details of the proposals and ensuring all questions are covered before a paper is brought to Council in September for a decision.

7. Cooks Wall

7.1 Discussions are underway between Council Officers and the neighbouring property. Beyond this, there is nothing new to report.

8. Update on Marton Pool

- 8.1 During a post swim-season inspection of the Marton pool facility, cracks on one of the laminated roof support beams was identified. RDC engaged a structural engineer early in May to inspect the cracks and to advise suitable actions to stabilise the beam while long term solution could be identified. During the first week of August the RDC pool operations contractor notified us that the cracks on that beam opened up and became substantially more noticeable than before.
- 8.2 RDC organised a follow-up visit from the previous structural engineer to update us on the stability of the beam with the larger cracks. This site visit was completed on the morning of 9 August, and unfortunately the beam experienced a partial failure in the afternoon of 9 August. Phase one of propping-up the roof has now been completed and will reduce the immediate risk of further failure of that beam. Phase two of the propping-up of the roof will be completed before the end of August. This will stabilise the building to a high enough standard to allow for possible repair works to be considered. A structural engineer specialising in the use of laminated beams visited the site and will advise the best way to repair or replace the failed beam.
- 8.3 The pool is closed to the public at the moment and the footpath and parking will remain cordoned off until phase two of propping-up the roof has been completed.

9. Taihape Slip Zone – Insurance

- 9.1 A verbal update will be provided at the meeting.

10. Refrigeration Trucks Outside BP in Taihape

- 10.1 A verbal update will be provided at the meeting.

11. Old Mangaweka Bridge

- 11.1 A verbal update will be provided at the meeting.

12. Johnson Street Bulls – Relocated Buildings in Flood Plain

- 12.1 A verbal update will be provided at the meeting.

13. Financial Implications

- 13.1 There are no specific financial implications associated with the update. Any financial implications associated with items in this report will be provided when decisions are required on those matters.

14. Impact on Strategic Risks

- 14.1 Legal and political environment requires excessive resources / changes to governmental legislation are transformational:
- Tracking external submissions ensures Council is aware of upcoming legislative changes which may require resources.
- 14.2 Regulatory effectiveness is questioned:
- Officers are dealing with the regulatory matters in a fair and consistent manner in alignment with what can be achieved via regulatory mechanisms.
- 14.3 Obligations with health, safety and wellbeing are not met:

- The Health, Safety and Wellbeing dashboard is attached. There is a strong focus within the organisation on Health, Safety and Wellbeing.

15. Strategic Alignment

- 15.1 The Marton buildings sale has links to Economic Wellbeing, Environmental Wellbeing, Town Centre Revitalisation and Facilitating Growth.
- 15.2 The Marton Pool has links to Social Wellbeing, Economic Wellbeing, Cultural Wellbeing and Enhancing our Community Hubs.
- 15.3 There are no other matters that impact on Council's Strategic Framework associated with this report.

16. Mana whenua implications

- 16.1 Members of the Te Roopuu Ahi Kaa komiti receive the submission list and, if time allows, asked for input into specific draft submissions.
- 16.2 There are no other known mana whenua implications associated with this report.

17. Climate Change Impacts and Consideration

- 17.1 The relocated buildings in a flood plain update has relevance to climate adaptation. Council's District Plan contains rules that manage flood hazard risks which are projected to become more frequent and severe over time.
- 17.2 There are no other climate change impacts associated with this report.

18. Statutory Implications

- 18.1 There are no statutory implications associated with the written updates in this report. Any statutory implications associated with the verbal updates will be provided at the meeting.

19. Decision Making Process

- 19.1 There are no sections of this report that are considered to be a significant decision according to the Council's Policy on Significance and Engagement.

Attachments:

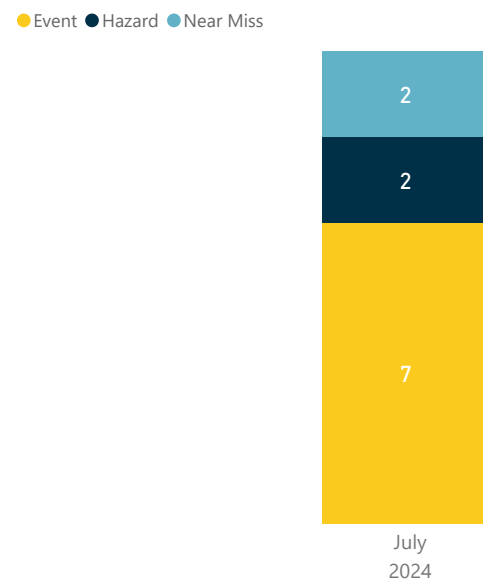
1. **Health, Safety and Wellbeing Dashboard July 2024** [↓](#)
2. **Current and Upcoming External Submissions August 2024** [↓](#)

Recommendation

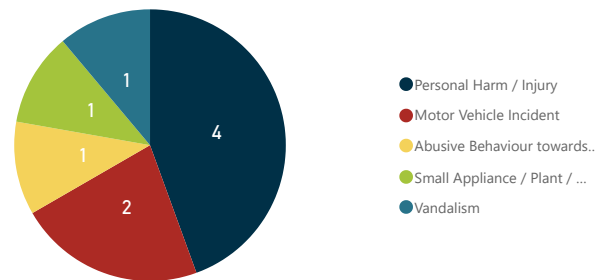
That the Chief Executive's Report - August 2024 be received.

RDC Health and Safety Dashboard July 2024

Events, Hazards and Near Misses 01 July 2024 to date



Event/Near Miss Category 01 July 2024 to date

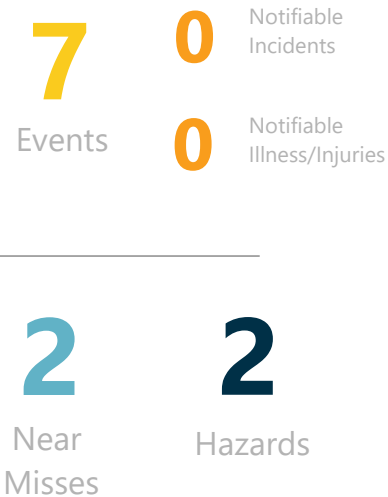


Wellbeing News

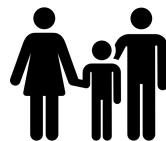
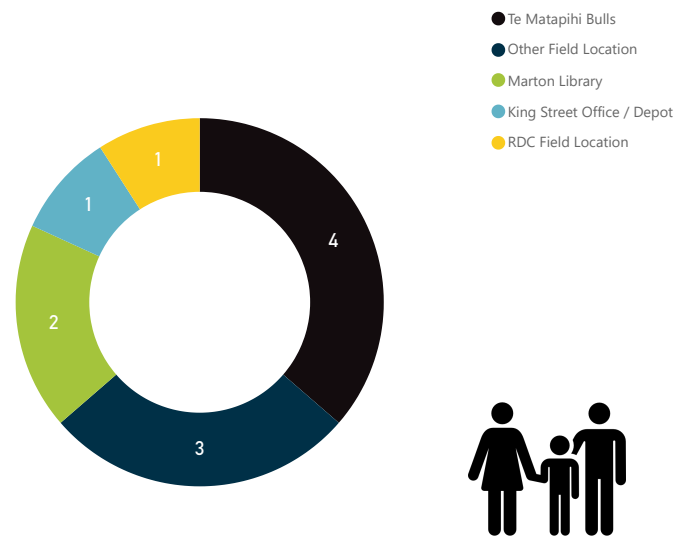
July Wellbeing News
 Accident / Incident / Near Miss & Hazard Reporting
 The on-line HSW incident reporting form can be found on the main page of Kapua. All HSW incidents must be reported, and we encourage you to use the on-line form to do so.
 If you are unsure whether you should report an incident, please contact Matt Gordon.

Mole Maps
 It is coming up 12 months since we offered staff the opportunity to have a free molemap or recheck as part of our My Choice Wellbeing Programme. We are in the process of arranging with Molemaps for a Melanographer to be onsite to do follow-up molemap rechecks, for those staff who would like to have a follow-up check, and full molemaps for those of you who haven't previously had a molemap and would like to take up this offer.
 So that we can work out how many appointments we need to cater for could you please let us know, either by email, or phone call, if you would like an appointment.
 Matt Gordon or Marcelle Williams are the best POC for these bookings.

Summary of Month

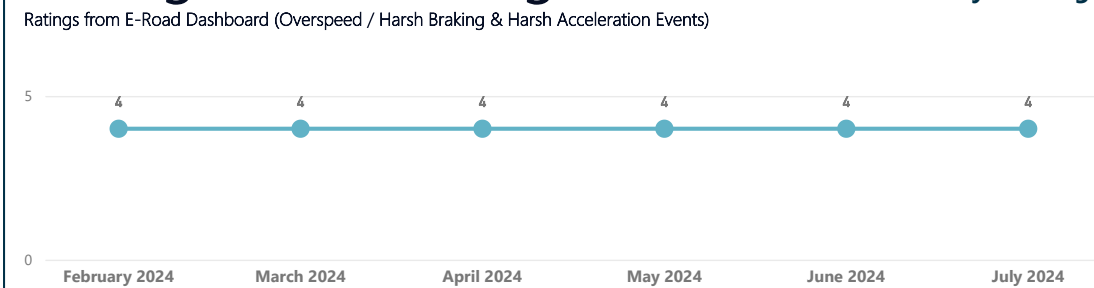


Location Events, Hazards and Near Misses

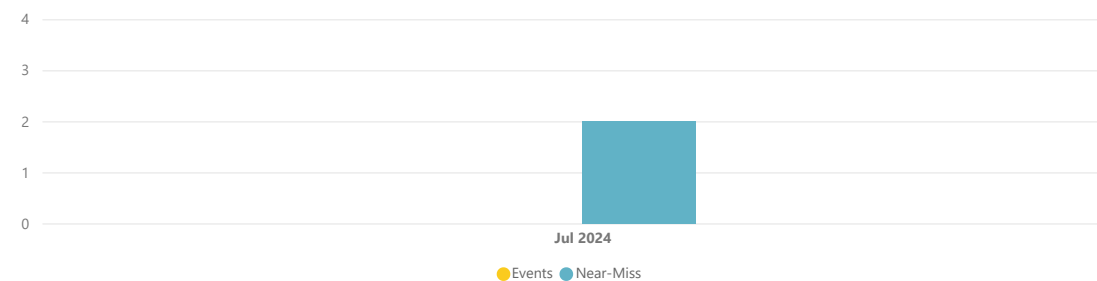


Average Driver Ratings

56% Completed Driver Safety Training



Vehicle Incidents



Current and Upcoming Consultations

Name of Initiative	Agency Engaging	Due Date	Description	RDC Action
Currently Open for Submissions				
Second Emissions Reduction Plan https://consult.environment.govt.nz/climate/second-emissions-reduction-plan/	MfE	21 August	This consultation includes policy proposals that sit across the Government’s five priority areas of its climate strategy and focus on key sectors: energy, transport, agriculture, forestry and waste. It outlines seven key policies which the Government believes will have the greatest impact on reducing emissions.	Not proposed to submit on
Building (Earthquake-prone Building Deadlines and Other Matters) Amendment Bill	Parliament's Transport and Infrastructure Committee	26 August	This bill extends remediation timeframes for earthquake-prone buildings by four years, with a limited power to extend deadlines by a further period of up to two years by Order in Council.	Not proposed to submit on
Transboundary movement control of all e-waste under the Basel Convention https://consult.environment.govt.nz/waste/e-waste/	MfE	28 August	The Government intends to implement a decision under the Basel Convention to better manage the international trade in e-waste. Currently prior informed consent is required to import or export hazardous e-waste. The Government is proposing to introduce regulations so that prior informed consent is also required to import or export non-hazardous e-waste under the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004.	Not proposed to submit on
Proposed Public Places Bylaw 2024	Horowhenua District Council	30 August	Proposed changes include enabling Council to add a condition on a permit to use a public place that prohibits smoking and vaping in the use of the Public Place; a clause more clearly informing that an Enforcement Officer can request behaviour or an activity cease or the removal of a material or thing be removed immediately; a clause more clearly informing that Council may amend or revoke a permit or approval with written notice; and greater clarity on the requirements for election signage.	Not proposed to submit on
Proposed Land transport Bylaw 2024	Horowhenua District Council	30 August	Proposed changes include the addition of provisions and controls relating to shared pathways; changes to reflect the change in pay-by-space parking machines to pay-by-plate parking machines and greater clarity on motorcycle parking; changes prohibiting vehicles from being parked on a berm;	Not proposed to submit on

ITEM 9.1 ATTACHMENT 2

			significant changes to permissions for roadside grazing and fence encroachments, with new prohibitions included.	
Customer and Product Data Bill	Parliament's Economic Development, Science and Innovation Committee	5 September	The Bill proposes to establish an economy-wide framework to enable greater access to, and sharing of, customer and product data between businesses. It extends to public sector agencies, including local government. However, And it prescribes the capabilities of the electronic system to be used in responding, which may be an issue for some local authorities. However, this would require the designations regulations (clause 100) to specify local authorities as a data holder. Given the Bill's objective, to increase competition, this seems unlikely.	Not proposed to submit on
Valuers Bill exposure draft consultation	Parliamentary Counsel Office	10 September	This is a revision Bill, whose purpose is to revise Acts to make them more accessible, readable, and easier to understand. There are no policy changes. However, an Amendment Paper has been prepared which, with the Business Committee's approval, will accompany the revision Bill on introduction. This will make improvements to the law to fix legislative inconsistencies, imperfections, and minor policy issues.	Not proposed to submit on
Health and safety https://www.mbie.govt.nz/have-your-say/work-health-and-safety	MBIE	31 October	Seeking advice on your experiences with New Zealand's work health and safety regulatory system – how you think it's working now, what you think works well, and what you think should change. Feedback will inform MBIE's advice to Ministers on improvements we could make to the work health and safety system.	MWLASS is doing a submission on behalf of MWLASS Councils which RDC will contribute to.
Seeking feedback on a proposal to shift from static survey plans to digitally visualised survey plans on Landonline	LINZ	31 October	LINZ is looking for feedback to better understand the benefits, costs and challenges associated with using digitally visualised survey plans. A prototype is provided to enable people to see what is proposed.	Not proposed to submit on
Upcoming Consultations				
Treaty Principles Bill	MOJ	Late 2024	Bill to amend or remove references to Te Tiriti principles from legislation NB – National committed to support the Bill to Select Committee, support beyond this	tbc

			stage (and therefore future progress of this Bill) is uncertain.	
Vaping Regulations	MoH	tbc	tbc	tbc

ITEM 10.1

10 Reports for Decision

10.1 Consideration of Māori Wards and Response to the Legislation Change

Author: Katrina Gray, Manager Strategy and Development

Authoriser: Carol Gordon, Deputy Chief Executive

1. Reason for Report

- 1.1 The purpose of this report is for Council to decide on its approach to Māori Wards following recent legislative changes.

2. Context

- 2.1 The recently introduced *Local Government Electoral Legislation and Māori Wards and Constituencies Amendment Act 2024* requires those local authorities that are in Group 1 to resolve to either retain or disestablish Māori wards. Rangitīkei District Council is a Group 1 local authority under the Act, which are councils that established Māori wards last term without a poll.

- 2.2 The Bill was passed into law by the Government on 30 July 2024 and was enacted on 31 July 2024. [Local Government \(Electoral Legislation and Māori Wards and Māori Constituencies\) Amendment Act 2024 No 28, Public Act Contents – New Zealand Legislation](#)

2.2.1 Section 11 (2) of the Act states: *A group 1 local authority must, by 6 September 2024— (a) resolve to retain the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020; or (b) resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020.*

- 2.3 If Council chose to disestablish the Māori wards, there are two options for Group 1 local authorities, complete a shortened representation review process September to December 2024 or roll back to the most recent pre-Māori ward arrangements (note that the second option is only available where specific criteria are met).

3. Discussion and Options Considered

Option Description	Advantages	Disadvantages	Comment
<p>Option 1:</p> <p>Resolve to retain the two Māori Wards (Tiikeitia ki Tai (Coastal) Ward and Tiikeitia ki Uta (Inland) Ward)</p> <p><i>Māori wards continue for 2025. Poll must be held with October 2025 local election. Poll result is</i></p>	<p>The Māori wards continue for the 2025-2028 triennium.</p> <p>Opportunity to educate the community about Māori wards when publicising the poll.</p> <p>Retains Council’s previous decision to</p>	<p>There is a cost to undertaking a poll.</p> <p>There is a risk that people may vote on the poll without an understanding of the topic and implications.</p>	<p>The cost of a poll at the 2025 election is approximately \$20,000 plus GST.</p>

<p><i>binding and applies to 2028 and 2031 elections.</i></p>	<p>establish Māori wards.</p> <p>If the poll result is to disestablish, the representation review will occur on the regular cycle.</p>		
<p>Option 2.a</p> <p>Disestablish the two Māori Wards (Tiikeitia ki Tai (Coastal) Ward and Tiikeitia ki Uta (Inland) Ward) and revert to pre-2020 arrangements.</p> <p><i>Council decision applies to 2025 and 2028 elections. If disestablished now, a poll is not required in 2025.</i></p>	<p>No costs for a poll.</p> <p>Prevents an extra representation review (if possible).</p>	<p>This option may not meet legislative requirements in terms of the makeup of the Council and could force a representation review.</p> <p>Contrary to recommendation by Te Roopuu Ahi Kaa.</p> <p>Removes the benefits of having the Māori Ward seats for at least two elections before it could be reconsidered.</p>	<p>A representation review could cost approximately \$15,000 - \$25,000.</p>
<p>Option 2.b</p> <p>Disestablish the two Māori Wards (Tiikeitia ki Tai (Coastal) Ward and Tiikeitia ki Uta (Inland) Ward) and undertake a shortened representation review.</p> <p><i>Council decision applies to 2025 and 2028 elections. If disestablished now, a poll is not required in 2025.</i></p>	<p>No cost for a poll.</p>	<p>A representation review is due to be undertaken for the 2028 local government elections, so this would mean it would be done one term sooner.</p> <p>It would be very difficult to undertake a representation review in time for the 2025 election. This would have to start immediately</p>	<p>A representation review could cost approximately \$20,000.</p>

ITEM 10.1

		<p>and be resourced externally.</p> <p>A representation review is a complex process, and it there would not be the time to genuinely consider all potential representation considerations (e.g. boards, numbers, structure).</p> <p>Contrary to recommendation by Te Roopuu Ahi Kaa.</p>	
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4. Consideration by Te Roopuu Ahi Kaa

4.1 At their meeting on 13 August 2024 Te Roopuu Ahi Kaa discussed their preferred approach on the Governments change to Act and subsequently passed a recommendation to Council:

“That Te Roopuu Ahi Kaa recommend to Council that they make the following decision on Māori wards (as required under the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024): To retain Māori wards for the 2025 election and hold a poll.”

4.2 The decision was passed unanimously.

5. Relevant reports:

5.1 Department of Internal Affairs: [Reinstating the ability for polls on Māori wards](#)

5.2 Local Government Commission: [Māori ward supplementary guidelines](#)

6. Financial Implications

6.1 The cost for a poll is approximately \$20,000 which has not been budgeted for and would need to be included in the 2025/26 Annual Plan.

6.2 The cost for an early shortened representation review is estimated to cost between \$15,000 and \$25,000 and would become unbudgeted expenditure during 2024/25.

7. Impact on Strategic Risks

7.1 Relevant strategic risks include:

7.1.1 Failure to honour commitments of Te Tiriti o Waitangi – Council is required by legislation to make the decision on whether to disestablish Māori wards or hold a poll.

7.1.2 Insufficient capability and capacity to fulfil agreed commitments – if Council decides to disestablish Māori wards, staff capacity and external resources will be required to undertake the shortened representation review. This will impact planned work programmes.

7.1.3 Changes to governmental legislation are transformational – the new Act creates changes that Council is required to respond to.

8. Strategic Alignment

8.1 This decision should be considered in the context of Council’s strategic framework. Most relevant are the outcomes:

- ‘A trusted partner with iwi’
- Cultural wellbeing’
- ‘Social wellbeing’

8.2 The inclusion of Māori wards has provided value in supporting Council to meet these parts of the strategic framework.

9. Mana Whenua Implications

9.1 A report was provided to the Te Roopuu Ahi Kaa Komiti and their preferred approach is captured in this report. The regional iwi (Te Pae Tawhiti hui) held a meeting on Friday, 16 August, Council’s Maori Ward Councillors may wish to provide an update from that meeting.

10. Climate Change Impacts and Consideration

10.1 There are no relevant climate change impacts.

11. Statutory Implications

11.1 Clause 11, Part 3, Schedule 1 of the *Local Government Electoral Legislation and Māori Wards and Constituencies Amendment Act 2024* requires Council to decide by 6 September 2024 on whether to disestablish Māori wards or hold a binding poll at the 2025 local body elections.

12. Decision Making Process

12.1 There are no specific consultation requirements for decision-making under the Act, however advice notes that councils should consider:

- Section 4 of the Local Electoral Act 2001 that relate to representation.
- Their significance and engagement policies and take into account the decision-making and consultation requirements of Part 6 of the Local Government Act 2002.
- Section 81 of the Local Government Act 2002 also implies a requirement to engage with Māori.

Section 4 of the Local Electoral Act 2001

12.2 Section 4 of the Local Electoral Act 2002 sets out the principles the Act is designed to implement. Relevant principles include “*fair and effective representation for individuals and communities*” and “*the provision of transparent electoral systems*”.

The current electoral structure for the Rangitīkei District met the fair and effective representation tests for the two Māori Wards during the last representation review process that occurred in 2021 prior to the 2022 local body elections.

Part 6 of the Local Government Act 2002

- 12.3 Part 6 of the Local Government Act 2002 sets out decision-making requirements and includes Council's Significance and Engagement Policy.
- 12.4 Council's Significance and Engagement Policy sets out guidelines for determining the significance of a decision and guidance participation into decision-making. The degree of significance of a decision is based on its impact on the District as a whole, people likely to be affected, and the costs required to deliver on the decision. Council's policy identifies a range of matters that should be considered.
- 12.5 This is a topic that impacts the entire district and is likely to have a high level of community interest. The decision involves the arrangements that determine how the Rangitīkei District is represented. There are consequences associated with all options. For the option to have a poll, this cost will be incorporated into the Annual Plan budget for 2025/25, for the option to disestablish Māori wards the cost would be unbudgeted expenditure. The option with the biggest delivery risk is to disestablish Māori wards and undertake a shortened representation review.
- 12.6 Overall, based on the assessment above the significance of this decision is considered to be high.
- 12.7 No specific community consultation has been undertaken regarding this decision due to time constraints. Te Roopuu Ahi Kaa have provided Council with a recommended approach. If option 1 is chosen, the poll would be the method for community consultation. If option 2 is chosen, the community next be able to have their say during the representation review process for the 2031 local government elections.
- 12.8 Some guidance could be taken from the consultation on the representation proposal that occurred in 2021. Council received four comments on the Initial Proposal related to Māori wards, with two submitters requesting one rather than two Māori Ward seats, and two submitters not in agreement with the decision to establish Māori Wards. This feedback showed little opposition to the establishment of Māori Wards at the time.

Section 81 of the Local Government Act 2002

- 12.9 Section 81 of the Local Government Act 2002 requires that Council establish processes to provide opportunities for Māori to contribute to decision-making. For the purpose of this decision, Te Roopuu Ahi Kaa have provided a recommendation for Council's consideration.

Recommendation 1

That the 'Consideration of Māori Wards and Response to the Legislation Change' report be received.

Recommendation 2

That Council agrees to retain the two Māori Wards (Tiikeitia ki Tai (Coastal) Ward and Tiikeitia ki Uta (Inland) Ward) and acknowledges a bidding poll must be held with the October 2025 local election.

Or

That Council disestablishes the two Māori Wards (Tiikeitia ki Tai (Coastal) Ward and Tiikeitia ki Uta (Inland) Ward) and revert to pre-2020 arrangements (if possible), otherwise undertakes a shortened representation review.

Or

That Council disestablishes the two Māori Wards (Tiikeitia ki Tai (Coastal) Ward and Tiikeitia ki Uta (Inland) Ward) and undertakes a shortened representation review.

10.2 Adoption of the Smokefree and Vapefree Policy, Community Housing Policy and Signs and Public Places Bylaw

Author: Janna Harris, Corporate Planner

Authoriser: Katrina Gray, Manager Strategy and Development

1. Reason for Report

- 1.1 To present to Council the Smokefree and Vapefree Policy, Community Housing Policy, and the Signs and Public Places Bylaw for adoption.

