Date: Tuesday 16 April 2019  
Time: 5.00pm  
Meeting Room: Manukau Chambers  
Venue: Level 1, Manukau Civic Building  
31-33 Manukau Station Road  
Manukau

Otara-Papatoetoe Local Board
OPEN MINUTE ITEM ATTACHMENTS

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
B. 16 April 2019, Ōtara-Papatoetoe Local Board: Item 23.1 Extraordinary Business - Department of Conservation proposal to revoke Reserves Act 1977 delegations - draft submission for feedback.

23.2 **Extraordinary Business - Pursuit of Excellence applications received February to April 2019**

A. 16 April 2019, Ōtara-Papatoetoe Local Board: Item 23.1 Extraordinary Business - Pursuit of Excellence applications received February to April 2019 - report.
Keys Down, Real Talk: reducing drink driving in the South Auckland community

One of DB Breweries’ business priorities is the responsible consumption of alcohol, and we are committed to leading a safe and sociable drinking culture for all New Zealanders. For us that means if you choose to drink you do so in moderation, at the right time, in the right place and for the right reasons.

Our head office and largest brewery is based in South Auckland, the region of New Zealand with the second-highest number of drink driving fatalities. In order to tackle this issue, DB partnered with 37Hz to develop a unique and impactful drink driving reduction campaign called ‘Keys Down, Real Talk’.

The campaign features three short videos featuring peoples’ real life experiences of drink driving alongside music from popular local urban music artists - The Movement, Mareko and Swiss. The campaign message was simple: there’s no safe level of alcohol when you’re driving. The featured stories were sourced from the local community and selected because of their impact, while the artists were chosen because of their kudos in the local community. We knew that if a brewery, an award-winning producer and popular urban artists collaborated to share a message about drink driving, it had the potential to be powerful.

The initiative focused heavily on community engagement and reaching people with a powerful, authentic message. To that end, DB and 37Hz attended a number of local board meetings, community group meetings and safety council meetings to share the concept of Keys Down, Real Talk and ask for feedback and support in sharing the message. The final three videos incorporated this feedback and were released biweekly on YouTube, Facebook and Instagram in November 2018.

Results

Since the launch, the campaign has reached nearly 185,000 people. Details include:

- First video reached 121,500 people, with 56,000 unique viewers, nearly 30,000 engagements (including over 1,000 shares)
- Second video reached 26,500 people and 4,600 engagements
- Third video reached 23,300 people and 3,300 engagements
- The Keys Down, Real Talk page currently has 1,563 likes

Anecdotal feedback has also been very positive, including these two comments from Facebook users: ‘This should be the new drink driving ad’ and ‘Watching this gave me the chills. Thankful we [are] all still here’. A Local Grief and Trauma Counsellor said: ‘I deal with a lot of clients who have addiction issues, and I’ve been using these videos as a resource and they’ve really cut through, I encourage you to think about how they can be used further in this way.’

Perhaps the most encouraging piece of feedback has been that the phrase ‘keys down’ is becoming part of the vocabulary in the community to reference when someone has made the choice not to drink and drive.

Next steps

We are currently scoping ideas for further multimedia content to be hosted on social channels. We are also looking at activating the Keys Down, Real Talk message at events throughout the community.

We are open to suggestions and input into how to carry the Keys Down momentum forward.

Further Information: https://www.facebook.com/KeysDownRealTalk/

<table>
<thead>
<tr>
<th>Sophie Hoult</th>
<th>Communications and Public Affairs Manager</th>
<th>DB Breweries</th>
<th><a href="mailto:sophie.hoult@db.co.nz">sophie.hoult@db.co.nz</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rosie Cotter</td>
<td>Sustainability Manager</td>
<td>DB Breweries</td>
<td><a href="mailto:rosie.cotter@db.co.nz">rosie.cotter@db.co.nz</a></td>
</tr>
<tr>
<td>Noma Sio-Fatumu</td>
<td>Director</td>
<td>37Hz</td>
<td><a href="mailto:noma@anonymouz.com">noma@anonymouz.com</a></td>
</tr>
</tbody>
</table>
NGO for Pacific women in Aotearoa. Equivalent to Maori Women’s Welfare League
Established 1976, incorporated 1977
Purpose: For Pacific women to have a voice
Founding president is Eleitino Paddy Walker, current president is Tofilau Bernadette Pereira (12th)
Has 17 branches across Aotearoa
Annual conferences and AGM
OBJECTIVES

To provide opportunities for PI women to contribute effectively to the cultural, social, economic and political development of Aotearoa NZ and its people.

To give PI women opportunities to plan and work together for the stability and development of themselves, their families, their communities and also contribute to the development of the country.

To create ways and means for Pacific women to overcome barriers that may hinder their ability to reach their full potential.

To inspire unity among women of Pacific descent in the furtherance of these aims so that all can speak with one voice in true fellowship.

To initiate and promote policies and programs that support Pacific women to take active decision making roles in their lives.

To initiate and support programs promoting the education, welfare, health and social development of Pacific families and Pacific family life.

To promote understanding between women of all races.
Our Vision
PACIFICA Manukau

To meet the needs and aspirations of our P.A.C.I.F.I.C.A women and South Auckland community – step by step – by and for each other.

So‘oso‘otaua‘u mo le lumana‘i
(jointing shoulder to shoulder with community for a better future)
Samoan proverb

Tu‘u pē lā mo e pouou
(The sail stands with its support)
Tongan Proverb

Papatoetoe Town Centre Clean up
MPP Vision for Pacific
Hosted Fijian Women Politicians
Youth
Outcomes
Outcomes
Otara Papatoetoe Local Board
Presentation April 2019
Kolmar Highlights- 2018

Continues to be an outstanding Recreation and Community centre servicing 13 Sports Clubs and Community Groups with 200,000+ participation visits per annum

Ongoing $150K yr Funding from Auckland Council Community Access Scheme Funding (covers $50K dedicated to bowling club green keeping)

Continued funding of $100K from Foundation North funding for operational costs to drive and support participation including Participation Activator

Participation Activator delivered 871 sessions to 15,114 students in 16 local schools

First Full year with Barry George in GM role, Nikki Smith in Operations Manager position.

IT issues resolved with Fastcom supporting Kolmar through sponsorship

MIT continue to operate their Sport & Recreation programmes from Kolmar
Development working party continue to work on new facilities on Kingswood end of park which would incorporate Gymcity Papatoetoe and community groups

Continued support of community recreation providers and social sport.

Increased Breakaway Holiday programmes numbers.

Cricket nets and artificial wicket run ups renovated

S1 Choose Sport recipients

Strategic Plan review and updated plan adopted.
Kolmar Today

2019 Financial year was first year Kolmar has posted a positive return

Auckland Council Funding accounts for 25% of income

2018 activations 192,951 up 13,772
2019 activations 209,949 up 16,998
71c cost to council per visit.

24 Community Sponsors & Funders

75 Schools Engaged

55 Community Groups supported

13 Member Groups fully engaged in Kolmar
Vision & Mission

V. An invigorated, connected and healthy community.

M. To provide world class community facilities and services to maximise participation in sport, recreation and leisure.
Focus Areas

Strong Clubs
Focusing on the sustainability and capability of clubs & member groups. Sustaining membership and increasing the quality and number of participation opportunities.

Strategic Priority

Club Capability
Success is our clubs and community groups being sustainable, well governed and capable of delivering great outcomes through:
Focus Areas

Community Delivery

Delivering innovative programmes that are accessible, affordable and foster a connected and healthy community. Prioritising diverse and targeted communities

Strategic Priority

Access and Participation

Success is providing affordable and accessible community facilities and programmes that support participation and excellence in sport, recreation and leisure.
Focus Areas

Partnerships

Achieve our outcomes through mutually beneficial partnerships with Council, Clubs, funders and sector stakeholders & other community based organisations.

Strategic Priority

Working Together—Kia Mahi Tahi

Success is maximising opportunities for participation and excellence through mutually beneficial partnerships with sector stakeholders.
Attachment A

Strategic Priority

Financial Sustainability

Success is economically sustainable by maximising the Trust’s assets and delivering a return on investments for funders.
Focus Areas

Facility Development

Continue the development of needed facilities and grounds to offer more sporting, recreation and leisure activities

Strategic Priority

Facilities and Infrastructure

Success is delivering world class community facilities that are well maintained and meet the needs of the community.
Development

Working Group Members:
*Representation from Kolmar Board, Gymcity, Local Board and Council:

Scope:
- Old Rugby Club footprint (including changing rooms)
- Community Groups
- Gymcity
- Artificial Bowling Green cover
- Corner Site development-sport(Indoor Gym)/retail/greenspace
- Turf Development-sand/artificial/hybrid options
Attachment A  

Item 8.3
Cost Estimate - February 2019

Gymnastics Space
Sports Hall 400 m2
Order of Cost Estimate - Gymnastics Space Say $1,900,000

Community Space (Scouts & Guides)
Hall, stores, kitchen & WCs 300 m2
Order of Cost Estimate - Scouts & Guides Say $1,500,000

Indoor Courts
Sports Hall, change rooms, WCs, office, stores & circulation 1200 m2
Order of Cost Estimate - Indoor Courts Say $6,300,000

Full Artificial Turf
Full Turf (excludes sports lighting and fencing) 9600 m2 Order of Cost Estimate - Full Artificial Turf Say $2,500,000
Members Monthly Report

Ross Robertson

19 March 2019 - Peace Vigil for Christchurch – Robertson Road Mangere
20 March 2019 - Kolmar Development Working Party meeting
23 March 2019 - Race Relations Day Celebration – Mt Wellington
25 March 2019 – Attendance at New World Re-Opening Celebrations
26 March 2019 – Kolmar Charitable Trust Board Meeting
26 March 2019 – Papatoetoe Main Street Business Improvement District Meeting
30 March 2019 – MIT student Graduation Ceremony
30 March 1 2019 – Neat Street Pearl Baker drive/ Valda Avenue Cleanup
30 March 1 2019 – Neighbors day – The Depot Opening day
31 March 2019 – Kabaddi Meeting
2 April 2019 – Constituent conference over representation
5 April 2019 – Vaka Tautua’s 2019 Pacific Matua Celebration – Papatoetoe
5 April 2019 – Constituent meeting – Rental cost
6 April 2019 – Diversity Festival Hayman Park
6 April 2019 – Constituent meeting
6 April 2019 – Attendance Papatoetoe AFC
11 April 2019 – Constituent meeting
12 April 2019 – Attendance meeting Papatoetoe BID Multi Cultural Festival
13 April 2019 – Speech - Inaugural Assembly Interreligious for Peace and Development
Elected Member Report April 2019

Dawn Trenberth

One of the things I have done this month is to attend events in solidarity with our Muslim community after the terrible events in Christchurch. It is great to see so many other communities taking part. This is the hope that comes out of this. One of the highlights this month is the opening of the lovely new New World supermarket in Papatoetoe. Thank you so much to Max from New World and Panuku and all the team for the effort you all put in. The diversity Festival was also bigger and better despite the rain.

