



NOTICE OF MEETING

**Notice is hereby given of the Performance, Policy and
Partnerships Committee Meeting to be held in the
Council Chamber, First Floor, Civic Administration
Building, 101 Esk Street, Invercargill on Tuesday
12 July 2022 at 3.00 pm**

Cr D J Ludlow (Chair)
Cr R R Amundsen (Deputy Chair)
His Worship the Mayor, Sir T R Shadbolt
Cr R L Abbott
Cr A J Arnold
Cr W S Clark
Cr A H Crackett
Cr P W Kett
Cr G D Lewis
Cr M Lush
Cr I R Pottinger
Cr N D Skelt
Cr L F Soper
Ms E Cook – Māngai – Waihōpai
Mrs P Coote – Kaikaunihera Māori – Awarua

CLARE HADLEY
CHIEF EXECUTIVE

Performance, Policy and Partnerships Agenda - Public

12 July 2022 03:00 PM

Agenda Topic	Page
1. Apologies	
2. Declaration of Interest	
a. Members are reminded of the need to stand aside from decision-making when a conflict arises between their role as an elected representative and any private or other external interest they might have.	
b. Elected members are reminded to update their register of interests as soon as practicable, including amending the register at this meeting if necessary.	
3. Public Forum	
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11. Public Excluded Session	

Public Excluded Session

Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting, namely:

- a) *Confirmation of Minutes of the Public Excluded Session of the Performance, Policy and Partnerships Committee Held on 14 June 2022*

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
a) Confirmation of Minutes of the Public Excluded Session of the Performance, Policy and Partnerships Committee Held on 14 June 2022	Section 7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7

**MINUTES OF THE PERFORMANCE, POLICY AND PARTNERSHIPS MEETING HELD IN
THE COUNCIL CHAMBER, FIRST FLOOR, CIVIC ADMINISTRATION BUILDING,
101 ESK STREET, INVERCARGILL ON TUESDAY 14 JUNE 2022 AT 3.00 PM**

PRESENT: Cr D J Ludlow (Chair)
Cr R R Amundsen (Deputy Chair)
His Worship the Mayor, Sir T R Shadbolt
Cr R L Abbott (via zoom)
Cr A J Arnold
Cr A H Crackett
Cr W S Clark
Cr G D Lewis
Cr M Lush
Cr I R Pottinger
Cr N D Skelt
Cr L F Soper
Ms E Cook – Māngai – Waihōpae

IN ATTENDANCE: Mrs C Hadley – Chief Executive
Ms T Hurst – Group Manager – Customer and Environment
Mr M Day – Group Manager – Finance and Assurance
Mr S Gibling – Group Manager – Leisure and Recreation
Mr R McWha – Assistant Group Manager – Leisure and Recreation
Mrs P Christie – Assistant Group Manager – Finance and Assurance
Mr A Cameron – Strategic Advisor/GM - ICCHL
Mr M Morris – Manager – Governance and Legal
Ms R Suter – Manager – Strategy and Policy
Mr R Pearson – Manager – Asset Management
Ms G Cavanagh – Manager – Environmental Services
Mr P Nolan – Manager – Infrastructure Operations
Ms A Brown – Corporate Analyst
Ms G Crawford – Engagement and Partnerships Officer
Mr G Caron – Communications Advisor
Ms M Cassiere – Executive Governance Officer

1. APOLOGY

Cr Kett

Moved Cr Lewis, seconded Cr Soper and **RESOLVED** that the apology be accepted.

2. DECLARATION OF INTEREST

Nil.

3. PUBLIC FORUM

3.1 Overview of South Alive Achievements

Ms Beryl Wilcox, Ms Courtney Ellison and Mr Paul Searancke were in attendance to speak to this item. They took the meeting through a PowerPoint presentation and provided an update on the work and achievements of South Alive.

The Chair thanked Ms Wilcox, Ms Ellison and Mr Searancke for taking the time to present to Council.

4. REPORT FROM THE INVERCARGILL YOUTH COUNCIL

A3929159

Miss Katiana Simpson and Miss Nazia Amaliya were in attendance to speak to this item. They provided an update on the activities of the Youth Council including their attendance at the UN YouthNZ hui. They also noted that they would be hosting a candidates' forum for the upcoming election at Invercargill Repertory and that this event would be livestreamed, with an online question and answer interface.

Moved Cr Crackett, seconded Cr Soper and **RESOLVED**:

1. That the Performance, Policy and Partnerships Committee receive the "Youth Council Report".

The Chair thanked Miss Simpson and Miss Amaliya for taking the time to present to Council.

5. SUBMISSIONS TO BE HEARD

5.1 Hearing 1 – Noel J Peterson

In addition to his written submission, Mr Noel Peterson took the meeting through the main points in his submission. He said that this was a good and important move by Council and would protect the interests of the ratepayer. He said that he supported the proposal and that Council financial entities should have public scrutiny. He also said that there was a challenge in finding information around Roaring Forties entity on the internet and that one of the web pages contained a flowchart which was incorrect.

The Chair thanked Mr Peterson for taking the time to present to Council.

5.2 Hearing 2 – Mr Rodney Tribe

In addition to his written submission, Mr Rodney Tribe took the meeting through the main points in his submission. He said that he did not agree with the proposal as it did not contain enough information on the issue, risks, and advantages and disadvantages. He said that the original consultation document was not up to par and that there was no consistency on the core statements. He said that he reviewed the risks in the document and said that the document stated a risk by Roaring Forties Energy Limited Partnership (RFELP) entity to Invercargill City Holdings Limited (ICHL) which may impact the ability for ICHL to support Electricity Invercargill Limited (EIL). He said that ICHL provided financing and treasury support to EIL and if that were impacted, what would the impact then be on EIL's dividend to ICHL and on ICHL's dividend to Invercargill City Council (ICC).

In response to a query whether the consultation be undertaken again, Mr Tribe said that it would depend on the information provided as the current document did not have the relevant information.

The Chair thanked Mr Tribe for taking the time to present to Council.

6. **ROARING FORTIES CONSULTATION HEARINGS AND DELIBERATIONS**
A3929057

Mr Andrew Cameron and Ms Rhiannon Suter spoke to the report. Ms Suter noted that the initial consultation document had an error which had been later rectified.

Mr Cameron provided a brief update around the structure of EIL and ICHL, Council's role and noted that there were ongoing discussions between EIL and ICHL on EIL's Statement of Intent. He said the risks have to be discussed at a Group level, and that in the Group's opinion there were no changes to the level of debt, asset transfers, good dividend, etc.. He said that Council had considered the issue of whether EIL was a Council Controlled Organisation (CCO) and would be guided by AuditNZ's opinion on it.

In response to a query as to when AuditNZ's opinion was expected to be received, it was noted that the opinion may be received next month.

Moved Cr Ludlow, seconded Cr Skel and **RESOLVED** that the Performance, Policy and Partnerships Committee:

1. Receive the report "Roaring Forties Consultation Hearings and Deliberations".
2. Receives the submissions to this consultation (agenda items 6 and 7).

Moved Cr Skelt, seconded Cr Ludlow that the Performance, Policy and Partnerships Committee:

3. Agree to hear the following submitters:
 - a. 3:20pm – submission 01 - Noel J. Peterson
 - b. 3:30pm – submission 03 - Rodney Tribe
4. Recommends to Council to confirm its approval for ICHL to take appropriate actions with regard to the change in ownership structure of Roaring Forties shares.

The motion, now put, was **RESOLVED**.

7. **MINUTES OF THE COMMUNITY WELLBEING FUND COMMITTEE MEETING HELD ON 14 APRIL 2022**
A3872934

Moved Cr Lewis, seconded Cr Soper and **RESOLVED** that the minutes of the Community Wellbeing Fund Committee meeting held on 14 April 2022 be received.

8. **MINUTES OF THE EXTRAORDINARY MEETING OF THE PERFORMANCE, POLICY AND PARTNERSHIPS COMMITTEE HELD ON 10 MAY 2022**
A3883769

Moved Cr Amundsen, seconded Cr Skelt and **RESOLVED** that the minutes of the Extraordinary Meeting of the Performance, Policy and Partnerships Committee held on 10 May 2022 be confirmed.

9. **MINUTES OF THE PERFORMANCE, POLICY AND PARTNERSHIPS COMMITTEE MEETING HELD ON 10 MAY 2022**
A3876972

Moved Cr Abbott, seconded Cr Soper and **RESOLVED** that the minutes of the Performance, Policy and Partnerships Committee meeting held on 10 May 2022 be confirmed.

10. **MINUTES OF THE EXTRAORDINARY MEETING OF THE PERFORMANCE, POLICY AND PARTNERSHIPS COMMITTEE HELD ON 24 MAY 2022**
A3913934

Moved Ms Cook, seconded Cr Amundsen and **RESOLVED** that the minutes of the Extraordinary Meeting of the Performance, Policy and Partnerships Committee held on 24 May 2022 be confirmed.

11. **KEEPING OF ANIMALS, POULTRY AND BEES BYLAW – ADOPTION FOR CONSULTATION**
A3931932

Note: Cr Crackett left the meeting at 4.04 pm.

Ms Rhiannon Suter and Ms Gillian Cavanagh spoke to the report. It was noted that feedback from the District Court had been incorporated to ensure that removal of livestock would be possible.

Note: Cr Crackett re-joined the meeting at 4.06 pm.

Note: Cr Lush left the meeting at 4.06 pm.

In response to a query as to why consultation was not required on the Noise Control Policy and required on this Bylaw, it was noted that the difference was largely a matter of status. Consultation was required on Bylaws under the Local Government Act using the special consultative procedure hence the recommended process.

Moved Cr Abbott, seconded Cr Skelt and **RESOLVED** that the Performance, Policy and Partnerships Committee:

1. Receive the report "Keeping of Animals, Poultry and Bees Bylaw – Adoption for Consultation" (A3931932).
2. Note the recommended changes as a result of feedback from the District Court, internal review and pre-engagement with the SPCA national office, including increasing the defined urban area, the ability to order the removal of livestock and introducing a Hearings Panel for appeals.

3. Adopt the Draft keeping of Animals, Poultry and Bees Bylaw for consultation (A3905843).

12. **DOG CONTROL POLICY AND DOG CONTROL BYLAW – ADOPTION FOR CONSULTATION**
A3895469

Ms Rhiannon Suter and Ms Gillian Cavanagh spoke to the report. It was noted that this policy had been due to be reviewed and pre-engagement was undertaken with a number of interested stakeholders and individuals. The most significant element within the Bylaw that was being considered was the definition around menacing dogs to bring into line with the definition within the Dog Control Act.

Note: Cr Lush re-joined the meeting at 4.08 pm.

Ms Cavanagh provided a summary on what would classify as menacing dogs.

In response to a query whether there was someone seeking removal of menacing classification after a period of time, it was replied in the negative.

Moved Cr Lewis, seconded Cr Soper that the Performance, Policy and Partnerships Committee:

1. Receive the report “Dog Control Policy and Dog Control Bylaw – Adoption for Consultation” (A3895469).
2. Note the recommended changes as a result of an internal review and pre-engagement with a panel of interested parties, including redefining menacing dogs and how they are managed and other minor administrative changes.
3. Adopt the Draft Dog Control Policy for consultation (A3895391).
4. Adopt the Draft Dog Control Bylaw for consultation (A3929698).

The motion, now put, was **RESOLVED**.

13. **MEDIA TOWER SEISMIC AND DEFERRED MAINTENANCE – ICCT REQUEST**
A3936208

Mr Richard McWha spoke to the report. He noted that the Trust requested Council funding to repair a Trust asset and that the Trust was giving permission to undertake the required physical works.

Moved Cr Ludlow, seconded Ms Cook and **RESOLVED** that the Performance, Policy and Partnerships Committee:

1. Receive the report ‘Media Tower Seismic and Deferred Maintenance - ICCT Request’.
2. Receive the Letter from the Invercargill City Charitable Trust.
3. Acknowledge permission from the Trust for Council to undertake required physical works to the Media Tower at Rugby Park.

4. Confirm the acceptance and initiation of the proposed seismic and deferred maintenance project to be managed through the Invercargill City Council Project Management Office and funded from the approved LTP budget for Rugby Park seismic remediation.

14. **2022 RESIDENTS' SURVEY REPORT**
A3929829

Ms Rhiannon Suter and Ms Anna Brown spoke to a report. Ms Suter noted that the methodology for the survey had changed and that a mixed method approach had been adopted by most other councils as well. She provided an overview around how the survey was conducted and an interpretation of the results.

Moved Cr Skelt, seconded Cr Amundsen and **RESOLVED** that the Performance, Policy and Partnerships Committee:

1. Receive the report, "2022 Residents' Survey Report"
2. Note the attached "Invercargill City Council Residents Survey 2022" (A3929814).

In response to a query whether surveys would be conducted every quarter and the potential for skewed results by responses from disaffected persons, it was noted that analysis on that aspect was being conducted. It was also noted that should Council move into continuous surveying, then a smaller sample would be surveyed which would then build cumulatively and would provide a full picture by the end of the year.

15. **ADOPTION OF 2022/ 2023 FEES AND CHARGES SCHEDEULE**
A3862797

Ms Rhiannon Suter and Ms Anna Brown spoke to report. She noted that there were fees within the dog control area which were impoundage fees. She noted that due to technical reasons, these would not be adopted until Council received the report at the meeting on 28 June 2022.

Ms Suter noted that the recommendation around Coopers Creek not be implemented until the discussions with Coopers Creek residents were completed.

Ms Trudie Hurst was invited to provide an update on the fees and charges in relation to dogs. Ms Hurst noted that the increase in animal control was after three years of not having had an increase while there had been costs escalations including services such as staff call outs.

Moved Cr Soper, seconded His Worship the Mayor that the Performance, Policy and Partnerships Committee:

1. Receive the report "Adoption of 2022/2023 Fees and Charges Schedule".
2. Note the submissions (A3906926) and Summary of Submissions (A3931703), noting hearings took place on 10 May 2022, alongside the Annual Plan.
3. Adopt the 2022/2023 Fees and Charges Schedule (A3938251).

4. Request a delay to implementation of the 2022/2023 market rates increase for Coopers Creek Licencee holders to allow time for completion of discussions with residents.

Discussions took place around the increase of dog fees, increase in costs for services, whether there was a projection on surplus for last year and this year, and the impact on the adoption of Annual Plan if dog registration fees were paused.

Note: The meeting was adjourned at 4.42 pm.

Note: Cr Crackett left the meeting at 4.42 pm.

Note: The meeting was reconvened at 4.48 pm.

It was noted that as per the Dog Control Act and legislative requirement, Council was obligated to advertise the dog registration fee by Monday 20 June 2022.

Moved Cr Clark, seconded Cr Arnold that:

5. Changes to any implementation of the dog registration fee be delayed.

The motion, now put, was **LOST**.

Moved Cr Soper, seconded His Worship the Mayor that the Performance, Policy and Partnerships Committee:

1. Receive the report "Adoption Of 2022/2023 Fees and Charges Schedule".
2. Note the submissions (A3906926) and Summary of Submissions (A3931703), noting hearings took place on 10 May 2022, alongside the Annual Plan.
3. Adopt the 2022/2023 Fees and Charges Schedule (A3938251).
4. Request a delay to implementation of the 2022/2023 market rates increase for Coopers Creek Licencee holders to allow time for completion of discussions with residents.

The motion, now put, was **RESOLVED**.

Note: Crs Clark, Abbott and Arnold voted against the motion.

16. ANNUAL PLAN 2022/23 - SOLID WASTE ADDITIONAL FUNDING UPDATE
A3939963

Mrs Patricia Christie and Mr Peter Nolan spoke to the report. Mr Nolan said with regard the increases in costs for solid waste, it was due to increases in Emissions Trading Scheme (ETS), transport and transfer costs, transfer station management cost, and collection bins cost. He noted that a 5% increase had also been forecasted for tonnage recovery.

Mrs Christie said that the potential recovery from Southland District Council had already been factored into the rates increase.

Moved Cr Ludlow, seconded Cr Skelt that the Performance, Policy and Partnerships Committee:

1. Receive the 'Annual Plan 2022/23 – Solid Waste Additional Funding Update' report.
2. Determine that the additional \$700,000 of funding requested in the Annual Plan is required.
3. Note that as a result of confirming that the additional \$700,000 of funding for solid waste is required, and following the decisions of the Performance Policy and Partnerships Committee on 24 and 31 May 2022, the rate increase for the 2022/23 Annual Plan for adoption by Council on 28 June will be 6.53%.

Discussion took place around the additional funding of solid waste.

The motion, now put, was **RESOLVED**.

Note: Crs Pottinger, Clark and Arnold voted against the motion.

17. **COUNCIL REPRESENTATION AT LGNZ AGM**
A3939102

Mr Michael Morris spoke to the report.

Note: Cr Crackett re-joined the meeting at 5.10 pm via zoom.

Discussion took place around the candidates to be nominated.

Moved Cr Soper, seconded Ms Cook that the Performance, Policy and Partnerships Committee:

1. Receive the report titled "Council Representation at LGNZ AGM".
2. Note that Cr Ludlow be registered as Council's Presiding Delegate and Cr Crackett as the Alternative Delegate(s) for the Local Government New Zealand AGM.

The motion, now put, was **RESOLVED**.

Note: His Worship the Mayor voted against the motion.

18. **ACTIVITIES REPORT**
A3904660

Mr Richard McWha spoke to the report.

Moved Cr Ludlow, seconded Cr Soper and **RESOLVED**:

1. That the Performance, Policy and Partnerships Committee receives the report "Activities Report".

Note: Cr Soper thanked the staff for their creativity and hard work.

19. **URGENT BUSINESS**

Nil.

20. **PUBLIC EXCLUDED SESSION**

Moved Cr Ludlow, seconded Ms Cook and **RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting, namely:

- (a) Receiving of Minutes of the Public Excluded Session of the Community Wellbeing Fund Committee Held on 14 April 2022
- (b) Confirmation of Minutes of the Public Excluded Session of the Performance, Policy and Partnerships Committee Held on 10 May 2022
- (c) Great South Review of Governance Processes

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
a) Receiving of Minutes of the Public Excluded Session of the Community Wellbeing Fund Committee Held on 14 April 2022	Section 7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7
b) Confirmation of Minutes of the Public Excluded Session of the Performance, Policy and Partnerships Committee Held on 10 May 2022	Section 7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7
c) Great South Review of Governance Processes	Section 7(2)(h) Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	Section 48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
	<p>Section 7(2)(i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	exist under Section 7

There being no further business, the meeting finished at 5.36 pm.

PROPOSED ROAD NAME – 112-114 KENNINGTON WAIMATUA ROAD

To: Performance, Policy and Partnerships Committee

Meeting Date: Tuesday 12 July 2022

From: Christine North – Property Database Officer

Approved: Patricia Christie – Assistant Group Manager - Finance and Assurance

Approved Date: Tuesday 5 July 2022

Open Agenda: Yes

Public Excluded Agenda: No

Purpose and Summary

To name the proposed right of ways in relation to the subdivision, (of Lot 1 DP 494667, Lot 2 DP 494667, Lot 2 DP 489449, Lot 2 DP 520668) Invercargill - RMA/2021/60, 18 Lot rural subdivision.

Recommendations

That the Performance, Policy and Partnerships Committee:

1. Receive the report titled "Proposed Road Name – 112-114 Kennington Waimatua Road".
2. That the proposed two Right of Ways be named **Dairy Way** and **Brunswick Way**.

Implications and Risks

Strategic Consistency

The Invercargill City Council is responsible for the allocation of road names and numbers within the City. This is an important function because it allows residents, visitors and emergency services to locate properties with the minimum of inconvenience. In issuing rural and urban road names and numbers, Council is guided by the Australian/New Zealand Standard (AS/NZS 4819:2011) Rural and Urban Addressing.

Council's operational procedure is to allow road names that are short (25 characters or less), single word names, which are readily pronounced and spelt. Road names that closely resemble other names in either spelling or pronunciation should be avoided, as there is the potential for confusion for emergency services. There is also a desire to avoid the same name for a road and an area.

Financial Implications

Not applicable.

Legal Implications

Not applicable.

Risk

Not applicable.

