DUNEDIN CITY COUNCIL | kaunihera a-rohe o Ōtepoti

Notice of Meeting:

I hereby give notice that the inaugural meeting of the Saddle Hill Community Board will be held on:

Date:	**Tuesday 4 November 2025**
Time:	**11.00 am**
Venue:	**Council Chamber, Dunedin Public Art Gallery, The Octagon, Dunedin**

Sandy Graham
Chief Executive Officer

Saddle Hill Community Board

UPDATED PUBLIC AGENDA

MEMBERSHIP

Chairperson		
Deputy Chairperson		
Members	Tracey Boerboom	Lianna MacFarlane
	Barry McLellan	John Moyle
	Cr Jules Radich	Vianney Santagati
	Paul Weir	
Senior Officer	Mike Cartwright, City Growth and Advisory Services Manager	
Governance Support Officer	Jackie Harrison	

Jackie Harrison
Manager Governance

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Note: *Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.*

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1 APOLOGIES

At the close of the agenda no apologies had been received.

PART A REPORTS

WELCOME BY THE CHIEF EXECUTIVE, MS SANDY GRAHAM

DECLARATIONS BY MEMBERS

Declaration by members to be made and attested as required by Schedule 7, Clause 14 of the Local Government Act 2002.

VOTING PROCEDURE FOR APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Department: Civic

EXECUTIVE SUMMARY

1 Voting for appointments such as a Chairperson and Deputy Chairperson of a Community Board is to be carried out in accordance with Schedule 7, Clauses 25(2) and (3) of the Local Government Act 2002 Amendment Act 2004.

RECOMMENDATIONS

That the Board:

a) **Decides** the voting method for the appointment of Chairperson and Deputy Chairperson.

BACKGROUND

2 Schedule 7, Clauses 25(2) and (3) of the Local Government Act 2002 Amendment Act 2004 requires that the Board must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

- System A: A candidate for Chairperson or Deputy Chairperson is elected if they received the votes of the majority of members present and voting. If there is no successful candidate in three rounds of voting (from which the candidate with the fewest votes is excluded on each round). In any round of voting, if 2 or more candidates tied for the lowest number of votes, the person excluded from the next round is resolved by lot.

- System B: A candidate for Chairperson or Deputy Chairperson is successful if they received more votes than any other candidate and if a tie occurs, it is resolved by lot.

NEXT STEPS

3 An election using the voting method adopted is held. Conduct of the meeting is transferred to the elected Chairperson.

Signatories

Author:	Wendy Collard - Governance Support Officer
Authoriser:	Jackie Harrison - Manager Governance

Attachments

There are no attachments for this report.

ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

ACKNOWLEDGEMENT OF RETIRING MEMBERS

Department: Civic

EXECUTIVE SUMMARY

RECOMMENDATIONS

That the Board:

a) **Records** its sincere thanks to Pim Allen for their loyal and conscientious service given to the Dunedin community as a member of the Saddle Hill Community Board for the 3 year period 2022 to 2025.

Signatories

Author:	Wendy Collard - Governance Support Officer
Authoriser:	Jackie Harrison - Manager Governance

Attachments

There are no attachments for this report.

MEETING SCHEDULE

Department: Civic

EXECUTIVE SUMMARY

1 The Board is requested to consider the date of the next Saddle Hill Community Board meeting, which is proposed for Tuesday, 25 November 2025 commencing at 3.30 pm.

2 A meeting schedule for 2026 will be presented to the meeting being held on 25 November 2025 for the Board's confirmation.

RECOMMENDATIONS

That the Board:

a) **Confirms** that its meeting week will be held on 25 November 2025 commencing at 3.30 pm.

b) **Notes** that the meeting schedule for 2026 will be considered by the Board at the 25 November 2025 meeting.

Signatories

Author:	Wendy Collard - Governance Support Officer
Authoriser:	Jackie Harrison - Manager Governance

Attachments

There are no attachments for this report.