20 March
GETBA meeting

22 March
Attended commemorations for Christchurch at Al Madinah

Saturday 23 March
Went to Mosque in Grayson Ave to support Muslim community

Mon 25th March
Granny Mc Flitter Book launch Papatoetoe Library

26 March
New World reopening celebrations

29 March
New World Official opening

29 March
Attended vigil at Eden Park for Christchurch

30th March
Neat Streets Valder Ave

Eye on Nature

2nd April
Elei dance Fiafia night

6th April
Diversity Festival

9th April
Visit to Hayman Park

10 April
Visit to ISSO temple and community centre site

Manukau Youth Providers meeting

Otara Waterways Community Meeting

11 April
Papatoetoe Network Meeting

Alofa concert for Christchurch

13 April
Mai Summer Jam

16th April
Seniors Hall opening
### Ōtara-Papatoetoe Advocacy Initiatives – FY2019/20

<table>
<thead>
<tr>
<th>Advocacy Initiatives</th>
<th>Description</th>
<th>Advocate to</th>
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| **Transform Ōtara**  | Ōtara town centre is long overdue for an upgrade and some dedicated planning. The local board wants the Governing Body and Pānuku to assess this town centre’s eligibility for transformation in light of opportunities that exist there:  
  - Crown land to be freed up next to town centre due to MIT relocation  
  - High concentration of dated social housing stock (opportunities for central government) and Council-owned Housing for Older People facilities  
  - well located to support growth (key public transport routes – SH1, East Tamaki Road, close to metropolitan centre, approx. 20mins by car from Auckland City)  
  - Town centre offer key community facilities & services (pool, library, art facility, community centre and a range of social services) | Governing Body Pānuku |
| **Fair and equitable reinvestment in Transform and Unlock programmes** | The policy direction set by Governing Body not to ring-fence proceeds of site sales to projects/areas from where they are raised is disadvantaging South Auckland. Figures show that Transform Manukau and Unlock Papatoetoe asset sales will bring in $144m and $12m in sales revenue respectively over the next 10 years. Less than half of this money is planned to be reinvested in Manukau and Papatoetoe ($70m in Manukau and $5m in Papatoetoe).  
There is a range of evidence-based local needs (e.g. critical facilities upgrades, open space provision gaps) identified in Auckland Council’s own plans which remain unfunded. Some of these are not included in Transform/Unlock project reinvestment plans.  
Being located within a Transform or Unlock project location should provide opportunities to realise much-needed improvements to degraded local assets. We seek a political direction to Pānuku to consider funding local asset improvements from sale proceeds of properties being sold from our local board area. These include:  
  - Fully fund Stage 2 of Hayman Park upgrade  
  - Fund a comprehensive upgrade of Papatoetoe Town Hall  
  - Redevelop Papatoetoe Chambers  
  - Meet open space shortfall in Old Papatoetoe town centre area  
  - Ringfence investment in Manukau Sports Bowl – to be developed as per masterplan | Governing Body Pānuku |
**boost asset based services (ABS) budget to allow local board to strategically plan and prioritise improvements**

The current local ABS allocations appear to be based on a strategy of sweating community assets while millions of dollars are redirected to major regional developments. This has led to many poor-quality local facilities that are constantly being patched up and not receiving proper upgrades that the communities that use them deserve.

The local board recognises that it is able to prioritise budget to be spent on projects which are of most need, however the total ‘bucket’ of funding is limited and budgets ringfenced for certain assets are insufficient.

Examples of where additional funding is needed are:

- Staff have advised that the Papatoetoe Chambers require at least $4m for a comprehensive upgrade. Currently, there is only $900k earmarked in the LTP for this facility. This building currently hosts community groups and will soon host groups displaced due to asset sales in Papatoetoe. Only small-scale capital works are being done in order to avoid triggering earthquake strengthening requirements. Given the age and observed poor condition of this building, the local board is very concerned about the health and safety risks that Council is exposing groups and members of the public to.
- Ōtara town centre canopy is a category 5 asset that poses a health and safety risk. ABS allocation is only enough to ‘make safe’ but not fund the comprehensive renewal that is due.
- Papatoetoe Town Hall requires a comprehensive upgrade, no funding
- East Tāmaki Community Centre does not have enough funding for a full refurbishment

The local board advocates for a review of the process for allocating renewal funding and whether the amount and phasing of budget is suitable to meet local facility needs.

The local board further advocates for an increase to its ABS funding to ensure assets are fit for purpose.

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**ōtara-papatoetoe ongoing advocacy issues**

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Description</th>
<th>Advocate to</th>
</tr>
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</table>
| Fit for purpose sports fields and facilities that serve our local people | Seek additional funding to upgrade our local sports (sand-carpet, artificial or hybrid) fields and lights with priority to be given to:  
  • Papatoetoe Recreational Reserve  
  • Rongomai Reserve | Governing Body                                                                                                                                         |
| Item 16 |  
|---|---|
| Safer roads and connectivity within our local board area | Advocate to prioritise route protection, design and construction of:  
- Light rail from Auckland Airport to Botany  
- Development of the Southern Spur rail line  
- Intersection upgrades at Ormiston Rd/Preston Rd/East Tamaki Rd  
- Realignment – Portage Road/ Gray Ave/ Station Road  
- Realignment – St. George/Kolmar Rd/Wallace Rd.  
- Continued implementation of Greenways plan (better cycling and walking tracks)  
- Ensuring our local transport network is accessible and safe for people of all communities especially disabled and school students in high risk area (Papatoetoe North)  
Auckland Transport Central government |
| Improve water quality of the harbours and waterways – priority remediation of Ōtara Lake | Prioritise remediation of Ōtara Lake and streams flowing into the lake through the Water Quality targeted rate.  
Clean up and improve quality of Puhinui Stream, Tāmaki Estuary and Manukau Harbour. Local board contributions are not adequate to add  
Governing Body |
| Resource recovery provision for South Auckland | Progress Resource Recovery Centre in South Auckland.  
Governing Body |
| Reduce alcohol harm | Advocate to make Ōtara-Papatoetoe a ‘Dry Area’ around local schools and dairies and to reduce barriers to community participation in district licensing committee (DLC) hearings and procedures. Advocate for DLC membership to reflect the diversity and values of community it serves. The local board is currently supporting community groups to build their capacity to participate in DLC hearings.  
Governing Body DLC |
| Reducing gambling outlets | Continued support of the ‘sinking lid policy and building capacity of community groups that support gambling addiction initiatives  
Governing Body |
| Support attainment of Smokefree by 2025 target | Continue to implement Smokefree conditions for all Council events and grants. The local board is contributing by supporting community groups and programmes that encourage a Smokefree environment.  
Governing Body |
| Street prostitution | On-going advocacy to social service to support vulnerable people  
Central government |
| Affordable and healthy social housing and | Support the inclusion of social, affordable and well insulated housing in the local area. The board is supporting this by working with potential  
Central government |
| solutions for homelessness | developers, council, central government and Mana Whenua with a focus on achieving a better urban design, as well as providing affordable, well insulated housing within the development mix. We support solutions to homelessness including overnight shelter and emergency housing. |

| Improve development, employment and training opportunities for young people and encourage entrepreneurship: | Seek/leverage opportunities for youth especially those classified as NEET. TSI and other council departments to work together to look for innovative funding opportunities within council as well as externally. The board is doing this by:  
- Working closely with other education providers in the area (MIT, AUT, and PTE’s). Support Youth Connections  
- Encouraging youth leadership development opportunities through groups like TOPS (The Otara-Papatoetoe Squad) | Governing Body  
TSI  
Central government |
Department of Conservation proposal to revoke Reserves Act 1977 delegations

Te take mō te pūrongo
Purpose of the report
1. This report provides the local board with an opportunity to formally resolve its feedback to the proposal by the Department of Conservation to revoke powers delegated to territorial authorities by the Minister of Conservation under the Reserves Act 1977.

Whakarāpopotangatanga matua
Executive summary
2. The Department of Conservation has written to all territorial authorities (refer Attachment A) advising that due to a recent Court of Appeal decision (Opua Coastal Preservation Inc v Far North District Council) that the current Minister of Conservation, Hon Eugenie Sage, is considering revoking powers delegated to territorial authorities by the former Minister, Hon Dr Nick Smith in 2013 (refer Attachment B).

3. The reason provided for the majority of the proposed revocation is that under the current delegation, council makes its decision as the territorial authority and then reviews that decision under ministerial delegation. This is viewed as potentially putting council in a conflict of interest situation, as it is effectively reviewing its own decision(s).

4. This proposal has been reviewed by staff and a short assessment presentation has been prepared (refer Attachment C). A briefing was provided for local board members on Monday 8 April 2019 on the proposal. A draft submission will be prepared for feedback and circulated based on feedback and input from council departments and local boards. This draft will be circulated to members of the Environment and Community Committee and local board members for review and comment on 15 April 2019. This draft submission was not available at time of agenda production and will be tabled at the board meeting. The preparation of the draft will be followed by two drop-in sessions for elected members to provide in-person feedback.

5. A final draft submission will be prepared for the Chairperson of the Environment and Community Committee approval prior to the due date of 26 April 2019. This draft response will need to be retrospectively adopted by the Environment and Community Committee on 14 May 2019.

6. The local board could resolve its feedback at its meeting on 16 April 2019; however, it may be preferable to delegate this task to a smaller sub-set of local board members, circulate the draft submission to all local board members for comment, and then retrospectively adopt the submission at the local board’s May 2019 meeting.

7. Whichever approach the local board chooses to take, its feedback must be prepared by close of business on 18 April 2019. This will allow the feedback to inform Auckland Council’s submission and to be attached to the Auckland Council submission, which will be lodged on behalf of the Environment and Community Committee.
Ngā tūtohunga
Recommendation/s
That the Ōtara-Papatoetoe Local Board:
a) consider providing feedback on the Department of Conservation proposal to revoke current ministerial delegations to Auckland Council under the Reserves Act 1977, noting that feedback is required by the close of business on 18 April 2019.

Ngā tāpirihanga
Attachments

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<th>No.</th>
<th>Title</th>
<th>Page</th>
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<tbody>
<tr>
<td>A</td>
<td>Letter and attachment from Department of Conservation to Chief Executive's territorial authorities</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Reserves Act powers delegated to Auckland Council</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Department of Conservation proposal to revoke Reserves Act delegations presentation to Elected Members</td>
<td></td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

Authors
Authorisers
16 April 2019

Ref: DOC 5730277
14 March 2019

Attn: Chief Executive
All Territorial Authorities

Tiaa koe

Subject: The revocation of certain delegations to Territorial Authorities
under the Reserves Act 1977

In June 2019, the Minister of Conservation delegated certain powers under the Reserves
Act 1977 (the 2013 delegations) to Territorial Authorities. Over the past year or so there
have been instances where Territorial Authorities have relied on the delegations to
exercise the prior consent role of the Minister in circumstances where they have also
made the initial decision to grant the instrument or activity applied for.

In a recent Court of Appeal decision, (Open Coastal Preservation Inc v Far North
District Council) the Court considered a delegation of the Minister’s prior consent role
under $48 of the Reserves Act 1977 to be “highly unusual”. The Court commented that it
could be argued that it replaced a two-step process involving two separate decision
makers (the Council and the Minister) with a single-step process and a single decision
maker. The Court noted that the effect of the delegation was that the Council made both
decisions contemplated by $48(1)(a) of the Reserves Act and observed that “[i]t might be
thought that in these circumstances any difference of view between the two decision
makers is unlikely”. The Court did not rule on the legality of the delegation because the
Appellant had not pursued the matter. Nevertheless, it seems that had the lawfulness of
the delegation been in issue the Court would have ruled it to be unlawful.

In light of the above, we have undertaken a review of the 2013 delegations. In certain cases it
would appear some are potentially unlawful and would put Councils in a
position of conflict of interest, for example;

a) Those where a Council makes its own decision and then acts under delegation to
exercise the prior consent role of the Minister;
b) Those where the Minister’s power to carry out certain actions has been delegated
to Councils, including a requirement for the Minister to consult with a Council
before exercising the power. In this situation, a Council would end up consulting
with itself.

1 Open Coastal Preservation Inc v Far North District Council & Others [2018] NZCA 282 20
July 2018
Department of Conservation Te Papa Atawhai
Whara Kaipapa Atawhai / Conservation House
PO Box 16400, Wellington 6143,
www.doc.govt.nz

Item - Attachment 1  Page 37
In view of the above, the Minister of Conservation is considering a proposal whether to revoke certain delegations and has requested that the Department seek your comments before the Minister makes a decision. Attachment 1 to this letter sets out the delegations proposed to be revoked and contains a column for you to insert your comments/views.