Background

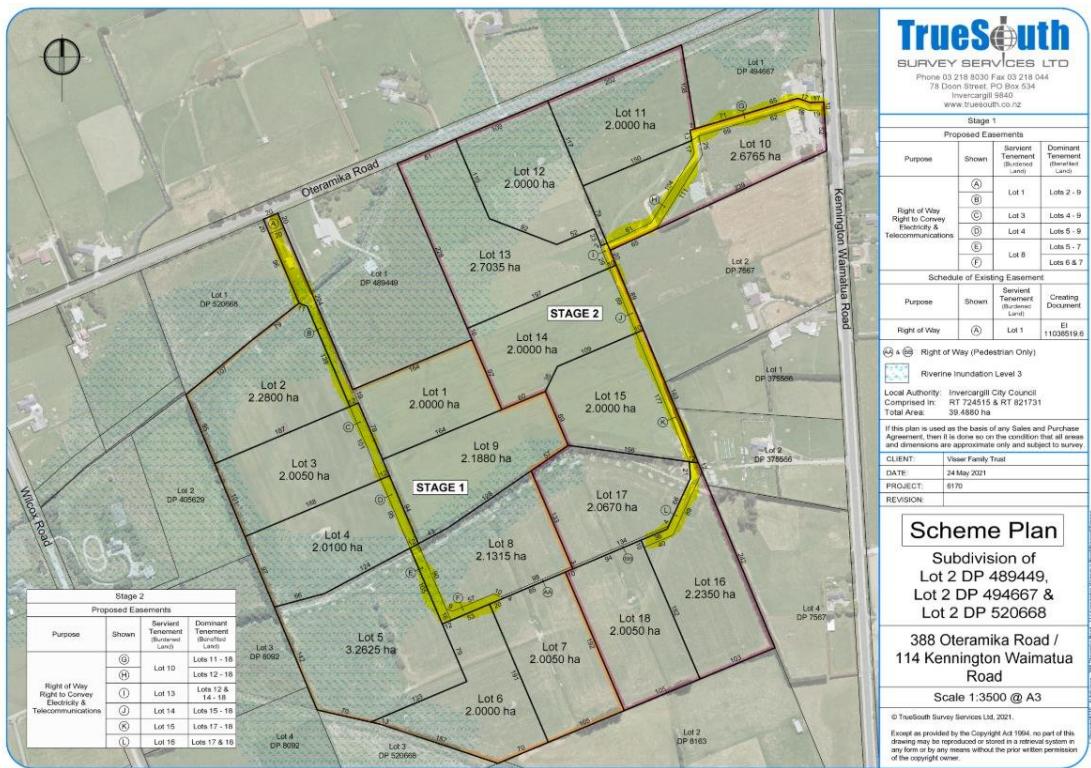
Right of ways to be created by the subdivision of Lot 1 DP 494667, Lot 2 DP 494667, Lot 2 DP 489449, Lot 2 DP 520668 - RMA/2021/160, proposed 2 stage subdivision of 18 lots in Rural Zone.

112-114 Kennington Waimatua Road

Applicant: Penelope Jane Visser and Hamish Donald Calder

Owner: Penelope Jane Visser and Hamish Donald Calder

Subdivision Plan



Location Plan



Issues and Options

Analysis

Names Submitted

Stage 1 off Oteramika Road

- Option: 1 **Dairy** – The developers have a strong connection to the Dairy Industry having operated a Livestock agent company in Southland since 2012.
- Option 2: **Calder** – developer's maiden family name. Her Father (H Calder's) family was from Southland and his Grandfather was born in Gummies Bush in 1900 and a priest at a church in Isla Bank in 1922 (T.G. Calder & Ellen Sadler).
- Option 3: **Visser** – Developers married name – The Visser family relocated to Invercargill with their children in 2013 and all remain in Invercargill.

Stage 1 off Kennington Waimatua Road

- Option 1: **Calder** – developer's maiden family name. Her Father (H Calder's) family was from Southland and his Grandfather was born in Gummies Bush in 1900 and a priest at a church in Isla Bank in 1922 (T.G. Calder & Ellen Sadler).
- Option 2: **Brunswick** – name of historic village/township that joined with Clapham to become Kennington. The historic Brunswick Village was located in Southland District where Dawson Road is now located.
Township of Brunswick DP 125 deposited 31 August 1882 – a township that adjoined the current Invercargill City east of Kennington along East Rd.
- Option 3. **Visser** – Developers married name – The Visser family relocated to Invercargill with their children in 2013 and all remain in Invercargill.

The Road Name Policy come into effect from 1st June 2022.

The intent of the Road Naming Policy is for all road naming applications to be submitted with three compliant names (with a preferred option from the developer) for Council to consider. A practical transitional period will be required before Council can realise the full benefit of this policy.

Significance

Not applicable.

Options

Not applicable.

Community Views

No community view were sought in relation to this report.

Next Steps

Once the name is approved, notification of the new name for the proposed road will be sent to the following organisations:

- NZ Post
- PowerNet
- LINZ Addressing
- Environment Southland
- Chorus
- Kiwi Maps
- AA Travel
- Blue Star Taxis
- Wise Publications
- TerraLink

This will also be added to Council's database ready for the subdivision to be completed.

Attachments

None.

PROPOSED ROAD NAME – 44 MCQUARRIE STREET

To: Performance, Policy and Partnerships Committee

Meeting Date: Tuesday 12 July 2022

From: Christine North – Property Database Officer

Approved: Michael Day - Group Manager - Finance and Assurance

Approved Date: Monday 13 June 2022

Open Agenda: Yes

Public Excluded Agenda: No

Purpose and Summary

To name the proposed Road in relation to the subdivision of 44 McQuarrie Street, (Lot 1 DP14559) Invercargill - RMA/2021/175, 23 Lot residential subdivision

Recommendations

That the Performance, Policy and Partnerships Committee:

1. Receive the report titled "Proposed Road Name – 44 McQuarrie Street".
2. That the proposed road be named **Scully Place**.

Implications and Risks

Strategic Consistency

The Invercargill City Council is responsible for the allocation of road names and numbers within the City. This is an important function because it allows residents, visitors and emergency services to locate properties with the minimum of inconvenience. In issuing rural and urban road names and numbers, Council is guided by the Australian/New Zealand Standard (AS/NZS 4819:2011) Rural and Urban Addressing.

Council's operational procedure is to allow road names that are short (25 characters or less), single word names, which are readily pronounced and spelt. Road names that closely resemble other names in either spelling or pronunciation should be avoided, as there is the potential for confusion for emergency services. There is also a desire to avoid the same name for a road and an area.

Financial Implications

Not applicable.

Legal Implications

Not applicable.

Risk

Not applicable.

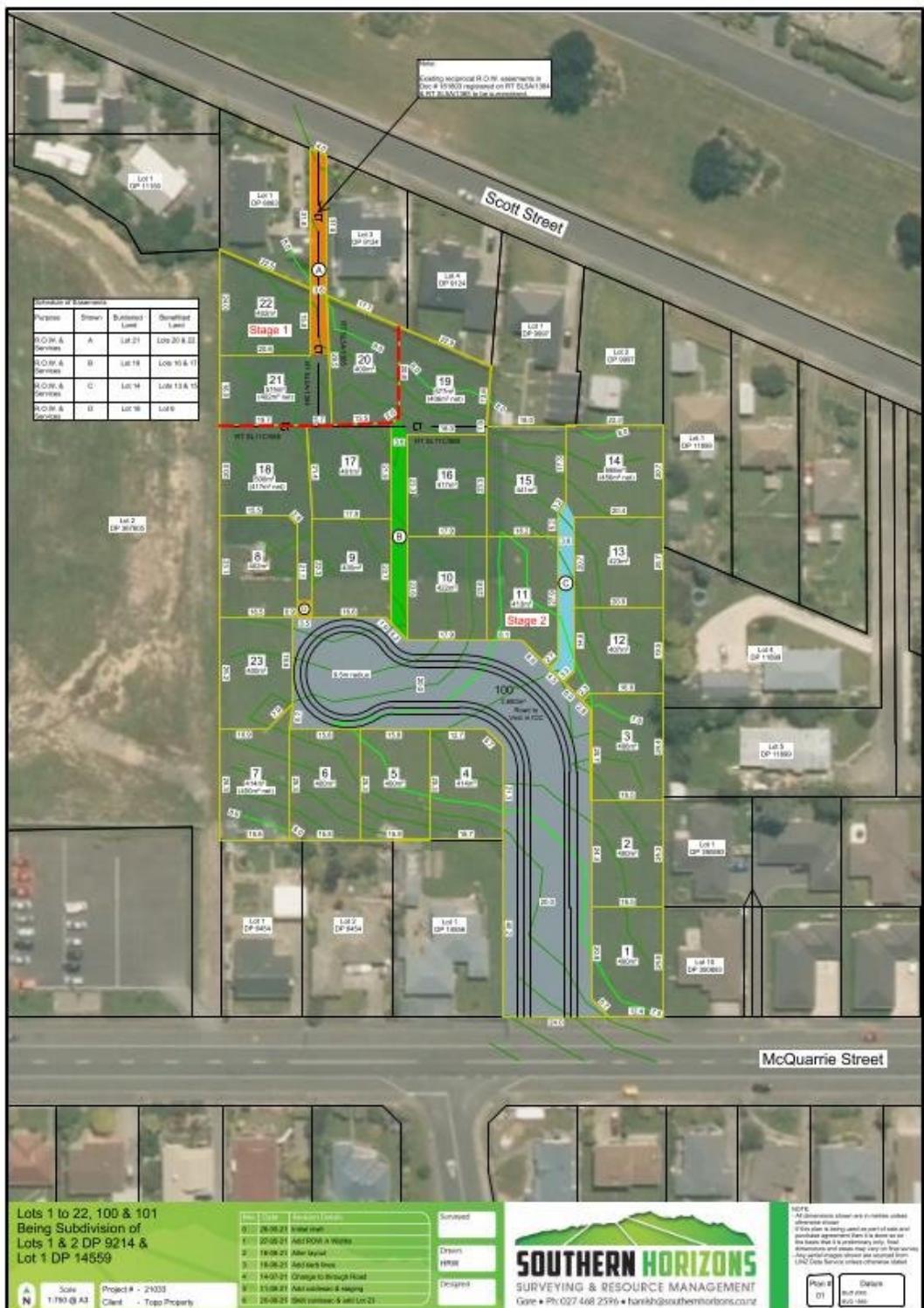
Background

Road (Lot 100) to be created by the subdivision of Lot 1 DP 1559 - RMA/2021/175, proposed subdivision of 23 lots in Residential Zone 1 – 44 McQuarrie Street

Applicant: Vinco Limited

Owner: Vinco Limited

Subdivision Plan:



Location Plan / Aerial photo 2022:



Issues and Options

Analysis

Names Submitted

The applicant requested Council's help with names for the new road.

Along McQuarrie Street in 2006 two new streets were named after old soldiers - Checketts Place and Hinton Court. The applicant is agreeable to continue the theme of old soldiers.

List of old soldiers has been started all but two still require the approval of the family to use their family name. The two approved names are:

- **Scully Place.**

Peter Alphonus Scully DCM 24/1189 Company Sergeant Major 2nd Battalion NZ Rifle Brigade. Born 6 October 1887, lived at 99 Venus Street South Invercargill. Killed in action at Le Quesnoy France 4 November 1918 during NZ action to liberate the town.

Buried at Le Quesnoy. Peter Scully was awarded the Distinguished Conduct Medal for "conspicuous gallantry and initiative" six weeks prior to his death. Peter is commemorated on the South Alive Heritage Trail board at the South Invercargill war memorial.



- **Stone Place.**

Richard Ennis Stone NZ 6905 Able Seaman Royal New Zealand Navy. Born 17 September 1923 – died 2 September 2010. Richard Stone grew up in York St South Invercargill. During WWII Richard Stone was a naval radar plotter serving on the HMS King George V during operations in the Pacific and Japanese waters. He was present at the surrender ceremonies at Tokyo Bay on 2 September 1945.

The Road Name Policy came into effect on 1 June 2022.

The intent of the Road Naming Policy is for all road naming applications to be submitted with three compliant names (with a preferred option from the developer) for Council to consider. However it should be noted we do not have any entries on the pre-approved list to assist developers with selecting road names. A practical transitional period will be required before Council can realise the full benefit of this policy.

Significance

Not applicable.

Options

Not applicable.

Community Views

In advance of the policy adoption, Scully family representatives were consulted on this request and after feedback were very accepting of the name being used.

Application will be made to Poppy Places NZ Trust to register the name and thus place the poppy symbol on the road sign.

Next Steps

Once the name is approved, notification of new name for the proposed road will be sent to the following organisations:

- NZ Post
- PowerNet
- LINZ Addressing
- Environment Southland
- Chorus
- Kiwi Maps
- AA Travel
- Blue Star Taxis
- Wise Publications
- TerraLink

This will also be added to council's database ready for the subdivision to be completed.

Attachments

None.

CUSTOMER COMPLIANCE STRATEGIC FRAMEWORK ADOPTION

To: Performance, Policy and Partnerships Committee

Meeting Date: Tuesday 12 July 2022

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Approved Date: Tuesday 5 July 2022

Open Agenda: Yes

Purpose and Summary

In April 2021 the Performance, Policy and Partnerships Committee approved the Invercargill City Council Enforcement Policy (Policy). The purpose of this report is for the Performance, Policy and Partnerships Committee to approve the Customer Compliance Strategic Framework (Framework) to inform the implementation of the Policy.

Recommendations

That the Performance, Policy and Partnerships Committee:

1. Receive the report "Customer Compliance Strategic Framework Adoption" (A3962945).
2. Adopt the Customer Compliance Strategic Framework effective from 1 August 2022.

Implications and Risks

Strategic Consistency

The Policy and Framework support Council's mission "to leave in good order" through the provision of a consistent and structured approach to compliance and enforcement.

Council also influences how strategic objectives are achieved through its risk appetite and tolerance. The framework is designed and is consistent with the risk framework adopted by Council. Council and staff will need to ensure that they work together during the implementation of this framework to ensure that the risk appetite set by Council is reflected in the risks undertaken in compliance and enforcement.

Periodic reviews of the framework implementation will be provided to the Risk and Assurance Committee to enable monitoring of the risk appetite.

Financial Implications

The financial implications are considered to be minimal. Council already delivers compliance and enforcement activities and the implementation of the Policy and Framework will not change the financial costs associated with this.

Legal Implications

The Framework will ensure the consistent application of the Policy and will result in a structured approach to compliance and enforcement across Council's regulatory functions.

Risk

The risk is assessed as low. The Framework supports the implementation of the Policy that has already been approved.

Background

The Policy came into effect on 1 June 2021. The Framework defines Council's enforcement strategy setting out the priorities, focus and how it will go about its compliance role and adopts the existing practice to reflect the policy.

The development of a framework was identified in the next steps of the April 2021 report to the Performance, Policy and Partnerships Committee. The report noted the framework is developed after the Policy is in place to ensure that the Policy can be given effect to.

Issues and Options

Analysis

The purpose of the Framework is to assist Council in implementing the Enforcement Policy and maintain a consistent approach to:

1. Monitoring compliance
2. Encouraging compliance
3. Dealing with non-compliance.

The Policy and Framework deal with compliance under the Resource Management Act 1991, the Building Act 2004, the Local Government Acts 1974 and 2002, the Health Act 1956 and other general compliance related matters such as noise and litter.

The Framework sets out the high level principles to guide compliance, the development of a compliance monitoring programme with monitoring methods and the prioritisation of resources using a risk based methodology. Compliance will be encouraged using the 4E model of Engage, Educate, Enable and Enforce. Enforcement will utilise the VADE model (Voluntary, Assisted, Directed or Enforced) as set out in the Policy.

The Ministry for the Environment considers it best practice for councils to have an Enforcement Policy in place.

Significance

The Framework is not considered significant under the Significance and Engagement Policy; it informs how Council will implement the Enforcement Policy previously approved.

Options

Option 1: Retain the status quo

This option will see the Enforcement Policy left in place with no effective mechanism to ensure it is implemented in a consistent and structured manner.

Option 2: Approve the Customer Compliance Strategic Framework

The purpose of the Framework is to give effect to the implementation of the Policy. This will provide Council with a consistent and structured approach across all its compliance and enforcement activities.

Community Views

Community views have not been directly sought in relation to the Framework, however based on the types of request for service received from the public there is a community expectation that Council will enforce compliance with relative legislation.

Next Steps

The next steps will be the development of an Action Plan to implement the Framework.

The initial focus of the framework was compliance and enforcement within the Customer and Environment Group, however enforcement functions are across the organisation, and it is appropriate to enable the framework council wide.

Attachments

Customer Compliance Strategic Framework (A3394110)

Enforcement Policy – adopted by the Performance, Policy and Partnerships Committee on 21 April 2021 (A3392357)

Appendix 1
A3394410



Customer Compliance Strategic Framework

July 2022

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1. PURPOSE AND OVERVIEW

This document sets out a Customer Compliance Strategic Framework (CCSF) to assist Invercargill City Council (Council) in implementing the Enforcement Policy/Te Kaupapa here whakauruhi a te kaunihera o Waihopai and to maintain a consistent approach to:

- monitor compliance (i.e. what is the state of compliance)
- encourage compliance (i.e. achieving the highest levels of compliance)
- deal with non-compliance (i.e. use of enforcement tools to bring about behaviour change)
- review each of these components (i.e. to gauge the effectiveness of the CCSF)

Figure 1 shows the different elements of the CCSF and how they relate. There are three major components to the CCSF:

1. **Monitoring** - this includes developing strategic programmes
2. **Encouraging Compliance** – using the proactive 4Es model (refer page 10)
3. **Non-Compliance** – using enforcement tools to deal with non-compliance.

Monitoring and encouraging compliance employs a risk-based approach in its execution (it's about prioritising resources based on risk) and dealing with non-compliance using a 'toolbox' of enforcement tools. A key component of any CCSF is the requirement to report and review.

When establishing the residual risk to be accepted under this framework staff must ensure compliance with the risk appetite set by Council. Where the residual risk is inconsistent with that set by Council, it must be referred to Risk and Audit.¹

Figure 1: Elements of a Customer Compliance Strategic Framework



¹ Refer to the Invercargill City Council Risk Management Framework

2. PRINCIPLES TO GUIDE COMPLIANCE OPERATIONS

The implementation of a CCSF will adopt the following operating principles. These principles should guide how we develop strategic compliance programmes:

Transparent

We will provide clear information and explanation to the regulated community about the standards and requirements for compliance.

Consistency of process

Our actions will be consistent with the legislation and within our powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. We will ensure that our staff have the necessary skills and are appropriately trained, and that there are effective systems and policies in place to support them.

Fair, reasonable and proportional approach

We will apply regulatory interventions and actions appropriate for the situation. We will use our discretion justifiably and ensure our decisions are appropriate to the circumstances and that our interventions and actions will be proportionate to the risks posed to people and the environment and the seriousness of the non-compliance.

Evidence based, informed

We will use an evidence-based approach to our decision-making. Our decisions will be informed by a range of sources, including sound science, information received from other regulators, members of the community, industry and interest groups.

Collaborative

We will work with and, where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for our region. We will engage with the community and consider public interest, those we regulate, and government to explain and promote environmental requirements, and achieve better community safety and environmental outcomes.

Lawful, ethical and accountable

We will conduct ourselves lawfully and impartially and in accordance with these principles and relevant policies and guidance. We will document and take responsibility for our regulatory decisions and actions. We will measure and report on our regulatory performance.

Targeted

We will focus on the most important issues and problems to achieve the best environmental outcomes and on those that pose the greatest risk to the community. We will apply the right tool for the right problem at the right time.

Responsive and effective

We will consider all alleged non-compliance to determine the necessary interventions and action to minimise impacts on the environment and the community and maximise deterrence. We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

3. THE COUNCIL ROLE

The Council, through its Customer and Environment Group, provides advice and guidance whilst delivering compliance, monitoring and enforcement (CME) of the Regulatory laws across the City District. Council has developed the *Enforcement Policy/ Te Kaupapa here whakauruhi a te kaunihera o Waihopai*² to provide guidance and certainty to the regulated community on how Council will act in CME matters. To assist in the delivery of these services and to implement the Policy the *Strategic Compliance Framework*³ is seen as the cornerstone to the strategy in the delivery of these key services.

While the key driver for adoption of this strategy is to advance compliance, monitoring and enforcement of environmental law, the Council regulatory responsibilities extend much wider than this. Therefore this strategy has been tailored to meet Council's needs within the CME area. The strategy will act as a guide for a wide range of CME activities which reflects this wider purpose.

Local Government in New Zealand is responsible for ensuring compliance with a variety of laws and regulations that are aimed at achieving positive community and environmental outcomes. A key component of this is carrying out compliance monitoring, and responding to notifications of potential breaches or incidents. This role triggers a range of associated interventions to ensure that individuals and organisations adhere to these rules and regulations for the 'public good'.

Applying a strategic approach to ensuring others are compliant enables Councils to focus their compliance related programmes and interventions on the most 'important problems' – based on a range of risk based factors.

There has been no overarching, robust framework that can be shared and applied across the district. The absence of such a framework not only reduces opportunities for Council to effectively focus resources on important compliance priorities, but also allows for inconsistent approaches which has been highlighted and criticised, limiting the collective effectiveness of Local Government. The purpose of this document is to address the absence of an overarching framework.

² Operative 1 June 2021

³ (It should be noted this document also incorporates the Ministry for the Environments' *Best Practice Guidelines for Compliance, Monitoring and Enforcement*).

4. DEVELOPING A STRATEGIC COMPLIANCE MONITORING PROGRAMME

As part of the monitoring component of the CCSF, a Strategic Compliance Monitoring Programme ensures that the appropriate resources are allocated to activities by determining the monitoring frequency and intervention method, dependant on the risk to the environment, community and individuals from that activity.

This programme will include:

- The use of criteria to assess the likelihood and consequences of non-compliance occurring including;
 - Council priority areas
 - Community and tāngata whenua expectations
 - Areas protected and identified in the District Plan⁴
- Determining a compliance monitoring priority list appropriate
- Determining type/level of intervention according to risk profile.
- Determining resourcing to match combination of interventions that apply.
- Determining monitoring frequencies.
- Developing procedures, charging regime, database recording system.

Compliance monitoring methods

Compliance monitoring can be carried out in various ways including:

- **Site visits** - to assess compliance, at a moment in time, against consent / licence conditions and rules E.g. Controlled Purchase Operation
- **Desk top audit** - based on data provided by the consent / licence holder.
- **Patrolling** – to proactively monitor areas or activities e.g. Parking, Animal Control
- **Inspections** – to check compliance with consents / licenses e.g. building, Food Act 2014
- **Community reports, complaints or notifications** – feeds into the risk assessment and frequency of interventions.
- **Pro-active campaigns** – targets particular activity types

Prioritise resources using a risk based methodology

The most common and effective way to set up a compliance monitoring programme is to use a risk assessment method to determine priority areas. The Government expects that 'Departments...will maintain a transparent, risk-based compliance and enforcement strategy'⁵.