2. Smokefree and Vapefree Policy

- 2.1 The Smokefree and Vapefree Policy was drafted after Elected Members requested that Officers develop a smokefree policy.
- 2.2 The aim of this policy is to reduce the prevalence of smoked tobacco, and vape products and the associated effects of smoking and vaping in public places, lead a smokefree and vapefree district, and support Council's partner agencies responsible for achieving the Smokefree 2025 objectives in the Rangitikei District.
- 2.3 Consultation ran from 31 May 2024 until 1 July 2024. Thirteen (13) submissions were received, six (6) of which were made by the following organisations; Sport Whanganui, Mokai Patea Services, Health New Zealand I Te Whatu Ora, Turakina Community Committee, Cancer Society Whanganui Rangitikei, Waimarino, and Marton Community Committee.
- 2.4 The Policy/Planning Committee heard three oral submissions on 25 July 2024. The Committee also had delegated authority to deliberate on the submissions, which occurred on 15 August 2024.
- 2.5 During deliberations the Committee accepted the minor changes Officers recommended including; removing mention in the policy that ashtrays will not be provided in public places by Council, extending the policy to include riverbanks, and removing the reference to the reduction of cigarette butts in parks as Council will not be undertaking audits of cigarette butts in public spaces.

Resolved minute number 24/PPL/048

That the Policy/Planning Committee recommend to Council that the Smokefree and Vapefree Policy 2024 be adopted.

3. Community Housing Policy

- 3.1 The Community Housing Policy sets out Council's practice in regard to the provision, management and tenancy of community housing within the Rangitikei District.
- 3.2 This policy was adopted in 2018, and was due for review in 2024. Officers reviewed this policy, and redrafted it to improve clarity. No changes were made to the intent of the policy.
- 3.3 The draft policy was presented to the Policy/Planning Committee who did not recommend any further changes.

Resolved minute number 24/PPL/050

That the Policy/Planning Committee recommend to Council that the Community Housing Policy be adopted without amendment.

4. Signs and Public Places Bylaw

- 4.1 The Public Places Bylaw, Trading in Public Places Bylaw, and the Control of Advertising Signage Bylaw were all adopted by Council on 31 January 2013. These bylaws were due for review 10 years after the date they were last reviewed. As these bylaw were overdue for review, Council is no longer able to review them, and must adopt a new bylaw to regulate these activities.
- 4.2 The purpose of this bylaw is to protect the public from nuisance and maintain public safety, regulate trading activities in public spaces, and regulate signs in public spaces. The draft Bylaw was drafted with input from the Policy/Planning Committee and Council, before it was adopted for consultation.
- 4.3 Consultation ran from 31 May until 1 July 2024. Five submissions were received on the Bylaw. Of these submitters, two (2) were made on behalf of an organisation; the New Zealand Defence Force, and Marton Community Committee.
- 4.4 Submitters were also provided an opportunity to speak to their submission, however no submitters requested to speak at a hearing. The Policy/Planning Committee had delegated authority to deliberate on the submissions received on this bylaw.
- 4.5 During deliberations the Committee recommended an addition to the policy to provide an exemption for Defence Force Personnel undertaking any Temporary Military Training Activities or official activities for defence purposes.
- 4.6 Officers recommended that clause 7.1 was amended to specify that the clause referred to both buildings and land to improve clarity.
- 4.7 The Committee also recommended that the wording in 7.1 of the policy was amended to improve clarity of the permissions needed to undertake preaching, busking, or soliciting donations adjacent to other properties.

Resolved minute number 24/PPL/044

That the Policy/Planning Committee recommends to Council that the Signs and Public Places Bylaw is adopted with amendment.

5. Options Considered

Smokefree and Vapefree Policy

- 5.1 Council has three options:
 - 5.1.1 Adopt the Smokefree and Vapefree Policy. This option is recommended by the Policy/Planning Committee.
- OR**
- 5.1.2 Decide that the Smokefree and Vapefree Policy is not needed. Officers do not recommend this option as it would not align with Councils strategic priorities.

OR

5.1.3 Request the Officers rework the Smokefree and Vapefree Policy before bringing it back to Council for adoption.

Community Housing Policy

5.2 Council has two options:

5.2.1 Adopt the Community Housing Policy. This option is recommended by the Policy/Planning Committee.

OR

5.2.2 Request that Officers rework the Community Housing Policy before being it back to Council for adoption.

Signs and Public Places Bylaw

5.3 Council has three options:

5.3.1 Adopt the Signs and Public Places Bylaw if Council believes this bylaw is required. This option is recommended by the Policy/Planning Committee.

OR

5.3.2 Decide a bylaw is no longer required to address nuisances, signs, and trading in public places. Officers do not recommend this option.

OR

5.3.3 Request that Officers make significant changes to the Signs and Public Places Bylaw. This option would require Council to reconsult on the bylaw.

6. Financial Implications

6.1 There are no financial implications associated with this report. Bylaws and policies are developed and enforced within existing budgets.

7. Impact on Strategic Risks

Smokefree and Vapefree Policy

7.1 Regulatory effectiveness is questioned

7.1.1 As this is a policy, not a bylaw, Council has no ability to enforce this policy. However, there is a risk that members of the community will be under the impression that Council can enforce this policy, and if Council does not take action on people smoking and vaping in restricted areas there is a risk that the community loses confidence in Council’s processes and regulatory effectiveness. This risk can be mitigated through education on smoking and vaping, and the content of Council’s Smokefree and Vapefree Policy.

Signs and Public Places Bylaw

7.2 Regulatory effectiveness is questioned

7.2.1 Adopting the Signs and Public Places Bylaw will enable Council to undertake regulatory enforcement action in regard to the health and safety, nuisances, trading, and signs addressed in the bylaw.

8. Strategic Alignment

Smokefree and Vapefree Policy

8.1 Working collaboratively to improve community wellbeing

8.1.1 This policy has been developed with input from a number of agencies with an interest in the health of residents of the Rangitikei District.

8.2 Social wellbeing

8.2.1 This policy if adopted will create safe and attractive public space that the community can utilise without the worry of being exposed to second hand smoke or vape vapor.

8.3 Enhancing our community hubs

8.3.1 The community hubs will be enhanced by the reduction of second hand smoke and vape vapor in these spaces.

Community Housing Policy

8.4 Social Wellbeing

8.4.1 Providing community housing supports the social wellbeing of residents by meeting their needs and supporting them to fulfil their potential as an active member of society.

8.5 Working collaboratively to improve community wellbeing

8.5.1 Council maintains an informal relationship with Police, Whanganui District Health Board, and Ministry of Social Development to ensure the residents in Councils community housing receive the best outcomes.

Signs and Public Places Bylaw

8.6 Cultural Wellbeing

8.6.1 The Signs and Public Places Bylaw has been drafted to limit any potential impact on Iwi.

8.7 Social Wellbeing

8.7.1 The Signs and Public Places Bylaw supports the wellbeing of the district by promoting safe public spaces where the community is free from nuisances, which will encourage social connection.

8.8 Economic Wellbeing

8.8.1 The purpose of the Signs and Public Places Bylaw is to create public spaces that the community feels safe using, including town centres. The bylaw also includes provisions that will allow stores to place goods for sale, and for cafes to place tables and chairs on the footpath directly outside their shopfront, creating a more vibrant town centre.

8.9 Town Centre revitalisation

8.9.1 The Signs and Public Places provides a non-restrictive pathway for cafes and stores to use the footpath adjacent to their building frontage which supports the revitalisation of town centres.

9. Mana Whenua ImplicationsSmokefree and Vapefree Policy

- 9.1 Officers note that Māori are more likely to smoke or vape than non-Māori and are likely to have unequal health outcomes.

Signs and Public Places bylaw

- 9.2 The Signs bylaw contains an exemption that ensures iwi customary rights will not be affected by the bylaw.
- 9.3 The Signs and Public Places Bylaw and the Smokefree and Vapefree Policy was circulated to Te Roopuu Ahi Kaa to encourage involvement in the consultation process.

10. Climate Change Impacts and Consideration

- 10.1 There are no climate change impacts associated with this report.

11. Statutory ImplicationsSmokefree and Vapefree Policy

- 11.1 There is no requirement to have a smokefree policy however Council has a duty to improve, promote and protect public health within the Rangitikei District under the Public Health Act 1956.

Community Housing Policy

- 11.2 Council is required to meet obligations under the Residential Tenancies Act 1986 and the Healthy Homes Act 2017 by following proper processes when tenanting the houses and ensuring the houses meet the standards.

Signs and Public Places Bylaw

- 11.3 In the process of developing a bylaw, a Section 155 review must be undertaken. The three parts of this review are:
- (1) Determining if the bylaw is the most appropriate way for addressing the perceived problem.
 - (2) Determining if the bylaw is the most appropriate form of bylaw.
 - (3) Determining that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- 11.4 A complete review was included in the paper 'Policy/Bylaw Work Programme Update and Bylaw Review' that was presented to the Policy/Planning Committee at the meeting on 15 February 2024. This report included a Section 155 assessment. If changes are made to the proposed bylaw, Council is required to reconfirm that that the bylaw is the most appropriate way of addressing the perceived problem, the bylaw is the most appropriate form of bylaw, and that it is not inconsistent with the Bill of Rights.
- 11.5 During deliberations on the Signs and Public Places Bylaw, the Policy/Planning Committee recommended a couple of changes to the bylaw based on the submissions and a recommendation from Officers. Officers consider that the bylaw continues to be the most appropriate way of addressing the perceived problem, the bylaw is the most appropriate form of bylaw, and that the bylaw is not inconsistent with the bill of rights. Officers make this recommendation based on how minor the amendments are, that

there is no change to the intent of the bylaw, and that these changes do not add any additional stringent requirements.

12. Decision Making Process

Smokefree and Vapefree Policy

12.1 The Smokefree and Vapefree Policy was consulted on. The Policy/Planning heard the oral Submission and deliberated on this policy in accordance with their delegation from Council. Consultation on the draft policy has occurred in accordance with Council’s Significance and Engagement Policy.

Community Housing Policy

12.2 The Community Housing Policy has been presented to the Policy/Planning Committee for their contribution to the drafting of the policy. This is an operational policy that does not require consultation. The adoption of this policy is not considered to be significant.

Signs and Public Places Bylaw

12.3 The Signs and Public Places Bylaw has been consulted on in accordance with Section 156 of the Local Government Act. The Policy/Planning Committee have deliberated on this policy in accordance with their delegations. Consultation on the draft policy has occurred in accordance with legislative requirements and Council’s Significance and Engagement Policy.

Attachments:

1. **Smokefree and Vapefree Policy** [↓](#)
2. **Community Housing Policy** [↓](#)
3. **Signs and Public Places Bylaw** [↓](#)

Recommendation 1

That the report ‘Adoption of the Smokefree and Vapefree Policy, Community Housing Policy and Signs and Public Places Bylaw’ be received.

Recommendation 2

That the Smokefree and Vapefree Policy be adopted.

Recommendation 3

That the Community Housing Policy be adopted.

Recommendation 4

That the Signs and Public Places Bylaw be adopted and:

- i) Is the most appropriate way to address nuisances and health and safety in public places, trading in public places, and controlling advertising signage, and
- ii) Is the most appropriate form of bylaw, and
- iii) Does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

RANGITĪKEI DISTRICT COUNCIL

DRAFT SMOKEFREE AND VAPEFREE POLICY

Date of adoption: xxx

Resolution number: xxx

Date by which review
must be completed: Not applicable

Relevant legislation: Local Government Act 2002
Smokefree Environments
and Regulated Products Act 1990

Statutory/Policy: Statutory

Included in the LTP: No



Making this place home.

Smokefree and Vapefree Policy

1. Reasons

- 1.1. Rangitikei District Council's current community outcomes includes promoting healthy and resilient communities. The Smokefree and Vapefree Rangitikei Policy contributes towards this outcome.
- 1.2. The Smokefree Environments and Regulated Products Act 1990 (amended in 2023) covers workplaces managed by local authorities but does not extend to outdoor areas. Decisions about these are for local authorities, and most have adopted policies to limit smoking and vaping in such places. This recognises that section 23 of the Public Health Act 1956 provides that 'it shall be the duty of every local authority to improve, promote, and protect public health within its district'.
- 1.3. The Council recognises that, while initially a means to assist people quit smoking, vaping has become increasingly promoted to and used by those who have never smoked, especially younger people, and in some instances had led to people starting smoking.¹ This is why the Policy does not differentiate between smoking and vaping.
- 1.4. The Policy contributes towards the Council's commitment to Central Government's Smokefree Aotearoa 2025 (SF2025) objective. It supports positive public education messaging efforts to de-normalise behaviours associated with smoked tobacco products, vaping (electronic cigarettes) and heated tobacco products (HTP).

2. Context

- 2.1. In the smokefree and vapefree areas identified in Section 4 of this Policy, Council will encourage compliance, through education and signage, to support Rangitikei communities to become smokefree/vapefree and reduce the associated litter issues. The policy depends on voluntary compliance and persuasion: unlike a bylaw, there are no enforcement mechanisms.
- 2.2. Council will collaborate with its partner organisations and agencies responsible for delivering SF2025 objectives to assist the Rangitikei District to become smokefree/vapefree where possible.

3. Definitions

Smoking

Smoking is inhaling and exhaling the smoke of burning tobacco typically through cigarettes, cigars or pipes. It includes herbal tobacco and psychoactive substances, including synthetic cannabis.

Vaping

Vaping is using an e-cigarette, a device that heats a liquid to produce vapours that users inhale. Liquids used in e-cigarettes may contain nicotine and other toxic chemicals.

4. Objectives

- 4.1. This Policy has the following objectives:
 - reduce the prevalence of smoked tobacco, the litter from cigarette butts, the harm from second-hand smoke, and the use of electronic cigarettes/vapes in Council-owned, controlled, leased, facilities or occupied buildings and outdoor public spaces,
 - deliver Council leadership for a smokefree and vapefree District,
 - support the efforts of Council's partner agencies responsible for achieving the SF2025 objective in the District and the Horizons region.

¹ This recognises the position behind the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 which strikes a balance between ensuring vaping products are available for smokers who want to switch to a less harmful alternative and ensuring these products aren't marketed or sold to young people. The Act makes the legal position clear:

• Section 2(4)(b) - "a vaping device is not a medical device within the meaning of the Medicines Act 1981."

• Section 24(4)(c) - "a vaping substance is not a medicine within the meaning of the Medicines Act 1981."

The Ministry of Health's current position is 'Although vaping is not smoking it is a health risk and should be recorded in clinical records'.

5. Scope

- 5.1. The following areas in the Rangitikei District are smokefree/vapefree:
 - a) all Council-owned or controlled parks, playgrounds, sports fields, reserves, skateparks, campgrounds and swimming pools,
 - b) all Council-owned or controlled facilities or buildings such as libraries, community housing and public toilets. This includes the immediate (within four metres) surrounding outdoor public space, e.g. footpaths adjacent to entranceways, except for those facilities where there are Council staff who are smokers/vapers. In such cases, the Council's Chief Executive may establish a designated area, to be away from windows and doors, dry, and not visible to the public.
 - c) all outdoor/footpath dining areas within the central business districts of the District's towns and townships as defined in the pedestrian veranda overlay in the District Plan. Council will specify this requirement (and signage) when permitting use of such outdoor/footpath areas.
 - d) bus stops and shelters, and
 - e) beaches, lakes and riverbeds.
- 5.2. All new or renewed contractual agreements to hire, lease or occupy Council-owned or controlled buildings and facilities will be required to be smokefree/vapefree.
- 5.3. All Council funded, administered, and supported events will be smokefree/vapefree.
- 5.4. Council will be a supportive partner with Health New Zealand / Te Whatu Ora, local businesses, organisations, and agencies to encourage and support any business or organisation that wishes to become a smokefree/vapefree area.
- 5.5. Council's Chief Executive may temporarily suspend parts of the policy in a declared emergency or other special circumstance. Any such decision shall be publicly notified and reported to the next meeting of the Council.

6. Implementation

To implement this policy, Council will:

- display signage with smokefree and vapefree messaging at Council buildings, facilities and parks and reserve areas, maximising the use of resources at [smokefree.org.nz](https://www.smokefree.org.nz),
- on review, Council documents (e.g. reserve management plans), will make reference to smokefree and vapefree public places,
- on review, community leases and licences will require the leased premises to be smokefree and vapefree,
- include a 'no smoking/vaping on premises' clause in the Council's terms and conditions for hiring any Council venue,
- include a smokefree and vapefree compliance requirement in Council contracts which require work in Council-owned or controlled areas (unless specifically exempted by the Council's Chief Executive) when the contracts are negotiated or renewed,
- include a smokefree and vapefree requirement in all funding agreements through the grant schemes administered by Council.
- consult Council's Youth Council on their views about discouraging vaping by young people, and
- provide support to Government's health agencies and other interested agencies in their initiatives to denormalise smoking and vaping.

7. Application and review

- 7.1. Council will review the policy at times determined by Council, which may be in response to legislative or policy changes including any potential changes to the Smokefree Aotearoa 2025 goal as appropriate.
- 7.2. The following measures of success will be used as the basis of any review of the Policy:
 - the number of people smoking/vaping overall and in areas designated by the Policy reduces, and
 - awareness of, and public support for, smokefree and vapefree public areas increases.These will be measured using the Census, service requests, community surveys and information from the Parks team.
- 7.3. If a Council-funded event is found not to be taking steps to discourage smoking and vaping, that may influence a decision on a subsequent application for Council support.
- 7.4. The policy will take effect from the date it is adopted by Council.

DRAFT

RANGITĪKEI DISTRICT COUNCIL

COMMUNITY HOUSING POLICY

Date of adoption: xxx

Resolution number: xxx

Date review due: xxx

Relevant legislation: Residential Tenancies Act 1986
Healthy Homes Act 2017

Statutory/Policy: Operational

Included in the LTP: No



Making this place home.

1. INTRODUCTION

This policy sets out the Council’s practice in regard to the provision, management and tenancy of community housing within the Rangitikei District.

2. POLICY OBJECTIVES

- To provide guidelines for the level of rental, with the intention of the facilities being self-funding and yet affordable for the tenants.
- To provide clear guidelines on tenant eligibility for Council-owned community housing.
- To ensure Council meets its statutory obligations with respect to tenancies under the Residential Tenancy Act 1986.
- To confirm Council’s commitment to the provision of housing for those aged 65 or over with low or moderate financial means, who are able to live independently.

3. PRINCIPLES

- There is a genuine need for long-term accommodation for the community in the Rangitikei District with Council presently having a role in meeting this need.
- Council’s investment in community housing is intended to be self-funding.
- Community housing is operated by the Council for the purpose of providing affordable housing for those over 65 with low asset base and low incomes in the District.

4. BACKGROUND

The purpose of community housing is to provide safe accommodation for residents over 65 with limited incomes and assets.

This policy is based on a review and update of the 2018 Community Housing Policy. Council owns 72 community housing units across the district, located in:

- **Marton:** 50 units split between three complexes
- **Taihape:** 12 units split between two complexes
- **Bulls:** 6 units at one complex
- **Rātana:** 4 units at one complex

There has been an increase in the demand for these units over the last 5-6 years. The waiting list for potential tenants usually ranges between 5 to 10 people.

The units are self-contained (attached and detached) and are surrounded by other units in the various complexes. They provide for privacy and independence, while also providing a community atmosphere. A standard unit is furnished with vinyl and carpet floor coverings throughout, a freestanding stovetop oven, full bathroom facilities including a shower, a heat pump, thermal curtains, a functioning smoke detector and a shared clothes-line. All units are weather tight and meet insulation compliance. Six monthly tenancy inspections are conducted by the Property Team staff to determine if any repairs or maintenance is required. All necessary upgrades are carried out in accordance with Council’s planned maintenance and improvement schedule. Tenants are advised to notify Council of any repairs or maintenance issues as soon as possible, and this generally works very well.

Types of Accommodation

One Bedroom units:

All 72 of the community houses are one bedroom units – consisting of 1 bedroom, a separate lounge, kitchen and bathroom.

The units are presently being maintained and refurbished to a level that will meet the standards set under the Residential Tenancies (Healthy Homes Standards) Regulations 2017.

Council manages and maintains the grounds, footpath and driveways (where present) for the units. Tenants are encouraged to monitor and maintain their own garden.

There are some sheds or other external storage facilities available for tenants.

Tenant Profile

The community housing tenants are predominantly over 65 years of age with limited incomes and minimal assets. All tenancies are for one person only unless specified, with none being suitable to house children.

5. RESPONSIBILITY

The Manager-Community Property has responsibility for the implementation of this policy. The Policy & Planning team has responsibility for the review of this policy with final approval by Council.

6. ABILITY FOR PARTNERSHIP

Rangitikei District Council currently has informal working relationships with the Police, the Whanganui District Health Board and the Ministry of Social Development.

Ministry of Social Development (MSD) - over 90% of the Council’s tenants receive benefits from the Government. The Council will work with MSD to ensure tenants receive their full and correct entitlement to benefits and supplementary assistance that they may be entitled to.

Council will also communicate and consult directly with Community Housing Tenants on matters that are relevant to them.

7. POLICY STATEMENT

7.1. Eligibility Criteria

The Manager- Community Property ascertains eligibility in accordance with the following criteria:

Age

Applicants will only be considered for a community housing unit if they are at least 65 years old at the date of application.

Citizenship/Residency

Applicants must be a New Zealand Citizen or have Permanent Residency. If an applicant was born overseas they will need to provide proof of Permanent Residency status or Citizenship.

Asset Limits

The value of an applicant’s assets will affect the priority the application receives. The asset limit is set by Council and may be adjusted from time to time.

Their total assets, including cash, investments, house and other property (but not including a car, furniture and personal effects) do not exceed \$8,100 for a single person and \$16,200 (for a couple. This is in line with the Accommodation Supplement cash asset limits eligibility criteria.

Income limits

The income limit for single people and couples is currently GRI (the gross New Zealand Superannuation rate) plus 33%.

Independence

Applicants must have a genuine housing need and be able to live and care for themselves independently.

Good Character

Council must be satisfied that the applicant will be a good tenant and able to live co-operatively with others onsite. When applying for community housing the applicant may be asked to supply two character references and will also have an informal interview with a member of Councils Property team.

Where an applicant does not meet the above criteria, special dispensation may be granted at the discretion of the Manager – Community Property

The Rātana Communal Board of Trustees determines the eligibility of tenants for the community housing units at Rātana Pā.

7.2. Priority

Demand for community housing is often in excess of the number of units available, therefore priority will be given to applicants who are categorised within the definition of this policy as elderly, and meet one or more of the following:

- They already live within the Rangitikei District; and
- Who have close relatives in the area; or
- They are independent but have been referred by the Ministry of Social Development.

7.3. Rent Levies

Rent reviews will be initiated as part of Councils annual setting of fees and charges, and will take effect from 1 October annually with an advisory note to Council before any communication with tenants. Rent will not be increased in the first twelve months of a tenancy, but it will be reviewed annually thereafter.

7.4. Rent Limit Provision

Council recognises that affordable rents are a critical feature of community housing. As a safety net, the Council will use the following mechanism to ensure rents remain affordable:

- Affordable rent limit – the weekly rental limit for all individual tenants will not exceed that of 33% of the gross National Superannuation and Veterans Pension. At the time of policy implementation, the weekly rental could not exceed \$200.20.

7.5. Location Options

An applicant’s preference for any particular location will be taken into account and accommodated where possible. Tenants can transfer to another Council unit or complex in extenuating circumstances such as a doctor’s recommendation, or at the discretion of the Manager – Community Property

7.6. Changes in Circumstances

Where it is suspected that there are existing or impending eligibility issues for medical, physical or mental health reasons; the Council will seek to facilitate the provision of the appropriate social service support.

If an existing tenant develops complex medical needs they are encouraged to inform Council staff so that these needs can be accommodated where reasonable. Where an existing tenant is no longer able to live independently without risk of harm to themselves or causing serious damage to the rental unit, Council staff will work with the tenant and their next of kin (where appropriate) to help them find more suitable accommodation.

7.7. Smoking

Council encourages a healthy community and clean air environment with a view to improving the health and wellbeing of its tenants. Smoking and vaping are not allowed inside any housing unit by any person. All new tenancy agreements from the effective date of this policy will include a clause stating that smoking and vaping is banned.

7.8. Animals

Following an application to Council for the keeping of pets such as a bird or cat, the Manager – Community Property will consider the request. Approval will be conditional on any such animal being well behaved, and properly cared for so they do not pose a nuisance to other tenants, or neighbours. If a pet is found to be causing a nuisance, Council may require the tenant to rehome it. Dogs will not be permitted under any circumstances.

7.9. Parking

Limited car parking is available for tenant use only. Car parks are generally not allocated to particular tenants or community housing units (except in specific circumstances), so courtesy and co-operation over car parking is necessary.