We also take this opportunity to invite you to identify any new delegation proposals that you believe would improve efficiencies for Councils and that you would like the Minister to consider. We ask that you use Attachment 2 for this purpose.

A table of the sections, the power delegated and the reasoning for the revocation is attached, along with a table for any new items you may want considered.

Please forward your responses no later than 26 April 2019 to Sherrill Johnson, sjohnson@doc.govt.nz. All comments will be collated and forwarded to the Minister for a final decision.

Nuku boa, nii

Marie Long
Director, Planning, Permissions and Land

Department of Conservation Te Puna Atawhai
Whare Kāpapa Atawhai / Conservation House
PO Box 10430, Wellington 6143,
www.doc.govt.nz
### Attachment 1 – Proposed Delegations for Revocation

<table>
<thead>
<tr>
<th>Section Heading</th>
<th>Power Delegated</th>
<th>Reason</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 14</td>
<td>Section 14(4)</td>
<td>The Council would be double dealing i.e making a resolution and then considering it again in the share of the Minister.</td>
<td></td>
</tr>
<tr>
<td>Section 15</td>
<td>Minister may authorise exchange of reserves for other and Minister may authorise exchange provided that Minister not exercise power in respect of a reserve vested in an administering body, except pursuant to a resolution of that body requesting exchange.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 24</td>
<td>If Minister considers the change of classification or purpose of reserve, Minister may make changes.</td>
<td></td>
<td></td>
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<tr>
<td>Section 41</td>
<td>Administering body must prepare and submit to Minister a management plan for approval.</td>
<td></td>
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<tr>
<td>Section 42</td>
<td>The destruction of trees and bush on any scenic, historic or scientific reserve may not occur without a permit granted under s 48A or with the express consent of the Minister.</td>
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</tbody>
</table>

DOC: 572018655
| Section 45 | Section 45(1) | The administering body may with the Minister's prior consent approve certain things | The delegation is inappropriate. The administering body makes both the initial decision and the Minister's decision. |
| Section 48 | Section 48(1) | Where reserve vested in administering body, it may with the consent of the Minister grant rights of ways and easements | The delegation is inappropriate. The administering body makes both the initial decision and the Minister's decision. |
| Section 48A | Section 48A(1) | The administering body of a reserve vested in it must act with the consent of the Minister grant a licence for certain things | The delegation is inappropriate. The administering body can give itself consent by exercising the delegation. |
| | Section 48A(2) | A licence issued under s 48A(1) must be subject to such terms and conditions as the administering body imposes with the approval of the Minister. | The delegation is inappropriate. The administering body makes the initial decision on terms and conditions and can then only if by exercising the delegated power. |
| Section 51 | Section 51(1) | For the purpose of restoring, promoting or developing certain reserves, the Minister may authorise the administering body to introduce flora or fauna. | The delegation is inappropriate. In exercising the power of the Minister, the administering body is able to act in its own interests. |
| Section 53 | Section 53(1)(d) | Administering body may prescribe not more than 40 days in any year that the public shall not be entitled to have admission to reserve unless on payment of charges) provided that with the Minister's prior consent the number of days may be increased. | The delegation is inappropriate. The administering body is able to increase the maximum number of days to exclude the public from a reserve unless they pay money, and then confirm this decision by exercising the delegated power. |
| | Section 53(1)(e) | The administering body may grant exclusive use of reserve but not for more than 3 consecutive days, with power for licence to charge admission fees provided that the Minister may consent to an increase in the number of consecutive days. | The delegation is inappropriate. The administering body makes the initial decision on closure and can then increase the period by exercising the Minister's powers. |
| Section 54 | Section 54(1) | With the prior consent of the Minister the administering body in which a reserve is vested may lease parts of a reserve to a third party. | The delegation is inappropriate. The administering body makes an initial decision to lease and then exercises the Minister's powers to grant prior consent. |
| Section 55 | Section 55(2)(a) | The administering body of a scenic reserve may. | The delegation is inappropriate. The administering body makes both
<table>
<thead>
<tr>
<th>Section</th>
<th>Power in respect of scenic reserves</th>
<th>Power in respect of historic reserves</th>
<th>Power in respect of historic reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>55(2)(d)</td>
<td>With prior consent of the Minister, the administering body may use part of the reserve for public use in accordance with the reserve plan.</td>
<td>The administering body may use part of the reserve for public use in accordance with the reserve plan.</td>
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<tr>
<td>55(2)(f)</td>
<td>The administering body of the scenic reserve may, with the prior consent of the Minister, use part of the reserve for public use in accordance with the reserve plan.</td>
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<tr>
<td>55(3)(g)</td>
<td>The administering body of the scenic reserve may, with the prior consent of the Minister, use part of the reserve for public use in accordance with the reserve plan.</td>
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</tr>
<tr>
<td>56(1)</td>
<td>With prior consent of the Minister, the administering body may set apart and use part of the reserve for public use in accordance with the reserve plan.</td>
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<td>The administering body may set apart and use part of the reserve for public use in accordance with the reserve plan.</td>
</tr>
<tr>
<td>56(2)</td>
<td>Before granting a lease, the administering body must give public notice.</td>
<td>The administering body must give public notice.</td>
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</tr>
<tr>
<td>56(3)</td>
<td>The administering body may make all necessary changes to the reserve plan.</td>
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<td>The administering body may make all necessary changes to the reserve plan.</td>
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<tr>
<td>57</td>
<td>The administering body may enter into agreements with the Minister regarding the reserve.</td>
<td>The administering body may enter into agreements with the Minister regarding the reserve.</td>
<td>The administering body may enter into agreements with the Minister regarding the reserve.</td>
</tr>
<tr>
<td>Section 59A</td>
<td>Granting of concessions on reserves administered by Crown</td>
<td>Section 59A(1)</td>
<td>The administering body may grant concessions</td>
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<td></td>
<td>This seems inappropriate. If administering bodies of vested reserves need the prior consent to the Minister to grant leases and licences, why should administering bodies of contracted and managed reserves be able to grant concessions?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section 67</th>
<th>Leasing</th>
<th>Section 71(b)</th>
<th>With prior consent of the Minister, the administering body may lease a recreation reserve set apart for recreational purposes to a racing club</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
<td>The administering body makes both the initial decision and the Minister’s decision</td>
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</table>

<table>
<thead>
<tr>
<th>Section 72</th>
<th>Farming by another person or body</th>
<th>Section 72(1)</th>
<th>Where a recreation reserve or local purpose reserve is not required for purposes of classification, the administering body may enter into an agreement or lease with the Minister to provide for a third party to carry out farming</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The delegation is inappropriate as the administering body would end up entering into an agreement with itself</td>
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<table>
<thead>
<tr>
<th>Section 73</th>
<th>Leasing of recreation reserves for purposes of farming, grazing, afforestation or other purposes</th>
<th>Section 73(1)</th>
<th>Where a recreation reserve is not currently required for purposes of classification, the administering body may with the prior consent of the Minister lease the recreation reserve in the administering body, grant a lease, otherwise only Minister can grant reserves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 73(2)</td>
<td>Leases for afforestation</td>
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<tr>
<td>Section 73(3)</td>
<td>Leases of recreation reserves where inadvisable or inexpedient to reserve reservation of recreation reserve</td>
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<tr>
<td>Section 73(4)</td>
<td>Prior consent of Minister before any member of administering body becomes the lessee of land under control of administering body</td>
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<tr>
<td>Section 73(5)</td>
<td>Any lease under s.73 may with approval of administering body be surrendered</td>
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<td></td>
<td>Delegation is inappropriate</td>
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<td></td>
<td>Delegation is unnecessary</td>
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<tr>
<td>Section</td>
<td>Licence to occupy reserves temporarily</td>
<td>Section</td>
<td>Licence may be granted in the case of any reserve except a nature reserve by the Commissioner</td>
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<tr>
<td>Section 75</td>
<td>Administration by administering body</td>
<td>Section 75</td>
<td>With prior consent of the Minister an administering body of a recreation reserve may utilize it.</td>
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<td></td>
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<td>Section 75</td>
<td>Minister may refuse to give consent.</td>
</tr>
<tr>
<td>Section 18</td>
<td>Classification or reserves</td>
<td>Section 18</td>
<td>The Minister must by QH classify reserves according to their primary purpose provided that where reserves are controlled or managed by a Council the Minister must not classify without consulting it.</td>
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<td></td>
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<td>Section 18</td>
<td>Before declaring a reserve, the Minister must give public notice.</td>
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<tr>
<td>Section 18</td>
<td>Historic reserves</td>
<td>Section 18</td>
<td>The Minister may wish to maintain control of these decisions.</td>
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<tr>
<td>Section 19</td>
<td>Scenic reserves</td>
<td>Section 19</td>
<td>The Minister may wish to maintain control of these decisions.</td>
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<td></td>
<td>Section 19</td>
<td>Except where the Minister otherwise determines the scenic values shall as far as possible be preserved and exotic flora and fauna shall be retained.</td>
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<td></td>
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<td>Section 19</td>
<td>Except where the Minister otherwise determines the scenic values shall as far as possible be preserved and exotic flora and fauna shall be retained.</td>
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<tr>
<td>Section 24</td>
<td>Change of classification or purpose of reservation or recreation, historic, government purpose or local purpose.</td>
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<tr>
<td>Section 24(2)</td>
<td>No change of classification or purpose of a scenic, nature or scientific reserve to a recreation, historic, government purpose or local purpose. The Minister may wish to maintain control of those decisions given the importance of the type of reserve.</td>
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<tr>
<td>Section 24(3)</td>
<td>Minister may wish to maintain control of those decisions given the relative importance of historic reserves.</td>
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<tr>
<td>Section 42</td>
<td>Preservation of trees and bush.</td>
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<tr>
<td>Section 42(1)</td>
<td>Minister must consent to cutting or destruction of bush on any historic, scenic, nature or scientific reserve except in accordance with a permit under s 43A or with the express consent of the Minister and subject to any terms and conditions the Minister chooses to impose.</td>
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<td></td>
<td>The Minister may wish to maintain control over the circumstances of destroying or cutting down bush.</td>
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<tr>
<td>Section 50</td>
<td>Taking or killing of fauna.</td>
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<tr>
<td>Section 50(1)</td>
<td>The Minister in the case of a scenic, historic, nature or scientific reserve and the administering body of any recreation, government purpose or local purpose reserve may grant any qualified person authorisation to take and kill any specified type of fauna and authorise the use of firearms etc.</td>
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<td></td>
<td>The Minister may wish to maintain control over authorisations on the killing etc of fauna on scenic, historic, nature and scientific reserves.</td>
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<tr>
<td>Attachment 2 – Proposals to amend / expand delegations</td>
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<td>Section Heading</td>
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<td>Power Delegated</td>
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<td>Reason</td>
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<td>Comment</td>
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16 April 2019
Are you making a decision on a local board matter? Check the current versions of the local board delegations and local board protocols to make sure you have authority to act.

RESERVES ACT 1977

INSTRUMENT OF DElegation FOR TERRITORIAL AUTHORITIES

1. PURSUANT to section 10 of the Reserves Act 1977 I, NICK SMITH Minister of Conservation, DELEGATE to all territorial authorities (as defined in this Instrument of Delegation) such of my powers, functions and duties under the Reserves Act 1977 as are set out in the following Schedule subject to the Limitation of Powers in the Schedule and to the conditions in paragraph 3 of this Instrument.

2. The delegations in this Instrument apply only where the territorial authority is the administering body of the relevant reserve (i.e. affected by the decision to be made) by virtue of a vesting or an appointment to control and manage.

3. This Instrument replaces the previous Instrument of Delegation dated 10 March 2004, which is hereby revoked.

Definitions:

“Administering body” – means an administering body under the Reserves Act 1977.

“Territorial authority” – means a local authority and a unitary authority as defined in section 5 of Local Government Act 2002.