In the context of compliance monitoring, risk is traditionally calculated using the likelihood of a non-compliance occurring and the consequent magnitude of harm to human health and the environment (including cultural, social and economic effects). The ranking/level of risk calculated informs development of an appropriate compliance monitoring response that considers the appropriate frequency, type and scale of monitoring.

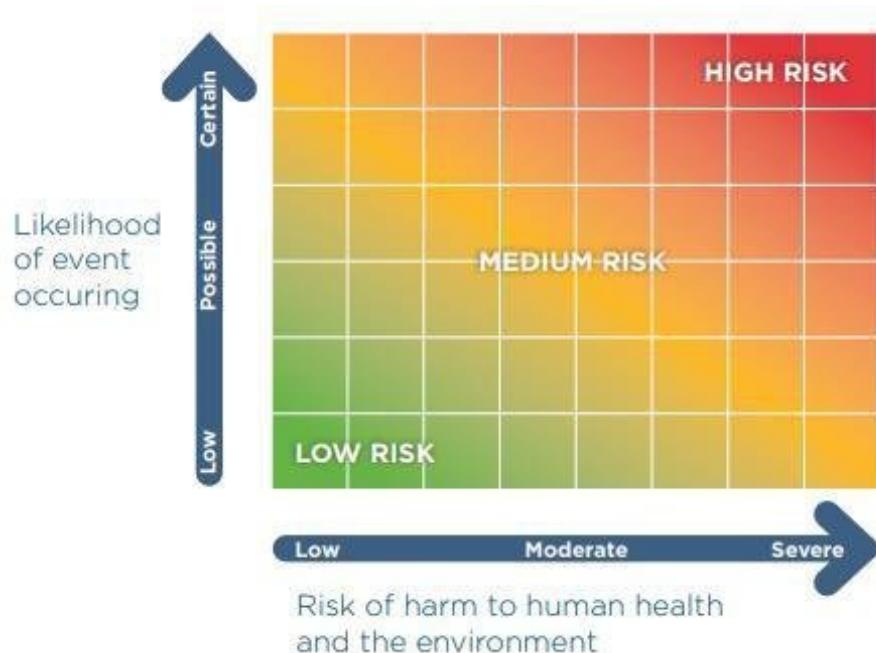
⁴ Invercargill City District Plan 2019- areas of Significant Indigenous biodiversity/ vegetation, area of outstanding natural features, and areas and items that are recorded as having heritage values.

⁵ New Zealand Productivity Commission. Regulatory institutions and practices June 2014 Final Report

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Applying a risk based approach enables monitoring efforts to be focussed on the biggest risks to the environment and community and target areas where businesses and people are less likely to comply. It is important to remember that a risk matrix should be used for focusing monitoring efforts and is not an enforcement decision making tool.

Figure 2: Generic Risk Matrix

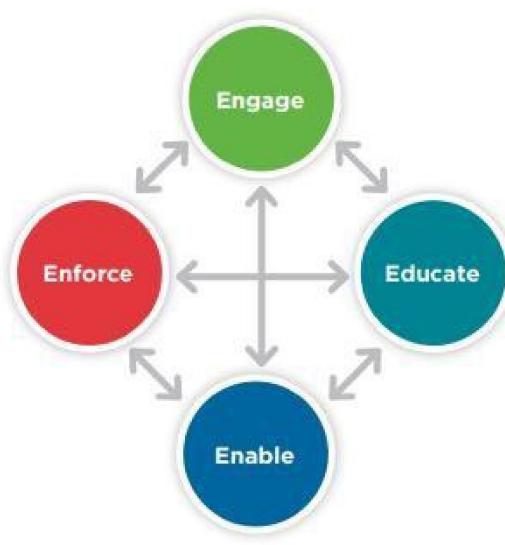


5. ENCOURAGING COMPLIANCE

It is important to take a comprehensive ‘spectrum’ approach to encourage the highest levels of compliance through developing understanding and sustained behaviour change.

The 4Es Model⁶ is a helpful way of displaying the four components that a comprehensive strategy should have. The 4Es: Engage, Educate, Enable and Enforce are not exclusive of each other. It is recognised that different components of the model may be carried out by different parts of an organisation. Regardless of who has responsibility for implementing each component of the model it is vital that they are coordinated and a high level of communication is maintained to ensure that full effect is being achieved.

Figure 3: The 4Es



The resource and emphasis put into any one “E” will be determined by Council in accordance with the priorities identified at any one time. It may be that Council will put more emphasis on different components over time and that the use of the 4Es is dynamic and changes, but in a coordinated and planned fashion. Each of the components is explained in more detail:

Engage – consult with regulated parties, stakeholders and community on matters that may affect them. This will require maintaining relationships and communication until final outcomes have been reached. This will facilitate greater understanding of challenges and constraints, engender support and identify opportunities to work with others.

Educate – alert regulated parties to what is required to be compliant and where the onus lies to be compliant. (i.e. with them!) Education should also be utilised to inform community and stakeholders about what regulations are in place around them, so that they will better understand what is compliant and what is not.

⁶ New Zealand Productivity Commission. Regulatory institutions and practices June 2014 Final Report, this works in conjunction with the VADE model adopted in the Policy and detailed later in this CCSF.

Enable – provide opportunities for regulated parties to be exposed to industry best practice and for what is required to be compliant. Link regulated parties with appropriate industry advisors. Promote examples of best practise.

Enforce – when breaches of regulation, or noncompliance, are identified then an array of enforcement tools are available to bring about positive behaviour change. Enforcement outcomes should be proportional to individual circumstances of the breach and culpability of the party.

6. DEALING WITH NON-COMPLIANCE

When non-compliant activities are identified there needs to be an explicit response that is proportionate to the overall circumstances of the offending. The response should be clear, and be able to be understood by the regulated party as well as the community. Council will ensure that responses are not inconsistently applied.

A proportionate, risk-based compliance strategy

"A successful and cost effective compliance strategy will draw on a range of options for responding to non-compliance. Responses can range from encouraging and assisting an individual or business to comply where the risk presented is minor, to revoking an operating licence and bringing criminal or civil court action in cases of serious risk and deliberate non-compliance."⁷

In the Council context we have a broad range of enforcement obligations and various enforcement tools available to ensure compliance for each activity undertaken as shown in the table below.

	Verbal Warning	Written Warning	Notice to Fix	Infringement Notice	Abatement Notice ⁸	Enforcement Order	Prosecution
Building	x	x	x	x			x
Resource Consents	x	x			x	x	x
Environmental Health/ HSNO	x	x			x		x
Alcohol	x	x		x			x
Parking	x			x			x
Noise	x	x		x	x	x	x
Animal/ Dog Control	x	x		x			x
District Plan / RMA- Environment	x	x		x	x	x	x
Bylaws	x	x					x
Food	x	x			x ⁹		x

Taking any kind of enforcement action can have a profound impact on the subject of the action and cannot be taken lightly. Decisions on enforcement action must be based on reliable and correctly obtained information¹⁰ so that an informed decision can be made.

⁷ CCCP – Achieving Compliance; A Guide for Compliance Agencies in New Zealand June 2011; page 172

⁸ Includes Closing Orders under the Health Act 1956 and Cleaning Orders under the Food Act 2014

⁹ Powers as a Food Safety Officer

¹⁰ Adapted from Zaman 2015

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This information will not only determine whether a breach has occurred but also how serious the breach is.

Below are two enforcement approaches, the first is specific to the RMA, the second for all other Council responsibilities.

1. Enforcement options – general approach

When breaches and non-compliance activities are identified, we will respond in a way that is consistent with and proportionate to the overall circumstances of the breach/ non-compliance.

The Enforcement Policy confirms Council will use the VADE model.

The VADE model is made up of Voluntary, Assisted, Directed or Enforced compliance (VADE). This model is based on recognised behaviours that guide the delivery of the appropriate intervention.

The VADE model recognises that most people and businesses are willing to voluntarily comply with their regulatory obligations or can be encouraged to do so. Enforcement responses escalate depending on the seriousness of the conduct, extent of the harm and public interest factors.

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The table below illustrates this VADE model:

	Description of compliance behaviour	Example	Likely scenario	Likely compliance / enforcement approach
Voluntary	Persons seek to voluntarily comply and be informed about their legal obligations. The activities that they undertake are compliant and cause no related nuisance. Such people know and are aware of their obligations and make every effort to consciously comply.	Undertake consented activities in a careful and considerate manner taking into account the needs of the local community and environment. Ensures swimming pool fencing meets the requirements of the Act.	Most likely	Praise Education / advice where required
Assisted	People are attempting to comply but are uninformed about their legal obligations or responsibilities. They will alter unintentional nonconforming behaviour when educated.	Unintentionally undertakes an activity that contravenes their consent approvals and/or underlying application Minor potential for environmental or community impact	Most likely	Education / advice – verbal and collateral
Directed	People take advantage of the opportunity not to comply with their legal obligations or responsibilities. They know the rules but will take the opportunity to avoid compliance. Likely to challenge Officer requests. May alter behaviour when educated.	Does not always complete required actions in manner agreed because quicker or less costly alternative. Disregards any potential impact for environmental or community impact. Risks for environmental or community impact are medium to high.	Less likely	Education – verbal and collateral Warnings Infringement notices Enforcement order Abatement notice (where 'near miss' for significant environmental breach)
Enforced	People deliberately, and without any regard, undertake non complying activity in breach of known obligations and responsibilities. Recidivist activities. Knows the rules and associated parameters/conditions and has complete disregard for operating within these. Very likely to challenge Officer requests.	Deliberately undertakes non-consented activities; Deliberately Disregards impact for local environment and communities. Risks for environmental or community impact are high.	Least likely	Infringement notice Abatement notice Enforcement order Prosecution

2. Enforcement options – RMA specific approach

The RMA and case law provide the formal enforcement tools that are available to the Sector. It may be that individual agencies also develop informal tools which can be effective when used appropriately. It will be important to ensure these informal tools are consistent with the principles and purpose of the Strategic Compliance Framework.

Enforcement tools can be categorised into two main functions. **Directive** actions are about looking forward and righting the wrong. **Punitive** actions are about looking back and holding people accountable for what they have done. These actions are described in more detail at Appendix 3.

“... where a regulated entity deliberately or persistently fails to comply, it is vital that the agency take swift and firm enforcement action. Failing to do this will:

- ✓ *Unfairly advantage those who are noncompliant, as against those who comply voluntarily*
- ✓ *Undermine incentives for voluntary compliance*
- ✓ *Damage the agency’s credibility with the regulatory sector and the wider public, who will perceive that the agency allows deliberate offenders to ‘get away with it’*
- ✓ *Undermine the agency’s own internal morale”¹¹*

Decision making – factors to consider

The courts have provided helpful guidelines¹² as to what factors are appropriate to consider in RMA cases to determine the seriousness of a breach. These factors should be adopted be used to guide their enforcement decision making:

- What are the actual adverse effects that have occurred from the breach?
- What are the likely or potential adverse effects arising from the breach?
- What is the value or sensitivity of the environment affected by the breach?
- Was the breach a result of deliberate, negligent or careless behaviour?
- What degree of care was taken by the culpable party and how foreseeable was the incident?
- What efforts were made by the culpable to remedy or mitigate the effects of the breach?
- How effective was that remediation or mitigation?
- Was any profit or benefit gained from the breach by the culpable party?
- Is this incident a repeat non-compliance by the culpable party or has previous enforcement action been taken against the party for the same or similar breach?
- Has the culpable party failed to act on prior instructions, advice or notice?

¹¹ CCCP – Achieving Compliance; A Guide for Compliance Agencies in New Zealand June 2011; page 181 14

¹² It is expected that the Regional Sector will gather information in keeping with best practise detailed in Basic Investigative skills for Local Government ISBN 978-0-9876661-9-2

3. Enforcement Options- Prosecution

If prosecution is being considered then three additional factors should be considered to those set out in above:

- What degree of deterrence is required in relation to the culpable party?
- What degree of general deterrence is required for the wider industry or community?
- Have the Solicitor General's Prosecution Guidelines prerequisites for prosecution been satisfied?

Not every factor will be relevant every time. On occasion one single factor may be so overwhelmingly aggravating, or mitigating, that it may influence the ultimate decision. It is inappropriate to take a matrix or numerical approach to weighing and balancing these factors. Each case is unique and the individual circumstances need to be considered on each occasion to achieve a fair and reasonable outcome. The discretion to take enforcement action, or not, sits solely with the prosecuting agency.¹³

See the Prosecution Policy following.

¹³ *Machinery Movers Limited –v Auckland City Council* [1994] 1 NZLR 492 & *Selwyn Mews Ltd –v- Auckland City Council* HC Auckland CRI-2003-404-159

7. REPORTING AND REVIEWING

Reporting

To assist with assessing the effectiveness of the strategy it would be useful to have systems in place to capture sufficient, relevant and comparable data to inform any review.

In relation to the RMA Councils are already required to report on CME functions through the annual National Monitoring System to the Ministry for the Environment.

There is other information that it would be useful collect to support the scope of Compliance in the City District which includes:

- Establishing consistency regarding principles and approach to compliance, monitoring and enforcement
- Sharing advice, guidance, resources and training on compliance, monitoring and enforcement
- Incorporating best practice approaches
- Identifying and addressing emerging issues, risks, limitations and/or barriers

Systems should be in place to capture sufficient data to enable reliable trend based information to inform any review of this strategy.

Reviewing

The purpose of review is to ensure the effectiveness of a SCF, in terms of its individual components and the overall framework. A review of this strategy will be undertaken every three years. To address any operational or implementation issues, ensure the strategy is achieving its purpose and recognise any relevant legislative amendments.

8. ENFORCEMENT STRATEGY

Areas of Enforcement and Operational Activities

The Council takes many steps every day to pursue self-compliance with national and local legislative requirements.

Many matters can be easily resolved through education and advice without the need for enforcement. However, we also have a responsibility to the community to ensure that where non-compliance does occur the appropriate enforcement action is undertaken.

Alcohol

Objective: *To ensure legislative obligations are met and conditions of licences are adhered to, to minimise alcohol related harm through excessive or inappropriate consumption of alcohol.*

Action:

- (1) *To undertake regular monitoring of licensed premises to ensure that compliance with licence conditions and standards is the normal behaviour of licensees;*
- (2) *To ensure the rules and consequences are communicated clearly to licensees.*

Council will increase the monitoring of promotional events to address an ongoing issue of inappropriate promotions of alcohol and take appropriate enforcement ranging from warnings to seeking a suspension of a licence. Where continued issues remain and three suspensions in three years have been established, Council may seek a cancellation of a licence with the Alcohol Regulatory and Licensing Authority for a minimum of five years.

Dogs (Animal Control)

Objective: *Ensure that there is a safe recreational environment for both dog owners and other members of the public by minimising the incidence of roaming dogs and dogs not kept under effective control.*

Action:

- (1) *Maintain targeted patrolling to reduce the level of roaming dogs and reduce the potential for dog attacks;*
- (2) *Responding quickly to any public complaints regarding roaming or aggressive dogs.*

Targeted areas

The number of dog attacks (on other animals or people) fluctuates from year to year, but overall, levels remain steady. However, roaming dogs are an increasing problem which gives rise to a range of issues eg. Attacks, incidents of worrying stock, dog fouling and general nuisance.

While Council will provide a quick response to all general dog complaints, particular priority will be given to dog attacks to protect the public and to assist the public in a distressing situation. The Council will evaluate dogs involved in attacks to determine the most appropriate level of enforcement, including the need to classify a dog as menacing or dangerous.

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Littering

Objective: *Providing a litter-free district that our community is proud of and our visitors admire.*

Action:

- (1) *Educating visitors and the wider community on Council's strong anti-littering stance;*
- (2) *Improving the identification of littering offenders and enforcement responses.*

Targeted areas

Council will increase the enforcement against offenders where rubbish is left on Council land and utilise the custodian and parking officer resources to enable a more effective response to this issue.

Resource Management (Planning)

Objective: *To provide a high quality natural and built environment across the district.*

Action:

- (1) *To undertake the monitoring of resource consent applications with such regularity that compliance with the conditions is the default behaviour.*

Targeted areas

Council will increase the frequency of monitoring resource consents to increase public confidence in Council and to promote self-compliance from consent holders.

Building (Development)

Objective: *To protect the health and safety of all users of buildings and encourage a high level of self-compliance with the law.*

Action:

- (1) *To ensure information is clear and easily available so applicants are aware of the building rules;*
- (2) *To review all Certificate of Acceptance applications to determine if enforcement action is necessary.*

Environmental Health

Objective: *To maintain and improve hygiene standards of businesses to protect public health.*

Action:

- (1) *To undertake an annual inspection of business across the district.*
- (2) *To ensure businesses understand the standards and expectations of Council.*
- (3) *To publicise the grading of all food businesses.*

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Targeted areas

Annual inspections are carried out in food businesses, hairdressers, camping grounds and funeral directors to ensure compliance with national legislation and local regulations. The majority of issues found relate to cleanliness, maintenance of the premises and knowledge of food safety in food businesses.

Where business owners do not comply with the rules, this provides a risk to public health and consequently a risk to our reputation as a tourist destination. It is important that the public have confidence in the Council enforcing regulations to protect public health consistently.

Parking

Objective: *Ensure that parking across the district, and particularly the Central Business Districts is within designated areas and for no longer than permitted to enable the safe and smooth flow of traffic, in addition to ensuring freedom camping is only undertaken in permitted areas in self-contained vehicles.*

Action: (1) *To undertake daily patrols with sufficient regularity that voluntary compliance is the default behaviour of local residents and visitors;*
(2) *To ensure that signage is sufficiently clear and prominent that visitors to the district are aware of the parking rules.*

Noise

Objective: *To reduce the incidence of excessive noise nuisance across the district.*

Action: (1) *To educate residents and visitors on Council's stance regarding excessive noise;*
(2) *To provide a fast response to noise complaints.*

Council provides a 24/7 noise complaint service in response to antisocial behaviour regarding noise. The majority of complaints are regarding stereo noise and associated people noise.

9. PROSECUTION POLICY

Introduction

Prosecutions are a response to non-compliance which result in serious consequences for victims, witnesses and defendants. Prosecutions should be used in a deliberate and targeted manner to deter and enounce offending and hold the offender accountable for harm to the victim, environment and community caused by the offending.

Public confidence in the Council's administration of its enforcement duties relies on decisions to prosecute (or not to prosecute) being made in a transparent, consistent and fair manner.

Any prosecution undertaken by the Council or on its behalf (i.e. The New Zealand Police) should be conducted in accordance with this prosecution policy, the Council's enforcement strategy and the Solicitor General's prosecution guidelines.

Solicitor General's Prosecution Guidelines

The Crown Law office has issued the Solicitor General's prosecution Guidelines (SGPG)¹⁴ to assist regulatory agency prosecutors in exercising their discretion to prosecute criminal cases.

The SGPC sets out a test for prosecution decision making. There are two limbs to that test:

1. The evidential test – whether there is a reasonable prospect of securing a conviction on reliable, available and admissible evidence;
2. The public interest test – whether the public interest requires a prosecution.

Both limbs of that test must be met before a prosecution can be brought.

Obtaining a conviction is a consequence but not the purpose of a prosecution. Factors that are relevant to a decision to prosecute includes whether:

1. The actual (or risk of) loss, harm or damage as a consequence of the non-compliance is significant;
2. The non-compliance is intentional or calculated;
3. The offender has a history or pattern of non-compliance;
4. There are no property alternatives to prosecution.

The officer in Charge will prepare a report that sets out the evidence for a prosecution and make a recommendation to their Manager. The Manger will review this and refer to the Group Manager Customer and Environment.

That officer will exercise their discretion whether or not to commence a prosecution

Review by Prosecutor¹⁵

An investigation file will be referred to a prosecuting Lawyer.

¹⁴Dated 1 July 2013

¹⁵ For the purpose of this policy, a "prosecutor" is either Lawyer, external or internal instructed by the Council to act as the prosecutor in the case.

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Decision to prosecute

If a prosecutor considers that both the evidential test and the public interest tests are met, a decision of “recommend prosecution” is made, together with a list of the appropriate charges. This decision will be recorded in writing.

Decision not to prosecute

If a prosecutor determines that either the evidential test or the public interest test set out in the SGPG are not met a “no prosecution” decision will be made. This decision will be recorded in writing. Where the evidential test is met, but the public interest test is not, the prosecutor will refer the decision together with the investigation file to the Council officer in charge (ie. the officer with delegated authority to file a charging document with the Court). The officer will exercise their discretion whether or not to initial a prosecution.

A decision of “no prosecution” does not preclude a re-consideration of an investigation where new and/or additional information is available. Additionally, a review of the decision not to prosecute may be initiated for the purpose of re-evaluating the public interest.

If the decision is not to commence a prosecution, the reasons for that decision will be recorded in writing. The file will be closed, but the decision not to proceed with the prosecution may still be reviewed.

Commencing a Prosecution- Charges

If the Group Manager has determined to commence a prosecution and the Prosecutor confirms the SGPG test is meant then the Prosecutor will prepare and file a charging document in the appropriate court, for the charges recommended by the prosecutor.

The prosecutor will arrange for service of the charging document, together with a letter to the defendant. If any special procedure (such as obtaining the consent of the Solicitor General to lay charges) is required, the prosecutor will make the necessary arrangements.

Court

The running of the Court process is done by the Prosecutor.

The Prosecutor has such independence as needed to run the Court stage of the prosecution as needed.