Visitors to tenants (including service agents) may use the car parks briefly, for instance when collecting and dropping off tenants for shopping or appointments, but are asked not to use the for extended periods of time.

7.10. Level of Service

Council is committed to providing a high Level of Service (LOS) for Community Housing; and this is outlined further in Council’s Long Term Plan and formally reported each year.

7.11. Marketing and Occupancy

Council will maintain a waiting list of prospective tenants which will be regularly reviewed and updated. If a waiting list does not exist, the Council will market and promote its community housing when needed to ensure maximum occupancy.

7.12. Welfare

The Council acknowledges its role as landlord, and as such, will be accessible and diligent towards the general welfare of its tenants.

This will not extend to the provision of social services (other than that to which Council has agreed to) to tenants, as these services are better provided by other professional service providers.

Council will provide its tenants with the relevant contact information for professional services and service providers.

7.13. Management of Community Units

Council currently administers and manages the community housing portfolio in-house and is committed to maintaining this level of service.

7.14. Dispute Resolution

In the event that a breach of tenancy occurs, matters will be addressed in accordance with the Residential Tenancy Act (1986). In the first instance a 14 day notice will be issued to the tenant requesting that the breach of tenancy be resolved. If the breach of tenancy is not rectified within the 14 day period, an application will be lodged with the Tenancy Tribunal to resolve the issue through mediation. Failing a successful outcome through mediation, the matter will be referred to an adjudicator for resolution.

If the breach is not resolved, the tenant may be evicted from the unit or issued with a 90 day notice to vacate the property in accordance with the Residential Tenancy Act (1986).

7.15. References and Relevant Legislation

Council administers its community housing portfolio in accordance with the Residential Tenancies Act 1986 and the Residential Tenancies (Healthy Homes Standards) Regulations 2019

7.16. 7.16 Application Form

Application forms are available online or at Council offices and libraries in Taihape, Bulls and Marton.

8. DATE OF REVIEW

Council will review this policy every 6 years, or earlier if considered necessary, with the next review being in 2030. Any review will take into consideration, amongst other things, the current housing needs of the district, criteria for eligibility, rent levels, demographics and current waiting lists.

DRAFT

RANGITĪKEI DISTRICT COUNCIL

SIGNS AND PUBLIC PLACES BYLAW 2024

Date of adoption: xxx

Resolution number: xxx

Date by which review must be completed: Not applicable

Relevant legislation: Local Government Act 2002
Land Transport Act 1998
Litter Act 1979

Statutory/Policy: Statutory

Included in the LTP: No



Making this place home.

Signs And Public Places Bylaw 2024

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PART 1 - INTRODUCTION

1. SCOPE

- 1.1. This bylaw is made under section 145 and 146 of the Local Government Act 2002, the Land Transport Act 1998, and the Litter Act 1979. Council has the ability to adopt bylaws for the following general purposes:
 - a) Protecting the public from nuisance;
 - b) Protecting, promoting, and maintaining public health and safety;
 - c) Minimising the potential for offensive behaviour in public places.
- 1.2. The general purpose of this bylaw is to:
 - a) Protect the public from nuisance and maintain the safety of public places;
 - b) Regulate trading in public places;
 - c) Regulate signs in public places;
- 1.3. In particular, this bylaw addresses:
 - a) Damage to public facilities which may have an adverse effect on other users of these facilities;
 - b) Obstruction of public access and projections onto public spaces;
 - c) Identification of properties;
 - d) Use of public places that have a detrimental effect on the ability of the public to enjoy these spaces;
 - e) To regulate the conduct of people selling goods and services in public places;
 - f) To regulate the conduct of people using vehicles, trailers or relocatable structures to sell goods and services in public places;
 - g) To regulate signs to ensure the safety of vehicles and pedestrians using public places.
- 1.4. Nothing in this bylaw detracts from any provision of, or the necessity for compliance with other Council Bylaws, Rangitikei District Plan, requirements imposed by Horizons Regional Council, the Department of Conservation or any other legislation.
- 1.5. This Bylaw is consistent with the New Zealand Bill of Rights Act 1990 and does not affect Iwi customary rights. Council is committed to protecting fundamental rights and freedoms such as the right to freedom of expression and freedom of peaceful assembly.

Note: New Zealand Transport Agency, Waka Kohtahi as a road controlling authority has its own bylaws for the control of signs on State Highways within the Rangitikei District.

Note: This bylaw does not regulate signs that are regulated through the Rangitikei District Plan, traffic signs, or signs required by statute.

Note: This bylaw does not regulate liquor control. This is done through the Liquor Control in Public Places Bylaw 2018.

2. COMMENCEMENT

- 2.1. This bylaw was adopted by Council on XXXXX and commences on XXXXXXX.

3. REPEALS

- 3.1. The following bylaws are revoked on the commencement date of this bylaw:
 - a) Public Places Bylaw 2013;
 - b) Trading in Public Places Bylaw 2013;
 - c) Control of Advertising Signage Bylaw 2013;

4. DEFINITIONS

4.1. For the purposes of this bylaw, unless the context otherwise requires, the following definitions shall apply:
APPROVED or **APPROVAL** means written approval, permit or consent provided by Council, including any Authorised Officer.

AUTHORISED OFFICER means any person appointed by Council to act on its behalf and with its authority, and may include a police officer.

BICYCLE means any wheeled device having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes power-assisted bicycles. Children’s cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.

BUSKING means any person who performs or entertains in a public place whether for free or for reward or other and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form. ‘Busk’ and ‘busking’ means the same.

COUNCIL means the Rangitikei District Council.

EVENT means an organised temporary activity that takes place on one or more days including, without limitation, an organised gathering, demonstration, competition, or parade.

FOOTPATH means a path or way primarily designed for, and used by pedestrians, and includes a footbridge

GOODS means any product or service.

MATERIAL means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

MOBILITY DEVICE means any device whether motorised or not that is designed for the primary purpose of enabling a user to be more mobile, including but not limited to mobility scooters, power chairs, and wheelchairs.

NOISE ENHANCING DEVICE means any type of microphone, sound system, speaker or similar that emits sound whether it be music or voice.

NUISANCE has the same meaning given by section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

PERSON includes a natural person, a corporation sole, and a body of persons whether incorporated or not

PREACHING means any person reading, speaking or using any other method of creative expression to share their beliefs whether or not they are religious.

PUBLIC PLACE means a place that is:

- a) Under control of Council;
- b) Open to, or used by the public, whether or not payment is required for admission; and includes:
 - i. Any part of a public place;
 - ii. Any reserve, park, domain, beach, foreshore and recreation grounds;
 - iii. Any road, footpath, accessway, throughfare and berm owned by Council. This does not include private roads or roads owned by Waka Kotahi.

SERVICE DELIVERY VEHICLE means any vehicle being used for the purpose of delivering goods to the building of any business or organisation and does not involve the sale of the goods to the general public in any place.

SIGN means any device, character, graphic or electronic display, whether temporary or permanent, which:

- a) Is for the purposes of:
 - i. Identification of or provision of information about any activity; property or structure or an aspect of public safety; or
 - ii. Providing directions; or
 - iii. Promoting goods, or events;
- b) Is projected onto, or fixed or attached to, any structure or natural object including any vehicle or trailer;
- c) Includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice;
- d) For the purpose of this bylaw, any bunting, poster, mural, banner flag, billboard footpath/sandwich board, or projection is also to be considered a sign.

SKATEBOARD A wheeled device controlled or propelled by gravity or by energy exerted by the rider, or equivalent device propelled by a battery including but not limited to skateboards, roller skates, scooters, trolleys, electric scooters, or similar recreational devices. This does not include any wheelchair, baby or adult carriage or bicycle.

STOCK means Cattle, sheep, horse, deer, donkeys, mules, goats, pigs, alpacas, llamas, poultry and any other animal farmed or contained by humans of any age or gender.

TEMPORARY SIGN means any sign advertising any forthcoming event, which is continuously displayed for no more than 3 calendar months in any 1 year, and includes:

- a) A parliamentary or local authority election, or candidates for any such election; or
- b) Construction or development works on a building site or demolition site; or
- a) The sale, auction, or lease of the property or land the sign is located on; or
- a) Any exhibition or entertainment event.

TRADING means an activity undertaken by any person involving the sale of goods, or the offering of a commercial service for payment, or any other compensation in a public place, including but not limited to pop up stalls, mobile shops, temporary drinks outlets, and temporary food outlets. A trading activity may be temporary or permanent, occurring on a one-off basis or as a series of events. Trade and trading have a corresponding meaning.

VEHICLE means a device equipped with wheels, tracks or revolving runners upon which it moves or is moved. It includes:

- a) Trailers;
- b) Caravans;
- c) Boats;
- d) The shell or hulk of a vehicle.

But does not include:

- a) A perambulator or pushchair;
- b) A mobility scooter;
- c) A bicycle;
- d) A skateboard;
- e) A motorised wheelchair.

5. DELEGATION

- 5.1. In this Bylaw, where the written permission of the Council is required, such permission may be given by the Chief Executive who may delegate all or part of that function to any Authorised Officer.

PART 2 – PUBLIC PLACES

6. PUBLIC SAFETY AND NUISANCES

- 6.1. Any person in a public place must not:
- a) Set off any fireworks or explosive material or allow the setting off of fireworks or explosive matter in a manner which creates or is likely to create a nuisance to users of any public place;
 - b) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
 - c) Take off or land any aircraft including model aeroplanes, hot air balloon, hang glider, parachutes or similar, except in an emergency;
 - d) Conduct any activity, including the playing of any game recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
 - e) Beg in a manner that may intimidate or cause a nuisance to any person;
 - f) Allow or cause the drippings of eaves or other projections of any building to fall in a manner likely to cause a nuisance.

7. PREACHING, BUSKING AND SOLICITING DONATIONS

- 7.1. Before commencing this activity, permission must be granted by the owners of the business or the owner of the building or land the activity is operating adjacent to or on. The owners that provided permission may withdraw their consent at any time. If consent is withdrawn the activity must stop immediately.
- 7.2. A person may not undertake this activity for more than a total of 2 hours on any given day.
- 7.3. No person may undertake this activity in a way that causes a nuisance to any person.
- 7.4. No tables or chairs may be placed on the footpath in association with this activity.
- 7.5. Direct interaction with the public associated with this activity must be initiated by the member/s of the public.
- 7.6. No noise enhancing device may be used in association with this activity.
- 7.7. No person shall distribute any printed or written material advertising any product, service or entertainment in a way that does or is likely to cause a nuisance. Any person distributing printed or written advertising material in a public place shall be responsible for the removal of any litter attributed to the distribution of the advertising material.
- 7.8. The activity must be undertaken in a way that ensures that access is not impeded to fire exits, fire hydrants, shop and business entranceways, rubbish receptacles, pedestrian flow, or street furniture stands.
- 7.9. Display stands associated with this activity must:
 - a) Be erected at the beginning of the activity, and removed when the activity ends;
 - b) A maximum of one display stand associated with a person undertaking this activity may be used at any one time;
 - c) Incorporate the logo or name that clearly identifies the organisation or person responsible for it;
 - d) Not exceed 500mm(w) x 500mm(d) x 1200mm(h);
 - e) Not obstruct the path of pedestrians, and must leave a gap of at least 2m for pedestrians to pass.

8. OBSTRUCTING PUBLIC PLACES

- 8.1. Any person in a public place must not:
 - a) Obstruct, impede, interfere with, cause a nuisance or block pedestrian or vehicular traffic access on, to or from a public place;
 - b) Obstruct, remove, or damage any culvert, sewer or drain on any public place;
 - c) Place, leave or permit any object or thing, including without limitation any vehicle, packing case, crate, basket, cask, barrel, package or other encumbrance which creates or is likely to create a nuisance;
 - d) Participate in any assembly or associate with other persons in a way that impedes pedestrian or vehicular access to buildings facing onto the public place or organise or conduct any meeting, gathering, demonstration, parade, procession or competition in a public place which creates or is likely to create a safety hazard or a nuisance;
 - e) Put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, awning, or other obstruction or projection of any kind whatsoever in, on, over or under a public place. This restriction shall not apply to any veranda or awning erected pursuant to a requirement of the District Plan;
 - f) Allow any gate or door on a property abutting a public place, to swing over or across the public place;
 - g) Allow vegetation to encroach on to or over any public place to obstruct or interfere with street lighting or the free movement of persons or vehicles using that public place;
 - h) Place any item on a footpath unless in accordance with section 9.

9. GOODS AND OUTDOOR DINING IN PUBLIC PLACES

- 9.1. Goods intended for sale or display by shop owners, or tables and chairs for outdoor dining, may be set out on a footpath directly outside the shop to which they relate provided:
 - a) The goods or tables and chairs do not extend past the store frontage to which they relate;
 - b) There is a minimum of 2 metres of footpath clear for pedestrian traffic.

10. DAMAGE TO PUBLIC PLACES

- 10.1. No person in a public place can do, cause or permit to be done any act whatsoever by which damage is caused to any public place including:
 - a) Interfere with, destroy, deface, pollute, remove or apply advertising devices to any:
 - i. Natural feature animal or plant including grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
 - ii. Ornament, statue, building, structure or facilities;
 - iii. Name of any street, or the number of any building, or paint, affix, or set up any name of any street, or any number to any building;
 - b) Be in control of any animal so that it damages any part of a public place;
 - c) Remove any sand, soil or other naturally occurring material found in a public place;
 - d) Open any drain or sewer on, or disturb or remove the surface of, any public place.
 - e) Carry out an activity where a sign indicates that the activity is prohibited or otherwise regulated.
- 10.2. Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by Council.
- 10.3. Any person wishing to gain access to a beach shall use a designated access where this is available.

11. USE OF VEHICLES

- 11.1. Any person in a public place must not:
 - a) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
 - b) No person may operate any vehicle to cross any water channel in any public place other than over a crossing properly constructed for such purpose;
 - c) Use any vehicle whose wheels or tracks cause or may cause damage to the surface or any part of the road;
 - d) Keep any inoperable vehicle unless such vehicle can be made complete and in working order within a period of 24 hours, subject to being removed and impounded at the owners expense if not removed within a period of 24 hours;
 - e) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in a public place;
 - f) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed;
 - g) Use any vehicle in a way that it may damage any part of a public place.

12. BUILDING IDENTIFICATION

- 12.1. Address numbers allocated by Council are required to be displayed in a position so it is readily visible from the road, or public place to which it has frontage.
- 12.2. The owner or occupier of every building or group of buildings forming part of a complex must mark such building, complex, or letterbox associated with that building or complex with numbers no less than 50mm in height for residential buildings and letterboxes, and not less than 150mm in height for all other buildings, regardless of the building or complex being identified by other means.
- 12.3. Numbers required by 12.1 must be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

Note: If a building has been identified as being earthquake prone, the notice must be displayed in accordance with the Building Act.

13. STOCK ON PUBLIC PLACES

- 13.1. No person shall permit any stock to be on a reserve, beach, footpath or cycle track or other area designated as an area prohibited, or Council has prohibited the entry of stock by resolution or public notice, without the prior consent of Council.
- 13.2. Any person having control of stock on any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.
- 13.3. Any person being the owner of or having control of any horse or stock in a public place shall immediately remove any faeces deposited by that horse or stock from any public place.

14. FENCES

- 14.1. No person shall allow any rail, gate, or fence adjacent to a public place to be in a state of disrepair or in a state that Council considers to be a danger to the safety of people using the public place.
- 14.2. No person may erect or permit to be erected electrified fencing or barbed wire within 1 metre of the boundary of any public place unless the height of the barbed wire is at least 2 meters above ground level, or the electrified fencing is at least 3 meters above ground level.
- 14.3. Clauses 14.2 shall not apply within areas zoned as rural under Council’s district plan, except when the fence abuts or adjoins a footpath.

15. BICYCLES, SKATEBOARDS AND MOBILITY DEVICES

- 15.1. A person must not use or ride a Bicycle, Skating Device or Mobility Device in any public place in a manner as to be, in the opinion of Council:
 - a) Intimidating;
 - b) Dangerous;
 - c) A Nuisance;
 - d) Likely to cause damage to property.

16. REFUSE

- 16.1. No person shall take to any place of disposal, material of any kind which has been prohibited by the Council.
- 16.2. On premises set aside by the Council for the disposal of refuse, no unauthorised person can enter, loiter, disturb any deposit of refuse, or remove any article or material of any kind.
- 16.3. No person shall place, leave, dump, or fly tip waste of any type in a public place including but not limited to;
 - a) Place or leave litter or any material or substance which are likely to be hazardous or injurious to any person, or likely to create a nuisance;
 - b) Deposit in or around a public litter receptacle any household waste, recyclable waste, green waste, commercial waste, trade refuse or hazardous waste;
 - c) Interfere with any refuse which is awaiting collection by an authorised collector;
 - d) Throw or in any way deposit any offensive matter including without limitation dead animals or parts of dead animals and animal waste;
 - e) Every person must properly dispose of the body or part of the body of any animal belonging to them, or in their charge or keeping, that has been killed or died while straying or being driven on any public place.

PART 3 – TRADING IN PUBLIC PLACES

17. TRADING IN PUBLIC PLACES

- 17.1. No person may undertake a trading activity in a public place without obtaining a licence from Council.
- 17.2. The application of the licence must be made in writing on the appropriate form.
- 17.3. If the applicant wishes to sell goods at a location outside an existing shop or business, the application must include written consent from that shop or business owner.
- 17.4. Clause 17.3 does not apply to community events.
- 17.5. Licence holders must comply with the conditions an Authorised Officer deems fit to impose on the licence.
- 17.6. The licence may specify without limitation:
 - a) The name of the licence holder;
 - b) The duration of the licence;
 - c) The location to which the licence applies;
 - d) The type of trading activity the licence allows;
 - e) The hours allowed for trading by the licence;
 - f) The use of signage
- 17.7. The Council may, at its discretion, review, withdraw or alter conditions on a licence with a minimum of 24 hour notice given to the permit holder.
- 17.8. The Council may immediately without notice alter, suspend, or cancel any licence if:
 - a) licence conditions are being breached;
 - b) Urgent works are required in the public place where the licence applies;
 - c) Urgent action is required to protect the public in the public place where the licence applies.
- 17.9. Where a licence has been suspended or cancelled the licence holder must immediately remove any vehicle, stall, goods, and materials used in the trading activity from the public place.
- 17.10. A licence granted by this bylaw is not transferable to any other person.
- 17.11. A licence cannot be transferred to any other trading activity carried out by the person.
- 17.12. Council may by resolution prescribe fees for licences or site rentals or both.
- 17.13. Every licence holder shall always display their licence in a way that is visible to the public when engaged in the licenced activity.
- 17.14. Exemptions for requiring a licence to trade in public places:
 - a) Selling or disposal by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 (2), Part 10 of the Fisheries Act 1996;
 - b) Service delivery vehicles including milk vendors;
 - c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council;
 - d) The organiser of a community event may apply on behalf of a specified group of people who are intending to sell goods as part of that event, if a licence is granted it will apply to that group;
 - e) One licence can be applied for and granted for an event spanning up to a maximum of 7 days;
 - f) One licence can be applied for and granted for a series of events occurring over a period of up to 6 months providing that the events are organised as a continuous series by the same person.

PART 4 – SIGNS

18. GENERAL CONTROLS ON SIGNS

- 18.1. No person may display a sign in a public place or on or overhanging any land or building owned by the Council without a permit from the Council unless:
 - a) The display of the sign is authorised by this bylaw or a permit is issued under this bylaw; or
 - b) The display of the sign is expressly allowed by a resource consent under the Resource Management Act 1991.
- 18.2. No person may place or allow to remain in place any sign which explicitly or implicitly:
 - a) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination as set out in the Human Rights Act 1993;
 - b) Is objectionable within the meaning of the Films, Videos and Publications Classifications Act 1993;
 - c) Is offensive, threatening or insulting;
 - d) Incites or encourages any persons to commit any offence.
- 18.3. All signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public.
- 18.4. The owner of the sign is responsible for ensuring the sign does not pose a danger to property or the public.
- 18.5. No person shall display any advertising material on a vehicle whether stationary or moving on a road, where that vehicle is being used primarily for the purpose of exhibiting advertising material.
- 18.6. Clause 18.5 does not apply to any advertising material on a stationary or moving vehicle where that advertising material is permitted as a condition of a licence to trade in a public place issued by the Council, or where the advertising material relates to the business that owns the vehicle.

Note: Any sign that requires a building consent must have obtained the consent before the sign is erected.

Note: Signs that are located on any privately owned premises within the district are required to comply with the district plan.

19. SIGNS OVER FOOTPATHS

- 19.1. All signs suspended from verandas over public places shall be:
 - a) No closer than 2.4m to the footpath beneath the sign;
 - b) Set back at least 600mm from an imaginary vertical line from the road kerb;
 - c) If located on the veranda fascia, be not more than 900mm in depth, or protrude more than 200mm from the fascia;
 - d) If located under the veranda fascia, at right angles to the fascia line, and be limited to one per site;
 - e) If located on top of the veranda, be more than 1.2m high, not more than 1.8m² in area and limited to one per site; and
 - f) Advertise only businesses, services and products located on the site of the sign.

20. SIGNS AND FLAGS ON FOOTPATHS AND BERMS

- 20.1. No person may display a flag or sign on a footpath or berm unless:
- a) The sign advertises the business or relates to the business activity of the business it is located outside of; and
 - b) There is not more than one flag sign or footpath sign for each business; and
 - c) The sign is located adjacent to the business to which it relates; and
 - d) The sign is not displayed when the business is not open to the public; and
 - e) There is a minimum width of footpath free from obstruction of 2 metres; and
 - f) The footpath sign or flag sign is placed immediately adjacent to the footpath kerb, provided that it does not protrude onto the road; and
 - g) The sign complies with the following specifications:

Footpath sign	
Maximum height	1.0 metres
Maximum width	0.6 metres
Maximum base spread	0.6 metres

Flag sign	
Maximum height	2.0 metres
Maximum width	0.9 metres
Maximum base spread	0.6 metres
Maximum flagpole height	3.0 metres

21. SIGNS AFFECTING TRAFFIC SAFETY

- 21.1. No sign shall be placed or be allowed to remain where in the opinion of the Council that sign would:
- a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - b) Distract or be likely to distract the attention of road users;
 - c) Resemble or likely to be confused with any traffic sign or signal;
 - d) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely;
 - e) Create or be likely to create in any way a danger to road users.

22. LIGHTING OF SIGNS

- 22.1. Signs must not be flashing, animated, or reflective, and must not contain moving lights, lasers, or images.
- 22.2. Illuminated signs must:
- a) Have all floodlights or concealed lighting directed solely on to the advertisement and its surrounds;
 - b) Have any light source shielded so that glare does not extend beyond the advertisement;
 - c) With the exception of neon signs, have no light source visible to passing motorists with a light output greater than that of a 65W incandescent bulb;
 - d) Not be illuminated in a way that makes the sign appear to move, shimmer, flash, strobe, sparkle or revolve;
 - e) Not be illuminated in a way that it causes a nuisance or traffic hazard.

23. TEMPORARY SIGNS

- 23.1. Any temporary sign shall comply with the rules about the number, size, and type of signs, contained in the Rangitikei District Plan for the zone in which the sign is erected.
- 23.2. No election signs shall be placed on any public place.
- 23.3. Temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.
- 23.4. No person shall allow, or allow any other person, on any land or premises commence or continue to display, fix, erect, re-erect or alter the construction of:
 - a) Any temporary sign advertising land or premises for sale, auction or lease after one calendar month after the date of settlement; or
 - b) Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following completion of the event to which the sign relates.

Note: Election signs are also required to comply with any electoral regulations.

24. REPAIR OR REMOVAL OF SIGNS

- 24.1. The Council may require the owner of any sign that is deemed non-complying, unsafe or unauthorised to remove or repair that sign. If the owner is unknown, Council has the right to remove the sign.
- 24.2. A publicly visible sign must be removed as soon as reasonably practical and within 2 days once the sign is no longer required for advertising purposes.
- 24.3. The Council may pull down, alter or remove any poster or sign and recover the costs of removal from the persons placing the poster or sign if it has been placed on any:
 - a) Building or structure without the permission of the owner of that building or structure;
 - b) Surface, building or structure in a public place not being a designated poster site.