“Vested reserve” – means a reserve vested in a territorial authority (not in the Crown).

SCHEDULE

SECTION SUMMARY OF POWERS LIMITATION OF POWERS

6(3) Revokes a Gazette notice and issue a fresh notice or amend the original notice

Only applies to notices in the Gazette given by the territorial authority

14(4) Gazette resolution to declare vested land to be reserved.

Note it is, therefore, no longer necessary to consult the Commissioner in terms of sec 14(3) of the Act.
<table>
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<tbody>
<tr>
<td>15(1)</td>
<td>Authorise or decline to authorise, by Gazette notice, the exchange of land in any reserve or any part(s) of a reserve for any other land to be held for purposes of that reserve.</td>
<td>Only to be exercised where the territorial authority did not derive title from the Crown, or title would be deemed not to be derived from the Crown if the reserve was going through a revocation process (s.15(1)).</td>
</tr>
<tr>
<td>15(5)</td>
<td>To do all things necessary to effect any exchange authorised by the local authority under Section 15(1) of the Act, or by the Crown in the case of vested reserves derived from the Crown, including the payment or receipt of any money by way of equality of exchange in the case of non-Crown-derived reserves.</td>
<td>The territorial authority must consult with the Crown before making a decision under s.15(1) if the land it proposes to grant in exchange was purchased with funds provided either wholly or partly by the Crown.</td>
</tr>
<tr>
<td>16(1)</td>
<td>Classify, by Gazette notice, according to their principal or primary purpose all reserves.</td>
<td>[Note this delegation does not affect sections 16(3) and 16(4A) Reserves Act]</td>
</tr>
<tr>
<td>20(4)</td>
<td>To advertise the intention to classify a reserve in accordance with s20(4).</td>
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<tr>
<td>21(2)(c)</td>
<td>Determine in which cases exceptions can be made to the preservation of flora and fauna and the natural environment.</td>
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<tr>
<td>24(3)</td>
<td>Change the classification or purpose of a reserve by notice in the Gazette.</td>
<td>Does not apply to the revocation of reserves</td>
</tr>
<tr>
<td>24(6)</td>
<td>To consider all objections received to a proposed change of classification or purpose.</td>
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<tr>
<td>24(9)</td>
<td>To form an opinion that the change of classification or purpose of a scenic, nature or scientific reserve is justified.</td>
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<thead>
<tr>
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<th>LIMITATION OF POWERS</th>
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<tbody>
<tr>
<td>24(5)</td>
<td>To form an opinion that the change in the classification of a historic reserve is justified.</td>
<td></td>
</tr>
<tr>
<td>25(4)</td>
<td>Upon revocation of the reservation of any public reserve (or part of one) pursuant to section 24 Reserves Act, dispose of that land in such manner and for such purpose as the Minister specifies. [Note this is intended to allow Territorial Authorities to decide how and for what purpose the land may be disposed of].</td>
<td>The delegation only applies where the title to the reserve was not derived from the Crown or is deemed not to be derived from the Crown in terms of s.25(4) or (4).</td>
</tr>
<tr>
<td>41(1)</td>
<td>To approve reserve management plans.</td>
<td></td>
</tr>
<tr>
<td>42(3)</td>
<td>Give or decline to give express written consent to the cutting or destruction of trees and bush on any historic, scenic, nature, or scientific reserve. Determine terms and conditions subject to which written consent is given.</td>
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<tr>
<td>44(1)</td>
<td>To consent to the use of a reserve for temporary or permanent personal accommodation.</td>
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<tr>
<td>44(2)</td>
<td>To consent to any vehicle carrier, tent or removable structure remaining on a reserve during the period 1 November to 31 March.</td>
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<tr>
<td>45</td>
<td>Give or decline to give prior approval to administering body to erect, or authorise any voluntary organisation or educational institution to erect shelters, huts, cabins, lodges etc., on any recreation or scenic reserve.</td>
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Are you making a decision on a local board matter? Check the current versions of the local board delegations and local board protocols to make sure you have authority to act.

<table>
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<tbody>
<tr>
<td>48(1)</td>
<td>Consent or refuse consent to administering body granting rights of way and other easements over any part of a vested reserve for any of the purposes specified in section 48(1). Impose such conditions as it thinks fit in giving the consent.</td>
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<tr>
<td>48A(1)</td>
<td>Consent or refuse consent to administering body granting a licence over a vested reserve to any person or department of State -</td>
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<tr>
<td>(a)</td>
<td>To erect, maintain and use buildings, dwellings, masts and other structures, and plant and machinery, and</td>
<td></td>
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<tr>
<td>(b)</td>
<td>To construct, maintain, and use tracks and engage in other works</td>
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<tr>
<td>48A(3)</td>
<td>Approve terms and conditions determined by the administering body.</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Grant or decline to grant in writing any qualified person a right to take specified specimens of fish or fauna or rock, mineral or oil from a reserve for scientific or educational purposes.</td>
<td>With regard to fauna, the delegation is for exotic fauna which are not protected under the Wildlife Act 1953.</td>
</tr>
<tr>
<td></td>
<td>Form opinion as to whether qualified person has the necessary credentials.</td>
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<td>Impose conditions on the grant in writing.</td>
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<tr>
<td>50(1)</td>
<td>Authorise or decline to authorise any person to take and kill any specified kind of fauna that may be found in any scientific, historic, nature or scientific reserve.</td>
<td>The delegation is for non-protected exotic fauna only.</td>
</tr>
<tr>
<td></td>
<td>Authorise or decline to authorise the use of firearms, traps, nets or other like objects within reserve for the foregoing purposes.</td>
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<tr>
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<tr>
<td>51(4)</td>
<td>Authorize or decline to authorise in writing an administering body to introduce indigenous flora or fauna or exotic flora into any scenic reserve for any of the purposes referred to in section 51(4).</td>
<td>Impose conditions on the giving of the authorisation.</td>
</tr>
<tr>
<td>52(4)</td>
<td>Declare by Gazette notice that any 2 or more reserves, or parts of 2 or more reserves, or parts of one or more reserves and the whole of one or more other reserves, are to be united to form one reserve.</td>
<td>All affected reserves or parts of reserves must have the same administering body and must all either be vested in that body or all held under an appointment to control and manage.</td>
</tr>
<tr>
<td>53(1)(2)</td>
<td>To consent to an increase in the number days the public shall not be entitled to have admission to a reserve.</td>
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<tr>
<td>53(1)(c)</td>
<td>To approve the fixing of charges generally or with respect to any specified occasion or event.</td>
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<tr>
<td>54(6)</td>
<td>Give or decline to give prior consent to an administering body, in the case of a recreation reserve vested in it, to grant leases for any of the purposes specified in paragraphs (a), (b), (c) and to grant a lease or licence for any of the purposes specified in paragraph (d) and to exercise all powers of the Minister referred to in the first Schedule that pertain to leases under s 54(5)(a), (b), (c) and (d).</td>
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### Summary of Powers

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<tbody>
<tr>
<td>Give or decline prior consent to administering body permitting, in a lease, the erection of buildings and structures for sports, games or public recreation not directly associated with outdoor recreation.</td>
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<tr>
<td>Consent or decline consent to varying or amendments to leases and consent to the carrying out of any other necessary actions arising out of the leases consistent with the First Schedule, Reserves Act.</td>
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#### 52(2)(a), (g), (h), (i) and (j)

- The enclosure and grasing or encroachment of open parts of the reserve;
- The setting apart of areas for other purposes;
- The erection of buildings and other structures and amenities;
- Such things considered necessary for the public to obtain the benefits of the reserve;
- The setting apart of sites for residences and other buildings and structures necessary for the management of the reserve.

#### Limitation of Powers

- Must be satisfied that the facilities, amenities, buildings or structures are necessary and cannot readily be provided outside or in close proximity to the reserve.
<table>
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<tr>
<td>58(4)</td>
<td>Give or decline prior consent to administering body, in the case of a scenic reserve vested in it, to grant leases or licences for the purposes set out in s.56(4) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.56(4)(a) and (b). Consent or decline consent to variations or amendments to leases and licences, and consent to the carrying out of any other necessary actions arising out of the leases and licences consistent with the First Schedule, Reserves Act.</td>
</tr>
<tr>
<td>58(a)</td>
<td>Give public notice in accordance with section 219 of the Reserves Act and give full consideration in accordance with section 120 to all objections and submissions.</td>
</tr>
<tr>
<td>58(b)</td>
<td>Set apart and use part of a reserve as a site for residences and other buildings.</td>
</tr>
<tr>
<td>58A(1)</td>
<td>Give or decline prior consent to administering body, in the case of an historic reserve vested in it, to grant leases or licences for any of the purposes specified in that subsection. Consent or decline consent to variations or amendments to leases and licences and consent to the carrying out of any other necessary actions arising out of the leases and licences, consistent with the First Schedule, Reserves Act.</td>
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Are you making a decision on a local board matter? Check the current versions of the local board delegations and local board protocols to make sure you have authority to act.

SECTION SUMMARY OF POWERS LIMITATION OF POWERS

50A(2) In accordance with Part IIIB Conservation Act 1987, grant or refuse a concession in respect of any reserve controlled or managed by an administering body under s.28 Reserves Act so that the administering body may apply Part IIIB as if references in that Part to a conservation area were references to a reserve and references to the Minister of Conservation and to the Director-General of Conservation are references to an administering body.

64(1) Consent or decline consent to lease of recreation reserve set apart for race course purposes, to a racing club.

74(1) To enter into and agree the terms of a lease or other agreement for the farming of a recreation or local purpose reserve.

74(1) Consent or decline prior consent to an administering body granting a lease of recreation reserve in the circumstances specified in s.73(1), where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease in the circumstances specified in section 73(1) in all other cases.

Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(1).

Note sec 74(2) applies.
Are you making a decision on a local board matter? Check the current versions of the local board delegations and local board protocols to make sure you have authority to act.

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<th>SECTION</th>
<th>SUMMARY OF POWERS</th>
<th>LIMITATION OF POWERS</th>
</tr>
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<tbody>
<tr>
<td>73(2)</td>
<td>Consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease of recreation reserve for afforestation purposes in all other cases.</td>
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<td>73(3)</td>
<td>Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(2).</td>
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<tr>
<td>73(6)</td>
<td>Consent or decline consent to granting lease of whole or part of reserve vested in administering body.</td>
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<tr>
<td>73(7)</td>
<td>Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s.73(3).</td>
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<tr>
<td>74(1)(b)(ii)</td>
<td>Consent or decline consent to granting of a licence to occupy a historic, scenic or scientific reserve.</td>
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Note: The provisions of Part III of the Conservation Act apply to s.73(3A)(b)).

Note: s.73(3A) (a) applies.

Only exercisable where the original approval for the lease was given by the territorial authority under this delegation.
Are you making a decision on a local board matter? Check the current versions of the local board delegations and local board protocols to make sure you have authority to act.

SECTION SUMMARY OF POWERS
29(1) and (a) Consent or decline to consent to the utilisation or use of a recreation or local purpose reserve.
(b) Utilisation or use of a recreation or local purpose reserve.
321 Where under the provisions of the Reserves Act consent or approval is required, give consent or approval subject to such conditions as are thought fit.

LIMITATION OF POWERS
Only exercisable in respect of matters delegated under this Instrument of Delegation.

Signed at Wellington this ______ day of ______ 2018

by NICK SMITH
Minister of Conservation
DOC proposal to revoke
Reserves Act delegations

Kim Bellingham, Legal Services
Purpose

To brief elected members on DOC proposal to revoke most Ministerial delegations to local authorities under the Reserves Act.