LOCAL GOVERNMENT LEGISLATION - BRIEFING FOR THE INAUGURAL COMMUNITY BOARD MEETING

Department: Civic

EXECUTIVE SUMMARY

1 Clause 21 of Schedule 7 of the Local Government Act 2002 requires that at the inaugural meeting of the Council and Community Boards following the triennial election, the Chief Executive must provide a general explanation of the following legislation:

a) The Local Government Official information and Meetings Act 1987;

b) The Local Authorities (Members' Interests) Act 1968;

c) Sections 99, 105 and 105A of the Crimes Act 1961;

d) The Secret Commissions Act 1910; and

e) The Financial Markets Conduct Act 2013.

2 As this is an administrative report, there are no options or Summary of Considerations.

RECOMMENDATIONS

That the Board:

a) **Notes** the advice regarding key legislation that applies to members of Council, its Committees and Community Boards.

DISCUSSION

Local Government Official Information and Meetings Act 1987

3 This Act concerns the participation of the public in meeting processes, and access to official information held by the Dunedin City Council.

4 The Act is based on the principle that public participation in democratic processes is paramount, and information will be made available unless there is a good reason to withhold it or where the Act expressly requires the information be withheld.

5 Nearly all information held by local authorities and elected members conducting Council business is deemed to be official information. This may include information stored by way of tape recordings, computer, email, text messages or other electronic communications if it concerns Council-related business. If it concerns the conduct of Council business, it is official information even if it is held on a personal device.

6 Requests for access to official information are made under the Local Government Official Information and Meetings Act 1987 (commonly called a LGOIMA request). Requests for personal information from an individual about that individual are made under the Privacy Act 2020.

7 Requests may be written or oral although written requests are encouraged. Council has a statutory duty to help people in making requests for information and must make a decision as to whether information will be released no later than 20 working days after the request is received. The Council can, if appropriate, extend the 20 working day period (s14).

8 Requests for official information or information requested under the Privacy Act 2020 are handled by officials. Request for official information should be made by:

a) Using the online form at https://www.dunedin.govt.nz/do-it-online/request-for/oia-form

b) Emailing officialinformation@dcc.govt.nz

9 Responses to LGOIMA requests made by elected members are circulated to all elected members.

Refusal of Information Requests

10 The Act sets out a number of conclusive and good reasons why requests for official information may be refused. Unless one of these grounds for refusal applies, the information must be released.

11 Reasons for refusal are specified in sections 6, 7 and 17 of the LGOIMA and include:

a) Protecting the privacy of natural persons;

b) Protecting information which is subject to an obligation of confidence;

c) Enabling a local authority to carry out, without prejudice or disadvantage, commercial activities;

d) Enabling a local authority to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);

e) Maintaining legal professional privilege; and

f) Ensuring the maintenance of the law or the detection of offences.

12 Good reasons for refusal are also subject to a "public interest" test. Even if the information sought falls within one of the refusal categories, it must be released where the withholding of the information is outweighed by other considerations rendering it desirable in the public interest that the information be released.

13 If a request is refused, the Council must give the requester:

a) The reason for its refusal;

b) The grounds in support of that refusal; and

c) Advice as to the right to apply to the Ombudsman to seek a review of the refusal.

Meetings

14 The Act requires Council to prepare agendas and other reports for Council, Committee and Community Board meetings and to make them available a minimum of two working days in advance of the meeting date and time. It also requires that the Council meetings be held in public unless there are grounds for the matter to be considered with the public to be excluded.

15 All meetings must be advertised in accordance with s46(1) and s46(2) of the LGOIMA. Meetings must be advertised not more than 14 days or less than five before the end of each month, except that if the meeting is to occur after the 21st day of the month it may be advertised not more than 10 or less than five working days before the day on which it is to be held.

16 Any meetings not advertised in accordance with s46(1) and s46(2) of the LGOIMA will be extraordinary meetings and public notice given as provided for in s46(3) and s46(4). This means that notice is given as soon as practicable with an indication of the general nature of the business. However, meetings will not be invalid due to not being advertised in accordance with s46. There is provision in s46(6) of the LGOIMA for meetings to be advertised after the event.

17 The Act provides that the public and media have the right of access to all meetings of the Council, Committees, Subcommittees (with the power to decide) and Community Boards unless the meeting resolves to exclude the public. The grounds for excluding the public and the media from a meeting can only be those provided in the Act and essentially are the same grounds for withholding official information. However, the public may be excluded where the subject matter of the discussion is one in respect of which a right of appeal exists to any Court or Tribunal.

