

AGENDA

RĀRANGI TAKE

NOTICE OF THE ORDINARY MEETING OF

COUNCIL

to be held on **24 November 2022** commencing at **1.00 pm** in the Council Chambers, 36 Weld Street, Hokitika and via Zoom

Chairperson	Deputy Mayor	Northern Ward	Hokitika Ward	Southern Ward	Iwi Representatives
Mayor Lash	Cr Gillett	Cr Neale Cr Burden	Cr Baird Cr Davidson Cr Gillett	Cr Cassin Cr Manera	Kaiwhakahaere Madgwick Ngāti Makaawhio Kaiwhakahaere Tumahai Ngāti Waewae



Council Vision

We work with the people of Westland to grow and protect our communities, our economy, and our unique natural environment.

Purpose

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

1. KARAKIA TĪMATANGA OPENING KARAKIA

2. NGĀ WHAKAPAAHA APOLOGIES

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Group Manager: Corporate Services (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member

4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –
 - (a) the local authority by resolution so decides, and
 - (b) the presiding member explains at the meeting at a time when it is open to the public, –
 - (i) the reason why the item is not on the agenda; and
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- (7A) Where an item is not on the agenda for a meeting, –
 - (a) that item may be discussed at the meeting if –
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

5. NGĀ MENETI O TE HUI KAUNIHERA MINUTES OF MEETINGS

Minutes circulated separately via Microsoft Teams.

- **Inaugural Council Meeting Minutes – 27 October 2022** (Pages 7-12)

Minutes to be received

- CE's Review Committee Minutes – 23 March 2022 (Pages 13-15)
- Extraordinary Capital Projects & Tenders Committee Minutes – 21 April 2022 (Pages 16-17)
- Council Meeting Minutes – 22 September 2022 (Pages 18-28)

6. ACTION LIST

Chief Executive, Simon Bastion

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7. NGĀ TĀPAETANGA PRESENTATIONS

- **Westland Holdings Ltd – Year End**
Chair, Joanne Conroy
- **Citizenship Ceremony**
Mayor, Helen Lash

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Financial Performance – October 2022** (Pages 30-47)
Finance Manager, Lynley Truman
- **Adoption of Terms of Reference for Committees and Sub-Committees** (Pages 48-69)
Chief Executive, Simon Bastion
- **Confirmation of Appointments** (Pages 70-74)
Chief Executive, Simon Bastion
- **Nomination of Resource Management Act (RMA) Commissioner to Represent Westland** (Pages 75-79)
Chief Executive, Simon Bastion

9. ADMINISTRATIVE RESOLUTION

Council is required to confirm its Seal being affixed to the following documents:
Warrants of Appointment – Contractors

Anna Margaret JOHNSON	Warrant of Appointment – Contractor	To act in the Westland District as: <ul style="list-style-type: none">• An Officer pursuant to s.174 of the Local Government Act; AND• An Officer under the Westland District Council Bylaws; AND Enforcement officer pursuant to s.38 of the Resource Management Act 1991, including the power of entry pursuant to
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		s.332 and s.333 of the Resource Management Act 1991.
Mark William DIXON	Warrant of Appointment – Contractor	<ul style="list-style-type: none"> • Local Authority Inspector pursuant to s.2 Food Act 1981 • Food Act Officer and/or accredited auditor to Ministry of Primary Industries pursuant to Food Act 2014 • Chief Licensing Inspector (or Licensing Inspector) pursuant to s.197 Sale and Supply of Alcohol Act 2012 • Litter Control Officer pursuant to s.5 Litter Act 1979 • Enforcement Officer and District Hazardous Substances Officer pursuant to s.98 and s.100 – Hazardous Substances and New Organisms Act 1996 • Officer under Housing Improvement Regulations 1947 • Enforcement Officer pursuant to s.38 – Resource Management Act 1991 • Authorised Officer pursuant to s.332 and s.333 – Resource Management Act • Authorised Officer pursuant to s.174 – Local Government Act 2002 • Enforcement Officer pursuant to s.177 – Local Government Act 2002 for all offences under this Act, all offences against bylaw made under this Act and all infringement offences provided for by regulations made under s.259 of this Act • Inspector and Authorised Officer to enforce Westland District Council Bylaws. • Dog Control Officer and/or Dog Control Ranger pursuant to s.11 and s.12 of Dog Control Act 1996 • Officer under s.63 of Impounding Act 1955 • Authorised Officer pursuant to s. 222 of the Building Act 2004 • Enforcement Officer pursuant to Section 371b of the Building Act 2004

10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

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

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Confidential Meeting Minutes -22 September 2022	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2.	Confidential CE's Review Committee Meeting Minutes – 23 March 2022	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3.	Confidential Capital Projects & Tenders Committee Meeting Minutes – 21 April 2022	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
4.	Joint Waste Minimisation & Management Services in the West Coast	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
5.	Appointment of Director to Destination Westland Ltd	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
6.	Appointment of Independent Chair to Risk & Assurance Committee	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1,2,3,5,6	Protect the privacy of natural persons, including that of deceased natural persons ()
4	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or 7(2)(h)
4	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
4	Prevent the disclosure or use of official information for improper gain or improper advantage. 7(2)(J)

**DATE OF NEXT ORDINARY COUNCIL MEETING – 8 DECEMBER 2022
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**



INAUGURAL COUNCIL MINUTES

MINUTES OF THE INAUGURAL COUNCIL MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON THURSDAY 27 OCTOBER 2022 COMMENCING AT 1:00PM

The Council Meeting was live streamed to the Westland District Council YouTube Channel and presentations are made available on the council website.