PART 5 – ENFORCEMENT

25. DISPENSATION

- 25.1. A person may request permission from Council, to undertake any activity not allowed by this bylaw.
- 25.2. Any person wishing to obtain Council approval for the purposes of this bylaw must make a written application to Council.
- 25.3. On receipt of an application, along with receipt of full payment of a fee if required, Council may grant the approval, refuse the approval, or request further information.
- 25.4. Any approval granted under clause 25.3 may be subject to any conditions imposed by Council that Council considers to be appropriate.
- 25.5. A person granted an approval with conditions imposed under 25.4 must comply with those conditions.
- 25.6. Council may revoke, modify or cancel any Council approval granted under this bylaw if:
 - a) Any conditions of the approval are not complied with;
 - b) There is material change in circumstances which requires the approval, or any conditions imposed on an approval, to be revoked or modified; or
 - c) The information provided to Council in support of the approval application is found to be incorrect or misleading;
- 25.7. Council must give the approval holder written notice of its intention to revoke, modify or cancel any Council approval or conditions under 25.6, including a description of why the revocation, modification or cancellation is necessary.
- 25.8. After receipt of a notice issued under clause 25.7, and if an approval holder disputes the need for revocation or modification, the approval holder may submit any relevant information to Council within 5 working days, after which the Council will make a final decision.

26. OFFENCES AND PENALTIES

- 26.1. Any person who does not comply with any requirement or condition of their approval or acts contrary to any prohibition or resolution made in this bylaw, commits an offence against this bylaw.
- 26.2. Every person who obstructs or hinders any authorised officer in the exercise of their powers under this bylaw shall be liable to prosecution for an offence against this bylaw.
- 26.3. Any breach of this bylaw is an offence and liable to summary conviction and a fine not exceeding \$20,000 as set out in the Local Government Act 2002.
- 26.4. Council may use its powers under the Local Government Act 2002 to enforce this bylaw.

27. EXEMPTIONS

- 27.1. An Iwi's customary rights are not affected by this bylaw.
- 27.2. The prohibitions and restrictions contained in this bylaw do not apply to:
 - a) Any Authorised Officer when engaged in the performance of their regular duties;
 - b) Any emergency vehicle at the time of being engaged in urgent official emergency business;
 - c) Any vehicle being used for an event or activity with an approved traffic management plan where operation of the vehicle is compliant with that traffic management plan;
 - d) Any vehicle carrying out, or involved in the delivery of a public work where:
 - i. No other practicable alternatives to the activity are available;
 - ii. The vehicle is being used with due consideration to the other road users;
 - iii. The activity is one that the council, at its discretion, considers is reasonably necessary for the purposes of the public work;
 - e) Any New Zealand Defence Force personnel undertaking Temporary Military Training Activities or official activities for defence purposes.

10.3 Updated Procurement and Contract Management Policy

Author: Dave Tombs, Group Manager - Corporate Services

Authoriser: Dave Tombs, Group Manager - Corporate Services

1. Reason for Report

1.1 To obtain approval for Council's new Procurement and Contract Management Policy.

2. Context

2.1 Council's current Procurement Policy was adopted by Council in 2014 and, although technically still largely 'fit for purposes', is due to be reviewed.

3. Discussion and Options Considered

3.1 Officers have referred to Procurement Policies developed by other Councils and developed the attached draft. This draft will be appropriately formatted and Section 7 will be fully reviewed once approved.

3.2 Officers will provide training to staff (and other parties as necessary) involved with procurement to ensure the Policy, once approved, is complied with.

3.3 The Policy was reviewed at the June 2024 Policy and Planning Committee where the following changes were identified:

- Section 6.1.2: include requirement to encourage procurement from Māori businesses (*see S6.2 of this report below*)
- Section 6.2: move Section 6.2.5 to be more prominent
- Section 6.4.2: minor amendment and inclusion of a point to emphasise that procurement under an All of Government arrangement does not necessarily competitive quotes (as per Section 6.1.2g)
- Section 6.4.3: expansion of the Tenders Board considerations
- Section 6.4.6: minor amendment

3.4 Section 4.11 refers to a Tenders Board. Currently staff are developing Terms of Reference for this and intends to have this Board finalised and in place by November / December this year. Relevant members will also receive training on being part of the Tenders Board.

4. Financial Implications

4.1 The financial implications of a poorly drafted, understood and/or monitored Procurement and Contract Management Policy are significant.

5. Impact on Strategic Risks

5.1 The negative impacts on essentially all of Council's strategic risks of a poorly drafted, understood and/or monitored Procurement and Contract Management Policy are significant.

6. Mana Whenua Implications

- 6.1 Officers are not aware of any specific implications of a poorly drafted, understood and/or monitored Procurement and Contract Management Policy to Mana Whenua. Officers would welcome discussion with Committee Members on this point to further understand potential implications of this nature.
- 6.2 Officers note the practical difficulties in monitoring the level of procurement made from Māori business and will continue to explore possible ways of achieving this.

7. Statutory Implications

- 7.1 A poorly drafted, understood and/or monitored Procurement and Contract Management Policy could potentially have significant statutory implications to Council.

8. Strategic Alignment

- 8.1 The proposed Policy, being an 'operational policy', has little direct impact on Council's Strategic Framework.

9. Climate Change Impacts and Consideration

- 9.1 The proposed Policy places a specific emphasis on Sustainable Procurement and requires Sustainable Procurement to be considered in procurement activities.

Attachments:

1. **Draft Procurement and Contract Management Policy (Aug 2024)** [↓](#)
2. **Procurement Policy (current)** [↓](#)

Recommendation 1

That the Report 'Updated Procurement and Contract Management Policy' be received.

Recommendation 2

That the Updated Procurement and Contract Management Policy be approved.

PROCUREMENT AND CONTRACT MANAGEMENT POLICY

Approved:	
Approved by:	Executive Leadership Team
Next review:	
Version number:	1.0
Who is responsible	Group Manager – Corporate Services

1 INTRODUCTION

1.1 The Rangitikei District Council ('RDC') is a territorial local authority with obligations to its ratepayers and the public, defined under the *Local Government Act 2002* as:

*"14(1)(a) a local authority should—
 (i) conduct its business in an open, transparent, and democratically accountable manner; and
 (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner."*

1.2 Procurement plays a vital role in the delivery of RDC outcomes, with a significant variety of goods, services and works being purchased from third party suppliers.

1.3 RDC recognises that rigorous procurement and contract management practices:

- (a) Ensure that RDC delivers value for money, quality, and safety and wellbeing outcomes for all stakeholders.
- (b) Underpin the performance and delivery of RDC's strategic and business objectives.
- (c) Provide opportunities for business sustainability, strategic growth and improvement.

1.4 Further, RDC also recognises its primary responsibility to ensure probity and the prudent expenditure of rate payer funds.

2 PURPOSE

2.1 The purpose of the RDC Procurement and Contract Management Policy (the 'Policy') is to articulate RDC's commitment to the responsible, effective, and fit-for-purpose procurement of goods, services and contract management.

2.2 The Policy establishes the guiding principles for RDC's procurement and contract management practices, and seeks to ensure that:

2.2.1 A robust framework is adopted across the RDC for procurement and the subsequent management of goods and services contracts.

2.2.2 RDC plans for, enters into, and manages all contracts in a manner that align to our obligations under Te Tiriti o Waitangi / the Treaty of Waitangi, pursues RDC strategic and business objectives, and minimises risk.

2.2.3 RDC Staff understand their roles and responsibilities with regards to procurement and contract management and are appropriately skilled and trained to do so.

2.2.4 RDC achieves quality performance and cost-effective service delivery.

2.3 This Policy identifies the authority, responsibilities and operational parameters for prudent procurement decision-making, and the effective management of contracts and associated legally-binding agreements. Guidance documents for this Policy are available for staff or under development.

3 ORGANISATIONAL SCOPE

- 3.1 This policy applies to:
 - 3.1.1 All RDC staff, including temporary staff, contracted staff, contractors and subcontractors.
 - 3.1.2 Any person who is involved in the operation of RDC, including elected members, volunteers and those people with honorary or unpaid staff status.
 - 3.1.3 Every business, service or activity of RDC – with the exception of employment contracts.
- 3.2 This policy does not apply to:
 - 3.2.1 The purchase or sale of land.
 - 3.2.2 Acquisition of art and similar unique items of interest; and
 - 3.2.3 Employment.

4 DEFINITIONS

- 4.1 **Approved Contractor:** prior to undertaking any work for RDC, all contractors must apply for, and be approved against a set of eligibility requirements, including insurance cover, Health, Safety & Wellbeing (HSW) and relevant codes of practice. (Note an ‘Approved Contractor’ is not the same as a ‘HSW Pre-qualified Contractor’ <see below>)
- 4.2 **Bribe or inducement:** the giving or receiving, whether directly or indirectly, of something of value to influence a (procurement or contract management) transaction.
- 4.3 **Contract:** a formal, documented agreement between RDC and a supplier or contractor that commits RDC in legal or financial terms to the acquisition of goods and services.
- 4.4 **Contract Manager:** a designated RDC staff member, appointed by a Contract Owner as necessary/required to assist with specific aspects of the management of a specific contract.
- 4.5 **Contract Owner:** a designated RDC staff member who is responsible for the ongoing oversight and management of a specific contract and is responsible for associated record-keeping.
- 4.6 **Contracted staff:** non-permanent employees of RDC, including consultants and contractors employed on fixed or short-term contracts who are undertaking business activities on behalf of RDC.
- 4.7 **Health, Safety & Wellbeing (HSW) Advisor:** To provide support in developing a safety culture across the RDC. They will provide advice and support to management, staff and contractors to enable them to meet their respective HSW obligations of this policy.
- 4.8 **HSW Pre-qualified Contractor:** A Contractor who has the necessary requirements to achieve a score of 75% or greater in the Site Wise HSW System, or equivalent (refer to Contractor HSW Handbook).
- 4.8 **Market:** all potential providers of a good or service that may be available to RDC.
- 4.9 **Probity Auditor:** a suitably qualified person who conducts an independent assessment to ensure integrity, fairness, and compliance with Policy and ethical standards in Council procurement,
- 4.9 **Procurement:** the process, and various stages, of securing goods and services, including but not limited to:
 - planning

- determination of standards or specifications
- supplier and sector research
- supplier review and selection
- pricing negotiation (where applicable)
- making the purchase
- contract administration and
- other related functions.

- 4.10 **Sustainable Procurement:** securing goods and services in a way that recognises the whole of life costs and/or benefits of the goods or service, and delivers benefits for the local community, economy and environment. Climate change considerations are an essential component of this.
- 4.11 **Tenders Board:** a panel of RDC representatives appointed to each Tender that is responsible for ensuring that proper Tender process is conducted.
- 4.12 **Whole of Life:** an assessment of the total costs and/or benefits of purchasing goods or services – from concept to disposal. This includes purchase outcomes, operating costs spanning the useful life of the good or service, as well as any impacts associated with (product) manufacture, HSW in design, transport, delivery and disposal.

5 PRINCIPLES

- 5.1 RDC procurement and contract management practices shall ensure that RDC plans for, enters into and manages its procurement and contract management activities in a manner that is consistent with Council’s Key Procurement Objectives as per this Policy.
- 5.2 RDC procurement and contract management will apply a strategic procurement process consistent with the Ministry of Business, Innovation and Employment (MBIE) procurement lifecycle consisting of planning, sourcing and managing.
- 5.3 The following ten principles shall be reflected in all procurement and contract management practices:
 - 1 The purchasing power of RDC will be harnessed for the realisation of its strategic and business objectives, as well as the benefit of the local community.
 - 2 RDC will at all times act with integrity, impartiality and in a fair and reasonable manner in its dealings with other parties.
 - 3 RDC will ensure full probity in its procurement practices and decision-making processes. All procurement decisions will be appropriate and transparent, fair and equitable, and free from any real or perceived bias or conflict of interest.
 - 4 Open and effective competition will be encouraged – all eligible suppliers shall have full and fair opportunity to participate.
 - 5 RDC shall take into consideration the whole of life costs and/or benefits associated with procurement – spanning design, manufacture, delivery, HSW, operation and disposal.
 - 6 Consideration will be given to achieving the principles of Sustainable Procurement and climate change impacts.
 - 7 All contracts shall clearly identify the functional, performance and/or technical deliverables and key performance indicators, including Health, Safety and Wellbeing targets and responsibilities, that reflect RDC’s expectations and quality standards, and establish effective means to measure, monitor and manage their delivery.

- 8 All contracts will be actively and appropriately managed in a manner that fosters collaboration with suppliers and contractors, maximises value for money as well as supports continuous innovation and improvement.
- 9 Procurement and contract management processes will comply with all applicable statutory obligations, recognise RDC’s business, strategic and community expectations, and reflect relevant sector, central and local government good practice standards and guidelines.
- 10 All procurement and contract management risks will be identified and managed effectively throughout the life cycle of the goods or service.

6 POLICY

6.1 General Requirements

6.1.1 RDC procurement and contract management practices shall at all times be fair, equitable and transparent, and abide by the principles and requirements set out in this Policy.

6.1.2 Procurement decision-making practices shall ensure:

- (a) Integrity, prudent decision-making and freedom from real or perceived bias or conflict of interest; and
- ~~(b)~~ (b) Open and effective competition, subject to appropriate due diligence and probity measures; and
- ~~(b)~~ (c) [Consideration of the Government Procurement Rules that encourage Council to procure from Māori businesses where practically possible; and](#)
- ~~(e)~~ (d) Value for money on a whole of life basis, including consideration of the principles of sustainable procurement whenever possible; and
- ~~(d)~~ (e) Effective identification, assessment and management of risk from the planning phase and throughout the life of the procurement or contracted activity including, but not limited to, safety in design and safe work planning followed by ongoing performance monitoring; and
- ~~(e)~~ (f) Recognition of, and compliance with all relevant statutory and regulatory obligations; and
- ~~(f)~~ (g) Collaboration, innovation and recognition of the collective purchasing power of RDC including the use of ‘All of Government’ contracts; and
- ~~(g)~~ (h) Consideration of performance and delivery outcomes from previous procurement with prospective suppliers.

6.1.3 RDC shall ensure that all staff involved in RDC procurement have access to appropriate procurement and contract management resources, skills, knowledge and expertise.

6.1.4 RDC shall ensure effective procurement and contract management process controls and monitoring mechanisms, including maintaining a standard suite of operational processes, guidelines, tools and templates.

6.1.5 The Contract Owner shall ensure all relevant documentation is complete, accurate, executed properly and filed appropriately.

6.1.6 A failure to adhere to the principles, obligations and requirements as outlined in this

Policy, and any associated RDC procurement and contract management procedures and guidelines, may result in an investigation into the failures.

6.2 Sustainable Procurement

6.2.1 RDC recognises that procurement and contract management practices provide a key opportunity to maximise value for money and quality service delivery, as well as deliver tangible benefits for the local community, economy and environment.

~~6.2.5 Any consideration or weighted attribute assigned to sustainable procurement must be a minimum of 10%, unless specifically waived by Tenders Board.~~

6.2.2 RDC’s procurement activities will be consistent with, and support, RDC’s Strategic Framework.

6.2.3 As such, the principles of sustainable procurement will be recognised whenever possible in the assessment of the costs and benefits of procurement including when undertaking cost-benefit analyses or weighted attributes assessments of potential goods and service suppliers, as follows:

- (a) *Think Local:* RDC shall preference those suppliers that can evidence a positive economic footprint in the region. This includes contributing to the vibrancy and sustainability of the local economy, supporting job or market growth, as well as fostering opportunities for small and medium-sized enterprises (SMEs).
- (b) *Think Environmental:* RDC shall be proactive in procurement decisions that support positive environmental impacts, design out adverse effects on the local environment and minimise any residual risks during project delivery. This may include minimising greenhouse gas emissions, increasing biodiversity, minimisation of waste and increased efficiency of materials.
- (c) *Think Social:* RDC shall encourage procurement decisions that maximise community benefits in terms of personal wellbeing, social cohesion, capital and inclusion, equal opportunities, and participation.

6.2.4 Whenever practicable, RDC shall give due consideration to sustainable procurement principles, including when undertaking cost-benefit analyses or weighted attributes assessments of potential goods and service suppliers.

~~6.2.5 Any consideration or weighted attribute assigned to sustainable procurement must be a minimum of 10%, unless specifically waived by Tenders Board.~~

6.2.6 ELT may issue a directive to provide greater emphasis on Sustainable Procurement overall, or relative weighting between different Sustainable Procurement criteria (for example, in response to COVID-19 the *Think Local* weighting could have been directed to be “between 25% and 40% unless impractical” in all weighted attribute procurement). Exceptions to these directives need to specifically be approved by the Tenders Board.

6.2.7 Where a lowest price conforming assessment methodology is utilised, Sustainable Procurement must be a pass/fail consideration.

6.3 Conflict of Interest

- 6.3.1 RDC shall ensure that procurement and contract management processes cannot be justifiably challenged on the basis of any real or perceived bias or conflict of interest.
- 6.3.2 All procurement and contract management decision-making processes shall include careful consideration of any actual, potential or perceived conflicts of interest.
- 6.3.3 Under no circumstances shall a staff member influence, advise or participate in a procurement or contract management activity where that employee has an actual, potential or perceived conflict of interest – subject to very limited circumstances (see point 6.3.6 below).
- 6.3.4 Every person involved in the decision-making process shall declare in writing that they have no real or potential for a perceived conflict of interest. This includes those involved directly in procurement and contract management activities, as well as anyone who has the ability to influence key decisions (e.g. those holding delegated financial authority or monitoring performance).
- 6.3.5 Where there is uncertainty about whether there is a conflict, employees should discuss the potential conflict with their Executive Manager or the Group Manager, Corporate Services in the first instance. If in doubt, employees should at all times fully disclose a potential conflict or bias. Refer also to the RDC Conflict of Interest Policy for further details.
- 6.3.6 Where a RDC staff member has a conflict of interest, but also possesses specific expertise that is deemed essential to the evaluation process and which is not available from any other source (including those external to the RDC), a member of ELT may approve that person being able to discuss the project with the evaluation panel.
- 6.3.7 Where the CEO is involved with procurement and/or contract management and identifies a potential conflict of interest, escalation shall be to elected members/the RDC Tenders Board.
- 6.3.8 It is never acceptable for a RDC staff member to be involved in sourcing or contract management activities where their direct family works for the supplier involved.
- 6.3.9 It is never acceptable for a RDC staff member to accept a bribe or inducement. Any such instances will be dealt with in strict accordance with the Staff Code of Conduct Policy and other applicable guidelines – see also the RDC Fraud Prevention Policy.
- 6.3.10 Anyone involved in a sourcing activity must formally declare all gifts and or hospitality offered to themselves and/ or direct family members in the past 15 months. Should these exceed a cumulative value of \$500, then specific approval from the CEO is required for the person to be allowed to take any part in the procurement process.

6.4 Contract Approval

- 6.4.1 All staff involved in the procurement and contract management of goods and services must have appropriate knowledge of, and comply with all relevant RDC policies, procedures and guidelines, as well as applicable legislation and professional standards of practice with regards the procurement and contract management process.

6.4.2 Each Procurement needs to comply with the following approach (amounts are 'whole of contract' and exclude GST)

- (a) Sourcing with a cumulative value of more than \$5,000 and less than \$50,000 requires at least two written quotations to be sought and, where practical, obtained. Approval to 'not comply' with this requirement requires written approval from ~~at least two members~~ a member of ELT. (Procurement with a value less than \$5,000 can be 'direct sourced' from any single supplier).
- (b) Sourcing with a cumulative value of more than \$50,000 and less than \$250,000 require at least three written quotations to be sought and, where practical, obtained. Approval to 'not comply' with this requirement requires written approval from at least two members of ELT and the CEO.
- (c) Sourcing with a cumulative value of more than \$250,000 requires an open and competitive Public Tender process, under the management of a Tenders Board. Approval to 'not comply' with this requirement requires formal Council approval, which may be sought on a case-by-case basis or as part of a structured Forward Procurement Strategy that may be periodically presented to Council.

(d) Sourcing with a cumulative value of less than \$250,000 should be referred to the Tenders Board where the procurement facilitator considers that the level of risk (potential, perceived or actual) associated with the procurement requires Tenders Board review.

~~(d)~~(e) Procurement under an All of Government Procurement Arrangement can be made direct from a supplier (regardless of cumulative value) on approval from a member of ELT.

6.4.3 Further to S6.1.3 of this Policy, each Tenders Board must contain the following, who must be suitably trained and experienced:

- Two members of ELT (Including Group Manager of Corporate Services where practicable, but not including the Group Manager relevant to the subject of the tender)
- Two elected members (including the Mayor or his/her nominee)
- An Independent member as deemed necessary by the other members of the Tenders Board

The Group Manager who is relevant to the subject of the tender, together with any other staff who have some expertise in the subject) should be invited to assist the Tenders Board.

Further to S5.3 (3) and S6.3.1 of this Policy, the Tenders Board must consider (and document) whether sufficient actual or perceived conflict of interest exists, or may arise, and seek to replace RDC officers and elected members from the Tenders Board with independent contractor(s).

The Tenders Board has the ability to award Tenders without prior Council approval in times of urgency.

6.4.4 Procurement of goods and/or services over the \$50,000 threshold requires a formal contract to be put in place. All contracts must be approved and signed by a RDC staff member with appropriate delegated authority. No external parties are authorised to sign contracts on behalf of RDC.

6.4.5 The RDC Contract Owner shall maintain a full (physical and/or electronic) record of all procurement preparation, negotiation and award activities, in accordance with this Policy and all RDC records management practices.

6.4.6 All contracts entered into by the RDC must be in writing, signed by all relevant parties, dated and held securely on file in accordance with RDC document management practices.

ITEM 10.3
ATTACHMENT 1

6.4.7 All contracts prepared by RDC shall utilise approved and standardised contract templates whenever possible. If no applicable template exists, the Contract Owner and/or Manager shall seek assistance from the RDC Legal team or Group Manager of Corporate Services to prepare a contract.

6.4.8 No contractual arrangement entered into by the RDC shall be greater than 10 years in its entirety, including rights of renewal, unless approved by ELT or by Council Resolution. RDC shall not enter into contracts that are “evergreen” (i.e. of indefinite length).

6.5 Probity

6.5.1 It is essential that Probity is evident throughout procurement activities.

6.5.2 Probity:

- i. Requires equity within procurement processes and controls.
- ii. Provides fairness and transparency in our procurement

decisions

6.5.3 To ensure Probity the Contract Owner shall appoint an external independent Probity Auditor for all procurement activities that:

- i. are above \$5m (Whole of Life) or
- ii. are considered high risk.

6.6 Contract Management

6.6.1 RDC shall maintain a central database of all approved and/or active contracts, and ensure comprehensive records are held, including all third-party vetting; HSW approval; insurance coverage; contract review, renewal or expiration dates; deviations and variations.

6.6.2 All RDC contracts shall have a delegated RDC Contract Owner, who acts as the dedicated single point of contact and is responsible for the effective management and delivery of the contract in line with this Policy and all associated processes or guidelines. Duties include, but are not limited to:

(a) Contract Negotiation

- i. All contracts shall include measurable, relevant and robust key deliverables, measures and performance indicators (i.e. 'SMART' key performance indicators that are Specific, Measurable, Achievable, Relevant and Time-bound).
- ii. All contracts shall establish effective and robust monitoring and reporting activities that ensure delivery of pre-determined deliverables and levels of performance.
- iii. All contracts shall comply with RDC, professional regulatory body and statutory obligations, as required.
- iv. RDC Contract Owners shall be alert to, and address any provisions, in contracts that expose the RDC to unsuitable or unacceptable risk. This includes a review of prior service delivery or performance by potential third party suppliers.
- v. All contracts shall fully comply with RDC's HSW Policy requirements and include an appropriate documented HSW plan that identifies all HSW risks and their associated controls.

(b) Contract Delivery

- i. RDC Contract Owners shall regularly monitor, audit and review contractor delivery against agreed milestones, deliverables or performance expectations over the life of the contract, including maintaining a regular audit programme, as required.
- ii. All contractor payments, performance bonds and other financial transactions shall be made in accordance with the terms of the contract and

appropriate assurance of agreed performance delivery, in accordance with relevant RDC financial delegations and authority.

- iii. RDC Contract Owners shall engage relevant parties and establish variations or renegotiate contract terms where appropriate.
- iv. Full records of all contract evaluations and performance monitoring activities (including any variations, renewals and cancellations) shall be held in accordance with the RDC document management guidelines and practices.

(c) Contract Review

- i. The RDC Contract Owner must review each 'live' contract on its anniversary. This review must include consideration of whether the terms of the contract are still current, whether the scope of the contract is still valid, whether the risks of the contracts (with specific reference to any HSW risks and associated controls) are properly identified and managed and all other relevant matters.

(d) Escalation and Exit

- i. RDC shall ensure appropriate and effective processes and mechanisms are in place for the reporting, escalation and resolution of performance issues or contract delivery failure.
- ii. RDC Contract Owners shall monitor contract schedules for renewal or expiry, and effectively manage the business impacts arising from exiting the agreement, including ensuring all relevant Intellectual Property, data or property is returned to RDC.