18 A resolution to exclude the public is required. The motion must state the subject of the "non-public" matter and the specific reason provided in the Act and be put while the public is still present. A full explanation of the grounds to exclude the public is contained in Appendix 1 of the Standing Orders.

19 Where a meeting has resolved to exclude the public, a person can request a copy of the minutes of the meeting. That request must be treated in the same way as a request for official information, and a decision to refuse may be subject to review by an Ombudsman.

20 The release of publicly excluded information by members without authority is prohibited under the Council's and the Community Boards' Standing Orders. Any request for information or intention to release publicly excluded information should be referred to the Chief Executive in the first instance.

Adding matters to the agenda

21 The Chief Executive is solely responsible for the agenda for Council meetings. The Chief Executive may include or withdraw items on an agenda.

22 Items of business not on the agenda which cannot be delayed may not be dealt with unless resolved by the meeting and after an explanation is provided of why the matter cannot wait until the next meeting. Items not on the agenda may be brought by a report of the Chief Executive or the Chairperson (s46A(7)(a)) of the LGOIMA.

23 If the matter is a minor matter relating to the general business of the Council or Community Board, then it may be discussed without the meeting having resolved to do so, provided that at the beginning of the meeting (and while the meeting is open to the public) the chairperson

explains that the item will be discussed. However, no resolution, decision or recommendation may be made except to refer the item to a subsequent meeting for further discussion.

Maintenance of Order at Meetings.

24 Chairpersons at meetings may require members of the public to leave the meeting if the behaviour of the person concerned is likely to prejudice or continue to prejudice the orderly conduct of the meeting. If the member of the public refuses to leave they may be removed by any constable, or officer or employee of the local authority (s50) of the LGOIMA.

25 Councillors or Community Board members whose conduct prevents the orderly conduct of the meeting may be directed to leave by the Chairperson under Standing Orders.

Oral and Written Statements are Privileged

26 The law recognises that there are occasions where the making of an oral statement at a meeting of a local authority or the publication of information should be the subject of an immunity from Court proceedings such as defamation. This protection is provided under (s52) of the LGOIMA.

27 Information published in an agenda or report is to be treated as privileged, unless the publication was predominantly motivated by ill will or improper advantage. Oral statements made at meetings in accordance with the standing orders adopted by the Council are also privileged, unless the statement is proved to be predominantly motivated by ill will or the maker of the statement took improper advantage of the occasion of publication.

Local Authorities (Members' Interests) Act 1968 and Conflicts of Interest

28 The purpose of the Local Authorities (Members' Interests) Act 1968 (LAMIA) is to:

- Prevent preferential treatment from the local authority for people holding public office; and
- Ensure that decision-makers are not affected by personal motives when they participate in local authority matters.

29 The law on managing conflicts of interest has been developed to achieve two objectives:

a) That decisions are made based on the relevant information and arguments, not ulterior motives, or prejudices; and

b) People affected by a decision have trust and confidence in the process, particularly the fairness of the process.

The Disqualification from Office "Rule"

30 Unless prior approval of the Auditor General (or some other specified exception) applies, LAMIA disqualifies elected and appointed members of Council from office where they are "concerned or interested" in contracts with the Council that exceed a cumulative value of $25,000 (inclusive of GST) in any financial year. Contracts include any sub-contracts.

31 If a member breaches the $25,000 (inclusive of GST) limit, that member is disqualified from holding office and, if they continue to act, may be prosecuted and fined.

32 Generally, a person will be concerned or interested in a contract or other matter where:

- That person or their spouse or partner separately or together hold 10% of the issued capital of the company or a controlling company; and/or
- The member or spouse or partner is a shareholder of the company or controlling company and either the member or spouse is a managing director or general manager or equivalent.

33 This includes both direct or indirect interests and applies to contracts involving the member's spouse or partner.

34 Retrospective approval from the Office of the Auditor-General can only be given in limited circumstances and so prior approval should always be sought at the first opportunity.

35 It is your responsibility to keep track of contracts or subcontracts in which you are concerned or have an interest, and to ensure that pre-approval for the transaction is sought from the Auditor-General at the first opportunity if the total amount of payment exceeds the $25,000 (inclusive of GST) limit in one financial year.