- In order to obtain feedback for 26 April deadline, pending confirmation from DOC of an extension to 17 May.
- Draft submission circulated 15 April.
- Feedback required from you by 18 April.
The DOC proposal

- Letter to all local authorities proposing to revoke powers and seeking comment
  - Reasoning less than clear
  - Letter refers to comments on the delegations made by Court of Appeal in its July 2018 decision Opua Coastal Preservation Inc v Far North District Council, recently appealed to the Supreme Court
  - DOC view on lawfulness inferred from Opua
  - Different reasoning in table, eg re management planning; desire to retain control of decisions on “important” types of reserves
Context

- Reserves Act s 10 provides for delegation of Ministerial powers to local authorities
- Current delegations to local authorities since 2013
  - To better enable local authorities to make decisions affecting reserves: “conservation with communities”
- Delegations primarily exercised by Governing Body, sub-delegated to staff
- Many reserve decisions require both administering body (ie local board) decision and Ministerial decision
- Approx 80% reserves owned by Auckland Council
- Approx 20% Crown reserves administered by council
Key decisions proposed to be revoked:

- Classification (eg recreation, scenic, historic, local purpose)
- Reclassification
- Exchanges
- Management plans
- Easements
- Leases and licences
- Concessions for Crown-owned reserves administered by council
- Vegetation/flora and fauna decisions
Implications for local park management planning (omnibus plan) process underway.
Implications contd.

- Treaty breach re settlement commitments
  - Eg Tūpuna Maunga Authority

- Delay
  - Based on evidence of current timing of DOC (eg 1 year not unusual)
  - Based on volume of decisions

- Cost
  - DOC cost-reversals (based on recent examples could be $2000-$3000 per decision)
Next steps

- Draft submission circulated 15 April for elected member feedback by 18 April
- Feedback incorporated into Auckland Council submission to DOC for 26 April deadline
- Retrospective approval by Environment and Community Committee 14 May
- Participation in LGNZ-led submission
- Consideration of options, should the proposal to revoke the delegations proceed
Submission to the Department of Conservation

In the matter of the proposal on the revocation of certain delegations to territorial authorities under the Reserves Act 1977

Auckland Council, (X) May – 2019
Mihimihi

Ka mihia eke ai ki ngā maunga here korero,
ki ngā pari whakarongo tahi,
ki ngā awa tuku kiri o ōna manawhounua,
ōna mana ā-īwi taketake mai, tauwhi atu.
Tamaki – makau a te rau, merau a te tīni, wenerau a te mano.
Kākore tō rite i te ao.

I greet the mountains, repository of all that has been said of this place,
there I greet the cliffs that have heard the ebb and flow of the tides of time,
and the rivers that cleansed the forebears of all who came those born of this land
and the newcomers among us all.
Auckland – beloved of hundreds, famed among the multitude, envy of thousands.
You are unique in the world.
Ko te tāpaeata o te Kaunihera o Tamaki Makaurau

Auckland Council Submission

Taitara/ Title: Submission on the revocation of certain delegations to Territorial Authorities under the Reserves Act 1977

Submission to the Department of Conservation.

1. This submission is from Auckland Council (the council) and has been approved by the Environment and Community Committee.

Key Points

2. The council does not support the proposal to revoke 44 of the 50 Ministerial powers within the Reserves Act 1977, delegated to local authorities. The reasons for this are outlined below:

3. Substantive justification for the proposed revocation of delegations has not been proved, and cannot be supported by Auckland Council. The council recommends that the Minister be advised that:
   - the Court of Appeal did not make a decision on the lawfulness of the Ministerial delegations to local authorities under the Reserves Act 1977
   - the Opua decision has been appealed to the Supreme Court
   - the leading court decision on Ministerial delegations to local authorities under the Reserves Act 1977 is the 2004 High Court decision of Gibbs v New Plymouth District Council CIV 2004-443-115
   - there is no justification to change the current Ministerial delegation as the leading court decision supports Ministerial delegations to local authorities under the Reserves Act 1977 as lawful.

4. A clear identification of the problems exercising dual delegations by councils under the Act is lacking and undermines local decision-making and community outcomes. The council recommends that the Minister be advised that:
   - Auckland Council, like other local authorities is very capable and experienced at differentiating and making decisions under the Act as both the administering body and under Ministerial delegation
   - Auckland Council has in the exercise of delegation fulfilled the supervisory intent of the Ministerial powers, to ensure compliance with the requirements of the Act
   - it would be a backwards step to undo decision-making at the local level for local communities. It will cause delay in delivering a range of health, wellbeing and social outcomes under the Auckland Plan for our communities
   - Auckland Council has robust processes and systems to appropriately manage potential or actual conflicts of interest when exercising dual decision-making, including having regard to the Reserves Act Guide 2004. This mitigates the risk raised by the judicial comments in the Opua decision
the most appropriate place to identify concerns and responses to specific practice by
council when exercising dual decision-making (administering body and under Ministerial
delegation) under the Act is through an update of the Reserves Act Guide 2004. A review
that we note has been pending for several years.

5. Delays in Ministerial decision-making would be inevitable and would be at the expense of local
communities. The council recommend that the Minister be advised that:
• revoking Ministerial delegations will add significant delays to all Reserves Act 1977
processes
• Auckland Council’s ability to be responsive to communities and the changing needs of
customers will be severely impacted. This could lead to a decline in trust and confidence.

Ngā koringa ā-muri/Next Steps

6. Auckland Council is available to discuss and provide its view to the Minister of Conservation
before a decision is made. This is essential given the number of reserves held under Reserves
Act 1977 in Tāmaki Makaurau and the number of New Zealanders we serve.

7. We also strongly urge the Minister to talk to a range of local authorities, including Local
Government New Zealand, before making a decision.

Horopaki/Context

8. This submission responds to correspondence from the Department of Conservation (the
Department) to all Chief Executives of Territorial Authorities dated 14 March 2019.

9. The Department requested feedback on a proposal to revoke Ministerial powers under the
Reserves Act 1977 (the Act) currently delegated to councils. It proposes to revoke 44 of the 50
Ministerial powers currently delegated to local authorities.

10. The Department also requested that territorial authorities identify any new delegation
proposals that would improve efficiencies.

Tunga whānui/Overall Position

Substantive justification for the proposed revocation of delegations has not been proved, and
cannot be supported by Auckland Council

11. The council does not support the proposal to revoke 44 of the 50 Ministerial powers,
delegated to territorial authorities under the Reserves Act 1977.

12. The Department has provided no substantive justification for the proposal.

13. The Department is seeking to justify changes to Ministerial delegations based solely on
comments made by the Court of Appeal in its decision of Opua Coastal Preservation Inc v Far
North District Council [2018] NZCA 262. The Department has expressed a view of the case
that:
• some of the existing Ministerial powers delegated to a council could be potentially
unlawful
• councils could have a conflict of interest when they make a decision and then use the delegated Ministerial powers
• the requirements for the Minister to consult with the council, may mean that council consults with itself, which is potentially another conflict of interest.

14. We are concerned that the Department is seeking to take action in response to the Opua decision, yet the court did not reach a conclusion on the lawfulness of the dual decision-making process in this case. The Department, in undertaking this review, expressly acknowledges that the Court may have decided about the legality of the delegation of Ministerial powers had the Court considered it.

15. Auckland Council respectfully submits that the Department is erring in its advice to the Minister of Conservation regarding the voracity of the comments made by the Court of Appeal.

16. The Opua decision has been appealed to the Supreme Court, which could make any changes premature.

The Department has overlooked case law on the lawfulness of Ministerial delegations

17. The leading decision on Ministerial delegations to local authorities under the Act, is the 2004 High Court decision of Gibbs v New Plymouth District Council CIV 2004-443-115.

18. This decision supports the Ministerial delegations to local authorities as lawful.

19. The council argues that this legal case should be relied on, rather than judicial comments on a case under appeal to the Supreme Court.

20. We recommend that the Minister be advised that:
• the Court of Appeal did not make a decision on the lawfulness of the Ministerial delegations to local authorities under the Reserves Act 1977
• the Opua decision has been appealed to the Supreme Court
• the leading court decision on Ministerial delegations to local authorities under the Reserves Act 1977 is the 2004 High Court decision of Gibbs v New Plymouth District Council CIV 2004-443-115
• there is no justification to change the current Ministerial delegation as the leading court decision supports Ministerial delegations to local authorities under the Reserves Act 1977 as lawful.

A clear identification of the problems exercising dual delegations by councils under the Act is lacking and undermines local decision-making and community outcomes

21. Delegation of Ministerial powers to local authorities under the Reserves Act 1977 have taken place since 1999. This was intended to deliver three primary outcomes:
• devolution of a high level of decision-making to local authorities
• greater flexibility in the approach to reserves management
• standardisation and updating of process and terminology.
22. Further delegation of the Ministerial powers to local authorities in 2013 sought to allow for improved decision-making at a local level. It also recognised that the Ministerial powers were supervisory to ensure compliance with the requirements of the Act.

23. The council does not support any proposal that will undermine the primary outcomes sought from improved delegation under the Act. It would be a backwards step to unwind decision-making at the local level and to disempower local communities. There is also a risk that the proposed changes will reduce our ability to deliver a range of health, wellbeing and social outcomes under the Auckland Plan for our communities.

*Auckland Council has experience and clear systems and processes to exercise its responsibilities and delegations under the Act*

24. There is no clear and compelling problem definition to support the Department’s proposal. No evidence has been provided by the Department to illustrate unlawful or persistent problems by local authorities exercising dual decision-making under the Act. No evidence has also been provided about local authorities being unable to recognise and manage potential or actual conflict of interest in dual decision-making.

25. The council has more than 20-years’ experience exercising its responsibilities and delegations under the Act. We have invested in clear systems and processes to discharge our functions under the Act and to lawfully use Ministerial delegations.

26. Auckland Council, like other local authorities, is very capable of differentiating and making dual decisions under the Act as both the administering body and under Ministerial delegation.

27. The council has exercised these Ministerial delegations lawfully and responsibly in service to local communities. We have fulfilled the supervisory intent of the delegated Ministerial powers, to ensure compliance with the requirements of the Act.

28. Elected members across Auckland Council are experienced at making decisions in an independent and objective manner. This includes making many separate decisions with different legal requirements and acting in different statutory roles. This is business as usual for local authority decision-makers.

29. Auckland Council as a unitary authority frequently balances both territorial and regional responsibilities and the inherent conflicts of interest that some of these responsibilities pose. The dual governance structure made up of the Governing Body: Mayor and 20 councillors; and 21 local boards also provides an additional layer of challenge and scrutiny in decision-making.

30. Elected officials are supported in their decision-making capacity with formal training and staff advice.

31. We have processes and systems to manage any actual and potential conflicts of interest, particularly for dual decision-making situations: as an administering body, under Ministerial delegation, in quasi-judicial circumstances and as a territorial authority with regional council oversight.

32. These dual roles are frequently implemented for the same proposal. Key examples include landowner and resource consent approval; asset-owner, service provider and environmental compliance, monitoring and enforcement.
33. The council considers that the many processes, systems and practices we have in place allow legally robust dual decision-making while managing any potential or actual conflict of interest. This mitigates the risk raised by the judicial comments in the Opua decision.

34. We are also guided by the Reserves Act Guide 2004 and through sharing and debating practice with other local authorities and officials from the Department.

35. The council recommends that the Minister be advised that:

- Auckland Council, like other local authorities is very capable and experienced at differentiating and making decisions under the Act as both the administering body and under Ministerial delegation
- Auckland Council has in the exercise of delegation fulfilled the supervisory intent of the Ministerial powers, to ensure compliance with the requirements of the Act
- it would be a backwards step to undo decision-making at the local level for local communities. It will cause delay in delivering a range of health, wellbeing and social outcomes under the Auckland Plan for our communities
- Auckland Council has robust processes and systems to appropriately manage potential or actual conflicts of interest when exercising dual decision-making, including having regard to the Reserves Act Guide 2004. This mitigates the risk raised by the judicial comments in the Opua decision
- the most appropriate place to identify concerns and responses to specific practice by council when exercising dual decision-making (administering body and under Ministerial delegation) under the Act is through an update of the Reserves Act Guide 2004. A review that we note has been pending for several years.