If amendments to charges are needed, or a withdrawal of a charge then the Prosecutor will discuss this with the appropriate Officer in charge/ Team Leader/ Manager.

APPENDIX 1: APPLICATION OF THE A VADE BASED APPROACH – A REGULATORY EXAMPLE

Enforcement response guidelines

Guiding principles for decision-making on enforcement responses

Decisions regarding the Council's enforcement responses will take into account the attitude towards compliance and be:

- Logical, timely and considered
- Evidence-based
- Made impartially and without fear, favour, bias, prejudice or improper motive
- Sufficiently robust and well-documented to withstand judicial review and Criminal Court scrutiny
- Proportionate to the risk posed by the non-complaint behaviour, and the attitude towards compliance
- Consistent with the law, the public interest, and the Council's strategic objectives

Factors for consideration

Enforcement responses follow a model of voluntary, assisted, directed or enforced compliance (VADE). This model is based on recognised behaviours that guide the delivery of the appropriate interventions.

The factors for consideration are set out below.

Application of these factors requires expertise and experience to be applied in the process of weighing up which compliance tools might be most applicable.

Extent of harm or risk of harm

This includes harm or potential harm to the community and environment. Actions that create risks but do not actually lead to harm occurring can still be serious and require a firm response.

- There is minimal or no harm or risk of harm
- Harm is, or would likely be easily remedied
- Harm is, or would likely be restricted in scale or effect
- There is significant or widespread harm or potential for such harm
- Harm is actually or potentially caused to a vulnerable section of the community/environment

Conduct

Conduct in this context means the behaviours, intent and capability of the person / organisation whose actions are being considered.

- It is first-time or one-off behaviour that is unlikely to be repeated
- The conduct is accidental or resulted from momentary carelessness or the result of a limited understanding of the law
- Mitigating factors exist
- The behaviour is deliberate, reckless or involving consistent carelessness
- The conduct is repeated, ongoing
- There is a serious departure from expected lawful behaviour
- Aggravating factors exist

Public interest

Public interest can be described as something being in the interest of the wider public or of public importance. It is more than simply interest from the public or expectation from the public of action. Considerations include responsibility to victims, the need to clarify the law, and whether the matter at hand reflects a widespread problem that can be usefully addressed by highlighting the need for compliance.

- The conduct occurred some time ago and has ceased
- The legal principles involved are well-established and do not require clarification in court
- Action is necessary to clarify a grey area in the law
- Action is necessary to deter others from similar conduct

Attitude to compliance

Typically, the nature of the responses will be informed by, and tailored to, the attitude of individuals or organisations involved towards compliance. This helps ensure that the intervention(s) chosen will have the desired effect. This does not prevent significant action being taken for other reasons, even when attitude is good.

- Willing and able to comply
- Willing but not able to comply
- Reluctant to comply
- Unwilling to comply
- Actively and intentionally non-compliant'
- Available enforcement responses

Assessment against the factors above, and attitude to compliance, will support a decision about the best course of action.

There is a range of possible enforcement responses available from: an approach based on information, education and engagement to support and encouraging compliance; to an approach (usually through investigation) that may lead to enforcement interventions such as infringement notices, or other civil or criminal action under applicable law. Multiple interventions may be appropriate and applied together.

The table below reflects the intended method of weighing up the relevant factors and attitude to compliance to determine the appropriate response:

	Description of compliance behaviour	Example	Likely scenario	Likely compliance / enforcement approach
Voluntary	Persons seek to voluntarily comply and be informed about their legal obligations. The activities that they undertake are compliant and cause no related nuisance. Such people know and are aware of their obligations and make every effort to	Undertake consented activities in a careful and considerate manner taking into account the needs of the local community and environment. Ensures swimming pool fencing meets the requirements of the Act.	Most likely	Praise Education / advice where required

Assisted	People are attempting to comply but are uninformed about their legal obligations or responsibilities. They will alter unintentional nonconforming behaviour when educated.	Unintentionally undertakes an activity that contravenes their consent approvals and/or underlying application Minor potential for environmental or community impact	Most likely	Education / advice – verbal and collateral
Directed	People take advantage of the opportunity not to comply with their legal obligations or responsibilities. They know the rules but will take the opportunity to avoid compliance. Likely to challenge Officer requests. May alter behaviour when educated.	Does not always complete required actions in manner agreed because quicker or less costly alternative. Disregards any potential impact for environmental or community impact. Risks for environmental or community impact are medium to high.	Less likely	Education – verbal and collateral Warnings Infringement notices Enforcement order Abatement notice (where 'near miss' for significant environmental breach)
Enforced	People deliberately, and without any regard, undertake non complying activity in breach of known obligations and responsibilities. Recidivist activities. Knows the rules and associated parameters/conditions and has complete disregard for operating within these. Very likely to challenge Officer requests.	Deliberately undertakes non-consented activities; Deliberately Disregards impact for local environment and communities. Risks for environmental or community impact are high.	Least likely	Infringement notice Abatement notice Enforcement order Prosecution (Gross breaches)



ENFORCEMENT POLICY

Te Kaupapa Here Ūruhitanga

Effective from 1 June 2021

Purpose

The purpose of this policy is to:

- Set out clearly the principles and decision guidelines for the lawful discharge of functions and duties
- monitor compliance and encourage compliance (i.e. achieving the highest levels of compliance)
- deal with non-compliance (i.e. use of enforcement tools to bring about behaviour change)
- Ensure that enforcement is assessed, authorised and reviewed consistently for all staff and elected members.

Application

This policy applies to all staff, contractors and elected members of the Invercargill City Council.

Contents - *Ngā Ibirangi*

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1. Introduction - *He Kupu Whakataki*

The Invercargill City Council Enforcement Policy sets out Councils approach to compliance, monitoring and enforcement and provides clarity to all relevant stakeholders for all Regulatory related areas

This Policy does not relate to Councils regulatory activities in-relation to Dog Control and Noise Control as each of these will have their own Policy.

2. Compliance / Monitoring / Enforcement Role – *Ngā Mahi Whakaaetanga / Arotake / Tūranga Whakamana*

Local Government is responsible for ensuring compliance with a variety of laws and regulations that are aimed at achieving positive community and environmental outcomes. The Resource Management Act 1991(RMA) is a significant component of the overall suite, the purpose of which is to promote the sustainable management of natural and physical resources.¹ The RMA sets out specific duties for councils which apply to CME activities. These include a responsibility to implement the RMA, duty to collect information on implementing the RMA and a duty to observe and enforce their policy statements, plans and national environmental standards.

The Building Act 2004 (BA) is another important part of Councils Regulatory functions. The purpose of the BA² is to ensure that people who use buildings can do so safely and without endangering their health, and to ensure that buildings are designed and built to ensure safety, sustainable and to promote accountability to the building code. There are several duties for a Council to carry out, including monitoring Dangerous, Insanitary and Earthquake Prone buildings, as well as monitoring for unconsented work or work that is not built within the Building Consent. Finally, Council must also monitor Swimming Pools and Spa Pools.

Council also has CME roles under the Local Government Acts (1974 and 2002), to enforce Bylaws, rules around roads, storm water, drains and animals. The Health Act 1956 and Regulations are in place to ensure that public health is maintained, whilst the Sale and Supply of Alcohol Act 2012 ensure licenced premises comply with the Act. There are also licenses and general compliance such as litter under the Litter Act 1979 and the Amusement Device Regulations 1978 to ensure that carnival rides are safe.

Council also has to ensure the provisions of the Hazardous Substances and New Organisms Act 1996 (HSNO) are enforced in or on any premises situated in the City district other than those premises assigned to other regulations by Section 97 of HSNO an other than to protect public health. Council has the discretion to enforce HSNO in or on any premises when the Council is there for the purpose of enforcing the RMA. HSNO also provides for the enforcement function in or on any premises to be transferred to a territorial authority, in which case the duty to enforce is mandatory.

¹ RMA s5

² BA s3 -4

Applying a strategic approach to ensuring others are compliant enables councils to focus their compliance related programmes and interventions on the most 'important problems' – based on a range of risk based factors. Compliance monitoring and enforcement refers to the full range of activities related to managing compliance within a regulated community, which can be thought of as a spectrum of approaches as set out in the VADE model (see section 4).

Definitions for the three key aspects of the term are below.

Compliance: adherence to the Acts, Regulations, and rules, including the rules established under regional and district plans and meeting resource consent conditions, and national environmental standards.

Monitoring: the activities carried out by councils to assess compliance with the Acts and regulations. This can be proactive (e.g., resource consent or permitted activity monitoring) or reactive (e.g., investigation of suspected offences).

Enforcement: the actions taken by councils to respond to non-compliance with the Acts and Regulations. Actions can be punitive (for the purpose of deterring or punishing the offender) and/or directive (e.g., directing remediation of the damage or ensuring compliance with the Acts and Regulations).

Source: MfE Best Practice Guidelines for Compliance Monitoring and Enforcement under the Resource Management Act 1991

Territorial local authorities such as Invercargill City have responsibilities set out in section 31 of the RMA. There are three main sources of work for the CME role under the RMA

- Monitoring the conditions of resource consents and related requirements (designations and heritage orders)
- Responding to complaints related to potential unlawful activities
- Proactively monitoring compliance with permitted activity rules in the District Plan

In respect of the above dimensions, councils promote compliance, monitor activities, and undertake enforcement as required.

Council will endeavour to have the costs incurred in undertaking compliance monitoring and enforcement met by the regulated community rather than ratepayers at large. Where possible costs will be charged directly to the property owner and/or consent holder/s. Details on specific fees can be found in Council's Schedule of Fees and Charges (part of the Annual Plan).

3. Principles for Decision-Making – *Ngā Mātāpono Mō Te Whakatau Tikanga*

Principled decision making is the cornerstone of a good enforcement policy. The principles below act to underpin those process and outcomes. They also reflect what is in the MfE Best Practice Guidance on Compliance, Monitoring and Enforcement.

Responsive and effective

We will consider all alleged non-compliance to determine the necessary interventions and action to minimise impacts on the environment and the community and maximise deterrence. We will respond in an effective and timely manner in accordance with legislative and organisational obligations.

Collaborative

We will work with and, where possible, share information with other regulators and stakeholders to ensure the best compliance outcomes for our regions. We will engage with the community and consider public interest, those we regulate, and government to explain and promote environmental requirements, and achieve better community and environmental outcomes.

Fair, reasonable, and proportional approach

We will apply regulatory interventions and actions appropriate for the situation. We will use our discretion justifiably and ensure our decisions are appropriate to the circumstances and that our interventions and actions will be proportionate to the risks posed to people and the environment, and the seriousness of the non-compliance.

Transparency

We will provide clear information and explanation to the regulated community about the standards and requirements for compliance. We will ensure that the community has access to information about industry environmental performance as well as actions taken by us to address environmental issues and non-compliance.

Consistency of process

Our actions will be consistent with the legislation and within our powers. Compliance and enforcement outcomes will be consistent and predictable for similar circumstances. We will ensure that our staff have the necessary skills and are appropriately trained; and that there are effective systems and policies in place to support them.

Evidence based, informed

We will use an evidence-based approach to our decision-making. Our decisions will be informed by a range of sources, including sound science, information received from other regulators, members of the community, industry and interest groups.

Lawful, ethical, and accountable

We will conduct ourselves lawfully and impartially and in accordance with these principles and relevant policies and guidance. We will document and take responsibility for our regulatory decisions and actions. We will measure and report on our regulatory performance.

Targeted

We will focus on the most important issues and problems to achieve the best environmental outcomes. We will target our regulatory intervention at poor performers and illegal activities that pose the greatest risk to the environment. We will apply the right tool for the right problem at the right time.

4. Policy Purpose and Strategic Intent – *Te Pūtake Kaupapa Here Me Te Mahere Rautaki*

The purpose of this policy is to ensure that council's approach to compliance, monitoring and enforcement (CME) is designed to:

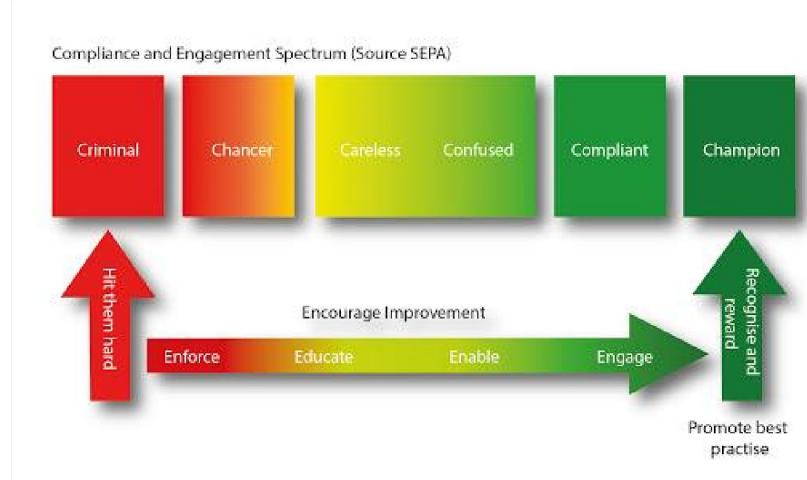
- Maintain a level playing field within the regulated community
- Support an approach recognising that compliance is a technical role that will be undertaken void of politicised decision making
- Recognise that a compliance culture within council is established and maintained

Invercargill City Council had informally used the VADE model. This Policy now formally adopts the 'VADE' model of addressing non-compliance. The VADE model is set out below and details the attitudes of the regulated community and the CME responses most likely to be employed. The spectrum set out below presents similar information in a different way, acknowledging the presence of different mind sets that Council will support and recognise or manage and deter.

The table below illustrates the VADE model

	Description of compliance behaviour	Example	Likely scenario	Likely compliance / enforcement approach
Voluntary	Persons seek to voluntarily comply and be informed about their legal obligations. The activities that they undertake are compliant and cause no related nuisance. Such people know and are aware of their obligations and make every effort to	Undertake consented activities in a careful and considerate manner taking into account the needs of the local community and environment. Ensures swimming pool fencing meets the requirements of the	Most likely	Praise Education / advice where required
Assisted	People are attempting to comply but are uninformed about their legal obligations or responsibilities. They will alter unintentional non-conforming behaviour when educated.	Unintentionally undertakes an activity that contravenes their consent approvals and/or underlying application Minor potential for	Most likely	Education / advice both verbal and collateral

Directed	People take advantage of the opportunity not to comply with their legal obligations or responsibilities. They know the rules but will take the opportunity to avoid compliance. Likely to challenge Officer requests. May alter behaviour when educated.	Does not always complete required actions in manner agreed because quicker or less costly alternative. Disregards any potential impact for environmental or community impact. Risks for environmental or community impact	Less likely	Education – verbal and collateral Warnings Infringement notices Enforcement order Abatement notice (where ‘near miss’ for significant environmental breach)
Enforced	People deliberately, and without any regard, undertake non complying activity in breach of known obligations and responsibilities. Recidivist activities. Knows the rules and associated parameters/conditions and has complete disregard for operating within these Very likely to challenge	Deliberately undertakes non-consented activities; Deliberately Disregards impact for local environment and communities. Risks for environmental or community impact are high.	Least Likely	Infringement notice Abatement notice Enforcement order Prosecution (Gross breaches)



5. Enforcement Options – *Ngā Ara Whakatikatika*

Sets out the range of tools available to Council in respect of RMA enforcement and when appropriate to be used.

Tool	Description	Purpose	Appropriate for....
Excessive noise direction	Formal direction requiring a party to stop contravening noise standards	Issues directions that are legally enforceable. Failure to comply with an abatement notice constitutes an offence under the RMA.	- Used specifically for a breach of noise standards
Formal warning	A formal warning is a letter issued that documents a culpable party having received advisement that they have committed an offence.	Non-statutory but provides a record of non-compliance that may be relevant in future instances.	- minor breaches (including technical) - minor environmental effects - first time offender - the matter is easily addressed/resolved
Abatement Notice	A formal written direction asking that someone undertake an activity or cease an activity or prohibit them from commencing one. There is a form for an abatement notice that is set in statute.	Issues directions that are legally enforceable. Failure to comply with an abatement notice constitutes an offence under the RMA.	- further offences may occur - action is required to remedy or mitigate the effects of non-compliance - can also be issued for excessive noise
Infringement Notice	Written notice requiring that a fine be paid to council of between \$300 and \$1000 depending on the nature of the offence (and this is prescribed in law).	No further action will be taken in respect of that stated breach, but fine provides a record of non-compliance that may be relevant in future instances.	- clear evidence of a breach of the law - an isolated instance of non-compliance that is minor and able to be easily addressed - where a fine will influence behaviour to return to compliance
Enforcement order	A formal written direction asking that someone undertake an activity or cease an activity or prohibit them from commencing one. Distinct from an abatement notice because an application must be made to the Environment Court for an enforcement order (may also be issued during a prosecution process).	Issues directions that are legally enforceable. Failure to comply with an abatement notice constitutes an offence under the RMA.	- further offences may occur - action is required to remedy or mitigate the effects of non-compliance
Prosecution	A process through the criminal courts (meeting all evidential standards for criminal cases). RMA prosecutions are heard by a District Court Judge holding an RMA warrant.	Prosecutions may result in conviction, a range of possible penalties and a potential award of costs. A prior prosecution provides a record of non-compliance that may be relevant in future instances.	- serious enough issues to warrant criminal procedures - evidential and public interest tests satisfied

Options for Non-RMA Matters - General

Tool	Description	Purpose	Appropriate for....
Formal warning	A formal warning is a letter issued that documents a culpable party having received advisement that they have committed an offence.	Non-statutory but provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> - minor breaches (including technical) - first time offender - the matter is easily addressed/resolved
Abatement Notice (Health Act) Notice to Fix Building Act	A formal written direction asking that someone undertake an activity or cease an activity or prohibit them from commencing one. There is a form for an abatement notice that is set in statute.	Issues directions that are legally enforceable. If an abatement notice is not complied with, that constitutes an offence under the Health Act	<ul style="list-style-type: none"> - further offences may occur - action is required to remedy or mitigate the effects of non-compliance - can also be issued for excessive noise
Infringement Notice	Written notice requiring that a fine be paid to council the amount depending on the nature of the offence (and this is prescribed in law).	No further action will be taken in respect of that stated breach, but fine provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> - clear evidence of a breach of the law - an isolated instance of non-compliance that is minor and able to be easily addressed - where a fine will influence behaviour to return to compliance
Prosecution	A process through the criminal courts (meeting all evidential standards for criminal cases).	Prosecutions may result in convictions, a range of possible penalties and a potential award of costs. A prior prosecution provides a record of non-compliance that may be relevant in future instances.	<ul style="list-style-type: none"> - serious enough issues to warrant criminal procedures - evidential and public interest tests satisfied

Specific CME Tools Under Other Acts

Tool	Description	Purpose	Appropriate for....
Closing Order- Health Act	Formal direction requiring a party to take steps to clean property/close the Building for cleaning	Issues directions that are legally enforceable. It is an offence not to comply with and can be escalated.	- Used for dirty/contaminated properties.
Dangerous / Insanitary Notice Building Act	A formal Notice advising that the Property is either Dangerous or Insanitary and needs to be repaired or demolished.	Givens notice to owners to take steps to repair or demolish dangerous or Insanitary buildings. An offence to fail to comply and can see Council apply to the Court for permission to complete the work.	- Any building that is Dangerous and or Insanitary and the owner has failed to take steps during the earlier stages of the CME.
Compliance Order (Food Act)	A formal written direction requiring a Food provider to take steps to stop serving Food and to take steps to clean/destroy and retrain.	Issues directions that are legally enforceable. If an abatement notice is not complied with, that constitutes an offence under the Food Act	- Serious noncompliance with Food Control Plans or programmes and risks to public safety.

6. Enforcement Decision-Making – *Ngā Ara Whakatau*

This policy covers three key phases. The immediate response, the investigative tasks and the decision-making processes that follows. These phases are set out below.

1. Immediate and urgent response stage

At the time an offence is detected, immediate responses may be required to protect life and property or to curtail or otherwise remedy or mitigate effects. This may include issuing relevant notices or engaging contractors to do emergency works. The nature of all actions and decisions should be carefully documented.

2. The investigation stage

Concurrent with or following any urgent response is an investigation to establish all the facts that will inform a decision on which action to take (or which actions should follow those already done).

3. Decision-making stage

On completion of the initial investigation, decisions must be made on what action to take. These decisions may be iterative or may be multi-staged depending on the nature of the response.

Delegations and authority to approve actions

The Council maintains a delegation register that contains a principle that 'Council will normally delegate to the lowest competent level'. Experience and understanding of environmental enforcement are the relevant competencies and the Council will need to decide as to where that competency is expected to lie in each instance. To support this process, relevant staff should all receive training and be assessed as competent before undertaking decision making in the compliance area.