The Participation "Rule"

36 LAMIA prohibits members of the Council, a Committee or Community Board voting on any matter in which they have a direct or indirect pecuniary interest, other than an interest in common with the public.

37 A pecuniary interest may be direct or indirect, and includes interests held through trusts, partnerships, or other entities. Members may participate in decisions where their pecuniary interest is held in common with the public, such as general rates or district wide policies. However, they must assess whether their interest is materially different in nature or degree from that of the general public.

Pecuniary Interests

38 A pecuniary interest is: "whether, if the matter were dealt with in a particular way, discussion or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned." In addition, if your spouse has a pecuniary interest you are deemed to have the interest. If your spouse, civil union partner, or de facto partner has a pecuniary interest, you are deemed to have the same interest.

39 A pecuniary interest via a company arises where:

- That person or their spouse or partner separately or together hold 10% of the issued capital of the company or a controlling company; and/or
- That member or spouse or partner is a shareholder of the company or controlling company and either the member or spouse is a managing director or general manager or equivalent.

40 Where uncertainty exists , the member must adopt a "lowest risk" approach. In most instances, this will mean withdrawing from discussion and voting. Indirect interests, such as those held through trusts, partnerships, or close associates, may also give rise to a pecuniary interest.

41 A pecuniary interest may exist even where an organisation is not for profit agency such as sporting, cultural or charitable associations. However, pecuniary interests may arise where such decision-makers hold membership at say a golf club occupying land leased from the local authority when the lease rental has a consequence for the size of the members' subscription or other fees.

42 Any member who contravenes the prohibition against discussion or voting on a matter in which they have a pecuniary interest commits an offence liable on conviction in the criminal courts to a fine. Upon conviction the member is disqualified from holding office and an extraordinary vacancy is created.

Non Pecuniary Interest

43 A non-pecuniary conflict of interest exists where:

> *"…a fair-minded observer reasonably thinks that a member of the decision-making body might not bring an impartial mind to the decision, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party."*

44 Therefore, non-pecuniary interests can be actual interests or perceived interests.

Actual Conflict of Non-Pecuniary Interest

45 A close relationship or involvement between the elected member and an individual or organisation affected by the matter for decision can mean that there is an actual conflict of a non-pecuniary interest.

46 Example: if the elected member is an office holder in the club or strongly identified with the club, or if the decision will result in a benefit to the club.

Perceived Conflict of Non-Pecuniary Interest

47 The roles of a member may also intersect with other responsibilities held such that a perception of bias cannot be avoided.

48 Examples:

> Statements or conduct by the member may indicate that they have made up their mind before hearing all the information relevant to the decision.

Council Controlled Organisation (CCOs)

49 The fact of being a CCO director will not usually prevent a member from participating in local authority matters concerning the CCO – especially if the role gives the member specialised knowledge that it would be valuable to contribute.

50 However, the participation rule applies in circumstances where there is a conflict between your duty as a member of the local authority and your duty to act in the interests of the other organisation.

51 An example may be if the Council is considering a change in the mode of delivery of one of its services that could affect the financial position of a CCO.

52 The appointment of Councillors to be directors of CCOs will not be a matter in respect of which any member will be prohibited from discussion and voting.

53 However, in matters relating to the setting of fees payable to the directors of CCOs, council members who are directors of any of the CCOs concerned would have a direct pecuniary interest and the prohibition would apply. For new CCOs, when the directors have not yet been appointed, all Councillors would have an indirect pecuniary interest. In this situation, the Council would need to apply to the Auditor-General for a declaration to enable members to determine the fees.

54 Where directors have not yet been appointed, and Councillors may reasonably be excepted to be appointed, all members may be deemed to have an indirect pecuniary interest,

Declaring Pecuniary and Non-Pecuniary Interests and abstention from voting and discussing

55 Members are under a duty to declare to the meeting their interest. Their abstention from discussion and voting must be recorded in the minutes.

56 The prohibition against discussing and voting on a matter does not apply in certain situations, such as:

a) Members' remuneration where the maximum rate has already been fixed;

b) Election or appointment of any member to a Council, or Community Board, office notwithstanding that remuneration is payable;

c) The preparation, approval, or review of a district plan, unless the matter relates to any variation or change or departure from a district plan or to the conditional use of land.