6.6.3 A Contract Owners may appoint a Contract Manager to assist with the management of any Contract. The appointed Contract Manager will ordinarily be a direct report of the Contract Owner. All Contract Manager appointments should be in writing and clearly identify the specific responsibilities of the Contract Owner and the Contract Manager.

6.6.4 Notwithstanding S6.6.3, the Contract Owner has overall responsibility for the performance of the contract.

6.7 Risk Management

6.7.1 All Procurement and Contract Management activities must follow RDC risk management practices in line with the RDC Risk Management Framework.

6.7.2 RDC shall ensure that the costs, benefits and risk presented by procurement are identified, and appropriately reflected in the procurement and contract management methodology utilised.

6.7.3 RDC Contract Owners shall work collaboratively with engaged providers to identify, assess, manage and review all risks associated with the goods or service procured, throughout the length of the contracted period.

6.7.4 All critical issues must be escalated and resolved appropriately to ensure the continued quality delivery of service expectations.

6.7.5 All risk management and mitigation strategies must be clearly documented as part of the procurement and contract management process.

6.8 Health, Safety and Wellbeing (HSW)

6.8.1 The Contract Owner must ensure that the requirements of the Health and Safety at Work Act 2015 are satisfied and that all parties are aware of their associated responsibilities and the manner in which they are to be discharged and as such, is expected to:

- (a) be a HSW leader by driving excellence in performance and behaviour
- (b) Ensure that the contractor is listed in the Site Wise System as a HSW Pre-approved Contractor, or take steps to ensure the pre-approval occurs prior to engaging the Contractor.
- (c) confirm that Critical Risks associated with the contract are clearly identified (inclusive of foreseeable risks), manage them using the hierarchy of controls, maintain effective control measures, and review and revise control measures to ensure they are effective. ensure that all parties to a contract communicate, cooperate and co-ordinate their work plans to effectively manage overlapping HSW risks. The Contract Owner and Contract Manager must work with all parties to reduce risk to 'As Low As Reasonably Practicable' (ALARP).
- (d) verify that HSW in Design is considered in the process of managing health and safety risks throughout the lifecycle of structures, plant, substance or other products. Designers must ensure that they make work healthy and safe from the start of the design process.
- (e) set clear HSW responsibilities and expectations of the Contract Manager and regularly monitor to ensure expectations are being met.
- (f) check that HSW events of significance are appropriately reviewed to identify additional preventative measures that may be required and ensure proper communication and documentation is recorded in the RDC's HSW management system (VAULT).

6.8.1 All staff involved with any contract must report all HSW risks they identify to the Contract Owner and assist the Contract Owner with the above requirements.

6.8.2 The RDC HSW Advisor shall provide policy, procedure and guidance to enable Contract Owners and relevant staff and contractors to meet these obligations. Detailed Health and Safety guidance and the Contractors HSW Handbook can be found in the HSW section of Kapua ('Contractor Management' page).

6.9 Other Risks

6.9.1 The relevant 'one up supervisor' is responsible for making sure, where there is a change of Contract Owner, that the incoming Contract Owner is aware of the contracts he/she has ownership responsibility of.

6.10 Deviations

6.10.1 Deviation from RDC's procurement and contract management processes may be necessary due to circumstances beyond the control of RDC. Such instances include:

- (a) A limited number of suppliers available in the market
- (b) A different procurement methodology or process is stipulated by legislation or a professional/regulatory body

- (c) An exceptional, urgent or emergency situation where immediate RDC decision-making is required and is in the best interests of ratepayers.
- (d) Whilst undertaking a properly procured contract for RDC it becomes apparent that an extension/variation to the scope of contract would provide significant economic, logistical and/or timing benefits.

In such instances the deviation needs to be authorised by the Tenders Board. In urgent or emergency situations this authorisation can be sought retrospectively and/or from the CEO or Deputy CEO.

6.11 Record Keeping

- 6.11.1 All procurement and contract document management processes shall adhere to relevant statutory and regulatory obligations, including the Public Records Act 2005.
- 6.11.2 Clear and comprehensive written records of all procurement and contract management activity shall be retained in accordance with RDC document management policies and protocols. This includes market, tender and evaluation material, contracts and variations, performance reporting, correspondence and associated service delivery records
- 6.11.3 Procurement and contract management records shall provide a clear, transparent and accessible audit trail so that RDC staff, auditors and/or legal advisors may readily establish the process and rationale for any procurement decisions made and actions taken.
- 6.11.4 At a minimum, records shall be retained that demonstrate:
 - (a) RDC procurement and contract management processes have been followed, as outlined in this Policy and all associated procedures and practice guidelines.
 - (b) Procurement adheres to appropriate budget allocations through the Long Term Plan, the Annual Plan, or an approved Business Case.
 - (c) Approval for procurement has been obtained from the relevant holder of delegated financial authority.
 - (d) RDC has identified key contract performance expectations and deliverables and undertaken appropriate measures and audit/monitoring activities that provide assurance of performance.
 - (e) All risks are identified, assessed and effectively managed in collaboration with the contractor, including HSW assessments, mitigation controls, site planning and maintaining appropriate insurance cover. Critical risks (those that could cause serious harm) shall be identified separately and effective controls shall be implemented and reviewed periodically.
 - (f) All employees involved in decision-making have affirmed that they are free from any real or perceived conflicts of interest.

6.12 Confidentiality

- 6.12.1 Employees involved in procurement and contract management activities shall take all due precautions when handling commercially sensitive information. This includes ensuring information is not passed between parties entering into a tender or other competitive procurement process, as well as maintaining the rights of RDC and third-party intellectual property.

6.12.2 Confidentiality obligations continue throughout the procurement and contract management process, as well as after the contract has terminated or expired.

7 RELATED POLICIES, PROCEDURES AND REFERENCE MATERIAL [\(to be checked once Policy is approved\)](#)
 7.1.1 RDC Procurement Toolbox (Connect)
[7.1.2 Delegations Register](#)

- [7.1.2 — Art and Creativity in Infrastructure Policy](#)
- [7.1.3 Accounting Transactional Process and Procedures Manual](#)
- 7.1.4 Committee Structure and Delegations Manual
- 7.1.5 RDC HSW Policy and Manual
- 7.1.6 RDC HSW Toolbox
- 7.1.7 Significance and Engagement Policy
- 7.1.8 Conflict of Interest Policy
- 7.1.9 Fraud, Bribery and Corruption Prevention Policy
- 7.1.10 Gifts and Hospitality Policy
- [7.1.11 Carbon Management Policy](#)
- [7.1.12 Human Resources Manual](#)
- 7.1.13 Staff Delegations Manual
- 7.1.14 Protected Disclosure - Whistleblower Policy
- 7.1.15 The Waste Minimisation and Management Plan 2020
- 7.1.16 Procurement and Contract Management Guidance documents (under development)
- 7.1.17 Risk Management Policy and Guidelines
- 7.1.18 Information Management Policy and Guidelines

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ITEM 10.3 ATTACHMENT 1





Procurement Policy

The RDC rules for planning procurement, approaching the market and contracting

Introduction

The Rangitikei District Council (RDC) Procurement Policy was developed from the Ministry of Business Innovation and Employment – Government Rules of Sourcing and the Office of the Auditor General’s Procurement Guidelines for Public Entities.

RDC rules for planning procurement, approaching the market and contracting, represent the Council’s standards of good practice for the procurement of goods and services.

Council spends millions of dollars every year buying a wide range of things, from lawn mowing services to public convenience upgrades, stationary and IT services to roading maintenance works. Public services are widely delivered by private businesses as suppliers, so choosing and managing these relationships well is critical to achieving the best results.

Council needs to attract creative, clever and commercial suppliers to help deliver innovative and effective solutions to get the best value for the ratepayers of the Rangitikei District - which isn’t always the cheapest price. To be an attractive customer, it is essential that Council fosters productive relationships with suppliers.

The RDC rules for planning procurement, approaching the market and contracting, provide the foundation of best practice procurement and will demonstrate that Council is open, transparent and accountable. The rules help to design processes that are robust, and build confidence in Council procurement practices. This will build greater public trust and confidence that Council spending is well-planned and well-executed.

Smart public procurement will deliver better public services and provide value for money to the ratepayers of the Rangitikei District.

Context

What are the Rules?

Rangitikei District Council (RDC) Procurement Policy 2013 replaces the RDC Procurement Policy 20/05/2010. This policy was adopted by Council resolution at the Council meeting 27 March 2014.

Focus on procurement

The term 'procurement' covers all aspects of acquiring and delivering goods, services and works (eg renewal and new construction). It starts with identifying the need and finishes with either the end of a service contract or the end of the useful life and disposal of the asset.

These Rules focus mainly on the process of procurement which covers planning the procurement, market research, approaching the market, evaluating responses, negotiating and awarding the contract.

Changes

The purpose of the rules is to:

- Provide a plain English format that is easy for RDC and suppliers to use
- Modernise the RDC's approach to procurement to align with good national practice and provide better value for the ratepayers of the Rangitikei District
- Ensure RDC uses more strategic approaches and commercial expertise when procuring
- Encourage RDC to engage early with the market to stimulate competition and innovation, and work with suppliers to develop better solutions

Application to Council

RDC is required to apply the Rules and will be audited for its compliance with them. Suppliers have a right to complain if they think Council has not complied with them.


The Rules are a compulsory requirement for Council when procuring goods or services unless varied by formal Council resolution.

How to use the Rules


The Rules contain headers and boxes with more information, definitions, links to guides tools and templates and examples. Information in these boxes does not form part of the Rules. It is there to assist with interpretation and to give greater context for the reader.

Icons


The following icons are used to show supplementary information




Example



Definition



More Information



Guides, tools and templates

For more information

You can read more about Rangitikei District Council's Procurement Policy and practice at RDCs website: www.RDC.govt.nz

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Chapter 1

Getting Started

What’s so special about RDC procurement?

Delivering good public services to the Rangitikei District starts with good procurement.

How well money is spent has a direct impact on the quality of services ratepayers’ experience. It also reflects the district council’s efficiency and effectiveness. It can provide opportunities to increase competition and productivity that lead to innovation and contribute to greater economic growth.

Why have rules?

To strengthen accountability

Local authorities must account for how they spend ratepayers’ money. The rules, along with the Office of the Auditor- General’s (AOG’s) Procurement Guidelines for Public Entities, provide a framework that promotes responsible spending when purchasing goods, services, and works. This framework supports proactively managing procurement process and delivery risks.

The rules also establish processes that are consistent and predictable, making it easier for the Council and suppliers to engage with each other.

The Council must also be aware of, and comply with the common law of contract, public law and, where appropriate, commercial law obligations.



Examples of **commercial law legislation**:

- Sale of Goods Act 1908
- Frustrated Contracts Act 1944
- Commerce Act 1986
- Fair Trading Act 1986
- Minors’ Contracts Act 1969
- Illegal Contracts Act 1970
- Contracts (Privity) Act 1982
- Contractual Mistakes Act 1977
- Contractual Remedies Act 1979
- Construction Contracts Act 2002
- Sale of Goods (United Nations Convention) Act 1994

Example of **commercial law case**:

- Pratt Contractors Limited v Palmerston North City Council

Examples of **public law legislation**:

- Public Finance Act 1989
- Public Audit Act 2001
- Public Records Act 2005
- Official Information Act 1982
- State Sector Act 1988
- Ombudsmen Act 1975
- Public Bodies Contracts Act 1959

Example of **public law case**:

- Diagnostic MedLab Ltd v Auckland District Health Board

Council must comply with other relevant legislation and should make sure it covers all relevant risks when selecting and managing suppliers (eg health and safety). For more information see: A principal’s guide to contracting to meet the Health and Safety in Employment Act 1992 at: www.osh.govt.nz

Why have rules?

To promote our values

Rangitikei District Council is committed to open, transparent and competitive procurement that:

- delivers best value for money (which isn't necessarily the cheapest price)
- Supports the local economy where appropriate while maintaining the need to deliver value for money to the ratepayers of the Rangitikei District
- meets agreed OAG standards.

The Rules reflect these values and standards

To encourage commercial practice

Early market engagement and continued open dialogue with suppliers are essential to the results that can be achieved. There are sound commercial reasons why building stronger relationships with business is important. The Rules aim to encourage better commercial practice by promoting these types of behaviours and achieving greater value for money.



Definition - Value for money

Value for money isn't always the cheapest price. Value for money means using resources effectively, economically, and without waste, and taking into account:

- the total costs and benefits of a procurement (total cost of ownership), and
- its contribution to the results you are trying to achieve.

The principle of value for money is about getting the best possible outcome over the whole-of-life of the goods, services or works.

Selecting the most appropriate procurement process that is proportionate to the value, risk and complexity of the procurement will help achieve value for money. Good procurement is about being risk aware, not necessarily risk averse.



Value for money over the whole-of-life

Council publishes a Request for Tender to supply steel mesh fencing for a new depot. It does not specify any quality standards and accepts the lowest price bid.

The fencing is installed. Within 1 year it begins to rust, within 3 years it is beginning to fail, and by 6 years it needs to be replaced.

Had Council specified quality standards, it could have assessed bids based on best value for money over the whole of the life of the product. There was another supplier whose price was slightly higher, but whose fencing carried a 15-year warranty. Despite the higher initial cost, this supplier's product would have represented the best value for money over the whole-of-life.

To ensure maximum value for money expenditure

As a medium sized, rural local authority, RDC needs to ensure the best spend of every ratepayer dollar it is entrusted with.

Following the Rules are essential:

- to provide open and fair competition that supports innovation and helps create a competitive, productive market place in the Rangitikei District.
- for Council to be valued as a desirable principle / client organisation – that demonstrates professional practice and has a reputation for integrity.



It is important that the longer-term impacts of procurement decisions are considered and not just the immediate results (eg will the decision substantially reduce competition or create a monopoly in the future market place?).

How do the rules fit with other guidance?

The Rules are only one part of what makes up good procurement practice. The framework that supports good practice consists of the Procurement Policy, the Rules contained therein and good practice Guidance.

Staff must also take into account the council Sensitive Expenditure Policy and act within the framework of the Delegations Manual at all times.

The council Fraud Policy sets a clear framework for staff to operate within to ensure the integrity of staff and the council when working within procurement activities.

What’s good procurement?

Public value

Councils that maximise their return on spending will achieve the best possible results for ratepayers. Good procurement means better public value.

Policy framework

Council procurement is based on Policy, Rules and good practice Guidance. Collectively, these provide a broad framework that supports accountability for spending, sound business practice and better results.


Good practice isn’t just mechanically applying the rules. It’s about developing a strong understanding of all of the aspects of the procurement lifecycle and skilfully applying these to deliver the best results. While compliance with the rules is still necessary, the process should be designed proportionate to the value, risk and complexity of the procurement. It’s about applying sound commercial judgement to achieve the best value for money, which isn’t always the cheapest price, and drive innovation and performance.

Understanding suppliers and the market is part of the careful planning essential to developing the right approach to market. All procurement covered by the rules should be for programmes of work and projects budgeted for in a Long Term Plan (LTP) or Annual Plan (AP). Unspecified or unbudgeted projects must be supported by a robust business case and procurement plan that’s level of detail reflects the size, value and complexity of the procurement.

Procurement also covers proactively managing supplier and other key stakeholder relationships throughout the sourcing process and for the duration of the contract. This embraces continuing to develop the supplier and driving value for money through on-going efficiency gains.

Principles

The principles of the OAG procurement guidelines apply to all local authorities and provide the overarching values. The Principles apply even if the rules do not. Council can use the principles for guidance and to help make good procurement decisions.



Examples of **guidance** on government procurement practice include:

- Office of the Auditor-General’s Procurement Guidance for Public Entities www.oag.govt.nz

The five principles of Rangitikei District Council procurement

The Council’s five Principles are the foundations for good procurement. The Principles must be reflected in everyday practice. Everyone engaged in procurement must understand and know how to apply the Principles.

1) Plan and manage for great results

- Identify what is needed and then plan how to get it.
- Set up a team with the right mix of skills and experience.
- Involve suppliers early - let them know what Council wants and keep talking.
- Take the time to understand the market and Councils’ effect on it. Be open to new ideas and solutions. Choose the right process - proportional to the size, complexity and any risks involved.
- Encourage e-business (for example, tenders sent by email).

2) Be fair to all suppliers

- Create competition and encourage capable suppliers to respond.
- Make it easy for all suppliers (small to large) to do business with Council. Be open to subcontracting opportunities in big projects.
- Clearly explain how Council will assess suppliers’ proposals - so they know what to focus on. Talk to unsuccessful suppliers so they can learn and know how to improve next time.

3) Get the right supplier

- Be clear about what Council needs and how suppliers are assessed - don’t string suppliers along. Choose the right supplier who can deliver what is needed, at a fair price and on time.
- Build demanding, but fair and productive relationships with suppliers.
- Make it worthwhile for suppliers - encourage and reward them to deliver great results. Identify relevant risks and get the right person to manage them.
- Ensure local suppliers are given the opportunity to tender for work, particularly where direct quotations are sought over open market tenders

4) Get the best deal for everyone

- Get best value for money - account for all costs and benefits over the lifetime of the goods or services.
- Make balanced decisions - consider the social, environmental and economic effects of the deal. Encourage and be receptive to new ideas and ways of doing things - do not be too prescriptive. Take calculated risks and reward new ideas.
- Have clear performance measures - monitor and manage to make sure Council delivers great results. Work together with suppliers to make on-going savings and improvements.
- It is more than just agreeing the deal - be accountable for the results.

5) Play by the rules

- Be accountable, transparent and reasonable.
- Make sure everyone involved in the process acts responsibly, lawfully and with integrity. Stay impartial - identify and manage conflicts of interest.
- Protect suppliers’ commercially sensitive information and intellectual property.

What values underpin the Rules?

The Council’s five Principles are the foundations for good procurement. The Principles must be reflected in everyday practice. Everyone engaged in procurement must understand and know how to apply the Principles.

Rule 1

Principles

1. Council **must** have policies in place that incorporate the five Principles of local authority procurement. The Principles apply to all procurement.
2. Council **must** make sure that:
 - a. all staff engaged in procurement have been trained in the five Principles of procurement
 - b. its procurement practices reflect the five Principles
 - c. it is able to show how it has used sound research to plan an appropriate approach to market strategy that is proportionate to the nature, risk, value and complexity of each procurement.



Procurement planning

Good procurement starts with good planning. Knowing what Council needs to buy and understanding the market makes Council a “smart buyer”.

Before choosing a procurement process, think about the nature of the goods, services or works needed, and assess the best way to approach the market. Ensure that:

- all suppliers get fair notice of the contract opportunity
- the process encourages competition
- suppliers have enough time to respond.

Decisions should be based on a clear understanding of Council’s needs and an appropriate level of market research. It’s important that the process chosen reflects the value and complexity of the procurement. Don’t overcomplicate a straightforward tender simply because the Rules apply.

What values underpin the Rules?

The local market must be given the opportunity to tender for work. When applying rule 13 and using a closed competitive procurement process or direct source procurement process, the local market must be given the first opportunity to price work and contracts.

Rule 2

Integrity

1. Council must have in place policies that safeguard the integrity of its procurement activities and processes. The policies must require that:
 - a. Council and all staff involved in procurement can justify their procurement decisions
 - b. those involved in procurement decisions stay impartial
 - c. procurement processes are fair, transparent and reasonable
 - d. all staff involved in procurement act responsibly, lawfully and with integrity.
 - e. The council Purchase Order Policy must be followed when ordering work from a successful contractor following a procurement process.
2. Council must have policies in place that help all staff involved in procurement to identify, notify and manage conflicts of interest. Council must be able to show how it uses sound judgement to manage conflicts of interest.

Rule 3


Offsets

1. Where Council asks for, takes account of, or imposes any offset at any stage in the procurement process, there must be sufficient justification to do so. Typically, this will fall within the financial limits referred to in Rule 13 i.e. up to a maximum contract value of \$250,000.

Rule 4

Non-discrimination

1. When approaching the market for a contract with a value greater than \$250,000, suppliers must be given an equal opportunity to bid for contracts. Council must treat suppliers from anywhere in the country no less favourably than local suppliers.
2. Procurement decisions must be based on the best value for money, which isn't always the cheapest price, over the whole-of-life of the goods, services or works.
3. Suppliers must not be discriminated against because of:
 - a. the region the goods, services or works come from
 - b. their degree of foreign ownership or foreign business affiliations.



Definition

Offset has a special meaning within the context of the Rules. An example of an offset is where, in order to be awarded a contract, a supplier is required to purchase in return local goods, services or works. The purpose of an offset is to impose a condition intended to subsidise the local economy and potentially restrict the achievement of best value. Examples of offsets include:

- requiring goods, services or works from a specific region
- applying weighted evaluation criteria that favour local content or give local suppliers a price preference.

Dealing with commercially sensitive information

Council often has access to sensitive information about a supplier’s business. This could be new ideas or pricing structures. This information must be protected.

Rule 5

Protection of suppliers’ information

1. Council must protect suppliers’ confidential or commercially sensitive information. This includes information that could compromise fair competition between suppliers.
2. Council must not disclose confidential or commercially sensitive information unless:
 - a. the supplier has already agreed to it in writing, or
 - b. the disclosure is required by law (eg. under the Local Government Official Information and Meetings Act 1987), convention or Parliamentary or Cabinet Office practice, or
 - c. it is a limited disclosure expressly notified in a Notice of Procurement which suppliers have consented to by participating in the process.



Commercially sensitive information is information that, if disclosed, could prejudice a supplier’s commercial interests. It includes:

- the design and content of a tender
- trade secrets and ‘know how’
- new ideas
- innovative solutions
- intellectual property
- copyright
- pricing structures
- profit margins
- market strategies.

Council must understand what commercially sensitive information is and how to handle that information.

Examples of prohibited disclosure of information include:

- disclosing commercially sensitive information to a supplier’s competitor
- using or adopting an idea or solution without the supplier’s agreement.

It is good practice to include instructions to suppliers to mark their responses, or the relevant parts of their responses, ‘commercial in confidence’.

If, as part of the evaluation process, there is a need to share responses with other Councils or advisors, seek permission for such disclosure by making this a condition of participation in the Notice of Procurement.

When do the Rules apply?

The Rules apply for all Council procurement

Rule 6

When the Rules apply - goods or services

- 1 The Rules apply:
 - a. to the procurement of all goods or services or renewal works, or a combination of goods or services or renewal works.
- 2 To estimate the maximum total estimated value (Rule 8) for goods or services or renewal works Council **must** take into account:
 - a. all related services (eg installation, training, servicing, management consultancy services)
 - b. all types of goods (eg operating consumables)
 - c. all subcontracted goods or services or works.
- 3 This Rule does not apply to goods, services or renewal works that are purchased for commercial resale



In the context of the Rules, **renewal works** relate to the refurbishment of an existing building, road, bridge or dam. It covers renovating, repairing or extending.

It does not include replacing an existing construction as this is deemed to be new construction works (Rule 8).



An example of **goods purchased for commercial resale** could be items that a library purchases for resale in its gift shop.



Disposals at the end of the useful life of a contract are not commercial goods, services or works purchased for resale. Disposals are not subject to these Rules.

Rule 7

When the Rules apply - new construction works

The Rules apply to the procurement of all goods or services or works for new construction works.

- 1 To estimate the maximum total estimated value (Rule 8) for new construction works Council must take into account:
 - a. all related services (eg design, architecture, engineering, quantity surveying, and management consultancy services)
 - b. all types of goods (eg construction material, health and safety equipment)
 - c. all phases of the construction through to completion
 - d. all subcontracted goods, services and works.



No 'salami slicing'

When dealing with new construction works, individual contracts for goods, services or works are deemed to be part of the whole and should be openly advertised unless there is good reason to separate parts of the contract/project. Where this occurs, the reasoning must be documented in advance of any procurement with segregation of components approved by the Chief Executive or relevant Group Manager.

How to estimate the value of a procurement?

The rules apply if the value of a procurement meets or exceeds a certain value threshold. There are several things you need to know when you estimate the value of your procurement.