Ngā whakaaweawe a Kaunihera/Impacts on council

36. The following section outlines the impact the revocation of delegations under the Reserves Act 1977 would have, should the proposal proceed.

Auckland is experiencing fast-paced growth and we need to empower and meet diverse community needs

37. Tāmaki Makaurau is the largest and fastest growing region in New Zealand.

38. Auckland’s parks and reserves provide critical social infrastructure that support and respond to this growth. They provide opportunities for all Aucklanders to participate in sport and recreation and for a range of social and environmental outcomes.

39. Tāmaki Makaurau is one of the most diverse cities in the world with over 180 ethnicities. 40 percent of the population was born overseas.

40. It is essential that council have the most efficient and effective decision-making processes. This enables the council to provide accessible services, social and cultural infrastructure that are responsive to Aucklanders diverse and evolving needs.

41. The Ministerial delegations are essential to manage the enormous scale and volume of decisions that are required for the effective and efficient administration of reserves, as required under the Reserves Act 1977.
42. Tamaki Makaurau has over 4000 parks and reserves amounting to over 18,000 parcels of land. Auckland Council also has 792 leases that authorise sporting and community organisations to occupy recreation reserves and local purpose reserves.

43. The continually evolving processes and systems that council has had in place to implement the delegations since 1999 has ensured that council can deliver effective service for our local communities under the Reserves Act 1977.

**Delays in Ministerial decision-making would be inevitable and would be at the expense of local communities**

44. The number of reserves that we administer means council will likely request decisions from the Minister on weekly basis if the delegations were to be revoked. These decisions would relate to:
   - reserve management plans
   - classification (recreation, scenic, historic, local purpose) and reclassification
   - land exchanges
   - easements
   - leases and licences.

45. Seeking approval under the Reserves Act 1977 from the Department on any of the above matters would lead to significant delays. The council also seeks an understanding from the Department on how it proposes to resource the significant volume of work required to process these decisions.

46. These delays would have a pronounced impact on our ability to deploy and manage community infrastructure, programmes and activities that are core to our local government function. It would reduce our ability to effectively improve the quality of our environment and social wellbeing across our communities.

47. These issues would be exacerbated in Auckland because of growth and associated high-speed change in infrastructure and the tensions around the delivery of multiple outcomes from scarce resources managed under the Reserves Act 1977.

48. The council is concerned that the Ministerial decision-making would be undertaken with little understanding of the local issues. We do not see any benefit to decision-making from this perspective and we are concerned that this would ultimately cause unnecessary delay to delivering health and wellbeing benefits to our local communities. This could lead to a decline in trust and confidence in local and central government.

49. The proposed revocation of delegations will mean that the Minister (or delegate in the Department) will largely focus on whether procedural steps were followed.

50. The council recommend that the Minister be advised that:
   - revoking Ministerial delegations will add significant delays to all Reserves Act 1977 processes
   - council’s ability to be responsive to communities and the changing needs of customers will be severely impacted. This could lead to a decline in trust and confidence.
Ngā koringa ā-muri/Next Steps

51. Auckland Council is available to discuss and provide its view to the Minister of Conservation before a decision is made. This is essential given the number of reserves held under Reserves Act 1977 and the number of New Zealanders they serve.

52. We also strongly urges the Minister to talk to a range of local authorities, including Local Government New Zealand, before making a decision.
Pursuit of Excellence Awards applications received February to April 2019

File No.: CP2019/05819

Te take mō te pūrongo
Purpose of the report
1. To seek a decision on three funding applications received for Pursuit of Excellence Awards.

Whakarāpopototanga matua
Executive summary
2. The Ōtara-Papatoetoe Local Board’s Pursuit of Excellence Awards is a year-round grant set up to support local residents and organisations who will represent the area to demonstrate their excellence at conference and events; and to recognise and celebrate contributions of local people/applicants. The grant follows a streamlined process designed to respond as need arises.
3. To enable the local board to respond quickly to applications, decision making has been delegated to two members - Chairperson Lotus Fulri and Deputy Chairperson Ross Robertson. A third member (Member Ashraf Choudhary) was selected as an alternate member. (Resolution OP/2018/2)
4. A panel meeting was set for 16th April 2019 to consider three applications received by staff over the months of February, March and April 2019. After perusing the applications, both panel members and the alternate member declared a potential conflict of interest in two of the applications and requested to recuse themselves from the panel. This reverts the decision-making back to the full board.
5. Staff have made recommendations based on assessment of the three applications and are seeking a decision from the local board, noting that these three applications were scheduled for consideration by the panel on 16 April. The panel meeting has now been cancelled and this report is included for consideration as an Extraordinary item at the board’s business meeting on 16 April 2019.

Ngā tūtohunga
Recommendation/s
That the Ōtara-Papatoetoe Local Board:

a) receive the three funding applications for Pursuit of Excellence Awards.

b) approve funding of $2000.00 for Keneti Vai from the Pursuit of Excellence Awards.

c) decline the funding application from Swanie Nelson for a Pursuit of Excellence award.

d) decline the funding application from Terry Nelson for a Pursuit of Excellence award.

Horopaki
Context
6. The Pursuit of Excellence Awards follows a streamlined grants process.
7. As part of enabling the local board to respond quickly to applications, decision making has been delegated (pursuant to resolution OP/2018/2) to two members - Chairperson Lotus Fulri
and Deputy Chairperson Ross Robertson. Member Ashraf Choudhary was chosen as the alternate.

Resolution number OP/2018/144

That the Ōtara-Papatoetoe Local Board:

c) delegate decision making to award grants up to $2,000 per grant, to a panel consisting of Chair Loti Fuli and Deputy Chair Ross Robertson and member Ashraf Choudhary as alternate, and request that they report grants awarded under this delegation, at the following board meeting.

d) request all grant recipients to report to the board on how the money was spent and the outcomes.

8. The panel is activated when there are applications to consider. The last meeting of the panel was on 20 November 2018.

9. The next meeting was scheduled for 16 April to consider three (3) submitted applications. These applications are contained in Attachment A.

10. In the lead up to the panel meeting planned for 16 April, all panel members indicated that they have a potential (perceived) conflict of interest with one or two applicants and that they choose to manage this by recusing themselves from panel decision making.

11. As there is an opportunity for the local board to consider this matter at its monthly meeting (also on 16 April), staff have decided to refer all three (3) applications that were scheduled for panel discussion to the full board. This includes an application for which there was no conflict of interest declared.

Tātaritanga me ngā tohutohu

Analysis and advice

12. Staff from the Community Empowerment Unit (Arts, Community and Events) have assessed the three applications against overall purpose of the award and the criteria (objectives) that the local board had set. As with other grants awarded under this programme, the primary consideration is whether the applicant or his/her activity is one that demonstrates excellence and/or an outstanding achievement. The full staff assessment is included in Attachment B.

13. Application 1: Keneti Vai (13 years) is seeking a partial contribution toward costs of participating in the 23rd Annual World Championship of Performing Arts which will be held in Los Angeles, USA in July 2019. The applicant qualifies and has been selected to participate in this event however participating teams need to fundraise for their own expenses which includes airline ticket, accommodation, entry fees, seminars, team uniform and taxes.

14. Staff assessment of Keneti’s application is favourable. Participants of any world championship event are at the top of their field and this is therefore an activity that demonstrates excellence. Keneti is keen to take up this opportunity as it could help open more doors and put him in the running for scholarships and awards. Staff recommend funding this application at the maximum amount ($2000).

15. Application 2: Mrs Swanie Nelson is seeking a contribution toward travel costs associated with a capacity building trip to the United Kingdom. Mrs Nelson is in the process of setting up a social micro supermarket on a site in Ōtara with a start-up grant received from the Waste Minimisation and Innovation Fund (WMIF). The right operating model for the supermarket has yet to be decided and Mrs Nelson wishes to do more research into this. As the concept for social micro supermarkets started in the United Kingdom, Mrs Nelson plans to go to the United Kingdom to learn more about the different models that operate there in order to inform the direction of the Ōtara project.

16. Staff assessment of Mrs Nelson’s application is not favourable. The social micro supermarket is a great concept and if successful, it has the potential to be an outstanding activity that will be beneficial to the local community. However, the related activity for which
the funding applies (travel to the United Kingdom, capacity building) does not sufficiently demonstrate the level of excellence for which the Pursuit of Excellence Awards is designed to celebrate and promote.

17. Staff acknowledge that further research in the United Kingdom could impact on the success of the planned supermarket. However, currently, it does not demonstrate an outstanding level of achievement that the local board can help to showcase, promote and celebrate.

18. The application in Attachment A notes that Mrs Nelson has no funding history. This computer-generated information did not recognise that Mrs Nelson is involved with other community groups which frequently receive funding from Auckland Council. They include Community Builders NZ and Let’s Get Legal NZ who are currently funded by the local board to deliver community programmes.

19. Application 3: Mr Terry Nelson is seeking a contribution toward travel costs associated with a capacity building trip the United Kingdom. Mr Nelson’s application is the same as that of Mrs Swanie Nelson (the second applicant). Mr Nelson is involved in the setting up of a social micro supermarket on a site in Ōtara with a start-up grant received from the WMIF. The right operating model for the supermarket has yet to be decided and Mr Nelson’s trip to the United Kingdom will facilitate more research into this.

20. Staff assessment of Mr Nelson’s application is not favourable. The social micro supermarket is a great concept and if successful, it has the potential to be an outstanding activity that will be beneficial to the local community. However, the related activity for which the funding applies (travel to the United Kingdom, capacity building) does not sufficiently demonstrate the level of excellence for which the Pursuit of Excellence Awards is designed to celebrate and promote.

21. Staff acknowledge that further research in the United Kingdom could impact on the success of the planned supermarket. However, currently, it does not demonstrate an outstanding level of achievement that the local board can help to showcase, promote and celebrate.

22. The application in Attachment A notes that Mr Nelson has no funding history. This computer-generated information did not recognise that Mr Nelson is involved with other community groups which frequently receive funding from Auckland Council. They also include Community Builders NZ and Let’s Get Legal NZ who are currently funded by the local board to deliver community programmes.

23. Staff note that two of Applications 2 and 3 are for the same travel (to the United Kingdom) by applicants who are closely related (husband and wife).

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

24. The Pursuit of Excellence Awards is administered by the Community Empowerment Unit (CEU). Staff from CEU have provided the advice and information contained in this report.

25. Two of the applications are for an activity that complements a project being funded from the Waste Minimisation and Innovation Fund (WMIF) that is administered by Infrastructure and Environmental Services (IES). WMIF is a regional fund that is designed to promote or achieve waste minimisation including waste education. Views of IES had not been received at the time of writing this report but will be shared with the local board at the meeting.

26. This activity does not impact or involve any other Council groups.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

27. The Pursuit of Excellence Awards is an initiative of the Ōtara-Papatoetoe Local Board designed to support local residents and organisations who will represent the area to demonstrate their excellence at conference and events; and to recognise and celebrate contributions of local people/applicants.
Tauākī whakaaweawe Māori
Māori impact statement
28. There is no anticipated impact of decisions sought on Māori. However, two of the applicants are of Māori descent and their proposed activity (capacity building trip) is part of creating a social enterprise initiative that could provide financial and health benefits to local Māori and non-Māori communities in Ōtara.

Ngā riteonga ā-pūtea
Financial implications
29. The local board allocated $15,000 for Pursuit of Excellence awards in 2018/2019. To date, the board has granted $10,590 to seven successful applicants, leaving $4,410 available to grant.