Tool	Process	Decision-maker
Excessive noise direction	Investigating officer determines that an excessive noise direction is the most appropriate response and issues in-field advising Team Leader or Compliance officer on return.	Team Leader - Compliance
Formal warning	Investigating officer determines what has occurred needs to be recorded but does not warrant a more formal compliance response, discusses with the Team Leader.	Team Leaders - Compliance, Planning
Abatement Notice	Investigating officer determines that an abatement notice is the most appropriate response and discusses with Team Leader. Review may also occur at regular CME meeting if required.	Team Leaders - Compliance, Environmental Health and Planning
Infringement Notice	Investigating officer determines that an infringement fine is the most appropriate response and discusses with Team Leader. Review may also occur at regular CME meeting if required.	Team Leaders - Compliance, Environmental Health, Building Regulation Services and Planning
Enforcement order	Enforcement Decision Group meets comprising Officer, Team Leader Compliance, Legal (input from relevant expert as required)	Manager - Building and Planning Services
Prosecution	Enforcement Decision Group meets comprising Officer, Team Leaders, Legal (input from relevant expert as required)	Group Manager - Environmental Services (subject to independent legal review if necessary)
Notice to Fix	Investigating officer determines that a Notice to Fix is the most appropriate response and issues in consultation with team leader	Building Control Officer
Closing Order-Health Act	Investigating officer determines that a closing order is the most appropriate response and discusses with team leader. Review may also occur at regular CME meeting if required.	Team Leader - Environmental Health
Dangerous/ Insanitary Notice Building Act	Investigating officer determines that a dangerous / insanitary notice is the most appropriate response and discusses with team leader. Review may also occur at regular CME meeting if required.	Manager - Building and Planning Services
Compliance Order (Food Act)	Investigating officer determines that a Compliance Order is the most appropriate response and discusses with Team Leader.	Team Leader - Environmental Health

Tool	Process	Decision-maker
Abatement Notice	Investigating officer determines that an abatement notice is the most appropriate response and discusses with Team Leader. Review may also occur at regular CME meeting if required.	Team Leaders - Compliance, Environmental Health and Planning
Infringement Notice	Investigating officer determines that an infringement fine is the most appropriate response and discusses with Team Leader. Review may also occur at regular CME meeting if required.	Team Leaders - Compliance, Environmental Health, Building Regulation Services and Planning
Enforcement order	Enforcement Decision Group meets comprising Officer, Team Leader Compliance, Legal (input from relevant expert as required)	Manager - Building and Planning Services
Prosecution	Enforcement Decision Group meets comprising Officer, Team Leaders, Legal (input from relevant expert as required)	Group Manager – Environmental Services (subject to independent legal review if necessary)
Notice to Fix	Investigating officer determines that a Notice to Fix is the most appropriate response and issues in consultation with team leader	Building Control Officer
Closing Order-Health Act	Investigating officer determines that a closing order is the most appropriate response and discusses with team leader. Review may also occur at regular CME meeting if required.	Team Leader - Environmental Health
Dangerous/ Insanitary Notice Building Act	Investigating officer determines that a dangerous / insanitary notice is the most appropriate response and discusses with team leader. Review may also occur at regular CME meeting if required.	Manager - Building and Planning Services
Compliance Order (Food Act)	Investigating officer determines that a Compliance Order is the most appropriate response and discusses with Team Leader.	Team Leader - Environmental Health

It is possible that what is presently set out in the delegation register may change, and this table will be reviewed accordingly at that time.

7. Monitoring and Evaluation – *Te Aroturuki Me Te Arotake*

Council will monitor the effectiveness and implementation of this policy by:

- Continuing with annual reporting of RMA CME functions through the National Monitoring System to the Ministry for the Environment.
- Incorporating best practice approaches with regards to the principles and approach to CME.
- Sharing advice, guidance, resources and training on compliance, monitoring and enforcement.
- Identifying and addressing emerging issues, risks, limitations and/or barriers.
- Report to Council Committee on a regular basis.

Reference Number:	A3392357
Effective Date:	1 June 2021
Review Period:	This Policy will be reviewed every five (5) years, unless earlier review is required due to legislative changes, or is warranted by another reason requested by Council.
Supersedes:	NIL
New Review Date:	1 June 2026
Legal compliance:	LGA 2002, RMA 1991, BA 2004, HA 1956, SASA 2012, LA 1979, HSNO 1996
Policy Owner:	Group Manager – Customer and Environment

2022 PRE-ELECTION REPORT

To: Performance, Policy and Partnerships Committee

Meeting Date: Tuesday 12 July 2022

From: Clare Hadley, Chief Executive

Open Agenda: Yes

Purpose and Summary

The Pre-election report is produced by the Chief Executive in order to provide candidates and voters with an overview of key issues for the future and performance of Council.

Recommendations

That the Performance, Policy and Partnerships Committee:

1. Receive the report "2022 Pre-election Report"
2. Receive the 2022 Pre-election Report for information (A3974857)

Background

Section 99A of the Local Government Act 2002 requires that Council prepare a pre-election report containing the following information:

- Financial summary information, including Funding Impact Statement for the three years prior to the election
- Overview of rates increases and borrowing in relation to the benchmarks and limits contained within the Financial Strategy
- Overview of the performance of Council
- Information about upcoming major projects.

In addition information is provided on the Chief Executive's view of the big issues facing Council for this election, as well as the local government reform processes which will impact Council in the years ahead.

The Chief Executive is responsible for producing the report which must remain independent of councillors and the political process.

The report is provided for the Committee's information.

Next Steps

The Pre-election report, along with videos prepared as part of the Vote Murihiku campaign will be made available to the public. Members of the public will have the opportunity to share their thoughts on the big issues for the city on letstalk.icc.govt.nz

Attachments

2022 Pre-election report (A3974857)



Invercargill City Council Pre-Election Report

Your guide to the key issues for the 2022 elections





Introduction from the Chief Executive

Local Government touches all our lives: From providing the services we use daily like roads, footpath and bins, to managing facilities which improve our quality of life including parks, the library and the swimming pool. Council works together to make the big decisions about the future of the city, including setting the District Plan and delivering the flagship projects the community wants to see.

This election is taking place in the midst of big changes for the City and Council:

The Southland Regional Development Strategy set a big target of 10,000 more people and Council's transformational work in the city centre creating a city with heart – He Ngākau Aroha – has been a key part of that work.

The future of Tiwai continues to be uncertain and SIT continues to respond to challenges created by amalgamation and reduced numbers of international students. Council is supporting the work of the Government's Just Transitions project to enable Southland to emerge more resilient, building a stronger community in Murihiku.

Some of our services, like the buses, are being used less. Others, including waste, are being used more. Supply chain

constraints, the economic environment and the competitive labour market are all making it harder to deliver the work the community expects. At the same time, Central Government is reviewing how Local Government will work and what it will do into the future.

Nevertheless, Invercargill is poised for growth. The time is now for Council and the community to reposition Invercargill for success in the wider economy and national conversation.

This report provides you with an overview of the big issues for the next three years. I hope you will find it useful in considering how to use your vote...and I hope some of you choose to get involved and run for Council!

A handwritten signature in blue ink that reads 'Clare Hadley'.

Clare Hadley
Chief Executive

The Big Issues for 2022 and Beyond

Inner City Vibrancy

Council's vision is to build a city with heart – He Ngākau Aroha. The City Block development, the new Langlands hotel and the Council's work on the city streets is transforming the city centre. We need to work together as a community to help bring activity back into the city centre as the building work finishes and Covid restrictions lift.

Delivery of Our Roadmap to Renewal

Council has begun work on its Roadmap to Renewal projects, including Anderson House, city streets and the Southland Museum and Art Gallery, but there is a long way to go. The next Council will help keep delivery on track in a challenging construction market and consider the approach for later projects, including Destination Play, Rugby Park Renewal and the additional pool at Splash Palace.

Three Waters

If reform proceeds on schedule, Council will transition responsibility for water, stormwater and sewerage, to the new water entity in 2024. There are major projects in progress ahead of this transition, including the renewal of the Branxholme Water main, preparation for consent renewals for the wastewater plant in Clifton in 2025 and the implementation of the new Stormwater Bylaw. The new Council will help put Invercargill in the best position possible so that local people continue to enjoy access to good quality water services.

Local Government reform

What Local Government does and how it is governed is likely to change. Under the Government's current proposals there will be less focus on infrastructure and more focus

on community social, cultural, environmental and economic wellbeing. Through this time of change Council will need to find new ways of responding to the community's desires for local solutions which work for local people.

Community wellbeing

Covid has impacted all our wellbeing – our physical and mental health and the connections we have as a community. We face other challenges – economic, including the cost of living and the possible closure of Tiwai and environmental – including the impact of climate change. The next Council will help shape what community wellbeing looks like for the future.

Climate change

We are understanding more about the impact of climate change. Council has begun designing its key infrastructure like pipes to cope with more extreme weather and has almost completed an assessment of its carbon impact. The next Council will need to consider how best the community can manage risk and adapt to climate change.

Changing requirements for services

We now live so much more of our lives online and how people are using Council services is changing. We need to understand more about whether the changes we've seen over the time of Covid will become permanent and Council will need to consider what it does differently to respond.

Investing for the future and managing affordability today

Invercargill's population is growing and becoming more diverse. At the same time, a lot of Invercargill's infrastructure

– including some of our public buildings and much of our pipe network – needs to be upgraded or replaced. It is Council's responsibility to balance which projects are the greatest priority and how they are going to be paid for.

Working together as a team

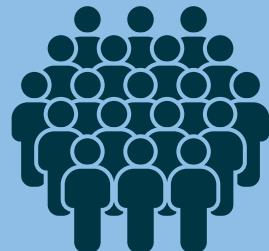
Over the last eighteen months the councillors have focused how they work together to promote more effective decision making. The new Council will have the opportunity to build on this process to build a strong team and achieve outcomes for the city.

What are your big issues?

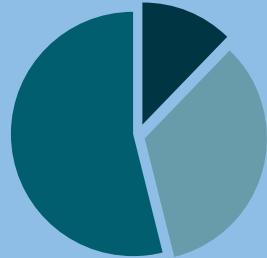
Get involved – ask a question of people standing for Council or run yourself!



Our Community



Just over **100,000** people live in Southland



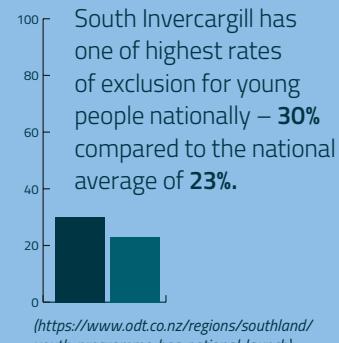
54% of the population live in Invercargill, **34%** in Southland District and the **remainder** in Gore District

Gore District



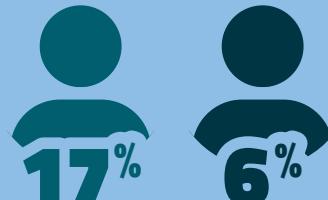
Invercargill's population is growing **1% a year**. The population is expected to grow from **57,100** to **62,810** by 2031.

(NZ Stats, Census 2018)



South Invercargill has one of highest rates of exclusion for young people nationally – **30%** compared to the national average of **23%**.

The community is diverse and both the **Māori** and **Asian** populations are growing...



Within Invercargill City, **17% of people are Māori** and **6% are Asian**

(NZ Stats, Census 2018)



Our population is ageing – the median age of people in Southland is around **40**. **17%** of people in Invercargill are over 65 and this is forecast to increase to **23%** by 2031.

(NZ Stats, Census 2018)



Between 2013 and 2021 the Southland population has increased by **8,400**. **1,185** new homes have been constructed but its forecast more homes are still needed.

(Great South, Southland Housing Situation Analysis, 2021)



1,000 people work at New Zealand Aluminium Smelter Ltd and an estimated **1,600** more rely at least partially on Tiwai for their employment.

(NZAS, 2020)



4

What is the Pre-Election Report?

The purpose of the pre-election report is to provide information to promote public discussion about the issues facing the local authority.

Within this report you'll find a range of information about Council, its goals, its key projects, services and its finances. You'll also find out more about what it's like to be a Councillor and how to vote.

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What Does Being a Councillor Involve?

Council is made up of the Mayor and 12 elected councillors who serve three year terms. In addition, there are two Mana Whenua representatives who sit on the committees of Council.

This group governs the city, making decisions on a wide range of matters from infrastructure investment to community services, from setting bylaws to determining what can be done where within the city through the District Plan.

Being a councillor will involve a lot of reading and making decisions. You need to think about what you would like to see for our City and vote accordingly. You also need to be able to discuss matters with your colleagues and the community.

LTP Continuous Planning



Invercargill City Council Pre-Election Report 2022

Working on Working Together

During this past term, Council developed and implemented the **Working on Working Together programme** as its response to a letter from the Department of Internal Affairs that expressed concerns regarding how Council was performing.

This programme involved several work streams that looked to improve the governance of Council, and was wide ranging, looking at everything from leadership to the content and style of officer reports.

The programme also saw the appointment of two external advisers who attended all Council meetings and provided guidance to elected members and the leadership team.

This programme came to a formal end on 31 May when the external advisers finished in their roles and the Department of Internal Affairs sent a second letter confirming that the concerns it had expressed earlier were now addressed.

For more information go to:
icc.govt.nz/governancereview/



About Council

Invercargill City Council is the territorial local authority for Invercargill District, which incorporates Waihōpai Invercargill and Motupōhue Bluff.

He Ngākau Aroha Our City with Heart

Council's vision is to create a city with heart, both in our city centre and through collaboration across the community. Supporting the creation of a vibrant city centre has been our primary focus, along with reinvigorating the arts and culture we can all enjoy. We now have a plan in place for the museum, which we believe provides a sustainable pathway forward for the future. We are investing in the future of our people and our city.

Waihōpai To Leave in Good Order

Council's mission over the next 10 years is to leave the city in good order for the next generation. One of the translations of the Māori name for our City – Waihōpai – is to leave in good order.



Long-term Plan: Our Roadmap to Renewal

The Roadmap to Renewal forms the core of our strategy over the next 10 years as we work to create a city with heart.

Our plan addresses five strategic challenges facing the city:

- Renewal of the city centre
- Climate change
- Changing community requirements for water outcomes
- An increasingly diverse and older population
- The need to maintain core infrastructure and invest for the future, while maintaining financial prudence and balancing the community's ability to pay.

Community outcomes

Enhance our city

We will know success when:

- Invercargill's population is over 1.2% of the New Zealand total population.
- New residents feel welcomed and embraced by Invercargill culture.
- Healthy and active residents utilise space, including green space, throughout the city.
- Invercargill's economy continues to grow and diversify.
- Invercargill's business areas are bustling with people, activities and culture.

Preserve its character

We will know success when:

- Invercargill is celebrated for preserving its heritage character.
- Ease of access throughout the city is maintained.

- Our natural and existing points of difference are celebrated.
- The building blocks, including water, sanitation and roading, for a safe, friendly city is provided for all members of the community.
- Strong, collaborative leadership of the city is demonstrated.

Embrace Innovation and change

We will know success when:

- Invercargill's culture is embraced through community projects.
- The development of future industry is encouraged.
- Technology is utilised in both existing and new city services.
- Residents of, as well as visitors to, Invercargill give positive feedback and have great experiences.
- Invercargill has the 'wow factor' with the right facilities and events to enjoy.



Long-term Plan Roadmap to Renewal

Te Uaki Ara

City Centre Masterplan Streetscape 2021 – 2024

\$18.6 million investment of \$20.8 million renewal programme.



2021 - 2023
Anderson House
(\$1.4 million)

Here is our Long-term Plan Roadmap to Renewal - turn to the next page for a progress update.



Projects in the Bluff Tourism Masterplan

2021 - 2022
Bluff Boat Ramp renewal
(\$1.8 million)

Council will also invest in the Bluff Hill Active Recreation Hub Carpark.

Southland Museum and Art Gallery 2021 – 2027

\$39.4 million investment of a \$52.5 million project cost.

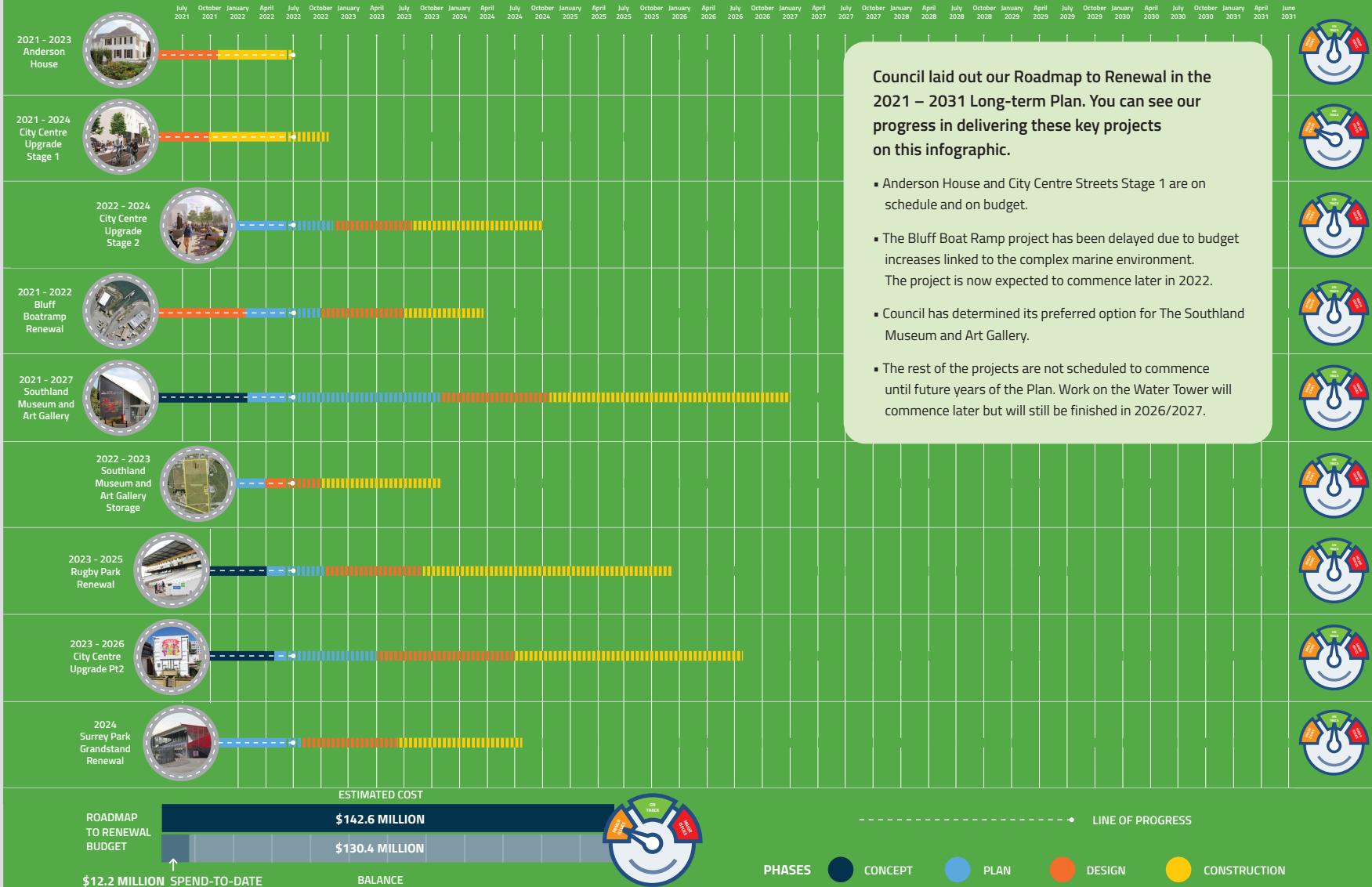


Council plans to spend \$115 million on capital projects to support community wellbeing over the next 10 years. This is on top of the regular programme of core infrastructure renewals and includes all the projects detailed above. The roadmap shows the year the investment is planned to take place and when each project is scheduled for completion. It's important to note that delivery plans may be impacted by constraints in the construction sector. Turn over the page to see our progress in delivering the roadmap.

Check out our LTP here: icc.govt.nz/public-documents/long-term-plan/long-term-plan-2021-2031/



Roadmap to Renewal Delivery Progress - July 2021 to June 2031



Recent Projects

1. Feb 2021: Feldwick Gates redevelopment
2. Aug 2021: Te Tapu o Tane Native Tree and Plant Nursery - Agreement signed with Mana Whenua
3. Oct 2021: Mana Whenua representation on committees

4. Nov 2021: Hydroslides at Splash Palace
5. Dec 2021: Parking meter upgrade
6. Dec 2021: Gostelow Park Pump Track
7. Mar 2022: Te Ara Tarapa - Bluff to Invercargill Cycleway completion
8. Mar 2022: Elles Rd roundabout upgrade - Waka Kotahi

9. Apr 2022: Relocation of Umbrella sculpture to Doon St Reserve
10. Jul 2022: Stead Street St Stopbank Upgrade
11. Jul 2022: City Block Stage One
12. Jul 2022: Bluff Information Kiosk landscaping
13. Jul 2022: City Centre Streets Stage One
14. Dec 2022: City Block Stage Two



Council Services

Below is a snapshot of the services Council provides, including key facts about our delivery performance.



Water

Council is responsible for supplying potable water to residential, industrial and commercial activities, which protects public health, supports city growth and contributes to the well-being of the community.

Water is currently performing well in regards to their level of service performance measurements, however Covid restrictions have impacted the contractor's delivery of service for out-of-hours response times.



Stormwater

Invercargill's network of pipes, open drains and pump stations collects and disposes of stormwater to protect property from flood damage.

A flooding event during the first quarter of 2021/2022 has been the only area of concern for the stormwater activity in the past year, which is otherwise on track to meet the performance measurements.



Sewerage

Three sewerage networks are used to manage the collection, treatment and disposal of sewage in order to enhance the health and wellbeing of Invercargill residents.

The sewerage activity is on track to meet all of performance measurements this year.



Roading

Roading Services are responsible for providing a safe, connected and accessible transport system within Invercargill. This includes maintaining the roads, footpaths, cycleways, streetlights, kerbing, bridges and related assets, as well as the public transport activity and community road safety education and promotion programmes.