Rule 8

Estimating value

- 1 Council must estimate the total value of a procurement to determine whether it meets or exceeds the relevant value threshold. Council must act in good faith and use good judgement to estimate the value of a procurement. Council must include the estimated value in its business case or procurement plan. This estimate is referred to as the maximum total estimated value.
- 2 Council must consider the total value over the whole-of-life of the contract/s when estimating the procurement's maximum total estimated value. The estimate must include the value of all of the contracts that may result from the procurement.
- 3 The value is the total amount excluding GST.
- 4 If Council cannot estimate the maximum total estimated value of a procurement it must apply the Rules.
- 5 When Council calculates the maximum total estimated value of a procurement, it must include everything required for the full delivery of the goods, services or works. This includes the value of:
 - a. options to purchase additional goods, services or works
 - b. options to extend the term of the contract
 - c. paying any premiums, fees or commissions to the supplier or a broker
 - d. any revenue streams a supplier receives
 - e. any other form of remuneration or payment due to the supplier or to a third party or any interest payable.



Estimating value

Even if the **value of a procurement** is less than the value threshold, Council is still expected to follow good procurement practice. This means applying the Principles and having regard to other good practice Guidance.

It is better to be cautious. If the **estimated value** is getting close to the value threshold (eg services valued at \$98,000), always consider using the next stage process i.e. three prices. After all, the calculation is only an estimate.



An example of revenue streams: a supplier receives tolls from a road built under a Public Private Partnership (PPP).

Non-avoidance

Council must not intentionally avoid applying the Rules.

Rule 9

Non-avoidance

- 1 Council must not intentionally avoid applying the Rules when planning for, valuing or undertaking a procurement.
- 2 When calculating a procurement’s maximum total estimated value (Rule 8), Council must not intentionally avoid applying the Rules by either:
 - a. deliberately dividing a procurement into separate parts without good reason
 - b. using a non-standard or alternative valuation method to lower the estimated value.

Rule 10

Types of contract

- 1 The Rules apply to all contract types, including:
 - a. when purchasing outright
 - b. purchasing through hire-purchase
 - c. when renting or leasing
 - d. where there is an option to buy
 - e. ‘build-operate-own’ type contracts (eg Public Private Partnerships (PPP))
 - f. contracts accessed through a third- party commercial supplier or broker.



Third-party commercial supplier or broker

Council cannot avoid applying the Rules by purchasing through a third-party commercial supplier (eg GSB Supplycorp Ltd).

Number of contracts

Council cannot split a procurement into smaller contracts to avoid applying the Rules. However, it may indicate in its Notice of Procurement the possibility, or its intention, that the procurement maybe let in separate lots. For example, having undertaken the evaluation of responses, it could consider ‘chunking’ the work into separate parts and awarding these to more than one supplier.

Rule 11

Opt-out procurements

- 1 The following is the list of valid opt-out procurements:
 - a. Non-contractual arrangement: Any non-contractual arrangement (e.g. a Memorandum of Understanding between local authorities or with a government department) or any form of assistance including cooperative agreements.
 - b. Council to Council negotiated agreement: Any agreement negotiated directly with another local authority for the provision of goods or services. Where the agreement includes any component of externally sourced goods or services as part of the offering, Council must satisfy itself that the procurement policy, rules and principles of the partnering local authority are broadly in line with that of its own.
 - c. Technical / functional specialist: Where a supplier is deemed to provide a unique or specialist service that is specific to the needs of Council. This may include a service that is not available from any other supplier or a preferred service from a specific supplier based on Council’s requirements e.g. a consultant to assist in a resource consent application process.
 - d. Proprietary technology: Where a supplier is the sole supplier and/or patent holder of a specific product that is required by Council. Council must be satisfied that the proprietary technology is the most appropriate for the needs of Council.
 - e. Land and buildings: Purchasing or renting land or existing buildings or other immovable property.
 - f. Conditional grant: Any form of conditional grant. However, Council must not design or structure a procurement as a form of conditional grant to avoid applying the Rules.
 - g. Internal business unit: Any form of internal business unit offering goods or services to another business unit. Notwithstanding this, each business unit must follow the rules for the procurement of externally sourced goods or services if it forms part of an internal offering i.e. consultancy services.

Does Council have to openly advertise?

The default position for Council procurement is to openly advertise all contract opportunities exceeding \$250,000 in value. This gives all suppliers a fair chance to bid for the contract. It also encourages competition, which leads to better value for money and stimulates innovative new ideas and solutions.

Rule 12

Requirement to openly advertise

- 1 Wherever possible Council should use open competitive procurement processes to give all suppliers the opportunity to compete.
- 2 Council must openly advertise on the Tenderlink service:
 - a. if the maximum total estimated value of the procurement meets or exceeds \$250,000 and
 - b. if there is no exemption from open advertising (Rule 13).
- 3 Council may advertise using other media, as well as Tenderlink.



Open competitive process

Good procurement is about good process and good results.

Open competitive processes that comply with the Rules include:

- a. one-step processes such as Requests for Quote or Requests for Tender
- b. multi-step processes such as a Registration of Interest followed by a shortlisting and then a Request for Proposal or Request for Tender.

Tenderlink is a nationally recognised tendering service that is available to all commercial suppliers. It supplies information about tender opportunities and ensures open, transparent and fair competition.

Tenderlink is accessible to all interested suppliers, both domestic and international.

When does Council not need to advertise?

There are some limited situations where the rules apply, but where Council does not need to openly advertise. These are called exemptions to open advertising.

Where one of these exemptions arises, Council may choose not to openly advertise the contract opportunity, other requirements of the Rules.

Rule 13

Exemption from open advertising

- 1 Council can exempt a contract from open advertisement if the following processes apply:
 - a. Contracts with a value of \$50,000 to \$250,000 may be procured using a closed competitive process (with a minimum of three known suppliers)
 - b. Contracts with a value up to \$50,000 may be procured via a direct source process (with a single known supplier).
- 2 Council **must not** exempt a procurement from open advertising to:
 - a. avoid competition
 - b. protect local suppliers
 - c. discriminate against any local or national supplier.

Document the rationale

- 3 If Council exempts a procurement from open advertising, it must:
 - a. document the rationale for the decision. This rationale may form part of the business case or procurement plan or may be a stand-alone document.
- 4 The rationale document must include:
 - a. the name of the supplier
 - b. a description of the goods, services or works
 - c. the maximum total estimated value (Rule 8) of the goods, services or works
 - d. the specific exemption/s that applies and an account of the facts and circumstances which justify the exemption.
- 5 The Chief Executive or a Group Manager must endorse the rationale before the procurement is undertaken.

Council must retain the documented rationale on the contract file for audit purposes.

Direct negotiation – subsequent stages of work

- 6 Council may negotiate a contract directly with a supplier provided that:
 - a. the supplier has won a Stage One contract via an openly advertised procurement or closed competitive process
 - b. the quoted price for the subsequent stage(s) of the project is reflective of the initial competitively tendered rates
 - c. the quality of the Stage One works was delivered at or above the required standard
 - d. the health and safety and environmental management of the Stage One works was delivered at or above the required standard.

Note: Council should declare its intention or willingness to negotiate a subsequent stage of works in the Notice of Procurement of the initial stage of the contract.



Closed competitive and direct source

Processes that comply with the Rules where there is a valid exemption from open advertising are:

- Closed competitive: a Request for Quote, Request for Tender or Request for Proposal restricted to a minimum of three known suppliers
- Direct source: a closed Request for Proposal or Request for Tender restricted to a single known supplier.

If an exemption from open advertising applies, Council must still comply with all the other Rules.

If Council uses a direct source process (with one known supplier) it does not necessarily mean that it can instantly contract that supplier. It should request a formal proposal from the supplier and evaluate the proposal, assess its value for money, which isn't always the cheapest price, and undertake due diligence before deciding to negotiate a contract. It must not simply approach one supplier and award a contract without proper evaluation of capacity, capability, risk, value for money and due diligence.

What happens when there is an exemption from open advertising?

Where one of the exemptions arises, Council may choose not to openly advertise the contract opportunity, but must still meet all of the other requirements of the Rules.

Exemption from open advertising

Valid exemptions

- 7 Valid exemptions from open advertising are:
 - a. **Emergency:** A genuine emergency such as a civil defence declared emergency. Urgent situations that are created by Council, such as lack of advance planning, do not constitute an emergency.
 - b. **Following an open tender:** Council may use a closed competitive process or direct source process to procure goods, services and works if:
 - I. it has openly advertised the contract opportunity in the last 12 months, and
 - II. it has not substantially changed the core procurement requirements, and
 - III. the first time the opportunity was advertised it:
 - a) did not receive any responses, or
 - b) did not receive any responses that conformed with or met the requirements (including quantity), or
 - c) received responses from suppliers who it has reasonable grounds to believe have colluded, and no other responses conformed with or met the requirements.



Guides, tools & templates

Read the Quick Guide to Emergency Procurement at: www.procurement.govt.nz

Read more about **collusion and bid rigging** in the Commerce Commission’s Guidelines, How to recognise and deter bid rigging at: www.comcom.govt.nz

Collaboration is not necessarily unlawful. In certain types of procurement you may want suppliers to collaborate (eg to form a joint venture). This can be allowed for in the Notice of Procurement and include conditions that suppliers must be transparent about their collaboration (eg suppliers must state who they have collaborated with to prepare their response).

If there are reasonable grounds to believe that suppliers have colluded, the Commerce Commission may be alerted given its role of investigating this kind of conduct. For more information: www.comcom.govt.nz.

8. Valid exemptions from open advertising continued:
 - c. **Only one supplier:** If the goods, services or works can only be supplied by one supplier and there is no reasonable alternative or substitute because:
 - I. for technical reasons there is no real competition, or
 - II. the procurement relates to the acquisition of intellectual property or rights to intellectual property, (including patents or copyrights) or other exclusive rights, or
 - III. the procurement is for a work of public art.



A technical reason could be:

- a need to match with existing equipment, software or services
- where Council has a bespoke IT system that was custom designed for it and only the supplier that designed it fully understands the code base
- where one supplier has, over a period of time, developed such an intimate knowledge of an outdated or complex system that the Council can reasonably claim that other suppliers would not have a similar level of readily available knowledge
- where a spare part or component is only available from one supplier.

A procurement relating to intellectual property rights could be:

- where Council is purchasing an online subscription to content or other services with unique characteristics
- where Council is purchasing software licences from a proprietary supplier for software that is embedded in its operating environment
- a unique piece of art that is protected by copyright and not available elsewhere.

- d. **Additional goods, services or works:** Goods, services or works additional to the original requirements that are necessary for complete delivery of a project. This Rule applies where all three of the following conditions are met:
- I. the original contract was openly advertised, and
 - II. a change of supplier cannot be made for economic or technical reasons, and
 - III. a change of supplier would cause significant inconvenience or substantial duplication of costs for Council.



Examples of **additional goods, services or works** include:

- in a construction contract, additional ground works that were only discovered on excavating the site
- supplying replacement parts
- additional consultancy services where an unexpected issue arises
- an enhancement or change to an integrated IT system.

- e. **Exceptionally advantageous conditions:** For purchases made in exceptionally advantageous conditions that only arise in the very short term and at the discretion of the Chief Executive. This exemption does not cover routine purchases from regular suppliers.



Exceptionally advantageous conditions include a sale by public auction or a sale resulting from liquidation, bankruptcy or receivership.

Chapter 2

Planning your procurement

Preparing to approach the market

An external supplier may be engaged to manage a procurement process, but there are some Rules that must be taken into account.

Rule 14

Third-party agents

- 1 Council may purchase the services of a third-party agent, (e.g. All of Government Procurement), to advise, arrange or manage a procurement or part of a procurement on its behalf.
- 2 If Council uses a third-party agent to manage a procurement, Council, through the agent, must still comply with the Rules.

Rule 15

Procurement advice

- 1 Council should not purchase procurement advice from a supplier that has a commercial interest in the contract opportunity. To do so would prejudice fair competition (eg a supplier is asked to write the contract requirements and then bids for the contract opportunity).

Rule 16

Subcontracting

- 1 Once a supplier has been awarded the contract, any subsequent subcontracting that the supplier does is not subject to the Rules.
- 2 However, Council may ask that a main contractor meets certain procurement standards in its subcontracting at the time of tender. The standards should be consistent with good procurement practice, as outlined in the Principles, the Rules and other procurement Guidelines.



Procurement advice

Rule 15 does not prevent Council from using early market engagement to clarify needs or identify possible solutions.

What Rules apply to technical specifications?

If detailed technical specifications are included in a procurement process, there are some restrictions on how these may be written.

Rule 17

Delivery date

- 1 When identifying or estimating the delivery date for the goods, services or works, Council should take into account any of the following factors that apply:
 - a. the complexity of the procurement
 - b. how much subcontracting there might be
 - c. a realistic time to produce, stock and transport goods from the point of supply to the delivery address
 - d. a realistic time to deliver services given their nature and scope.

Rule 18


Technical specifications

- 1 Council must not apply technical specifications or prescribe conformance requirements in a way that creates unnecessary obstacles for suppliers.
- 2 Where appropriate, technical specifications must be based on:
 - a. performance and functional requirements, not on design or a prescribed licensing model or a description of their characteristics
 - b. international standards where they exist, or the appropriate New Zealand or Australian standards, technical regulations or building codes.
- 3 When Council describes technical specifications, it must not (except under Rule 18.4):
 - a. require or refer to a particular trademark or trade name, patent, design or type
 - b. refer to the specific origin of the goods, services or works or the name of the producer or supplier.
- 4 The exception to Rule 18.3 is when it is the only way to make the requirements understood. In this case, Council must include words like 'or equivalent' in the specification and make it clear that it will consider equivalent goods, services or works that can be demonstrated to fulfil the requirement.

Rule 19

Pre-conditions

- 1 Council may include essential conditions about capacity or capability in its Notice of Procurement. These are called pre-conditions.
- 2 Suppliers must meet all of the pre-conditions to be considered for the contract opportunity.
- 3 Council must limit pre-conditions to the following critical areas:
 - a. legal capacity financial capacity
 - b. commercial or operational capacity or capability to deliver
 - c. appropriate technical skills or expertise or relevant experience.
- 4 Council must not make it a pre-condition that a supplier has been previously awarded a contract by a named buyer or another New Zealand Local Authority.
- 5 To assess whether a supplier meets the pre-conditions, Council must:
 - a. evaluate responses against the pre-conditions that it published in its Notice of Procurement, and
 - b. take into account the supplier's business activities in New Zealand and overseas.



Pre-conditions

Pre-conditions allow Council to do a 'first cut' and eliminate suppliers who do not have the minimum capacity or capability to deliver the contract.

Pre-conditions are usually answered by 'yes' or 'no', or 'meets' or 'does not meet'.

Suppliers who meet all of the pre-conditions are then eligible to be assessed against the scored evaluation criteria.

How much time should suppliers be given to respond?

When going out to the market, it is essential to set a realistic time period for responses.

Unrealistic time periods introduce unnecessary risk. If insufficient time is allowed, it can impact on the quality of the results achieved, compromise the integrity of the process and affect Council's reputation as a credible buyer.

Rule 20

Sufficient time

- 1 Council must allow sufficient time for suppliers to respond to a Notice of Procurement. It must act in good faith and use sound judgement when calculating sufficient time.
- 2 The key factors to take into account when calculating sufficient time include:
 - a. the nature and complexity of the procurement
 - b. the type of information and level of detail suppliers need to provide in their responses
 - b. the nature of the goods, services or works
 - c. how simple or difficult it is to describe the deliverables
 - d. the level of risk
 - e. the extent of any anticipated subcontracting or the likelihood of any joint bids
 - f. how critical the procurement is to Council's success
 - g. the time it takes for domestic and foreign suppliers to submit tenders, particularly if Council asked suppliers to deliver hard copies.



Don't jeopardise the results that could be achieved with a rushed process. If insufficient time is allowed, it may limit the:

- number of suppliers that can respond and the quality of their responses
- level of competition and Council's ability to get the best value for money
- choice of solutions offered and Council's ability to purchase the right one.

Consider the suppliers' perspective and calculate how much time is sufficient time. How long will it take to:

- obtain, read and analyse all tender documents
- ask questions to clarify the requirements and get answers
- develop a meaningful response that includes accurate pricing information
- prepare, check and submit the response and deliver it on time, and...
- carry on with 'business as usual'!

To decide how much is sufficient time:

- Be realistic, set timelines that are fair to all suppliers and reflect the nature and complexity of the information you are seeking.
- Take weekends and national New Zealand statutory holidays into account.
- Avoid publishing contract opportunities on Tenderlink right before Christmas or in early January. Most of New Zealand is on holiday for a good part of January.
- Make sure your sufficient time is not less than the minimum time period set out in Rule 31.
- Where there is the possibility of joint bids, consortiums or subcontracting, allow at least 27 business days. This gives suppliers time to consult and collaborate. It means, for example, small and medium sized businesses (SMEs) have the opportunity to put together a joint bid, where one SME may not have the full capability to deliver on its own.

What is a business day?

When the sufficient time is calculated, business days must be used not calendar days.

Rule 21

Business day

1. Council must calculate time periods in 'clear' business days.
2. A business day is a day when the Council is normally open.
3. Business days exclude Saturdays and Sundays, New Zealand (national) public holidays and all days between Boxing Day and the day after New Year's Day.
4. A 'clear' business day is a full day from 8am to 5pm. The day a Notice of Procurement is submitted for publication on Tenderlink is not a clear business day. The time starts on the next business day at 8am.

Rule 22

Fair application of time

1. The time period Council sets for submitting responses must apply to all interested suppliers.
2. Other than in exceptional circumstances, no supplier can be given more or less time than any other supplier.
3. Council may reserve the right to accept a late response in exceptional circumstances if there is no material prejudice to any other interested supplier. Council must not accept a late response if:
 - a. there is any risk of collusion on the part of the supplier
 - b. the supplier may have knowledge of the content of any other response
 - c. it would be unfair to any other supplier to accept the late response because the late supplier is given additional time to prepare its response.



New Zealand national public holidays

New Zealand national public holidays are:

- New Year's Day and the day after New Year's Day (1 and 2 January)
- Waitangi Day (6 February)
- Good Friday, Easter Monday (dates vary)
- ANZAC Day (25 April)
- Queen's Birthday (the first Monday in June)
- Labour Day (the fourth Monday in October)
- Christmas Day and Boxing Day (25 and 26 December).



'Clear' business day

- A Notice of Procurement is published on Tenderlink at 11am on Friday, 1 July. The time period for submissions begins at 9am on Monday, 4 July.
- Suppliers have 20 clear business days to respond. This means the deadline for submissions is 5pm on Friday, 29 July.
- If Council wants the responses at noon and not the end of a business day, the deadline will be noon Monday, 1 August.



Competitive Dialogue is a technical term for a type of open procurement process often used where there is no known solution in the market place. It involves a structured dialogue phase with each shortlisted supplier who invents a possible solution to meet Council’s needs. It is not the same as market engagement which is a generic term for any time you talk to suppliers.

Key features of Competitive Dialogue include:

- openly advertising an Invitation to Participate which states that it is a Competitive Dialogue process
- shortlisted suppliers are often paid for their participation in the dialogue phase
- Council writes its specification of requirements during or at the end of the dialogue phase
- Council then issues a Request for Tender or Request for Proposal to all shortlisted suppliers.

See the Guide to Competitive Dialogue at: www.procurement.govt.nz

Chapter 3

Approaching the market

How to openly advertise?

When Council is ready to approach the market, it must list the contract opportunity on Tenderlink.

Rule 23

Open advertising

- 1 Under Rule 12 an Council must openly advertise a contract opportunity unless an exemption under Rule 13 applies.
- 2 To openly advertise, Council must list the contract opportunity on Tenderlink.

Rule 24


Tenderlink listing

- 1 The listing **must** attach the Notice of Procurement and contain the following information:
 - a. the Council’s name
 - b. the name of the contract opportunity
 - c. the type of procurement process (eg Request for Tender)
 - d. the deadline for responses from suppliers
 - e. the address for enquiries and the name of the contact person

Rule 25

Notice of Procurement

- 1 The Notice of Procurement must:
 - a. be published on Tenderlink
 - b. be available on Tenderlink until the deadline for supplier responses



Examples of a Notice of Procurement include:

- Request for Quote
- Registration of Interest
- Request for Tender
- Request for Proposal
- Invitation to Participate in a Competitive Dialogue process
- Invitation to Qualify for a Pre- qualified Supplier List.

A response from a supplier is a supplier’s reply to a Notice of Procurement. Examples include:

- Registrations of Interest
- Quotes
- Tenders
- Proposals
- Applications to Participate in a Competitive Dialogue process
- Applications to Qualify for a Pre-qualified Supplier List.

What should be included in a Notice of Procurement?

Everything that suppliers need to know about the contract opportunity in order to prepare meaningful responses must be included.

Rule 26

Content of Notice of Procurement

- 1 Each Notice of Procurement must contain all of the information that suppliers need to prepare and submit meaningful responses.
- 2 Each Notice of Procurement must clearly identify which procurement process is being used (eg Request for Quote or Registration of Interest followed by a Request for Tender).
- 3 Each Notice of Procurement must contain the following information:
 - a. the Council’s name and address
 - b. the name and contact details for the Council’s contact person
 - c. a description of the goods, services or works and any technical specifications, plans, drawings or instructions, or a description of the outcomes the supplier is expected to deliver
 - d. the quantity (if known) or estimated quantity of the goods, services or works
 - e. the estimated timeframe for delivering the goods, services or works, or the estimated length of the contract and any options relating to the length of the contract (eg 3 + 2 + 1)
 - f. any service levels, response times or other performance measures suppliers will need to meet
 - g. any conditions for participating in the procurement process including any pre- conditions (Rule 25) or certificates or standards the supplier must meet
 - h. any limitations on the number of suppliers that may be shortlisted
 - i. all evaluation criteria Council will use to assess responses

- j. unless the price is the only criterion, an indication of the relative importance of each evaluation criterion
- k. the deadline and address for submitting responses
- l. any restrictions or instructions on how suppliers are to submit responses (eg faxes will not be accepted) or details of how responses are to be submitted through an e-procurement system
- m. any other terms or conditions relating to the procurement or the procurement process
- n. if the procurement will be conducted electronically (eg using e-tender software), all the information suppliers will need to participate electronically



Evaluation criteria

The form of the evaluation criteria (Rule 35.3.i.) that you include in the Notice of Procurement will depend on the type of process, eg:

- for a one-step Request for Tender, you would usually list the criteria you will use to award the contract
- for a multi-step process, you would usually list in the Registration of Interest the criteria you will use to shortlist suppliers. In the subsequent Request for Tender or Request for Proposal you would list the criteria that you will use to award the contract.

Relative importance

When listing the evaluation criteria (either in the Notice of Procurement or subsequent RFP or RFT), you must, unless price is the only criterion, indicate the relative importance of each criterion (Rule 35.3.j.). You can achieve this by ranking the criteria in priority order or adding individual weightings to each criterion.

Evaluation criteria

Types of scored evaluation criteria include:

- Lowest price confirming
- Weighted attributes
- Price quality method



It is **good practice** to include additional information in the Notice of Procurement, such as:

- details of how additional information will be communicated or changes to the process
- the contract terms and conditions that will apply
- the indicative timeframe for the procurement process, eg the:
 - deadline for suppliers’ questions
 - date/s for shortlisted supplier presentations
 - date when suppliers will be notified if they have been successful or not
 - date/s debriefs will be held
 - anticipated contract start date.

Rule 35.4 recognises that sometimes in multi-step procurements detailed information can be made available only after shortlisting suppliers.

What does ‘other tender documents’ mean?

Other tender documents are normally attachments to the Notice of Procurement. They are usually standalone documents that provide additional information for suppliers.

Rule 27

Other tender documents

- 1 Other tender documents are documents that are relevant and essential to the procurement.
- 2 These documents may be included in the Notice of Procurement as annexes. If they are standalone documents, they may also be referred to in the Notice of Procurement.
- 3 Council **should** make other tender documents available to suppliers at the same time the Tenderlink listing and the Notice of Procurement are published. Where possible, they **should** be uploaded as attachments to the Tenderlink listing.
- 4 If other tender documents can't be made available on Tenderlink, Council **must** state in the Tenderlink listing how suppliers can obtain a copy (eg by requesting a hard copy or by referencing an e-procurement system where the document is freely available). Council **must** promptly provide a copy, to any supplier who requests one, or provide instructions on how to obtain one from an e-procurement system.



Examples of **other tender documents** include:

- architectural drawings
- engineering plans
- detailed technical specifications
- reports
- extensive specifications in an electronic file that is too large to upload to Tenderlink.

Managing the procurement process

The following rules help Council manage the procurement process fairly.

Rule 28

Responding to queries

- 1 Suppliers may ask questions about any Notice of Procurement.
- 2 Council **must** promptly reply to all questions and reasonable requests for information from suppliers. If Council is unable to promptly reply to a question, it **should** consider extending the deadline for responses.
- 3 When Council responds to a supplier’s question, it **must not** give information that might give that supplier an unfair advantage over the other suppliers. If Council wishes to disclose advantageous information, it **must** make it available to all suppliers at the same time.
- 4 When Council responds to a supplier’s question, it **must not** discuss or disclose another supplier’s confidential or commercially sensitive information.