Ngā rau tūpono me ngā whakamaurutanga
Risks and mitigations
30. There are potential reputational and financial risks associated with any decision to grant ratepayer funding. To mitigate reputational risks, we advise any decision-makers to consider if they have a potential interest in any of the applications and if this interest may put them in a conflicted position during decision making. If a member has a potential conflict of interest, they will need to mitigate the risk by declaring and/or stepping aside during the decision.
31. Staff have become aware that one of the applicants is a potential candidate for the upcoming local government elections. This was not a factor in the staff assessment and it is immaterial to the grant decision. However, members who may have affiliations with this applicant are advised to be vigilant of any perceptions that may be caused by a decision to grant this application.
32. The amount available to allocate is $4,410. This is not sufficient to cover all three applications should the local board decide to approve allocation to all three applicants.

Ngā koringa ā-muri
Next steps
33. As per staff advice in Attachment A, following on from a decision on these three grants, staff will process payments to successful applicants.

Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

<table>
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<tr>
<th>Authors</th>
<th>Shirley Coutts - Senior Local Board Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Rina Tagore - Relationship Manager Mangere-Otahuhu &amp; Otara-Papatoetoe</td>
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Pursuit of Excellence Awards applications received February to April 2019
Memorandum

To: Otara-Papatoetoe Local Board

Subject: Otara-Papatoetoe Local Board Pursuit of Excellence awards 2018/19

From: Yongjie Li (Specialist Advisor CEU)

Purpose

1. To enable the local board panel to review three applications received for Pursuit of Excellence awards.

Summary

- The local board allocated $15,000 for Pursuit of Excellence awards in 2018/2019. To date, the board has granted $10,590 to seven successful applicants, leaving $4,410 available for distribution.
- The Pursuit of Excellence grants process runs from 1 July 2018 and applications are considered throughout the year till 1 May 2019.
- In November 2018, all of the four applicants were successful and granted the full requested amount.
- As of 8 April 2019, three additional applications have been received for Pursuit of Excellence awards, requesting $8,000 in total.

Context/Background

2. The local board allocated $15,000 for Pursuit of Excellence awards in 2018/2019. To date, the board has granted $10,590 to seven successful applicants, leaving $4,410 available for distribution.

3. The objectives of the award are:
   - to increase the profile and image of the Otara-Papatoetoe Local Board area
   - to assist applicants to build their capacity in serving the community
   - to promote diverse participation in local government and civic life
   - to foster the development of a sustainable workforce for local industry and surrounds
   - to strengthen the development of community cohesion in Otara-Papatoetoe.

4. This award is open to people who:
   - are a NZ Resident/Citizen living in the Otara-Papatoetoe Local Board Area
   - show excellent and outstanding achievements
   - demonstrate leadership potential or community contribution during the past 12 months
   - have been accepted to attend a conference or event either in New Zealand or overseas that will develop their leadership potential.

5. Applications are considered on receipt throughout the year, between 1 July 2018 and 1 May 2019.

Discussion

6. Table 1 lists the summary of three applicants, their conference/event, amount of funding applied for and recommended allocations.
Table 1. Summary of applicants for Pursuit of Excellence awards received April 2019

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Conference/event</th>
<th>Amount applied for</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mr Kenat Vai</td>
<td>23rd Annual World Championship of Performing Arts, Long Beach, Los Angeles, USA, 12/07/2019. Seeking partial contribution toward costs for airline ticket, accommodation, entry fees, seminars, team uniform and taxes etc. Full amount estimated as NZD$6,500 per contestant.</td>
<td>$2,000</td>
</tr>
<tr>
<td>2 Mrs Swanie Nelson</td>
<td>Traveling to the UK 22/05/2019, to scope and meet with the Directors of the first developed social supermarkets based in the UK, to inform the establishment of Auckland’s first social micro supermarket. Seeking funding towards return airfares, accommodation and car hire.</td>
<td>$2,000</td>
</tr>
<tr>
<td>3 Mr Terry Nelson</td>
<td>Traveling to the UK 22/05/2019, with Mrs Swanie Nelson, to scope and meet with the Directors of the first developed social supermarkets based in the UK. Seeking funding towards return airfares, accommodation &amp; car hire.</td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$6,000</strong></td>
</tr>
</tbody>
</table>

**Next steps**

7. Award allocations will be granted by the local board panel and report back at the 16 April business meeting.

8. A memo will be drafted by local board services and sent to finance team together with purchase orders to make payments.

9. Any applications for the remaining budget (if any) will be considered before May 2019.

**Attachments**

Copies of the three applications and their supporting information are attached for the local board’s reference.
Mr Keneti Vai

Physical address: 8 Holborn PI
Papatoetoe Auckland 2025
New Zealand

Legal status in NZ: New Zealand citizenship
Age: 13

Gender: Male
Ethnicity: Pacific Peoples

Conflict of interest: Yes

Conference/event information

Name of conference: 23rd Annual World Championship of Performing Arts
Location: Long Beach, Los Angeles, USA

Dates: 12/07/2019

Purpose of conference: This event showcases the best of the best that the performing Arts world has to offer. People are selected to represent there countries. Countries vary from North, South and Central America, Caribbean, Europe, Asia and Africa. I have been selected to represent New Zealand at this event. Being able to represent New Zealand in completion is a huge part of me applying for the Pursuit of Excellence Awards. I will have the opportunity to attend workshops to get better at my craft which are held by world renowned artists. Showcasing my talent will open up opportunities to attain scholarships that are given out at the event.

Contribution to awards objectives

Identified objective(s)

Increase local profile and image

How would this build leadership and contribute to identified objective(s)

My name is Keneti Vai. I am 13 years old of Samoan decent. I have two sisters and I live in Papatoetoe. I used to do Gymnastics at the local Gymnastics club Gymcity and I am currently also apart of the Saints Up Performing Arts Academy. I have to spend time with my family and friends and I am grateful that a boy from Papatoetoe has the opportunity to represent NZ on the world stage.

I have set my mind on going to this competition and I understand that it will take a lot of hard work and sacrifice to get there. To fund-raise I am currently busking at the Otara Flea market, performing at events, using Facebook and doing sausage sizzles. I have financial deadlines every month which we are struggling to meet which is why I am asking to board to financially invest in me to get to LA to represent NZ.
Attending this competition will allow me to network with other artists from around the world, it will also allow me to grow as an artist. Being able to be exposed to new environments and diverse cultures will grow me as a young person. I will be excited to share the knowledge and skills I learn with other local aspiring artist, family, friends as well as through my performances.

**Applicant achievements**

<table>
<thead>
<tr>
<th>Activity/achievement</th>
<th>How this shows leadership skills or community contribution</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>St John Cadets Award Homeschooling Division</td>
<td>Practical first aid and Leadership development.</td>
<td>2017</td>
</tr>
<tr>
<td>Performing Arts specifically guitar excellence award</td>
<td>Outstanding award will give opportunity to teach guitar in the next few years after completing academy.</td>
<td>2018</td>
</tr>
</tbody>
</table>

**Financial information**

- **Amount requested:** 2,000
- **Costs that will be covered:**
  - The costs for his airline ticket, accommodation, entry fees, seminars, team uniform and taxes etc.
  - Amount to +- $6,500 NZD per contestant.
  - Currently to fund raise the shortfall I am busking most Saturdays at Otara Flea Market, performing at events and doing sausage sizzles and using social media to try and get people to support me.
  - The $2000 I am asking the board to invest in me will go towards my travel expenses mentioned above.

**Funding history**

<table>
<thead>
<tr>
<th>Application ID</th>
<th>Project title</th>
<th>Decision Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEU1826POE</td>
<td>Otara-Papatoetoe Local Board Pursuit of Excellence Awards - Submitted</td>
<td>Undecided $9,000</td>
</tr>
</tbody>
</table>

No funding history available for this applicant

*Applications prior to the 2014/2015 financial year have all been accounted for and omitted from this summary*
Mrs Swanie Nelson

Physical address: 5 Cooper Cres
Otara Auckland 2023
New Zealand

Legal status in NZ: New Zealand citizenship
Age: 39

Gender: Female
Ethnicity: Māori

Conflict of interest: Yes

Conference/event information

Name of conference: UK Social Supermarket Scoping

Location: London

Dates: 22/05/2019

Purpose of conference:
I am requesting support to go over to the UK to scope and meet with the Directors of the first developed social supermarkets based in the UK. This includes:

- The People’s Supermarket
- The Food Community Hub

I am in the process of executing Auckland first social micro supermarket which is scheduled to open late Sep/Oct this year. It’s the first of its kind in Auckland. We have a secured site, a 40ft container that will be modified to house this and a $25k start up grant from the Waste Minimisation Fund to fit it out including upgrading the community garden space it will be placed in Otara. We are coming up to the stage in which we are trying to work out the best model to operate within. We have seen ‘Koha models, membership strict models, and discounted models. Most of these have been created and driven from where this all started... in the UK. We are requesting support to go over to London to physically see & spend time in these stores and learn more about their models in the hope that it will help us find the right fit here for us before locking anything in.

Contribution to awards objectives

Identified objective(s)

Increase local profile and image, Serve the community, Strengthen the development of community cohesion in Ōtara-Papatoetoe

How would this build leadership and contribute to identified objective(s)

This is something completely new to us. The leaders in starting and driving the social supermarket scene came from the UK. We want this project to be a success from the get go and so being able to learn from those who have been doing this for years will ensure that we get the best start and avoid mistakes early on.
Otara does not have a good range of healthy food options and currently is limited on providing a good community garden also that is open and accessible 5 days a week. With this project we will be able to serve our communities Hauora needs, provide work training opportunities and more importantly making good healthy and necessary shopping staples available 5 days a week in a dignified space.

### Applicant achievements

<table>
<thead>
<tr>
<th>Activity/achievement</th>
<th>How this shows leadership skills or community contribution</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Founder of the Pataka Kai Open Street Pantry Movement</td>
<td>Started in Otara and is now Nationwide</td>
<td>2019</td>
</tr>
<tr>
<td>Creator of Otara's biggest Christmas Lights</td>
<td>Attracts over 9k every year and has lifted the profile of Otara</td>
<td>2017-2018</td>
</tr>
<tr>
<td>Lets Get Legal NZ Drivers Education</td>
<td>We are now providing all resources and test fees covered for 20 secondary schools of which all our Local board schools are participants. This year we aim to help 200 south auckland students go from no licence to attaining their restricted licences by late Nov 2019</td>
<td>2019</td>
</tr>
<tr>
<td>Cooper Cres &amp; Unofficial Otara Town Centre FB Platforms</td>
<td>We manage 2 of Otara's most engaged FB pages for the community. Of which together they boost up to 8k followers</td>
<td>2015-2019</td>
</tr>
</tbody>
</table>

### Financial information

- **Amount requested:** 2,000
- **Costs that will be covered:** Return Airfares, Accommodation & Car Hire.

### Funding history

<table>
<thead>
<tr>
<th>Application ID</th>
<th>Project title</th>
<th>Decision Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEU1828POE</td>
<td>Otara-Papatoetoe Local Board Pursuit of Excellence Awards - Submitted</td>
<td>Undecided $0.00</td>
</tr>
</tbody>
</table>

Applications prior to the 2014/2015 financial year have all been accounted for and omitted from this summary.
Mr Terry Nelson

Physical address  
5 Cooper Cres  
Otara Auckland 2023  
New Zealand

Legal status in NZ  
New Zealand citizenship  
Age  
33

Gender  
Male  
Ethnicity  
Māori

Conflict of interest  
Yes

Conference/event information

Name of conference:  
Social Super Market Scoping

Location:  
London, UK

Dates:  
22/05/2019

Purpose of conference:  
I am requesting support to go over to the UK with our Director to assist with scoping and meeting with leading Directors who are at the forefront of social supermarkets based in the UK. This is a project I am and co-project leading which is the execution of Auckland’s first social micro supermarket which is scheduled to open late Sep/Oct this year. We have a secured site, a 40ft container that will be modified to house this and a $25k start up grant from the Waste Minimisation Fund to fit it out including upgrading the community garden space it will be placed in Otara. We are coming up to the stage in which we are trying to work out the best model to operate within. My particular role in this project includes the scoping of the models, systems and co-implementation of it including the necessary P.O.S/Digital platforms if and when required as part of this project. I am requesting support to go over to London with our CEO to do this very necessary scoping.