Exemptions from the Auditor General

57 The Audit Office has the power to declare that the prohibition shall not apply in respect of any particular matter if the Office is satisfied the prohibition would impede the business of the Council or that it is in the interest of the electors that the prohibition not apply. An exemption cannot be given retrospectively – applications must be made before the member participates.

58 The booklet, published by the Audit Office entitled "Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968", was distributed to all elected members and it is strongly recommended that new elected members read this document carefully and existing elected members refresh their knowledge. Members who misplace their copy should contact the Governance Support Team as replacement copies can always be provided.

59 In addition to the requirements under LAMIA, members must comply with the Local Government (Pecuniary Interests Register) Amendment Act 2022, which requires annual declarations of pecuniary interests (s54H, Local Government Act 2022).

Section 99, 105 and 105A of Crimes Act 1961

60 Councillors and Community Board Members come within the definition of an "official" in s99 of the Crimes Act. It is an offence under this Act to seek or obtain a reward for performing one's official duties as a Councillor or Community Board Member.

61 Section 105 of that Act provides that every official is liable to imprisonment for a term not exceeding seven years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or any other person in respect of any act done or omitted, or to be done or omitted, by himself or herself in an official capacity.

62 Section 105A provides it is an offence carrying a term of imprisonment of up to seven years, for an official to use any information acquired by him or her in an official capacity to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself, or any other person.

63 Example: a breach of this provision could be proved if an elected member, knowing that land was to be re-zoned, invested in the purchase of that land before the proposal had been publicly notified.

Secret Commissions Act 1910

64 This Act upholds the principle that persons holding positions of trust such as members of Council, Committees or Community Boards should not receive a secret reward from holding office.

65 The Act provides that elected members and officers are "agents" of the Council and that every agent commits an offence who corruptly accepts or obtains or solicits, for themselves or for any other person, any gift or other consideration as an inducement or reward for doing or not doing any act in relation to the Council's affairs, or for having shown favour or disfavour to any person in relation to the Council's affairs.

66 Any agent who diverts, obstructs or interferes with the proper course of the Council's business, or fails to use due diligence in the execution of such business with intent to obtain for themselves or any other person any gift or other consideration shall be deemed to have corruptly solicited a consideration.

67 While "gift" is not defined, "consideration" is. It includes discounts, commissions, rebates, bonuses, deductions, percentages, employment and money (including loans).

68 Section 5 of the Act provides that an agent, who makes a contract on behalf of the Council, must disclose to the Council any pecuniary interest in the contract. This provision is similar to that contained in the Local Authorities (Members' Interests) Act 1968.

69 Also, it is an offence to advise the Council with intent to induce it to enter into a contract with a third person, and receive any gift or consideration from the third person, without disclosing to the Council the fact of payment of the gift or other consideration.

70 Upon conviction for any offence under the Act an agent is liable to up to seven years imprisonment and would be disqualified from holding office.

Financial Markets Conduct Act 2013

71 Under the Financial Markets Conduct Act 2013, elected members are in a similar position to company directors if the Council were to issue financial products, such as equity or debt securities, under its borrowing powers.

72 The Financial Markets Conduct Act 2013 imposes on Members the same responsibilities as company directors whenever Council offers securities (debt or equity) to the public. Members

may be personally liable if investment documents such as a disclosure statement contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met. They may be personally liable for civil action or criminal prosecution if the requirements of the Act, such as keeping an audited register of financial products issued, are not met.

73 The Act also prohibits any Member who has information about a listed company that is not generally available to the market, from trading in that company's shares or from disclosing that information. Therefore, if elected members become aware of inside information, care must be taken not to use it or divulge it to other people.

74 The provisions apply if the Council or its members are involved with listed companies or hold shares in such entities. Members must not trade or disclose non-public information obtained through their official role.

75 The penalties for certain offences under this Act (false or misleading statements in disclosure documents up to a $1m fine and/or 10 years imprisonment; or insider trading up to a $500,000 fine and or five years imprisonment) are such that if a Member were convicted, that conviction would result in a disqualification from holding office.

Signatories

Author:	Wendy Collard - Governance Support Officer
Authoriser:	Jackie Harrison - Manager Governance

Attachments

There are no attachments for this report.