Rule 29

Additional information

- 1 Council may make additional information available to all participating suppliers after a Notice of Procurement is published on Tenderlink and before the deadline for responses closes.
- 2 Council may publish additional information on Tenderlink or, following a shortlisting, send copies to all participating suppliers.
- 3 Council must make additional information available to all participating suppliers at the same time.



An example of when **all participating suppliers** are known to Council could be the second stage of a multi-step tender.

This is where Council has published a Registration of Interest, and after receiving and evaluating the responses has shortlisted suppliers. Council then invites the shortlisted suppliers to submit full tenders. These suppliers are all participating suppliers known to Council.

What if more information needs to be given to suppliers or the requirements change?

It's possible to provide additional information and change requirements after a tender has been advertised. However, there are Rules that apply to these processes.

Rule 30

Changes to process or requirements

- 1 Council may make changes to its procurement process or its requirements after a Notice of Procurement has been published on Tenderlink and before the deadline for responses closes.
- 2 Council **must** notify all participating suppliers of any changes to the procurement process or requirements. Council **must** publish all changes on Tenderlink or, following a shortlisting, send them to all participating suppliers.
- 3 Council **must** make all changes available to all participating suppliers at the same time.
- 4 Council **must** give suppliers enough time to respond to the changes. This may mean extending the deadline for responses, or allowing suppliers who have already submitted their responses a fair opportunity to change their responses.



Changes to procurement processes or requirements may include changing:

- any essential aspect of the specification of requirements or technical specifications
- a pre-condition or evaluation criterion
- the ranking or weightings of the evaluation criteria
- the deadline for responses or critical dates in the procurement process
- the rules or conditions that apply to the procurement process.

Evaluating responses

Rule 31

Treatment of responses

- 1 Council **must** have in place procedures that guarantee all suppliers’ responses are treated fairly. This includes receiving, opening and evaluating responses.
- 2 To be considered for an award of contract, a supplier **must**:
 - a. submit its response in writing (this can be through electronic means such as email if specifically allowed for in the Notice of Procurement)
 - b. comply with all pre-conditions if any, or other conditions for participating in the contract opportunity.
- 3 Council **must not** penalise a supplier who submits a late response, if the delay is solely the Council’s fault.
- 4 If, after opening the responses but before evaluating them, Council offers a supplier the opportunity to correct unintentional errors, it **must** offer the same opportunity to all participating suppliers.

Rule 32

Reasons to exclude a supplier

- 1 Council may exclude a supplier from participating in a contract opportunity if there is a good reason for exclusion. Reasons for exclusion include:
 - a. bankruptcy, receivership or liquidation
 - b. making a false declaration
 - c. a serious performance issue in a previous contract
 - d. a conviction for a serious crime or offence
 - e. professional misconduct
 - f. an act or omission which adversely reflects on the commercial integrity of the supplier
- 2 Council **must** not exclude a supplier before it has evidence supporting the reason for the exclusion.



If it is discovered that the same errors appear in responses from different suppliers (eg misspelled words or the same mathematical mistakes), this may indicate that these suppliers have shared information (eg cut and paste from each other’s responses) and may be acting anti-competitively.

For more examples, see the Commerce Commission fact sheet, How to recognise bid rigging, at: www.comcom.govt.nz

Chapter 4

Awarding the contract

Awarding the contract

Rule 33

Awarding the contract

- 1 Council must, unless there is a legitimate reason to cancel the procurement, award the contract to the supplier/s that has both:
 - a. demonstrated that it fully understands and has the capability to deliver the requirements and meet the contract conditions, and
 - b. offered either the:
 - i. best value for money over the whole of the life of the goods, services or works (which isn't always the cheapest price), or
 - ii. lowest price, if price is the only criterion.
- 2 If a supplier offers a price that is substantially lower than other responses (an abnormally low bid), Council may seek to verify with the supplier that the supplier is capable of both:
 - a. satisfying all of the conditions for participation, if any, and
 - b. fully delivering all of the contract requirements (eg quality, quantity, time and location) and meeting all of the contract conditions for the price quoted.



A **legitimate reason** to cancel a procurement could include a:

- Change of policy
- Change to an appropriation that affects funding for the initiative
- Council direction

Look out for **abnormally low bids**. An abnormally low bid may reflect a more efficient supplier or one that is willing to make an investment in the relationship by taking a lower margin on the contract. Such competitive responses should be encouraged but ensure a robust evaluation process to ensure that a low bid will not impact negatively on service delivery? Council should check an abnormally low bid with the supplier to make sure that the price is realistic and that the supplier can fully deliver the contract for that amount. If the supplier is unable to demonstrate this, Council may consider rejecting the bid. First, make sure the conditions have stated that the lowest price bid will not necessarily be accepted. An abnormally low bid could also be the result of the supplier taking advantage of its market power in breach of section 36 of the Commerce Act 1986. Report any such concerns to the Commerce Commission at: www.comcom.govt.nz

A bid that is substantially lower than other bids can sometimes be a sign that a cartel may be operating in the market. For examples see the Commerce Commission's fact sheet, How to recognise bid rigging, at: www.comcom.govt.nz

How are suppliers informed of procurement outcomes?

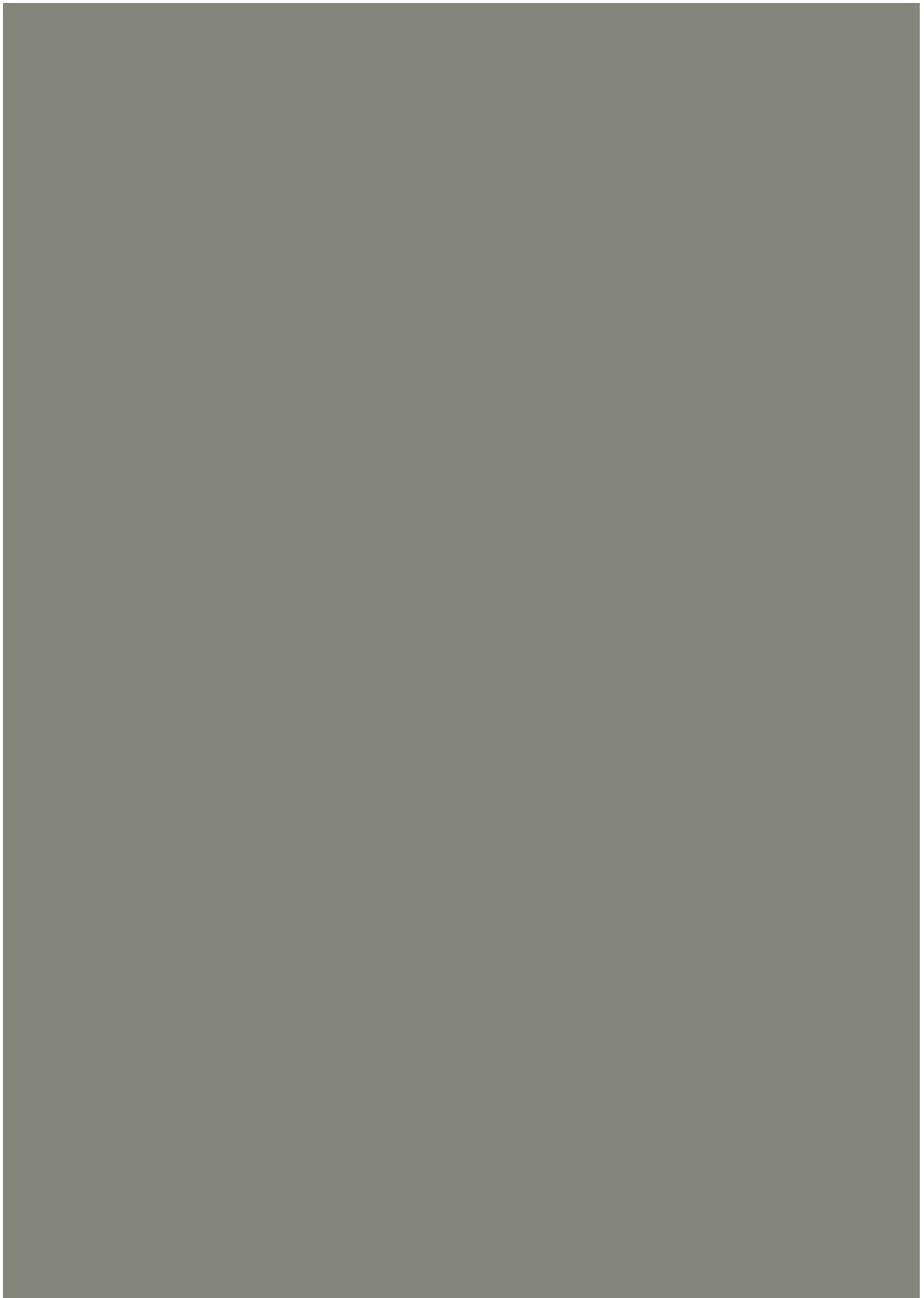
It's good practice to set out an indicative timeline for the procurement process in the Notice of Procurement. This should include the date that the evaluation process is expected to be completed. Suppliers then know when to expect to be notified of the outcome. Suppliers must be kept informed of any changes to key dates. When the successful supplier is selected, the unsuccessful suppliers must be informed.

Rule 34

Informing suppliers of the decision

- 1 After evaluating the responses and making the decision to award the contract to a particular supplier/s Council must promptly inform all of the unsuccessful suppliers in writing of this decision.

ITEM 10.3 ATTACHMENT 2



Chapter 5

Types of supply lists

Supplier lists

There are a number of different types of supplier lists.

Rule 35

Types of supplier lists

- 1 If Council regularly purchases a specific type of good, service or works, it may establish a list of suppliers. Common types of lists include:
 - a. Registered Suppliers List (Rule 36)
 - b. Pre-qualified Suppliers List (Rule 37)



Where a **supplier list** has been established, do individual contract opportunities still need to be openly advertised?

Where Council establishes a **Registered Suppliers List** or **Pre-qualified Suppliers List**, it must still openly advertise (Rules 14 and 32) individual contract opportunities that meet or exceed the appropriate value threshold.

What is a Registered Suppliers List?

A Registered Suppliers List is a list of suppliers who have registered an interest in supplying specific goods, services or works. When buying from a Registered Suppliers List where the estimated value of the contract meets or exceeds the relevant value threshold the contract opportunity must still be openly advertised on Tenderlink.

Operating a Registered Suppliers List

- 5 To operate a Registered Suppliers List Council must:
 - a. keep an updated list of Registered Suppliers and make this publicly available on request, and
 - b. notify Registered Suppliers if the list is terminated or they are removed from the list. If Council removes a supplier from a list, it must explain why.


Rule 36

Registered Suppliers List

- 1 A Registered Suppliers List is a list of suppliers who have registered an interest in supplying specific types of goods, services or works.
- 2 A Registered Suppliers List is appropriate where Council wants to know which suppliers are active in the market supplying the specific type of good or service.
- 3 Where Council establishes a Registered Suppliers List it is not exempt from open advertising where a contract opportunity meets or exceeds the relevant value threshold (Rules 12 and 13). Council must openly advertise each such contract opportunity on Tenderlink.

Establishing a Registered Suppliers List

- 4 To establish a Registered Suppliers List, Council must:
 - a. publish an Invitation to Register on Tenderlink (this is a type of Notice of Procurement)
 - b. clearly describe the specific type of goods, services or works Council is interested in procuring
 - c. make the Invitation to Register available on Tenderlink and allow suppliers to respond at specific deadline/s – typically annually.
 - d. notify unsuccessful applicants promptly and, if requested, provide the reason/s why.



When a supplier is added to a **Registered Suppliers List** it does not result in a contractual or legal relationship between Council and the Registered Supplier.

Registered Suppliers have the potential to win contracts over time, but they are not guaranteed any work.

Registered List of Local Suppliers

- 6 Council may operate a list of registered local suppliers including the functional areas of each party. To establish a Registered Local Supplier list, Council must:
 - a. publish an Invitation to Register on Tenderlink (this is a type of Notice of Procurement)
 - b. Clearly describe the specific type of goods, services or works Council is interested in procuring
 - c. make the Invitation to Register available on Tenderlink and allow suppliers to respond at specific deadline/s – typically annually
 - d. notify unsuccessful applicants promptly and, if requested, provide the reason/s why

What is a Pre-qualified Suppliers List?

A Pre-qualified Suppliers List is a list of suppliers that Council agrees have the capacity to deliver specific goods, services or works. When procuring from a Pre-qualified Suppliers List, where the estimated value of the contract meets or exceeds the value threshold, the contract opportunity must still be openly advertised on Tenderlink. However, Pre-qualified Suppliers do not need to provide their non-price and non- contract specific attribute information for each new contract opportunity.

- ii. a clear description of the specific goods, services or works potential suppliers must be capable of delivering
- iii. a list of any conditions and attributes that each supplier must meet to participate and explain how Council will check each supplier meets the conditions
- iv. state how long the list will be active for and how it will be refreshed or terminated
- b. assess applicants within a reasonable timeframe and add qualifying suppliers at the end of each annual cycle
- c. notify unsuccessful applicants promptly and, if requested, provide the reason/s why.

Rule 37

Pre-qualified Suppliers List

- 1 A Pre-qualified Suppliers List is a list of suppliers who Council has pre-approved as capable of delivering specific types of goods, services or works.
- 2 A Pre-qualified Suppliers List is appropriate if Council wants to:
 - a. verify which suppliers can deliver specific goods, services or works
 - b. make it easier for suppliers to respond to contract opportunities by only asking for qualifying information once.
- 3 Where Council establishes a Pre-qualified Suppliers List it is not exempt from open advertising where a contract opportunity meets or exceeds the relevant value threshold (Rules 12 and 13). Council must openly advertise each contract opportunity on Tenderlink. Pre-qualified Suppliers should make sure that they are listed on Tenderlink under the correct Tender

Establishing a Pre-qualified Suppliers List

- 4 To establish a Pre-qualified Suppliers List Council must:
 - a. publish an Invitation to Qualify on Tenderlink and make it available for suppliers to respond by specific annual deadline/s. The Invitation to Qualify must include:
 - i. Council’s name and address and contact details for the person managing the process

Operating a Pre-qualified Suppliers List

- 5 To operate a Pre-qualified Suppliers List Council must:
 - a. keep an updated list and make this publicly available on request
 - b. notify Pre-qualified Suppliers if the list is terminated or they are removed from the list. If Council removes a supplier from a list it must explain why.



When a supplier is added to a Pre-qualified Suppliers List it does not result in a contractual or legal relationship between Council and the Pre-qualified Supplier.

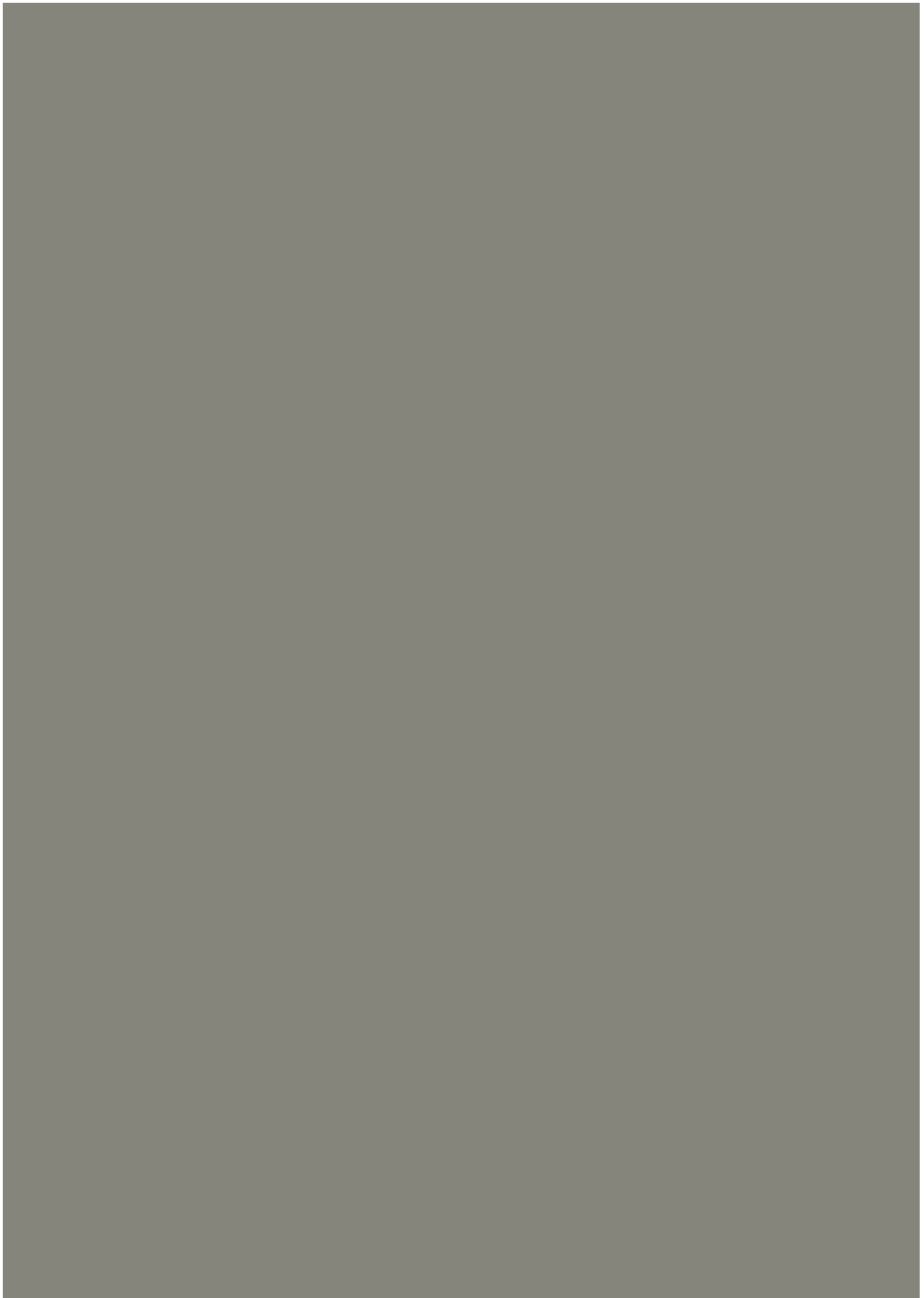
To qualify as Pre-qualified Supplier, the supplier must demonstrate that it can meet the criteria for delivering the goods, services or works. A Pre-qualified Supplier may still need to meet other evaluation criteria each time Council wishes to purchase goods, services or works the supplier has qualified to deliver.

Pre-qualification is not the same as multi-step procurement (eg Registration of Interest followed by a Request for Proposal). There is no specific contract in mind when suppliers pre-qualify. Pre-qualified Suppliers have the potential to win contracts over time, but are not guaranteed any work.

Method of allocation of contracts

- 6 The Notice of Procurement must outline the method/s that Council will use to select suppliers when a contract opportunity arises. The method/s should be appropriate for the nature of the goods, services or works and the anticipated volume of work.
- 7 Accepted selection methods for secondary procurement processes include:
 - a. **Lowest Price Conforming** Ask for quotes from suppliers and award the opportunity to the supplier who offers the lowest price
 - b. **competitive quotes based on the supplier’s expertise’s, proposed solution and best value for money.** Ask for quotes from some or all Panel Suppliers and award the opportunity to the supplier who has the right level of expertise, can offer the best value for money, which isn’t always the cheapest price, and deliver on time
 - c. **Direct source, based on the best fit for purpose** Fair evaluation of all Suppliers and selection of the supplier who has the right capacity and capability to fulfill the contract opportunity and offers the best value for money, which isn’t always the cheapest price, at the time of the purchase

ITEM 10.3 ATTACHMENT 2



Chapter 6

Other Rules you need to know

There are other requirements that Council should consider.

Rule 38

All-of-Government Contracts (AoGs)

- 1 An All-of-Government contract (AoG) is a type of approved collaborative contract. AoGs establish supply agreements with approved suppliers for selected common goods or services purchased across a wide range of government and quasi government agencies. AoGs are developed under the oversight of the Procurement Functional Leader (Chief Executive of MBIE) and managed by appointed procurement Centres of Expertise.
- 2 Council may purchase from the AoGs, if it is commercial advantageous to do so.
- 3 Before approaching the market, Council should check if there is an existing AoG which is available.



For more information on the categories of goods and services available and how to buy from AoG contracts, see: www.procurement.govt.nz

Rule 39

Syndicated Contracts

- 1 A Syndicated Contract (SC) is a type of approved collaborative contract. SCs typically involve a cluster of Councils aggregating their respective needs and collectively going to market for common goods, services or works. It may involve Councils anticipating collaboration and including a Common Use Provision (CUP) clause within the resulting contract, that allows other Councils to contract with the supplier on the same terms later.

The Manawatu-Wanganui Local Authority Shared Service (MW LASS) is one local example of a cluster of Councils which is active in seeking opportunities for collaborative procurement. The purchase of goods and services that have been negotiated by the MW LASS are treated in the same way as an All of Government Contract and Council may purchase through an MWLASS procurement opportunity if it is commercially advantageous to do so.



For more information about Syndicated Contracts and the process of obtaining approval, see MBIE's Guide to Syndicated Procurement, at: www.procurement.govt.nz

Rule 40

Intellectual Property

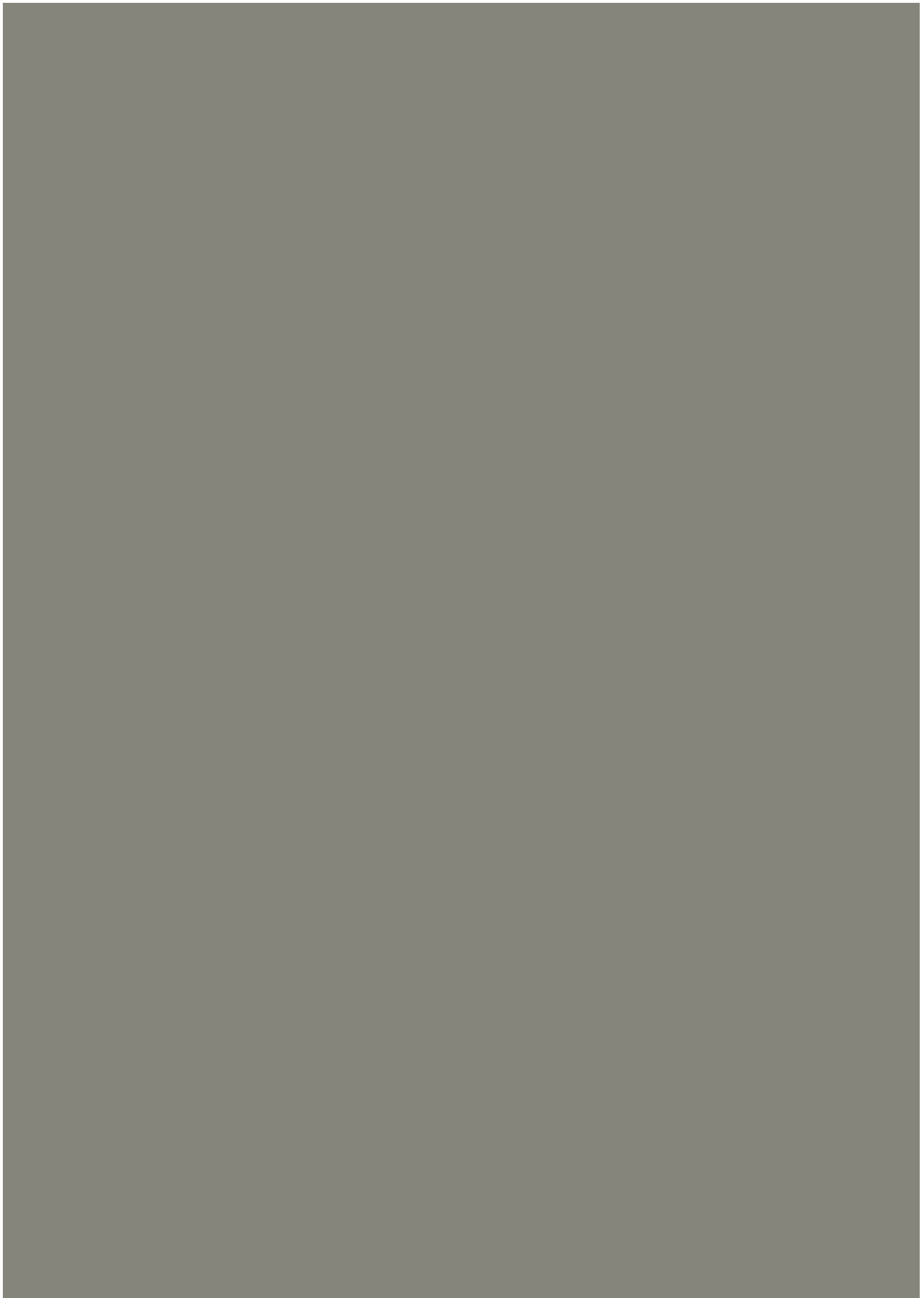
- 1 If Council's procurement of goods, services or works involves the supplier creating new Intellectual Property, Council must set out, in its Notice of Procurement, its intentions regarding ownership, licensing, and future commercialisation of that Intellectual Property.