Contribution to awards objectives

Identified objective(s)

Increase local profile and image. Serve the community. Strengthen the development of community cohesion in Otara-Papatoetoe

How would this build leadership and contribute to identified objective(s)

There are two of us requesting support individually through the Pursuit of Excellence Awards in order to go over together to scope these models and see them in practice over 5 days. This particular trip does require both of us to attend, visually scope together, work in the associated markets and meet with the directors. Because I will be the actual person setting up the model it’s imperative that I be there for this scope however because Swain is the CEO and main lead her presence is actually essential to the leadership of this and connecting with these invaluable stakeholders moving forward.

This will play a huge part in building my leadership personally with being able to learn and view establishments that are at the forefront of these types of movements. I will be
essentially learning from the best and be able to drive those learning back right here in Otara where I live and work as part of a South Auckland first and new initiative.

I have been an advisor at M.I.T for almost a decade here in Otara and a large majority of my work involves critical thinking. I meet with young people across a large range of secondary schools, sit down and map out a wide range of the best pathways for them with regards to education, employment and independence. A lot of this critical thinking I implement back into our local community projects. Although my face is not often at the forefront as I am not one for media I do play a huge part in building the backbones of what we do too.

### Applicant achievements

<table>
<thead>
<tr>
<th>Activity/achievement</th>
<th>How this shows leadership skills or community contribution</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lets Get Legal NZ</td>
<td>I am the brains behind the curriculum and project app lead for NZ first and only Restricted-Full Licence practical app's which are available on both iOS and Android.</td>
<td>2013-2019</td>
</tr>
<tr>
<td>M.I.T Fono Tagata Pasifika Excellence Awards 2018</td>
<td>Community Awards for my service to my community and nationwide</td>
<td>2018</td>
</tr>
<tr>
<td>Award Recipient</td>
<td>Love they Neighbour award and again for my leadership and contribution to my community</td>
<td>2019</td>
</tr>
<tr>
<td>The Community Builders NZ</td>
<td>I helped to establish a number of movements under our trust which all started in Otara with some now being nationwide</td>
<td>2017</td>
</tr>
</tbody>
</table>

### Financial information

- **Amount requested:** 2,000
  - Costs that will be covered: Return airfares, accommodation and car hire.

### Funding history

<table>
<thead>
<tr>
<th>Application ID</th>
<th>Project title</th>
<th>Decision</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEU1829POE</td>
<td>Otara-Papatoetoe Local Board Pursuit of Excellence Awards - Submitted</td>
<td>Undecided</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

No funding history available for this applicant.

Applications prior to the 2014/2015 financial year have all been accounted for and omitted from this summary.
Pursuit of Excellence applications - Staff assessment

Applicant: Keneti Vai

Activity applied for: 23rd Annual World Championship of Performing Arts

A. Does this application meet the overall purpose of the award?

<table>
<thead>
<tr>
<th>Staff assessment:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>This applicant meets all of the overall purpose.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Support local residents and organisations who will represent the area to demonstrate their excellence in conference and events</td>
</tr>
<tr>
<td>2</td>
<td>Recognise and celebrate the contributions of the local applicants</td>
</tr>
</tbody>
</table>

Yes  
Keneti Vai was selected to represent New Zealand at the 23rd Annual World Championships of Performing Arts in July 2019.

Yes  
This is a very special opportunity for him to compete internationally and possibly furthering his career. This is a major accomplishment, which may only come once in a lifetime. (Reference letter)

B. Does the applicant meet the eligibility criteria?

<table>
<thead>
<tr>
<th>Staff assessment:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>This applicant meets all the eligibility criteria.</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Are a NZ Resident/Citizen living in the Ōtara-Papatoetoe Local Board area?</td>
</tr>
<tr>
<td>2</td>
<td>Show excellent and outstanding achievements</td>
</tr>
<tr>
<td>3</td>
<td>Demonstrate leadership potential or community contribution during the past 12 months</td>
</tr>
<tr>
<td>4</td>
<td>Have been accepted to attend a conference or event either in New Zealand or overseas that will develop their leadership potential.</td>
</tr>
</tbody>
</table>

Yes  
Born in NZ and lives in Papatoetoe

Yes  
This event showcases the best of the best that the performing arts world has to offer.

Yes  
Performing Arts specifically guitar excellence award 2018

Yes  
23rd Annual World Championship of Performing Arts

*The Panel decided in February 2019 that the requirement to live in the local board area can be waived in the case of activities that take place in or promote Ōtara-Papatoetoe Local Board area and residents.*
C. Does this application meet the objectives of the award?

**Staff assessment:**

This application meets most of the objectives for the award.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>To increase the profile and image of the Ōtara-Papatoetoe Local Board area</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>to assist applicants to build their capacity in serving the community</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>to promote diverse participation in local government and civic life</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>to foster the development of a sustainable workforce for local industry and surrounds</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>to strengthen the development of community cohesion in Ōtara-Papatoetoe.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Note:** Applicants do not need to meet all the objectives of the grant. These have been designed to cover various categories of activities.

D. Additional information

**Staff assessment:**

This applicant provided all the requested supporting documentation.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reference letter.</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Proof of New Zealand citizenship or residency (photocopy of your passport).</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>Confirmation of your attendance for the conference or event which the award is for.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Item 23.2</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Certificates of your previous achievements (if relevant)</td>
<td>Not compulsory</td>
</tr>
<tr>
<td>5</td>
<td>Evidence of bank account number</td>
<td>Yes</td>
</tr>
<tr>
<td>6</td>
<td>Any effort for funding from other channels</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Pursuit of Excellence applications - Staff assessment

Applicant: Swanie Nelson

Activity applied for: Travel expenses to scope learn about social supermarkets to inform the establishment of Auckland’s first micro social supermarket.

E. Does this application meet the overall purpose of the award?

| Staff assessment: |
| This applicant does not meet the overall purpose. |
|-------------------|-----------------------------------------------|
| 1 Support local residents and organisations who will represent the area to demonstrate their excellence in conference and events | No | The applicant will be meetings with two organisations to attain knowledge and build capacity. |
| 2 Recognise and celebrate the contributions of the local applicants | No | The applicant’s project is still in the scoping phase and is not yet operational. |

F. Does the applicant meet the eligibility criteria?

| Staff assessment: |
| This applicant meets some of the eligibility criteria? |
|-------------------|-------------------------------------------------|
| 1 Are a NZ Resident/Citizen living* in the Otara-Papatoetoe Local Board area? | Yes |
| 2 Show excellent and outstanding achievements | No – although the applicant is a good standing member of the community who currently delivers successful community initiatives, the application is not in recognition of an excellent or outstanding achievement. |
| 3 Demonstrate leadership potential or community contribution during the past 12 months | Yes —  
- Founder of the Pataka Kai Open Street Pantry Movement  
- Creator of Otara’s biggest Christmas Lights  
- Let’s Get Legal NZ Drivers Education  
- Cooper Cares & Unofficial Otara Town Centre FB Platforms  
- | |
| 4 Have been accepted to attend a conference or event either in New Zealand or overseas that will develop their leadership potential. | No |

* The Panel decided in February 2019 that the requirement to live in the local board area can be waived in the case of activities that take place in or promote Otara-Papatoetoe Local Board area and residents.
G. Does this application meet the objectives of the award?

| Staff assessment: |  
| This application does not meet most objectives for the award |
| --- | --- |
| 1 | To increase the profile and image of the Ōtara-Papatoetoe Local Board area | No | The trip to the UK will assist the applicants learning which they intend to apply to the local board area. |
| 2 | to assist applicants to build their capacity in serving the community | Yes | The trip will facilitate and build capacity which may be helpful in support of a local community group to execute a new concept - social supermarket. |
| 3 | to promote diverse participation in local government and civic life | No | |
| 4 | to foster the development of a sustainable workforce for local industry and surrounds | No | The social supermarket concept may help foster some employment benefits when it is operational. |
| 5 | to strengthen the development of community cohesion in Ōtara-Papatoetoe | No | This may be achieved once the social supermarket is up and running. |

Note: Applicants do not need to meet all the objectives of the grant. These have been designed to cover various categories of activities.

H. Additional information

| Staff assessment: |  
| This applicant provided some of the requested supporting documentation. |
| --- | --- |
| 1 | Reference letter | No | |
| 2 | Proof of New Zealand citizenship or residency (photocopy of your passport) | Yes | Passport |
| 3 | Confirmation of your attendance for the conference or event which the award is for | No | |
| 4 | Certificates of your previous achievements (if relevant) | - | In application, via social media |
| 5 | Evidence of bank account number | Yes | Online print screen image |
| 6 | Any effort for funding from other channels | No | Not specified in application |
Pursuit of Excellence applications - Staff assessment

Applicant: Terry Nelson

Activity applied for: Travel expenses to scope learn about social supermarkets to inform the establishment of Auckland’s first micro social supermarket.

I. Does this application meet the overall purpose of the award?

<table>
<thead>
<tr>
<th>Staff assessment:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>This applicant does not meet the overall purpose.</td>
<td></td>
</tr>
</tbody>
</table>

1. Support local residents and organisations who will represent the area to demonstrate their excellence in conference and events
   - No
   - The applicant will be meeting with two organisations to attain knowledge and build capacity

2. Recognize and celebrate the contributions of the local applicants
   - No
   - The applicant’s project is still in its scoping phase and is not yet operational.

J. Does the applicant meet the eligibility criteria?

<table>
<thead>
<tr>
<th>Staff assessment:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>This applicant meets some of the eligibility criteria?</td>
<td></td>
</tr>
</tbody>
</table>

1. Are a NZ Resident/Citizen living* in the Ōtara-Papatoetoe Local Board area?
   - Yes

2. Show excellent and outstanding achievements
   - No – although the applicant is a good standing member of the community who currently delivers successful community initiatives, the application is not in recognition of an excellent or outstanding achievement.

3. Demonstrate leadership potential or community contribution during the past 12 months
   - Yes-
     - Let’s Get Legal NZ
     - M.I.T Fono Tagata Pasifika Excellence Awards 2018
     - Love the Neighbour Award Recipient
     - The Community Builders NZ

4. Have been accepted to attend a conference or event either in New Zealand or overseas that will develop their leadership potential.
   - No

* The Panel decided in February 2019 that the requirement to live in the local board area can be waived in the case of activities that take place in or promote Ōtara-Papatoetoe Local Board area and residents.
K. Does this application meet the objectives of the award?

<table>
<thead>
<tr>
<th>Staff assessment:</th>
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<tbody>
<tr>
<td>This application does not meet most objectives for the award</td>
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<table>
<thead>
<tr>
<th></th>
<th>To increase the profile and image of the Ōtara-Papatoetoe Local Board area</th>
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<tbody>
<tr>
<td>1</td>
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<td>2</td>
<td>to promote diverse participation in local government and civic life</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>to foster the development of a sustainable workforce for local industry and surrounds</td>
<td>No</td>
<td>The social supermarket concept may help foster some employment benefits when it is operational.</td>
</tr>
<tr>
<td>4</td>
<td>to strengthen the development of community cohesion in Ōtara-Papatoetoe</td>
<td>No</td>
<td>This may be achieved once the social supermarket is up and running.</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Applicants do not need to meet all the objectives of the grant. These have been designed to cover various categories of activities.

L. Additional information

<table>
<thead>
<tr>
<th>Staff assessment:</th>
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<tbody>
<tr>
<td>This applicant provided some of the supporting documentation.</td>
<td></td>
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<p>| | |</p>
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<tr>
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