Most of the roading services performance measures are annual, and therefore will be providing data in July. However, there are no areas flagged for concern at this stage.



Solid Waste Management

Collection of kerbside recycling and rubbish, solid waste transfer stations and landfill operations are all part of the solid waste activity. Council works in collaboration with Southland District Council and Gore District Council as a shared serviced called WasteNet Southland.

The Solid Waste Management activity has three performance measures which have been flagged as unlikely to be achieved. There are a number of factors to review, including the impact Covid restrictions have had on residents' waste habits.



General Services: Democratic Process

Council is responsible for ensuring that the community has the opportunity to be involved in decision-making, as well as supporting elected members and the processes, in order to ensure that decision-making is open, transparent, effective and democratically accountable.

To date, Council is delivering on the Community Wellbeing Fund objectives, but overall has not reached the target of resident survey respondents who are satisfied with the opportunities that Council provides for community involvement in decision making.



Regulatory Services

Implementing national legislation in the Invercargill context in the areas of building and planning services, environmental services and property records, is the key objective of Regulatory Services.

Legislative requirements are stringent for the Regulatory Services activity, and in two areas they have missed the 100 percent target. However, they are performing at or above the national average in their service delivery.





Parks and Recreation

Council acts as kaitiaki (guardian) to Invercargill's parks, reserves and cemeteries, providing spaces and places to ratepayers and visitors for amenity value, recreation, sport and leisure.

Overall, the performance measures for the Parks and Recreation activity are on track to be achieved this year. However, there is concern over the visitor numbers which have been maintained but are not increasing as targeted.



Libraries

The library services aim to provide a welcoming and innovative service, with spaces for community participation and social connection, as well as collecting, preserving and guiding access to quality information.

Visitor numbers to the library were hit by the recent Covid outbreaks, and this has impacted performance measures.



Aquatic Services

Splash Palace is one of New Zealand's premier aquatic centres which provides for the health, well-being and enjoyment of the community.

As with the libraries, the effects of lockdowns and Covid restrictions have hindered Splash Palace's ability to meet its targets.



Arts, Culture and Heritage

Council supports the access to, and preservation of, our cultural assets for our community through the arts, culture and heritage activity. This role encompasses funding, governance representation, management and support of

entities providing arts, culture and heritage activities and direct delivery of services through He Waka Tuia.

He Waka Tuia has not met its visitor numbers target.



Venue and Event Services

With facilities such as the Civic Theatre, Scottish Hall, and Rugby Park, Council aims to provide quality venues, event services, and visitor experiences for the well-being and enjoyment of the community. The impact of Covid has hampered the Invercargill venues, and there are several areas of concern. Rugby Park has limited opportunities to hire beyond the core hireage to rugby until there are venue improvements.



Public Transport

Providing subsidised bus services to the Invercargill urban area, and Total Mobility (subsidised travel support for qualifying customers), ensures that Council offers suitable and appropriate choices for travel options that respond to Southland's changing public transport needs.

Patronage numbers for public transport have not yet returned since the lockdowns.



Public Toilets

Council provides 42 public toilet facilities in Invercargill, managing facilities so that there is access to clean, safe and accessible toilets.

These are delivering on performance measurements this year.



Housing Care

Council provides affordable housing for the elderly, disabled and those on low fixed incomes that meet the Council's entry criteria.

This activity is on track to meet all performance measurements this year.



Investment Properties

Commercial and economic development in Invercargill is supported by the Investment Property activity.

The performance measures for this year are being impacted by the assessment of properties, but to date there are no areas of concern.

**To find out more,
read our latest
Performance
Report**
icc.govt.nz/public-documents/pre-election-report-2022



What Does it Cost and How Do we Pay For it?

Council has a number of strategies and policies that guide its financial management:

- **Financial Strategy** – outlines the key issues for Council for the next 10 and 10-30 years, including key benchmarks and targets to be achieved
- **Revenue and Financing Policy** – outlines how the Council will fund both its operational and capital expenditure
- **Rating Policy** – outlines how the Council will allocate its rates requirement across ratepayers.

Our financial strategy outlined a number of issues the Council will face in the coming years which will put increasing pressure on our finances. Our costs are increasing, but the pressure of increasing costs must be balanced against the need to keep charges for residents and businesses affordable, both now and into the future.

Rates are not the Council's only source of income and are considered the "balancing factor", in that they are determined by the following equation:

Cost to deliver activities and services
Financing costs (interest on debt)
Less: (
Investment income (dividends and rentals)
Interest income
Fees and charges for services

Equals: **Rates Required**

We have a number of benchmarks around rates:

- Rates income affordability – rates income will be no more than 60% of total revenue
- Rates increase affordability – rates increases will not exceed the Local Government Cost Index (LGCI) plus 3%.
- The financial strategy has a maximum increase 7.5% in any year and the total rates take in any year will be no higher than a compounding annual rates rise of 7.5% per annum plus growth within the rating base.

How else does Council fund its activities?

Fees and Charges

We also charge fees and charges for the likes of building consents and dog registrations. Fees and charges are set on the basis that the direct user of the services being provided should pay all/majority of the cost of provision.

Investments

Council owns 100% of Invercargill City Holdings Limited which it turn has investments in a number of companies including Invercargill Airport Limited, Electricity Invercargill Limited and Invercargill Central Limited. The principal reason for this investment is to undertake commercial opportunities and provide dividend return to the city to help offset the rates requirement.

Council also has a number of investment properties (including 20 Don Street) around the city which are leased and providing investment income.

Return on Investment

	2019/20 ACTUALS	2020/21 ACTUALS	2021/22 FORECAST
TARGET (90 day bank bill rate source RBNZ	1%	0.3%	1.1%
Return on investments in companies/trusts	9.9%	7.1%	6.5%
Return on investment property	2.9%	1.9%	5.3%
Return on other financial investments	3.6%	2.8%	1.4%
RETURN ON INVESTMENTS	5.4%	4.5%	4.9%

Return on investments in Companies/Trusts relates to dividends received from Invercargill City Holdings Limited over investment assets held in council related trading entities.

Return on Investment property relates to rental income from properties held. Rental income has been increasing over the years due to the Don Street development tenancy increasing to capacity. 2020/21 return was lower due to the costs incurred to demolish the building at 66 Dee Street.

Return on Other Financial Investments relates to interest received from cash held in bank term deposits and operating accounts.

Borrowing

Council uses debt to fund new assets this allows the cost of the assets to be spread over both current and future ratepayers who will derive benefit from the asset. Rates are used to fund both the debt interest and repayments and also the depreciation of the asset. By doing so, this ensures both current and future users pay for the assets.

Council does have a limit on its borrowing of 150% of revenue which is lower than the 300% that could be borrowed from the Local Government Funding Authority. Our current strategy is to maintain headroom from unexpected future events, to not place an unfair burden on future ratepayers to service and repay debt and to maintain our strong AA+ credit rating from Fitch Ratings. A downgrade in our credit rating would lead to higher interest costs and potentially reduced ability to access funds when needed.

Local Government Reform

There are three significant reform and review processes currently in train that will have an impact on local government - Three Waters, Resource Management and the Future for Local Government.

What the reforms have in common is that they aim to achieve better outcomes for communities and the environment, efficiency improvements, and give effect to the principles of Te Tiriti o Waitangi. They are however progressing on different timelines and add to an increasingly complex and uncertain operating environment for local government now and post the 2022 elections. This environment also includes likely Government changes to building control, civil defence and emergency management, waste management, to name but a few.

Taken together the reviews and reforms provide considerable opportunity to further the purpose of local government and will fundamentally change the system that local government operates within, including how decisions are made and by whom, what local government does and how it does it, and who local government needs to work with to enable community wellbeing.

Three Waters Reform

Following the serious campylobacter outbreak in 2016 and the Government's Inquiry into Havelock North Drinking Water, central and local government have been considering the issues and opportunities facing regulation and management of the three waters (drinking water, wastewater, and stormwater).

The focus has been on how to ensure safe drinking water for all, improve the environmental performance and transparency of wastewater and stormwater network and deal with funding and affordability challenges, particularly for communities with small rating bases or high-growth areas that have reached their prudential borrowing limits. There is also a need to future-proof the assets and plan for the effects of climate change.

Invercargill City Council is committed to better outcomes for communities and the environment and there is widespread agreement that the status quo is not sustainable, despite the significant contribution, investment, and effort that local government and communities have made to date. There is also agreement on protection from privatisation of the three waters services and assets.

In 2021 the Government announced that it would proceed with proposals to change the way three waters are delivered. You can find

a short video in which the Minister of Local Government explains the Government's reasons for the change at youtube.com/watch?v=CN-IFClobuQ

The proposal is that three waters assets would be removed from councils and all the council's three water assets and any liabilities related to three waters would transfer to a body corporate to be known as Southern Water Services Entity. As the proposed transfer is currently intended to happen on 1 July 2024, this would be within the term of the incoming council.

Parliament is currently considering the Water Services Entities Bill that creates Southern Water Services Entity and three others around the country. Under the Bill these entities will manage the future delivery of three waters services across the country. The Bill also sets out how these



entities will operate, and how the local community will be able to hold them accountable.

The government has stated that later in the year a second Bill will provide further details on the powers and duties of the entities. That Bill will also allow the Government to regulate the amount and the ways in which the entities charge for these services, and how they will demonstrate their services are value for money. We understand this Bill will enter Parliament in or around September this year so the incoming council will need to decide whether it wishes to submit on this Bill, and what it might say.

If you would like more information, please go to the three waters reform page on the Department of Internal Affairs website which is:

dia.govt.nz/diawebsite.NSF/wpg_URL/Resource-material-Our-Policy-Advice-Areas-Local-Government-Policy?OpenDocument#reform

What is Council's Position?

This is a significant issue for our council. Council water assets are valued at over \$1.2 billion, while we carry only \$16.5 million of associated debt. This low level of debt reflects careful management of these community assets over many years, rather than a level of under investment. Our three waters network is fully compliant with drinking water standards. Our waste water treatment is fully consented as is our stormwater network.

Our forecasting reveals a future cost for water of \$1850 per household for Invercargill and Bluff residents, without reform. This figure includes all the investment within the Long-term Plan, as well as the additional investment of

\$197 million across 30 years which would be required to meet expected higher environmental standards.

Work undertaken by an external agency to review the reform proposals on behalf of the Southland- Otago community noted that efficiencies of 45% would not be possible to be achieved within the Southern water area as a result of the geographic distances involved and the low population density, and that efficiencies are likely to be closer to 20 – 25%. Utilising efficiencies of 25% would result in average household costs of \$2235 for Invercargill-Bluff households following reform, considerably higher than the forecast costs without reform of \$1850.

Council has a number of major projects which may be impacted by the reform process, including completion of the Branxholme pipeline and an alternative water supply. We do not have information at this point about whether and when these projects would be completed under the new entity.

These services are crucial to the wellbeing of our communities, the environment and our community's future – for example where new houses can be built, and what types of business might locate in our community and where, what our economy will look like. It is also important to consider how this reform relates to Resource Management reform, including spatial planning, new regional plans and climate change adaptation and mitigation plans and community aspirations.

The next council will need to work with the Southern Water Entity to ensure Invercargill and Bluff get the services it needs now and in the future. In particular council will need to work closely with the Government as the new entity is set

up to make sure our community is represented on or through the regional representative group. The council will also need to work with the CEO as its sole employee to ensure our staff are supported through an incredibly challenging period of change management, both for those transitioning to the new entity and for those that are not, as well delivering the councils work programmes.

To find out more,
go to:
icc.govt.nz/three-waters-reform/



Resource Management Act Reforms

After many years of incremental changes, the Government is overhauling the resource management system¹ to:

- Protect and restore the environment and provide for intergenerational wellbeing
- Better enable development within environmental limits
- Better recognise Te Tiriti o Waitangi principles, te ao Māori and mātauranga Māori
- Better prepare for adapting to climate change and risks from natural hazards, as well as mitigating greenhouse gas emissions
- Make the system less complex and more efficient while retaining local democratic input.

The Government has said it will introduce three new pieces of legislation to achieve its objectives. The:

- Natural and Built Environments Act - the primary replacement for the Resource Management Act 1991. It will require outcomes based planning and development within environmental limits and targets, give effect to the principles of Te Tiriti, create a single regional plan, overseen by a single regional committee, supported by a National Planning Framework.
- Strategic Planning Act – introduces mandatory 30 year regional spatial strategies that will set out, at high level, how regions and communities will develop integrating land use, major infrastructure and investment. It too is

guided by the National Planning Framework and will be overseen by a regional committee.

- Climate Adaptation Act – this will deal with the complex policy, economic and legal issues around adapting to the effects of climate change, including managed retreat.

The Natural and Built Environments and Strategic Planning Bills will be introduced into Parliament around or shortly after the election period. The incoming council will need to consider whether and how it wishes to respond to these Bills very soon after it takes office. The Climate Adaptation Bill is likely to be introduced next year.

The reform of the resource management system will have an impact on Council including future governance arrangements, functions, structure, decision making, operations, and investment priorities. The resource requirements and costs of transition cannot be underestimated, particularly as we transition to the new system while fulfilling essential requirements under the current one.

The resource management sector is currently under significant strain and facing capacity issues, including sourcing and retaining appropriately skilled people. There is currently a shortage of skilled planners and spatial planning will draw on the skills and expertise of a wide range of specialists and expertise from across the council and beyond. There are also constraints on mana whenua and their capacity to fully participate in the current and future system.

The success of the new resource management system and council's part in it will depend in large extent on how well the transition to and implementation of the new system is planned for, managed and resourced and impact of inter-related reforms in water and the future of local government.

Council is in a similar position to the rest of the country. We are seeing increased workload whilst struggling with resourcing. Recruitment and retention of skilled planners is extremely challenging.

We are working with our neighbouring councils and have regular meetings and discussion on just what the RMA reform will mean for us.

More details about the reform of resource management can be found on the Ministry for the Environment website at environment.govt.nz/what-government-is-doing/areas-of-work/rma/resource-management-system-reform/overview/



¹ based largely on the recommendations of the independent review of the resource management system – the Randerson Report (launched in 2019 and published in 2020).

Future for Local Government

On 24 April 2021 the Minister of Local Government announced that she had established a Ministerial Inquiry into the Future for Local Government. The overall purpose of the review is to *"identify how our system of local democracy needs to evolve over the next 30 years, to improve the well-being of New Zealand communities and the environment, and actively embody the treaty partnership."*

In September last year the Panel released an interim report that set out the engagement it had done up to that time, and the lines of inquiry it would follow. The full report, Ārewa te ake Kaupapa: Raising the Platform can be found at futureforlocalgovernment.govt.nz/assets/Uploads/DIA_16724_Te-Arotake-Future-of-Local-Government_Interim-report_22.pdf

Ārewa te ake Kaupapa poses five key questions:

1. How should the system of local governance be reshaped so it can adapt to future challenges and enable communities to thrive?
2. What are the future functions, roles and essential features of New Zealand's system of local government?
3. How might a system of local governance embody authentic partnership under Te Tiriti o Waitangi, creating conditions for shared prosperity and wellbeing?

4. What needs to change so local government and its leaders can best reflect and respond to the communities they serve?
5. What should change in local governance funding and financing to ensure viability and sustainability, fairness and equity, and maximum wellbeing?

The panel has met with every local authority as part of its engagement, including a meeting with councillors and some of our senior managers.

At that meeting the Panel explored the following five big shifts and how our local context might influence them:

1. Strengthened Local Democracy
2. Stronger Focus on Wellbeing
3. Authentic Relationship with Hapū/Iwi/Māori
4. Genuine Partnership between Central Government and Local Government
5. More Equitable Funding.

The opportunities for developing the link between recreational facilities and community's physical and mental health was discussed. Opportunities for strengthening local democracy through collaboration, including local examples such as the Museum and City Centre Governance Groups was a focus. Opportunities for co-design with Iwi, resourcing of Iwi to partner with Local Government and more equitable funding models between Central and Local Government were raised.

A draft report and recommendations for public consultation will be released by the Panel after the local government elections. The final report will be presented to the Government by 30 April 2023. With Parliamentary elections likely in late 2023 the Government may take some time to decide what, if any, of the panel's recommendations it wishes to take up.

The new council will need to respond to the Panel's recommendations soon after being elected, and then consider the Panel's recommendations to Parliament. In the future, Government decisions may change Council's role, functions and structure.



Financial Information

The Pre-Election Report provides the following:

- Historic information for the 2019/20 and 2020/21 years, sourced from the published 2020/2021 Annual Report.
- Forecast information for the 2021/22 year ended 30 June 2022. The final information for the 2021/22 financial year was not available at time of publishing due to the year closing just prior to the release of this document. The Annual Report for this year is due to be adopted in December 2022. The forecast is based on management's best estimate at the time of preparation for the expected results for the 2021/22 year. These estimates are based on the full year forecast presented in the performance report for the period ended 31 March 2022 and adjusted for with any expected forecast movements to June 2022.
- Planned information for the 2022/23 to 2025/26 years. The 2022/23 year is sourced from the published 2022/2023 Annual Plan and 2023/24 to 2025/26 are sourced from the 2021-2031 Long-term Plan. This financial data and discussion of major projects reflect the policy and service delivery decisions of the current council at the time.

Audit of financials

Council's Long-term Plans and Annual Reports are audited by Audit New Zealand. Therefore, while this report is not audited, the information used to prepare it has been, with the following exceptions:

- The 2021/22 financial year closed on June 30, just prior to the release of this document. The Annual Report for that year is due to be adopted in December 2022. While the information contained in this report includes forecast data for the year, the year end and audit processes have not have been completed by the time this report is released.
- * Figures for the 2022/23 financial year are from the recently published Annual Plan. This Annual Plan is based on year two of the 2021-2031 Long-Term Plan (which was audited) with some changes.

Funding Impact Statement - Invercargill City Council

	ACTUAL *	ACTUAL *	FORECAST **	ANNUAL PLAN ***	LONG-TERM PLAN 2021 - 2031 ****			NOTE: * Data is from Council's audited Annual Report 2020/2021.
	2019/20 (\$'000)	2020/21 (\$'000)	2021/22 (\$'000)	2022/23 (\$'000)	2023/24 (\$'000)	2024/25 (\$'000)	2025/26 (\$'000)	
SOURCES OF OPERATIONAL FUNDING								
General rates, uniform annual general charge, rates penalties	6,227	6,588	37,431	40,108	39,443	41,237	43,016	** Data has been prepared from forecasted year end numbers and before year end adjustments/ procedures
Targeted rates	49,323	50,985	23,993	25,669	25,996	27,198	28,386	*** Data is from Council's 2022/23 Annual Plan.
Subsidies and grants for operating purposes	5,242	7,404	5,471	4,426	4,778	4,907	5,037	**** Data is from the Long Term Plan 2021-2031 and has not been updated.
Fees and charges	18,579	19,856	22,887	25,064	28,091	27,755	28,836	1: Within the Long-term Plan 2021-2031, a number of investment properties were planned to be sold in 2023/2024.
Interest and dividends from investments	8,958	7,889	5,552	5,781	5,390	5,520	5,659	
Local authorities fuel tax, fines, infringement fees, and other receipts	7,793	11,559	3,472	3,261	2,727	2,794	3,016	
Total operating funding (A)	96,122	104,281	98,806	104,309	106,425	109,411	113,950	
APPLICATIONS OF OPERATIONAL FUNDING								
Payments to staff and suppliers	69,036	78,662	78,469	81,979	79,490	81,319	84,077	
Finance costs	2,251	2,767	2,213	2,325	3,502	3,515	4,125	
Other operating funding applications	-	-	-	-	-	-	-	
Total applications of operating funding (B)	71,287	81,429	80,682	84,304	82,992	84,834	88,202	
Surplus (deficit) of operating funding (A - B)	24,835	22,853	18,124	20,005	23,433	24,577	25,748	
SOURCES OF CAPITAL FUNDING								
Subsidies and grants for capital expenditure	3,312	4,988	16,519	9,123	7,702	8,554	9,085	
Development and financial contributions	-	-	-	-	-	-	-	
Increase (decrease) in debt	34,995	(36,293)	4,491	54,764	510	24,409	19,566	
Gross proceeds from sale of assets	1	1,289	3,509	13,500	-	13,500	-	
Lump sum contributions	-	-	-	-	-	-	-	
Other dedicated capital funding	-	-	-	-	-	-	-	
Total sources of capital funding (C)	39,596	(27,796)	34,510	63,887	21,712	32,963	28,651	
APPLICATION OF CAPITAL FUNDING								
Capital expenditure								
- to meet additional demand	1,896	-	-	-	-	-	-	
- to improve the level of service	1,430	147	27,646	43,063	17,606	23,808	29,542	
- to replace existing assets	15,345	25,777	24,255	32,553	27,355	33,547	24,671	
Increase (decrease) in reserves	5,921	(19,625)	-	-	-	-	-	
Increase (decrease) of investments	39,839	(11,242)	733	8,276	184	185	186	
Total applications of capital funding (D)	64,431	(4,943)	52,634	83,892	45,145	57,540	54,399	
Surplus (deficit) of capital funding (C - D)	(24,835)	(22,853)	(18,124)	(20,005)	(23,433)	(24,577)	(25,748)	
FUNDING BALANCE ((A - B) + (C - D))	-	-	-	-	-	-	-	
Depreciation expense (not included in the above FIS)	27,910	28,594	29,016	32,023	30,262	30,747	33,635	