It's important to consider if new Intellectual Property will arise in a contract and to explicitly set out Council's expectations about ownership and licensing in your Notice of Procurement. This provides clarity for suppliers at an early stage and potentially reduces expense and time later on negotiating ownership and licensing.

Alternatively, suppliers can be asked to state in their responses their assumptions about any anticipate new IP.

ITEM 10.3 ATTACHMENT 2



11 Reports for Information

11.1 Project Management Office Report - August 2024

Author: Arno Benadie, Chief Operating Officer

Authoriser: Kevin Ross, Chief Executive

1. Reason for Report

1.1 This is a monthly report on progress on significant projects (based on budget) currently being delivered by Council's Project Management Office (PMO).

2. Notes for the Report

2.1 The colours in the attachment (Attachment 1) follow a traffic light system of **red**, **orange** and **green** to indicate health of the *overall project* as well as health in the categories: *H&S, Programme, Cost, Quality* and *Top 5 Risks*.

2.1.1 **Green – no / low concerns**

2.1.2 **Orange – some concerns**

2.1.3 **Red – significant concerns**

2.2 The top 5 risks are included in the report; further risks and their mitigations can be found in the work plan for each project. The risks are identified and are all actively managed by the PMO office, and the Project Manager assigned to the project. The risks get updated and new ones added when they have been identified. Any new risks that raise concerns will be brought back to Council as an update in the PMO report.

3. Key Highlights from Current Projects

Wastewater Projects

3.1 Marton to Bulls Wastewater Centralisation (Project Manager – Steve Carne)

3.1.1 Having started out with a list of 45 possible options, the project team is currently assessing a long list of 14 treatment/effluent disposal options against the agreed criteria of Affordability, Cultural, Environmental Impacts and Futureproofing.

3.1.2 Iwi representatives sit on the assessment teams for the Affordability and Environmental Impacts criteria.

3.1.3 A single new combined treatment plant located on Council-purchased land near Bulls is the centre piece of most of the long-listed options.

3.1.4 Disposal options being considered include waterway discharge, land disposal, a waterway/land hybrid and groundwater recharge. Different levels of treatment are required for each disposal regime.

3.1.5 Viability and feasibility of a gravity pipeline transferring treated effluent flows from Taihape, Mangaweka and Hunterville to Marton is currently being investigated as an alternative to challenging land disposal solutions at Taihape.

- 3.1.6 A team workshop is scheduled for September 11 at which the long list will be reduced to a shortlist of 4-6 options using the agreed criteria which will then be investigated more intensely over the next 6 months.
- 3.1.7 Identification of a preferred option is programmed for mid-2025.
- 3.1.8 A community awareness and engagement campaign is currently being formulated which will have preparatory information released pre-Christmas and advice to the community of the shortlisted options in February 2025.
- 3.1.9 The likely project impacts of proposed Central-government-driven changes to wastewater discharge standards and Te Mana O Te Wai principles are constantly being monitored for their likely impact on the key project outcomes.

3.2 Rātana Wastewater Discharge to Land (Project Manager - Pieter Haasbroek)

- 3.2.1 Horizons recently notified Councils application for discharge to land in late July, and although low numbers of submissions have been received to date, it is likely some if not all will wish to be heard. The cost estimates that underpin the budget were prepared in August 2023. It is anticipated these price estimates will be on average 15% lower than if completed today, so staff have been asking Horizons to confirm a hearing date as soon as practicable.
- 3.2.2 While the pipe has been ordered along with air valves and fittings as covered in the last update, we are holding off on delivery to ensure these valves are not degraded by sitting on site in a stockpile awaiting consent approval.
- 3.2.3 The feasibility of an alternative solution of a transfer pipeline to the Whanganui system at the Kaitoke prison is being investigated.

3.3 Taihape Papakai Wastewater Pump Station (Project Manager - Pieter Haasbroek)

- 3.3.1 A site visit was carried out by RDC/MDC on 12 August, and they are now ready to issue the practical completion certificate. An official opening event will be organised.

3.4 Taihape Wastewater Treatment Plant Membrane Upgrade (Project Manager - Pieter Haasbroek)

- 3.4.1 Guaranteed Flow Systems Ltd have achieved practical completion on the process upgrades within the treatment plant. GFS will be inducting Councils treatment operators on correct techniques for the new mechanical inlet screen, the clean-in-place processes for the membranes and preventative maintenance, in mid-August. Once that is complete, the project will be handed back to Council. There are a couple of significant risks that need mitigation. Through this renewal process, the contractors identified a number of key valves, electrical connections, and a pump that were either non-compliant or at the end of their useful life. The new plant operation requires frequent and regular oversight of the control process, to avoid the new membranes fouling or overtopping, the inlet screen overtopping, or components being tasked beyond their functional capacity. Whilst GFS have been monitoring the plant remotely and intervening as needed through the commissioning phase, it is possible that Council may need to increase the staff resourcing to get the full life and performance from this renewed asset.

3.4.2 As previously covered, the new membranes and treatment process is enabling Council to meet the bacterial, nitrogen and visual discharge limits specified in the existing consent.

ITEM 11.1

Water Projects**3.5 Marton Water Strategy (Project Manager - Eswar Ganapathi)**

- 3.5.1 The trial pilot plant has been in operation for about 8 weeks now and the initial test results have been positive in the proposed process' ability to reduce hardness, the main treatment concern. More recent tests have been hampered by turbidity problems caused by iron and manganese oxides in the feed pipes. This has since been rectified and pilot testing has now been resumed.
- 3.5.2 Based on the results of testing thus far, some pre-treatment to reduce iron and manganese levels will be required in the new process. Technologies and options for this are now being incorporated into the pilot plant trials.
- 3.5.3 Useful operational data to enable reliable estimates of operational costs related to power and membrane cleaning are being developed as part of the pilot trial process.
- 3.5.4 It is proposed that to best manage the community's perception in the change in taste of the water from the existing reservoir to the groundwater source, the changeover from one source to another be done gradually over a 6-9 month period so that the change is less noticeable. Plant infrastructure required to achieve this dual operation is now being incorporated into the design of the upgrade.
- 3.5.5 It is envisaged that the new source and treatment process train will not become operable until April 2025.
- 3.5.6 Once staff are satisfied with the current regime of test results, the trial plant shall be relocated to the new bore site. Site preparation works for this move is already in progress.
- 3.5.7 Membrane procurement and fabrication will only commence once Council staff are fully satisfied with the results from the trial plant.
- 3.5.8 Electrical contractors are working closely with PowerCo on our requirement for new transformers. Main switchboard and generator have been procured.
- 3.5.9 The Roller shutter is expected to arrive on site by the end of Aug 2024 and installation is expected to be completed by 10 Sep 2024.
- 3.5.10 Consent application was lodged on 15 July 2024. Horizons had responded with a request for additional information on 5th Aug 2025. Staff are currently working on responding to this request.
- 3.5.11 Staff had a meeting with Chris Shenton from Ngati Apa on 16 Aug 2024 during which he was updated on the project progress. He was also notified of the request from Horizons RC for written feedback from Iwi. Chris agreed to provide written confirmation in time for RDC to respond to Horizons RC.

Community Facilities**3.6 Marton Offices and Library (Project Manager - Eswar Ganapathi)**

- 3.6.1 Staff have engaged an architectural firm to run workshops with key stakeholders (Governance reps, ELT & Staff representatives) to identify and agree upon the key

deliverables for the project. Staff have completed two workshops with further two scheduled later this month.

3.6.2 At the end of these workshops, staff anticipate having a detailed design brief document outlining the expected outcomes including high level building performance requirements. The design brief will be a key document that will be used to kick-start the design & build contractor procurement process.

3.6.3 Results from site contamination indicate that most of the contamination have been around the residence within the site. Asbestos contamination has been detected on the green plot at the corner of Grey street and High street. Archaeology survey indicates that there is evidence to show that the residence may have been built post 1900. Staff will now work on possible options to remove/demolish the residence now rather than to deal with it during the construction of the new building.

3.6.4 As for the underground tanks, a detailed investigation needs to be carried out to fully access the possibility of the tank's existence. This will need to be conducted during the site excavation works for the new build.

3.7 Taihape Grandstand (Project Manager - Eswar Ganapathi)

3.7.1 Staff have engaged a design consultant to prepare 4 concept design options for further evaluation before identifying the one solution that offers the most reasonable balance between Cost and Complexity. These options are expected to be ready by 04th Sep 2024.

3.7.2 Upon identifying the design direction, staff shall then engage the services of a QS to prepare cost estimates.

3.8 Taihape Town Hall and Library Redevelopment (Project Manager - Eswar Ganapathi)

3.8.1 During the council meeting in Jul 2024, Council authorised the CE to engage Maycroft Construction Limited for the Design and Construction of the Taihape Town Hall and Library redevelopment project.

3.8.2 Staff have since had a preliminary meeting with Maycroft to understand the extent of investigations involved including their anticipated timelines. Maycroft is expected to deliver a design schedule by 23rd Aug 2024.

3.8.3 Maycroft and their consultants are scheduled to be on site for a preliminary inspection on 23rd Aug 2024. They are then expected to provide a list of planned inspections along with timelines by 9 Sep 2024.

3.8.4 Staff have provided the User Group with an update on 26th July 2024.

4. Miscellaneous

4.1 Scotts Ferry (Project Manager - Pieter Haasbroek)

4.1.1 A preliminary paper is being written to go to the next Council meeting outlining the change in approach regarding the flooding along Parewanui Road near the Scotts Ferry settlement. This may include a request to purchase a suitable tractor as an alternative solution.

4.1.2 A paper outlining the long-term solution, including a memorandum of understanding document, is being prepared at this stage for the September Council meeting.

4.2 Taihape Hautapu Bridges (Project Manager – Pio Rowe)

4.2.1 Secondary Foundation Pre-Pour Inspection for Bridge #2. started at the beginning of July. The purpose of the inspection confirms the foundation excavation dimensions for the stairs or ramp post foundation holes and the wind cable anchor post foundation holes before pouring the concrete. Frame Group have approved for the builders to pour the concrete which was poured on the 26 July.

4.2.2 Construction was put on hold at the end of July due to weather and materials not arriving on time. The team are hoping to commence construction at the end of August.

Attachments:

1. **PMO Update - August** [↓](#)

Recommendation

That the report 'Project Management Office Report – August 2024' be received.

Project Name	Project Summary	Project Lead	Est Start Date	Est Finish Date	Health/ Safety	Programme	Cost	Quality	Top 5 Risks	Project Budget	Actual Spend to date	Iwi Consultation	Key Tasks Completed	Next Steps (June Update)
Wastewater														
Marlon to Bulls Wastewater Centralisation	The purpose of the project is to improve the current Marlon and Bulls wastewater network to become efficient, effective, and reliable wastewater collection, treatment and disposal services in a culturally sensitive and environmentally responsible manner that meets evolving regulatory requirements and ongoing sustainable compliance. The Marlon to Bulls wastewater centralisation scope includes the construction of a wastewater pipeline from Marlon Wastewater Treatment Plant to Bulls Wastewater Treatment Plant, development of best practical option for the discharge, consenting, upgrades of the treatment plants at Marlon and Bulls if required.		Oct-20	Jun-28	No concerns to date	There is urgency around the delivery of the project. This project will span over numerous years due to its complexity.	The budget is \$25m, however it is not possible yet to put confident costs against all the components of the project. There is a general expectation that the project will cost more than the current budget. Further budget is included in the current Long Term Plan preparations.	No concerns to date.	1. Infringement notices, fines or Court Order by Horizons until project is completed due to slow progress 2. Unrealistic Expectations of what can be delivered 3. Budget not sufficient for scope 4. Land not available (if land discharge) 5. Long consenting periods & unrealistic consent conditions	\$25,000,000.00	\$12,261,460.55	Ongoing meetings set up with iwi. Iwi is a partner in this project.	Pipeline construction is mostly completed, except for three crossing which need to be designed, consented and implemented. Project Management delivered by PMO. Planner has been engaged. Consenting pathway and timeline endorsed by RDC and Horizons.	The project group, which is a collaboration between RDC, IWI, planner and specialists, is meeting regularly. Work is being continued on design for remaining three stream crossing for the pipeline. Foundations to be confirmed following major delays from the Geotech investigation and build cost to be determined in the next 3-4 months. Further specialists for the consenting pathway have been engaged. A workshop looking at the long list of options will be held in May which is an essential next steps for the consenting process.
Rātana Wastewater discharge to land	This project is a collaborative effort involving local iwi, RDC, HRC and the community of Ratana, and is partly funded (13.4%) by Ministry for the Environment (MfE). The project is to remove treated effluent from Lake Waipu and to dispose of it to land. The project started on 1 July 2018 with an agreement with the Ministry for the Environment (MfE) and has an estimated duration of 5 years. Construction will need to be completed by December 2024. The scope of this project includes purchase of land for disposing of treated wastewater (instead of discharge to Lake Waipu), the installation of irrigation equipment and an upgrade of the existing Rātana Pā wastewater treatment plant.	Blair King	Jul-18	Dec-24	No concerns to date	Construction will need to be completed by December 2024 which is not likely to be achievable since the consent is now awaiting Horizon's assessment.	The budget has been increased in September 2023. However the longer the consent approval takes the more likely are cost increases due to inflation.	No concerns to date.	1. Tight timeframe to complete project by December 2024. 2. Unknow if consent will be public or limited notification. 3. Unforeseen requirements/ consent conditions for RDC. 4. The approved budgets might not be sufficient to cover the full cost. 5. Funding by MfE is linked to milestones, if the project is delayed there is a chance of funding loss.	\$6,532,000.00	\$1,267,022.47	Regular meetings and updates via email / through hui. Iwi is on board with the project and its approach and supports the irrigation to land option.	Land has been found and purchased (an extra 4ha is in the process of being purchased). Resource consent has been lodged.	Horizons recently notified Councils application for discharge to land in late July, and although low numbers of submissions have been received to date, it is likely some if not all will wish to be heard. The cost estimates that underpin the budget were prepared in August 2023. It is anticipated these price estimates will be average 15% lower than if completed today, so staff have asking Horizons to confirm a hearing date as soon as practicable. While the pipe has been ordered along with air valves and fittings as covered in the last update, we are holding off on delivery to ensure these valves are not degraded by sitting on site in a stockpile awaiting consent approval.
Taihape/ Papakai wastewater pump station	Design and construction of a new wastewater pump station and rising main. Includes upgrade to power supply.	MDC	Jan-23	Aug-24	No concerns to date.	No concerns to date.	No concerns to date. Well within approved budget and a lot of the contingency is not spent or committed to date.	No concerns to date.	1. Delays due to bad weather or supply chain challenges. 2. Poor communication to residents affected by road closures.	\$6,358,184.18	\$4,645,292.37	Updates via email and irregular meetings.	Entire system is now operational with RDC operators in control. Commissioning on 16th April went well and there have been no unforeseen issues.	A site visit was carried out by MDC 12/08 and they are now ready to issue the practical completion certificate.
Taihape Wastewater Treatment Plant Membrane Replacement	The resource consent for the Taihape Wastewater Treatment Plant is still valid until 2027, but due to significant non-compliance on volume and quality, staff have started a small project to replace the existing membranes. There is a separate project ongoing determining the best consenting pathway.	Blair King	Dec-23	Aug-24	No concerns to date.	No concerns to date.	No concerns to date.	No concerns to date.	No concerns to date. The work is mostly completed.	\$1,139,337.00	\$1,061,008.02	Irregular meetings and email updates with iwi.	Most of the work required for the Membrane replacement has been completed.	Guaranteed Flow Systems Ltd have achieved practical completion on the process upgrades within the treatment plant. GFS will be inducting Councils treatment operators on correct techniques for the new mechanical inlet screen, the clean-in-place processes for the membranes and preventative maintenance, in mid August. Once that is complete, the project will be handed back to Council. There are a couple of significant risks that need mitigation. Through this renewal process, the contractors identified a number of key valves, electrical connections, and a pump that were either non-compliant or at the end of their useful life. With the Shared Services arrangement ending with Manawatu and Rangitikei, there is fewer staff to cover what are now more complex plants. The risks are the plant operation requires frequent and regular oversight of the control process, to avoid the new membranes fouling or overtopping, the inlet screen overtopping, or components being tasked beyond their functional capacity. Whilst GFS have been monitoring the plant remotely and intervening as needed through the commissioning phase, it is possible that Council may need to increase the staff resourcing to get the full life and performance from this renewed asset.
Storm Water														
Scotts Ferry Pump	Automation of existing stormwater pump at Amon drain, Scotts Ferry.		Nov-20	unknown	No concerns to date	Slow progress, completion expected by May 2024.	No concerns to date	No concerns to date	1. Costs have been approved, there is always a risk of cost overruns. 2. Delays to the timeframes due to bad weather. 3. Ownership of pump and land	\$298,424.11	\$105,665.59	No interest	Aif Downs constructed the Generator building, and Generator installed. Construction is currently "on hold" for RDC concerns and automation issues	RDC wihave spoken with Scotts Ferry Volunteer Fire Department to operate the pump station if needed and will use a Tractor instead of automation.
Community Facilities														

<p>Taihape Grandstand Restoration</p>	<p>The scope of this project is the detailed design of the endorsed strengthening concept design for the Taihape Grandstand. Design has been completed for the strengthening of the Grandstand. \$1m was allowed for the Grandstand in the 2021 LTP. Current projections of project costs are estimated to be well above committed budget. Therefore, additional funding will have to be secured or alternative options for strengthening will need to be considered.</p>	<p>Eswar Ganapathi</p>	<p>Oct-20 unknown</p>	<p>No concerns to date</p>	<p>Project scope has not yet been confirmed</p>	<p>\$1m budget for the Grandstand with costs estimates over \$2m.</p>	<p>Project scope has not yet been confirmed</p>	<p>Project scope has not yet been confirmed</p>	<p>\$1,000,000.00</p>	<p>\$253,707.10</p>	<p>Important to engage with Ngāti Tamakopiri.</p>	<p>Report to Council in September outlining project costings and strengthening design. Grandstand has been listed as heritage building.</p>	<p>Council directed staff during the Nov 2023 Council meeting to undertake further investigations to re-confirm some of the structural assumptions made with respect to the seismic strengthening aspects. After much deliberation, the structural consultants have proposed further steps that take about 4-8mths to complete. Staff arranged for a peer review of this proposal. Staff have since requested the peer review consultant to prepare a more tested solution (without budget being a constraint) so that they can advise the community how much funding they may need to raise (if required). Offer of service received from peer review consultant. Staff will have to undertake a concept design to determine the best possible approach. Staff presented this information to council during a workshop on 11 July 2024. Further direction to be confirmed during council meeting on 25 July 2024.</p>
<p>Marion New Offices and Library</p>	<p>The current Council civic buildings in Marion are earthquake prone and are required to be strengthened to meet government legislation. In December 2023, Council has made the decision to start the design process to build a new structure at 46 High Street for the RDC main offices and Marion library. This also will include a new Civil Defence Shed next door to the offices. Key requirement for this structure is to be fitting into the existing budget.</p>	<p>Eswar Ganapathi</p>	<p>TBC TBC</p>	<p>Project Scope and Project Work Plan was confirmed in May 2024.</p>		<p>\$19,000,000.00</p>	<p>\$91,396.96</p>	<p>Staff have and will continue to engage with iwi.</p>	<p>Decision to move forward with a new Marion Office and Library at 46 High Street was made by Council in December 2023.</p>	<p>Peer review on the cost estimate provided by architect is now complete. Staff have completed the procurement process for a QS for the project. Project work approved by council without any amendment. Planner has been engaged. Land surveyor, archaeologist and land contamination expert have been engaged. Independent urban review process shall begin closer to concept design start. Traffic impact assessment shall begin once concept design is completed. Archaeological survey underway. Soil contamination test done, awaiting rest report. Staff have engaged an architect to conduct workshops with stakeholders identified in the work plan, to discuss and finalise the project objectives. These workshops should conclude with a detail design brief document which shall be used to start the D&B tender process. The first workshop is scheduled for 1st Aug 2024.</p>			
<p>Taihape Town Hall and Library Redevelopment</p>	<p>Council included costs for the refurbishment of the Taihape Town Hall within the 2021-31 LTP. Since the LTP was adopted, the Town Hall and Library has been closed due to the earthquake risk posed to staff and the public. Council approved the new budget for the Taihape town hall/civic centre, broadly outlined as option 1 in the key choices section of the annual plan 2023/24 consultation document, of up to \$14 million. Council will receive \$1,883,000 from better off funding towards the project as an offset to this budget.</p>	<p>Eswar Ganapathi</p>	<p>2024 Dec-27</p>	<p>No concerns to date.</p>	<p>No concerns to date.</p>	<p>No concerns to date.</p>	<p>No concerns to date.</p>	<p>1. Long design process 2. Cost overruns 3. Challenging construction as typical with renovations 4. Finding a suitable main contractor 5. Managing stakeholder expectations</p>	<p>\$14,000,000.00</p>	<p>\$289,734.28</p>	<p>Iwi were an active part of workshop panel. Staff will continue to engage.</p>	<p>Public feedback workshop was held in Taihape in October 2023. The user group has been formed by RDC staff and will be updated throughout the process. The ROI received good interest with 12 submissions.</p>	<p>The tender evaluation is now completed. Council have had an opportunity to meet with the preferred vendor to understand how they intend to approach this project delivery. Staff will present a recommendation report to council during the council meeting on 25 July 2024.</p>
<p>Other & Community-Led Developments</p>													
<p>Remediation of Historic Landfill on Putorino Road</p>	<p>The Rangitikei river is eroding a historic landfill, creating a risk of further contaminated materials and fill entering the river. The landfill material must be excavated and removed.</p>	<p>Dave Flintoff</p>	<p>17/09/2021 May-23</p>			<p>\$2,524,818.06</p>	<p>\$2,497,726.55</p>			<p>Remediation largely complete. CE, Mayor, iwi met with Horizons on site to look at final sign-off - 3 minor items were identified for removal.</p>			

12 Minutes from Committees

12.1 Minutes from Committees

Author: Kezia Spence, Governance Advisor

1. Reason for Report

- 1.1 Committee and Board minutes are attached for Council's receipt. These are under separate cover due to size.

Attachments

1. PPL Hearings- 25 July 24 (under separate cover)
2. HRWS-05 August 24 (under separate cover)
3. HCC-05 August 24 (under separate cover)
4. TCC-08 August 24 (under separate cover)
5. TRAK- 13 August 24 (under separate cover)
6. TCB- 14 August 24 (under separate cover)
7. PPL- 15 August 24 (under separate cover)

Recommendation

That the following minutes are received:

- Policy and Planning Hearings- 25 July 24
- Hunterville Rural Water Scheme- 05 August 24
- Hunterville Community Committee- 05 August 24
- Turakina Community Committee- 08 August 24
- Te Roopuu Ahi Kaa- 13 August 24
- Taihape Community Board- 14 August 24
- Policy and Planning- 15 August 24

13 Public Excluded

Resolution to Exclude the Public

The meeting went into public excluded session [enter time](#)

Recommendation

That the public be excluded from the following parts of the proceedings of this meeting.

1. Public Excluded Council Meeting - 25 July 2024
2. Follow-up Action Items from Council (Public Excluded) Meetings
3. Recruitment of Chief Executive

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Public Excluded Council Meeting - 25 July 2024	To consider the minutes relating to matters that were the subject of discussion at the 25 July meeting.	S48(1)(a)
13.2 - Follow-up Action Items from Council (Public Excluded) Meetings	To consider the matters arising from previous public excluded meetings. s7(2)(a) - Privacy s7(2)(b)(ii) - Commercial Position s7(2)(h) - Commercial Activities s7(2)(i) - Negotiations	s48(1)(a)(i)
13.3 - Recruitment of Chief Executive	To enable discussion on sensitive information relating to staff. To enable commercially sensitive information to be discussed without impacting any negotiations. s7(2)(a) - Privacy s7(2)(h) - Commercial Activities	s48(1)(a)(i)

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

14 Open Meeting