Statement of Financial Position

	ACTUAL *	ACTUAL *	FORECAST **	ANNUAL PLAN ***	LONG-TERM PLAN 2021 - 2031 ****		
	2019/20 (\$000)	2020/21 (\$000)	2021/22 (\$000)	2022/23 (\$000)	2023/24 (\$000)	2024/25 (\$000)	2025/26 (\$000)
ASSETS							
Current assets							
Cash and cash equivalents	26,505	16,673	12,663	12,663	6,505	6,505	6,505
Receivables	11,328	11,376	11,376	11,649	11,948	12,247	12,565
Prepayments	461	1,063	1,063	1,089	486	498	511
Inventories	825	733	733	751	870	892	915
Non-current assets held for resale	-	9,980	-	-	-	-	-
Other financial assets	51,193	35,533	25,276	18,302	29,359	29,497	29,637
Total current assets	90,312	75,358	51,111	44,454	49,168	49,639	50,133
Non-current assets							
Property, plant and equipment	852,382	847,605	1,030,361	1,070,534	995,828	1,168,583	1,189,243
Intangible assets	1,219	2,429	2,755	5,776	2,794	3,179	3,097
Biological assets	3,618	4,022	4,141	4,246	4,048	4,149	4,257
Investment property	36,518	28,113	26,530	27,566	33,361	34,195	35,084
Investment in CCOs and similar entities	61,069	76,569	76,569	84,069	76,569	76,569	76,569
Other financial assets	17,222	2,212	17,212	24,962	9,786	9,833	9,879
Total non-current assets	972,028	960,950	1,157,568	1,217,153	1,122,386	1,296,508	1,318,129
TOTAL ASSETS	1,062,340	1,036,308	1,208,679	1,261,607	1,171,554	1,346,147	1,368,262
LIABILITIES							
Current liabilities							
Trade and other payables	13,937	20,025	20,025	20,260	14,407	14,633	14,873
Provisions	112	112	112	112	112	112	112
Employee benefit liabilities	2,877	2,601	2,601	2,663	3,034	3,110	3,191
Borrowings	50,314	10,522	37,485	59,391	56,313	66,077	73,903
Total current liabilities	67,240	33,260	60,223	82,426	73,866	83,932	92,079
Non-current liabilities							
Provisions	816	816	816	816	816	816	816
Employee benefit liabilities	1,160	852	852	872	1,223	1,254	1,287
Borrowings	75,200	78,700	56,228	89,086	84,470	99,115	110,855
Derivative financial instruments	3,493	1,904	1,904	1,904	3,493	3,493	3,493
Total non-current liabilities	80,669	82,272	59,800	92,678	90,002	104,678	116,451
TOTAL LIABILITIES	147,909	115,532	120,023	175,104	163,868	188,610	208,530
EQUITY							
Retained earnings	366,796	376,475	390,747	385,802	384,678	382,987	380,350
Restricted reserves	50,177	44,887	37,428	40,220	40,497	45,507	50,339
Hedging reserves	(3,493)	(1,904)	(1,904)	(1,904)	(3,493)	(3,493)	(3,493)
Carbon credit revaluation reserves	815	1,182	1,182	1,182	815	815	815
Asset revaluation reserves	500,136	500,136	661,203	661,203	585,189	731,721	731,721
TOTAL EQUITY	914,431	920,776	1,088,656	1,086,503	1,007,686	1,157,537	1,159,732
TOTAL LIABILITIES AND EQUITY	1,062,340	1,036,308	1,208,679	1,261,607	1,171,554	1,346,147	1,368,262

NOTE:

* Data is from Council's audited Annual Report 2020/2021.

** Data has been prepared off forecasted year end numbers and are before yearend adjustments/procedures.

*** Data is from the Long-term Plan 2021-2031 and has not been updated.

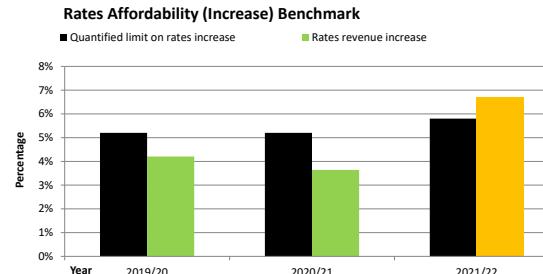
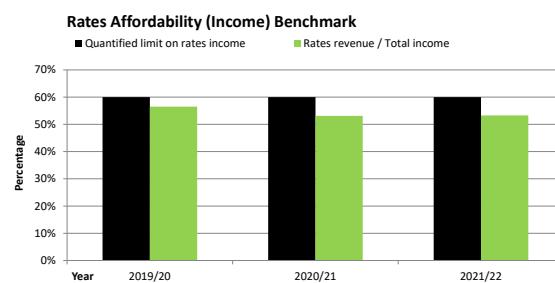
Financial Strategy - Benchmarks and Limits

The Council's financial strategy contained within the Long-term Plan 2021-2031 sets out benchmark limits to assess whether the Council is prudently managing its revenue, expenses, assets, liabilities and general dealings.

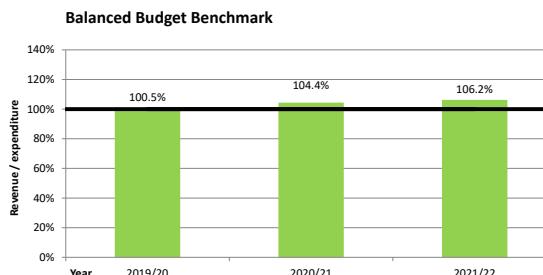
The information below for the 2019/20 and 2020/21 years are based on actuals from the Annual Report 2020/2021 and the 2021/22 year is based on forecast year end information.

Key:

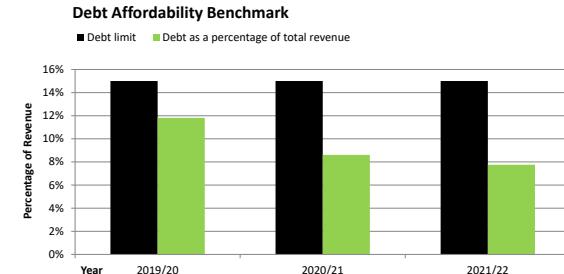
- Benchmark/Limit
- Benchmark met
- Benchmark not met



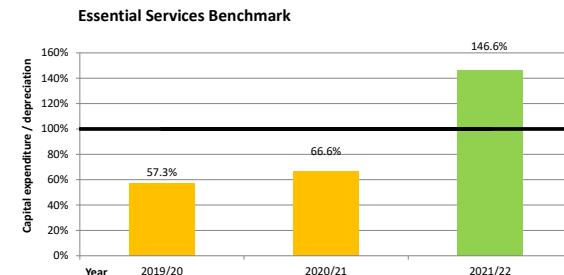
In 2021/22, the Rates Affordability (Increase) Benchmark was not met. The additional rates revenue was generated by growth within the ratepayer base.



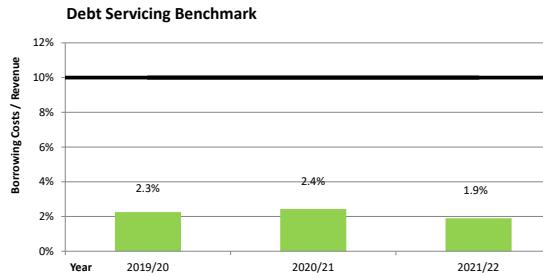
The Balanced Budget Benchmark was met over all three years. Council is aware of the issue of affordability and financial sustainability. Council continues to investigate efficiencies to reduce expenditure and increase other revenue, and by doing so reduce the revenue needed from rates.



The Debt Affordability Benchmark was met over all three years.



In 2019/20 and 2020/21, the Essential Services Benchmark was not met. Overtime Council's infrastructure capital expenditure should equal its depreciation, which means Council is replacing its assets as they deteriorate. Due to the nature of some of the capital expenditure being large and can not be spread over a number of years, it is hard to assess this benchmark on a year by year basis.



Investment in Infrastructure and Services

The Council has included capital investment of around \$115 million for the next ten years and operating expenditure averaging \$123 million per annum over the 10 years of the long term plan.

Details about the Roadmap to Renewal projects and progress to date are included in pages 9-12 of this document.

Our investment in capital for the next three years is outlined on the right:

Further Information

If you would like to read more about Council's planned and past performance, visit our website...



icc.govt.nz/public-documents

		Capital Expenditure (\$'000)		
		2023/24	2024/25	2025/26
INFRASTRUCTURE				
Roading	Road resurfacing , rehabilitation and drainage	7192	8462	9626
	Footpath renewals and rehabilitation	1426	1460	1651
	Low cost, low risk projects	2682	1384	1464
Water Supply	Pipe network replacement	2450	3262	3347
	Treatment plant	146	213	50
	Branxholme water main	4723	0	0
	Alternative water supply source	0	0	9355
Sewerage	Pipe asset renewal/upgrade	2339	3113	3194
	Pumping stations renewals	271	32	68
	Clifton treatment facility renewal	827	0	127
Stormwater	Pipe asset renewal/upgrade	3057	4070	4176
	Treatment plant	236	241	248
OTHER				
Property	Splash Palace	293	189	33
	Civic Theatre	0	927	0
	Parks	626	105	107
	Museum Building	3458	14319	20571
	Collection storage facility	4192	0	0
	Rugby Park	3291	0	0
	Surrey Park grandstand	1490	0	0
	Civic Administration Building	5572	9574	0
OTHER	City Streets Upgrade	10171	2700	0
	Bluff Boat Ramp	449	0	0
	Destination Playground	0	484	682

How to Get Involved:

The Council elections are an exciting time – they allow our community to directly vote for those who will govern the City for the next three years. Democracy is an important part of our constitutional arrangements and every Citizen and Resident (over 18 years old) of Aotearoa New Zealand can and should vote.

There are three key ways you can be involved:



Vote



Stand as a candidate



Take part in a campaign

Vote

To vote you must be aged 18 years or more and be a Resident or Citizen of Aotearoa New Zealand. You also need to be enrolled as a Parliamentary elector.

The Electoral Commission maintain the Electoral Roles and will soon send out a letter to confirm you are enrolled- if you do not receive one, make contact with them at:

- enrol.vote.nz/app/enrol/#/check-online and to enrol go to
- enrol.vote.nz/app/enrol/#/enrol-online



Invercargill City Council Pre-Election Report 2022

You can also ring the Electoral Commission, anytime, on **0800 36 76 56**. We also have paper forms you can complete and post away if you prefer.

If you own property in another Council district (or own property in the Invercargill City District but live somewhere else) you can also enrol as a Ratepayer Elector. Check out our website for more information or contact us:

icc.govt.nz/elections/ratepayer-electoral-enrolments/

Voting will open on **Friday September 16, 2022** and will close at **12pm on Saturday 8 October, 2022**.

All your voting documents are sent out in the mail by New Zealand Post and they start being delivered from **16 September**. You can return your vote in the mail or drop it into any of the ballot box locations that will be advertised.

If you are on the unpublished roll, enrolled late, did not get your voting document or will not be in New Zealand after voting opens but before your vote arrives you can do a special vote just contact us and we will let you know where you can make a Special Vote.

Stand as a Candidate

Candidates for Council need to have a strong focus on the Community and outcomes you would like to see for the City.

If you are interested in local decision making, giving back to the Community and serving it then you should consider standing as a Candidate.

You can stand as a Candidate for Council as Mayor, Councillor or Member of the Bluff Community Board. You can stand for all three if you chose to.

To stand you must be a New Zealand Citizen and be able to provide evidence of this- your New Zealand Passport, Birth Certificate or Certificate of Citizenship will do this.

Next you will need to complete a nomination form (on our website in time for nominations) and be nominated by two people. All three of you must be enrolled to vote. Your two nominators **MUST** be enrolled to vote in the Invercargill City District. It is important to note you do not need to live in Invercargill to stand for Council but your two nominators must do so.

Next your nomination form needs to be provided to the Deputy Electoral Officer and his team. When you lodge this you must pay \$200 per election event (so standing for Mayor and Council is \$400), provide a photo that is of your head and shoulders and is taken in the last 12 months and provide a Candidate profile statement of no more than 150 words. Check out our Candidates Handbook for more information on being a Candidate.

Nominations open on **Friday 15 July, 2022** and close at **12pm on Friday 12 August 2022**. Your completed nomination must be with us by **12pm**. We strongly advise that you do not leave it to the last minute- if you do and one of your nominators is not enrolled you cannot fix that and your nomination will not be valid meaning you cannot stand.

Two important points - you can stand for Council and the Invercargill Licensing Trust, but you cannot stand for Council and the Southland Regional Council.



You can stand for Council if you work at Council but must resign from your employment with Council if you are elected. You are able to stand for another Council, different to your employer however.

Take part in a Campaign

Democracy works because people engage with it and like to have their say on who is in a position of Governance and has the ability to set the direction of the City.

This relies on everybody taking part - from standing as a Candidate, to the Electoral Officials making sure the campaign and voting is correct and fair to the people who live in the City being engaged with what is happening and importantly voting.

To take part in a campaign all you need to do at the most simple level is to vote.

But it is better if you take time to understand what Candidates are standing for- who shares your vision? Take part in a Candidate debate, be in the audience or ask questions in person or on line, read the information candidates put out, if you really like a Candidates stance make contact most candidates will always look for people who can help them with their campaigns. Finally- and of course – other than voting- the best way to take part is to stand.



Key dates

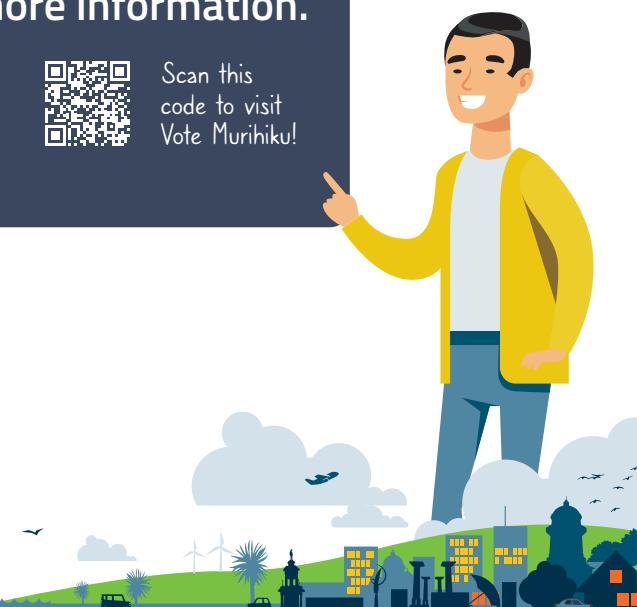


Visit icc.govt.nz/elections for more information.

You can also find information on
the local government elections on
the Vote Murihiku Facebook page.



Scan this
code to visit
Vote Murihiku!







ACTIVITIES REPORT

To: Performance, Policy and Partnerships Committee

Meeting Date: Tuesday 12 July 2022

From: Group Managers

Approved: Clare Hadley - Chief Executive

Approved Date: Tuesday 5 July 2022

Open Agenda: Yes

Public Excluded Agenda: No

Purpose and Summary

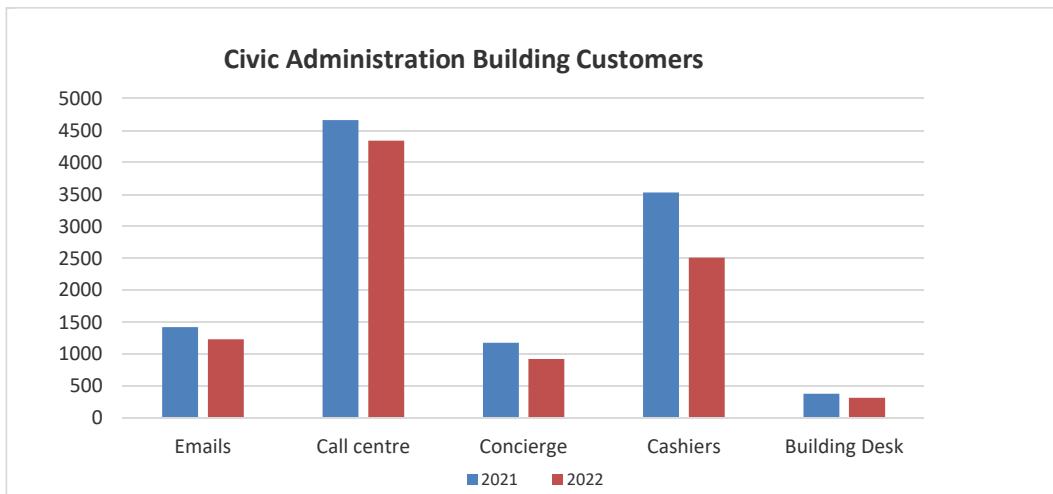
This report provides an update on a wide range of activities across Council.

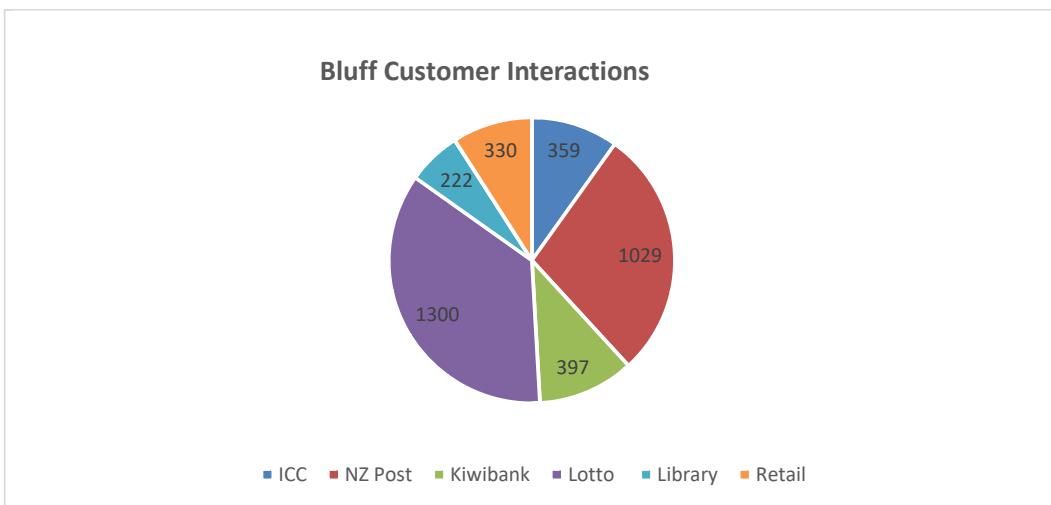
Recommendations

That the Performance, Policy and Partnerships Committee receives the report "Activities Report".

Customer and Environment

Customer Services





During May 2022

- 90.5% of customer phone calls were answered within 30 seconds and 97.2% were answered within two minutes.
- 1,608 requests for service were received.
- We issued 147 Building Consents, 117 Code Compliance Certificates and booked 506 building inspections. The average wait time from a booking to the inspection is two working days, this is very well received by the building industry.
- The Bluff numbers show customer interactions with each area of the Service Centre, the ICC number shows all Council enquiries and the retail numbers include the sale of postage bags.
- The cancelling of the Oyster Festival reduced the total Bluff customer visits by a third on last year.

Environmental Health

Environmental Health has successfully retained recognition to verify national programmes after the recent IANZ audit, with recognition of a further three years. Verifications cancelled or postponed as a result of Covid settings are now up-to-date.

Compliance

Staff have provided feedback into the Parking Bylaw review from a compliance/enforcement viewpoint. With two new staff starting in May and June there has been a focus on training and expanding compliance activities into the suburbs again.

Animal Control

	May 2022	May 2021
Registrations	105	131
RFS received	120	102
Infringements	7	18
Prosecution	0	0
Impounded	24	42
Rehomed	2	3
Dogs Returned	21	38

- Registrations continue to flow in towards the end of the financial year with 10% still to be renewed. Last year, with the Level 4 lockdown in August, there was an extension for dog registrations to be completed. This year staff will be able to begin focusing on late registrations in August and September.
- Infringements are down from 18 to seven while uncontrolled dog incidents (dog attacks, rushing and intimidating, wandering) are down from 79 to 46 with wandering dogs halved in comparison the same time period last year. This is potentially an indication of the public being more responsible with their dogs.
- With less dogs reported as wandering, our impoundments have almost halved when compared to last year.

Planning and Building

	May 2022	May 2021
Percentage of Building Consents issued within statutory timeframes	98%	98%
Percentage of Code Compliance Certificates issued within statutory timeframes	97%	97%
Percentage of Non-notified Resource Consents issued within statutory timeframes	80%	90%

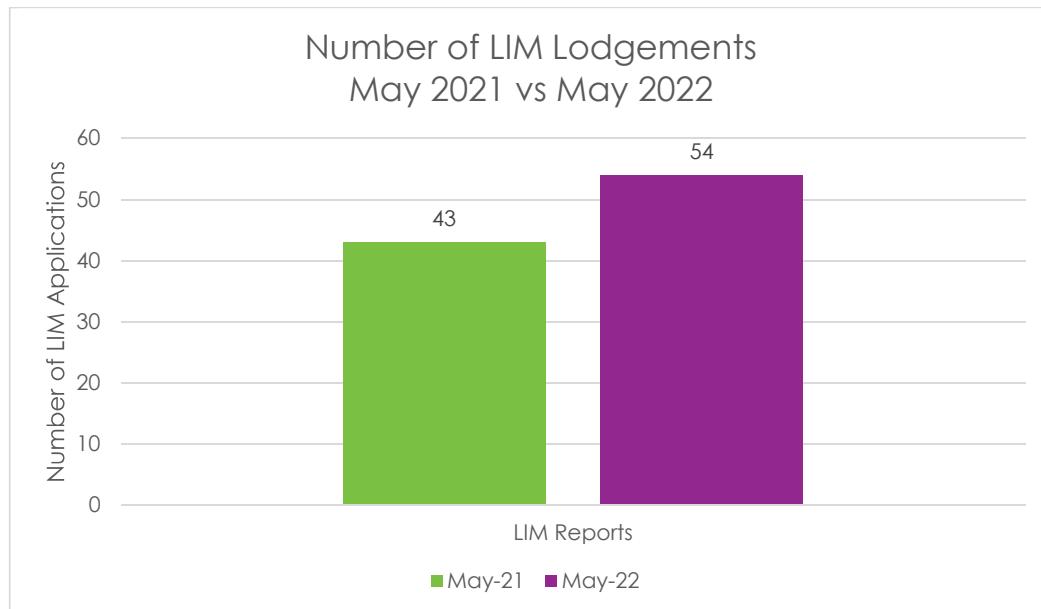
The Building team are pleased to advise that they have recently completed their biennial assessment with International Accreditation New Zealand (IANZ) and have yet again received a low risk classification with a substantially reduced number of findings which IANZ have noted is a clear indication of continuing improvement.

The City Block is due to open for business in mid-July and the Compliance team are working with the project managers and tenancy owners to ensure the necessary checks and certification are in place ready for the Public opening.

This year we have also been able to pay out around \$37,500 in grants that had been awarded for property owners to assist in the costs of engineer reports required by earthquake prone building legislation. More funding has been approved by the City Centre Heritage Steering Group earlier in the year and will be released once the engineer reports are received and accepted by Council.

Property Records

Details from the Property Records Team – May 2022.



	May 2022	May 2021
Land Information Memorandum(LIM) Lodgements	54	43
LIMs Lodged Electronically	72%	65%
Average days to issue a LIM	5.38 days	5.82
LIMs processed within Statutory Time Frames	100%	100%
Property File Requests	316	Not available

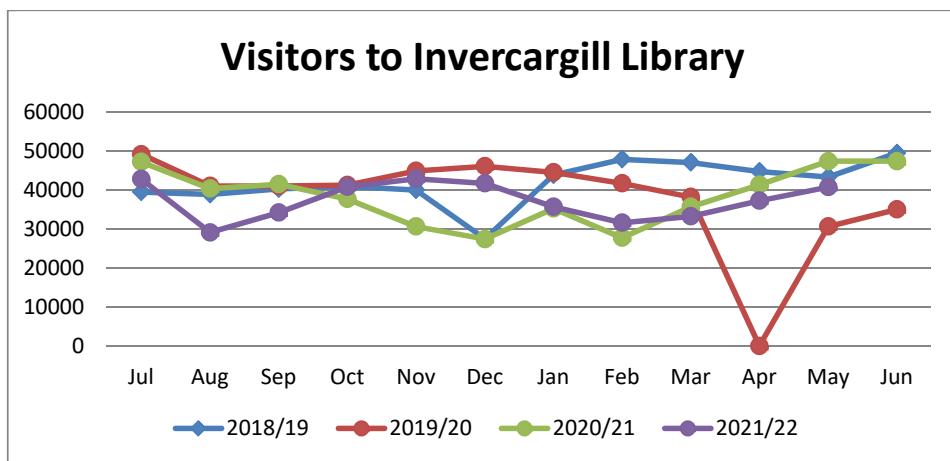
Property File Digitisation Project

The project continues to progress well with PBS having set up the new PBS Invercargill Digitisation Centre (InDC) in Don Street where the files will be digitised. At the time of writing, the pilot is in progress with full production expected to begin at the end of July 2022. This means from late July/early August customers will no longer be able to view physical files in person and we will be switching to providing property files electronically only via email. Staff have worked to minimise disruption as much as far as practically possible. Details of the changes will be publicised on our website, social media channels and regular users of the service will be emailed with the new process to support the transition.

Leisure and Recreation

Invercargill Library Report – May 2022

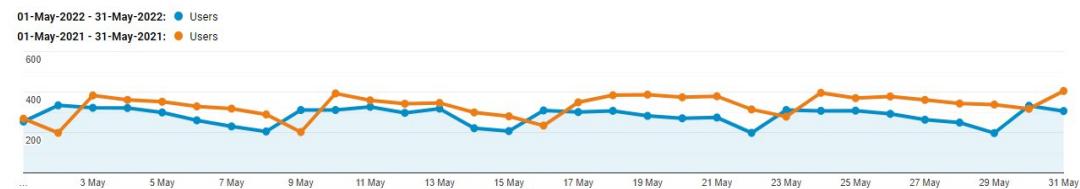
Library Visitors



Visitor numbers have increased with 40,463 visiting Invercargill and 241 visiting Bluff for a total of 40,704 in May 2022. This will bring visitor numbers closer to target with one month left to the end of the financial year. Year to date this is 421,272 with the target being 515,000. This target will not be met but there has been an improvement of 2.2% over the previous year.

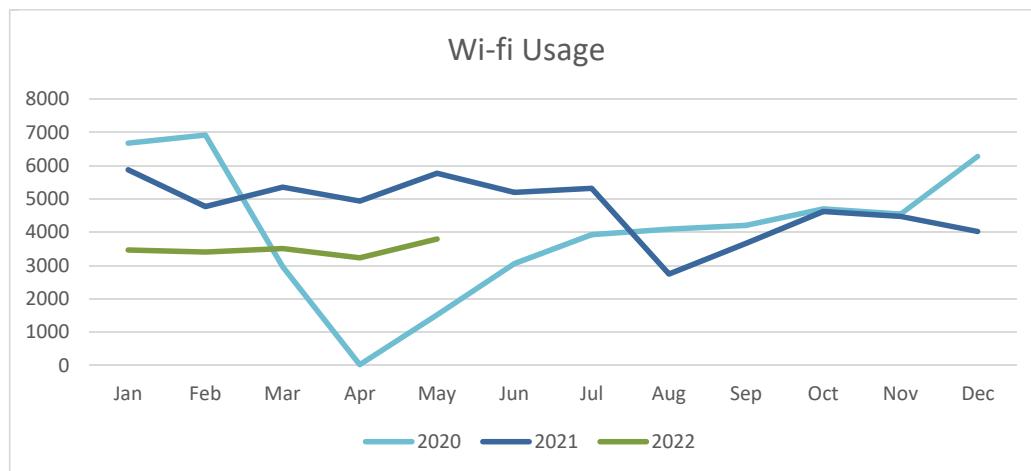
The Covid-19 pandemic has caused disruption to services at the Library and increasing numbers this month means there has been a positive finish to the year.

Website usage for May 2021 and May 2022



Website access has been similar for May with steady traffic. The most popular pages after the home page and library catalogue have been accessing online newspapers through Pressreader. Other popular searches have been for family history and library programmes.

Wi-Fi



Wi-Fi usage shows an average of 122 users per day in Invercargill and five users per day in Bluff for May 2022. The decrease in usage reflects the reduced numbers of visitors to the facility. This public Wi-Fi service and internet workstations within the Library are provided in partnership with the Aotearoa Peoples Network Kaharoa which aims to reduce the digital divide for those who do not have access to the internet.

Community Outcome – Enhance our city

Programmes assisted to create a bustling space within the CBD and welcomed people from different cultures.

	TOTAL Attendance – April	TOTAL Attendance – May
Children's programmes	501	164
Adult programmes	39	186
Total	540	350

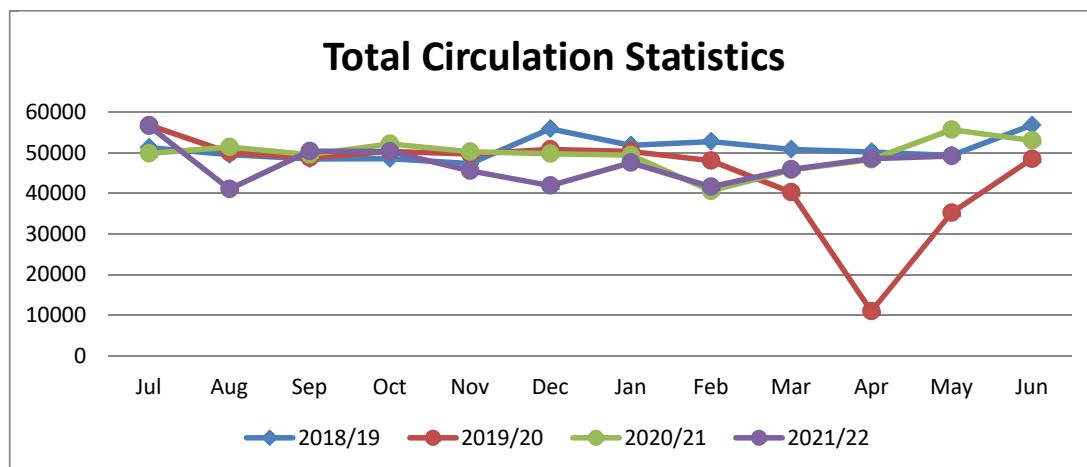
The increase in the number of adults attending is partly due to the popular event held on 4 May 2022. This was an afternoon/early evening range of events which had over 60 people attending. This included a VR experience, a photo booth, cup cake decorating, and colouring, origami and string art.



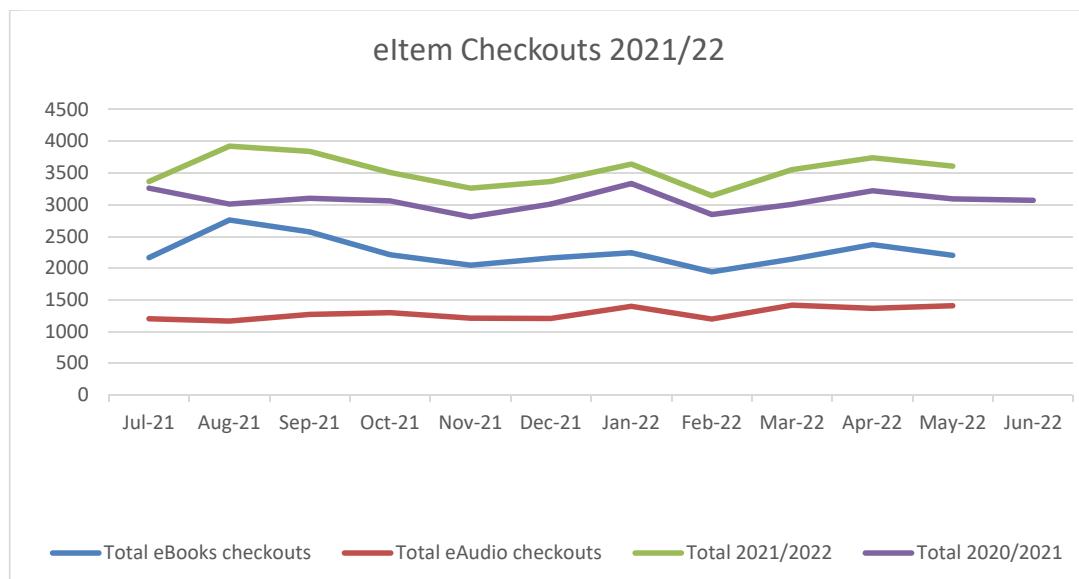
Samoan language week was held from 29 May to 4 June 2022.

The celebration week was able to raise awareness of the Samoan language and Samoan culture. The week concluded at the library with a Samoan craft: siapo tapa creation. This is a modern-day interpretation of traditional cloth décor used as floor mats, bedding, room dividers and clothing.

Library Circulation



Library circulation was 49,235 in May 2022. This is now close to the 2018/2019 pre-Covid monthly figure. EBook and eAudio circulation has shown a 16% increase for May 2022 from the previous year. This is now approximately 10% of total circulation.



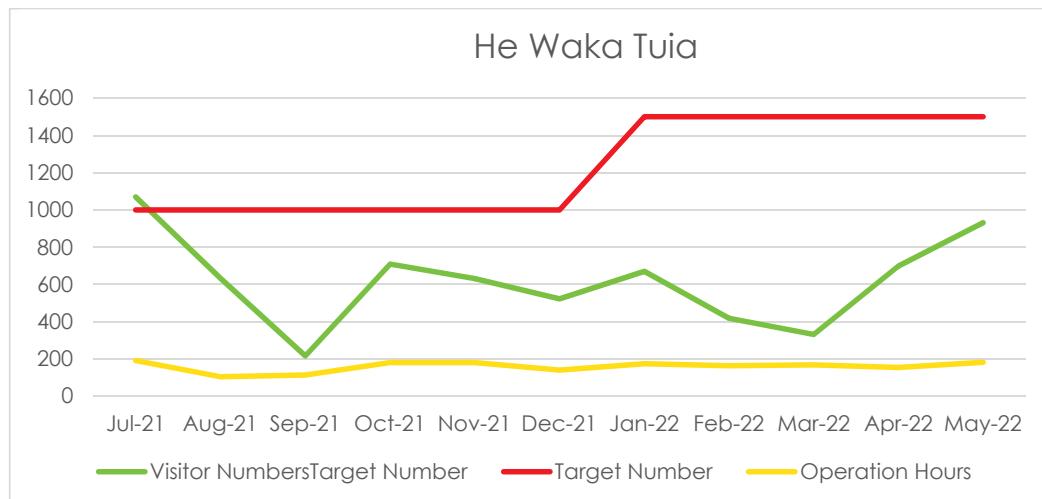
Community Outcome – Embrace innovation and change

Library podcasts now weekly.

In February 2022 the Library launched a podcast on Radio Southland. In 15 minute episodes Senga White and Saniya Thompson talk about all things happening at the library – about the collections, services, programming, and hidden treasures at the library. In May this became weekly with every second episode focused on local history. The show airs on Wednesdays at 5:15 pm and is repeated on Mondays.

The topics covered include topics such as; Library History, local collection treasures, local histories and how community can best access library services. Examples of the show can be accessed via: <https://bit.ly/3xdxgJL>

He Waka Tuia



He Waka Tuia

He Waka Tuia continues to provide the public face for temporary exhibitions for both SMAG and IPAG. Public events during May engaged 79 visitors after hours. These events targeted members of the community who are unable to access He Waka Tuia during operational hours, as well as targeted one-off events which responded to the collection items on display.

Exhibition Programme at He Waka Tuia

Frank Checketts Collection	6 May – June 2022	Pottery collection gifted to the Eastern Southland Gallery, Gore by the late Frank Checketts
SMAG – Southland Potters Collection	6 May – June 2022	Southland Potters Association Collection donated to SMAG
IPAG – Pottery Collection	6 May – June 2022	IPAG Pottery Collection

The SMAG (Collections Trust)

The collection is under the Governance of The SMAG Trust Board a collections focussed Trust responsible for the care, preservation and management of the collection.

Collection	Description	Digitised for public access
Glass Plate Negatives	General Collection. All plates have been cleaned, digitised and rehoused in acid free material	4,350
Elmwood Collection	35mm film	22,000
Taoka Maori	Toki Collection	500
Taoka Maori	Wooden Objects	50
Taoka Maori	Whalebone/Mere/Patu	200
Pasifika	Wooden Objects	100
Art	Oil paintings	25
Social History	Sub Antarctic; Strangs	65

The digitisation of the collection is being progressed in conjunction with the packing of the collection. All digitised objects are being processed with the view to a single point of access to ICC Collections being available online to our community. Many of these objects, for example the Solander Island purse, which dates from the time of the Napoleonic Wars is too fragile to be regularly handled.



We have been negotiating the opportunity to photograph some objects, such as clothing, in 3D. This process will open more of the collection to the community and continue to reduce the risk of handling of the fragile objects in the collection.

Collection Management Policy

The Collection Management Policy of the Southland Museum and Art Gallery has been redrafted and is currently under internal review. This includes the section on Collection Rationalisation.

Collection Relocation

Preparation for the relocation of the collection continues to progress well. A review of all collection objects prior to packing has highlighted a number of objects which will be included in the rationalisation of the collection.

Venues and Events Services

Update to end of 31 May 2022

The second half of May saw increased activity across all venues other than the Victoria Rooms where visitation is down due to the downsizing of activity at the Vaccination Clinic. Advance bookings and enquiries are also nearing pre pandemic levels signally a positive outlook.

Venues and Event Services role in achieving the community outcome of **Enhancing our city** is to "enable communities and businesses to use the venues as strategic assets to support their economic and cultural well-beings". In order to make our venues accessible and affordable for locals to use a community access rate is offered of up to 40% discount.

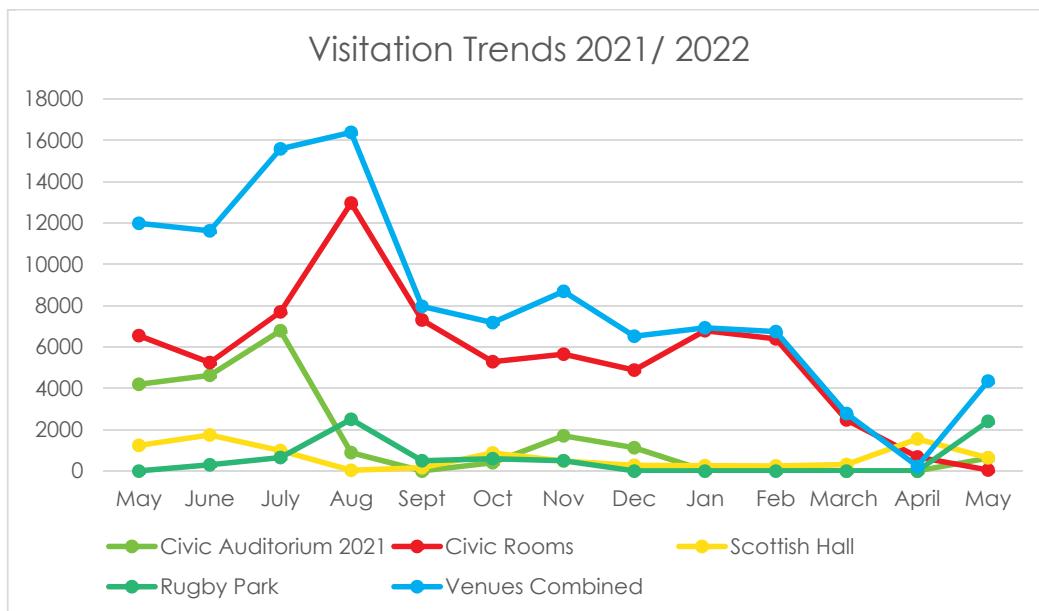
Previously this discount was applied using professional judgement and the criteria was vague with some community groups not aware of the programme. The mechanism for applying this discount has been formalising in an assessment matrix to allow a fair and transparent application of the discount that prioritises groups demonstrating the most community benefit. The new matrix now encourages community groups to consider such things as collaboration with other community groups, accessibility of their events, the use of Te Reo and themes that are significant to Southland audiences as well as training / education and internship programmes.

Rugby Park has increased its activity notably through the increased use of the site for club and development games.

Participation and visitation stats

Venue	No of Hire Half days	Participants
Civic Theatre Auditorium	12	620
Civic Theatre Drawing Room	6	45
Civic Theatre Victoria Rooms*	44	580
Rugby Park	6	2,400
Scottish Hall Main	18	575
Scottish Hall Community Room	21	635
Totals	107	4,355

* The numbers associated with the Victoria Rooms (COVID-19 Vaccination Clinic) are unusual for the nature of the facility and are for a limited timeframe, this data may be excluded from year on year target calculations so as not to skew reporting in future years.



Participation

The Venues and Event Services unit is on target to reach its cumulative annual visitation numbers KPI although it is acknowledged that this was greatly assisted by the vaccination programme and not all venues have been able to perform at the desired levels throughout the 2021/21 year due to pandemic restrictions.

Looking forward

With the reduction in size and scale of the Vaccination Clinic and the relaxing of pandemic restrictions a focus on activating the public Civic foyer space will begin in earnest. A pilot after 5 community/ business networking event is planned for the first Friday of August. Titled "First Fridays" the intent is to provide regular a social platform whereby a community group/ interest group or local business is able to host an event in the foyer with a brief opportunity to address attendees. The first event will be hosted by Arts Murihiku. The frequency, branding and format of the event will be evaluated after the pilot August event.

Key Events

The table below shows events that have occurred in June and events being held during July.

Event	Genre	Event Type
KPI: Increase public use through a range of community events and touring productions		
Ripper Rugby Tournament - 1 June	Tamariki Rugby	Local, Community Sport
Rotary Book Sale – 2 to 5 June	Community	Local, Community Rate recipient
7 Days Live – 10 June	Comedy	NZ Touring
Tom Sainsbury- Snapchat Dude – 15 June	Comedy	NZ Touring
Goldner String Quartet - 18 June	Classical	NZ Touring
Rugby Southland Women's – Final 18 June	Rugby	Local, Community Spot
RockQuest – 17 June	Rangatahi	NZ Touring, Local Cast
ShowQuest – 19 to 20 June	Rangatahi	NZ Touring, Local Cast
We Will Rock You – 8 to 23 July	Musical	Local, Community Rate Recipient

Finance and Assurance

Strategy and Policy

- Consultation on the Dog Control Bylaw and the Keeping of Animals, Bees and Poultry Bylaw is taking place through July.
- The pre-election report will be published.
- Submission for the Three Waters - Water Services Entity Bill is being prepared.
- Welcoming Communities events on taking part in the democratic process and what it's like working in Council will take place over July and August.
- Youth Council are visiting Wellington for the Festival for the Future.