1. KARAKIA TĪMATANGA OPENING KARAKIA

The opening Karakia was read by Her Worship the Mayor

2. ADDRESS BY CHIEF EXECUTIVE

The Chief Executive gave a warm welcome to the new Council, provided an overview, and highlighted the important issues facing the current Council, and the importance of decision making moving forward.

3. MAKING AND ATTESTATION OF DECLARATION OF MAYOR AND MEMBERS AND ADDRESS BY MAYOR AND COUNCILLORS:

The Chief Executive advised that the purpose of this report is to describe the process for receiving the declarations of the Mayor and Councillors.

The Mayor completed her statutory declaration, witnessed by the Chief Executive, and received the Mayoral Chains.

Her Worship gave a brief, warm welcome to all attending, thanked all who ran for Council, and expressed that she is looking forward to working collaboratively with elected members and council staff to face the challenges ahead.

All Councillors completed their statutory declaration, witnessed by Her Worship the Mayor, and then each provided an address to the meeting.

Moved Cr Cassin, seconded Cr Burden and **Resolved** that:

1. The report be received
2. The Mayor and elected members publicly made their declarations.

After the swearing in ceremony, the meeting proper commenced with the Statutory Business of the Inaugural Council Meeting.

Members Present:

Chairperson	Her Worship the Mayor	
Members	Cr Gillett (Deputy)	
	Cr Cassin	Cr Neale
	Cr Davidson	Cr Burden
	Cr Baird	Kw Madgwick
	Cr Manera	Kw Tumahai

STAFF PRESENT

S. Bastion, Chief Executive; T.A. Cook, Group Manager: Regulatory and Community Services; S. Baxendale, Group Manager: District Assets; E. Rae, Strategy and Communications Advisor; S. Johnston, Governance Administrator.

5. **Appointment of Deputy Mayor**

The Chief Executive advised that The purpose of this report is to inform Council that the Mayor has appointed the Deputy Mayor under Section 41A Role and powers of Mayor, Local Government Act 2002.

Moved Cr Neale, seconded Cr Baird and **Resolved** that:

1. The Report to Council – Appointment of Deputy Mayor be received.

6. **Standing Orders**

The Chief Executive advised that the purpose of this report is to provide Council information on the adoption of Standing Orders/Nga Tikanga Whakahaere Hui for the conduct of meetings of Council and its committees.

Cr Neale commented that it was recommended in Standing Orders that Council adopts Standing Orders later in the term to give the new Council time to get familiar with the document and system and sought reassurance that there would be an opportunity to update and or revisit the Standing Orders should councillors wish to.

The Chief Executive advised that should Councillors wish to change anything, that they can do so through the quorum to ensure it is something Council want to revisit.

Cr Davidson asked for further clarification regarding the Chairs Casting Vote change in Standing Orders.

The Chief Executive advised that if there were 4 Councillors for and 4 Councillors against an issue, that the Chair would not be the deciding vote. Her Worship the Mayors preference is that issues are worked through fully until consensus is achieved. This applies to all Committees and Sub-Committees.

Moved Cr Gillett, seconded Cr Neale and **Resolved** that:

1. The Report be received
 2. Council adopts the revised LGNZ template for Westland District Council Standing Orders with the following amendments:
 - **SO 15 Public Forums**
Remove:
The standing orders provide for a period of up to 30 minutes, or longer if agreed by the chair, for members of the public to address the meeting.

Replace:
That the Standing Orders provide the Mayor with the discretion to add an agenda item for public discussion. The applicant who wishes to speak must advise the Mayor 7 working days prior to the meeting date. The Mayor has full discretion to approve or not approve the applicant's request.
- SO 13.7 Right to attend by audio or audio visual link**
That the standing orders enable members to join meetings by audio visual link noting that members joining by audio visual link cannot be counted for the purposes of a quorum. Refer Clause 25A S7 of the Local Government Act 2002.

- **SO 19.3 Chair's casting vote**

That the chair not be given the option of a casting vote.

- **SO 22.1 Options for speaking and moving motions**

That Council adopt as the default option for speaking and moving motions as follows:

Option B (SO 22.3). While limiting the ability of movers and seconders of motions to move amendments, this option allows any other member, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.

7. Code Of Conduct

The Chief Executive advised that the purpose of this report is for Council to re-adopt a revised Elected Members Code of Conduct (Code of Conduct) for Westland District Council. This sets the ground rules for interaction at the Council table and gives explicit description of unacceptable behaviours.

Moved Cr Neale, seconded Cr Cassin and **Resolved** that:

1. The report be received.
2. Council adopt the Elected Members Code of Conduct including the policy for assessing breaches of the Code of Conduct as produced by LGNZ.

8. Declarations (Conflicts) Of Interest

The Chief Executive advised that the purpose of this report is to inform members about the following Declarations of Interest Statement that is included on order papers for Council and Committee meetings, and Clauses 20.7 and 20.8 of the Westland District Council Standing Orders.

Any member that has a perceived conflict of interest must declare this to Council, and not be involved in any decision making around that interest. The Chief Executive advised that there is a form that is to be completed regarding this.

Moved Cr Baird, seconded Cr Burden and **Resolved** that:

1. The report "Declarations (Conflicts) of Interest" be received.

9. Legislation Affecting Members

The Chief Executive advised that the purpose of this report is to summarise key legislation that affects elected members comprised of the following:

- Local Government Act 2022
- Local Government Act 1974
- Crimes Act 1961
- Secret Commissions Act 1910
- Local Authorities (Members' Interests) Act 1968
- Local Government Official Information and Meetings Act 1987
- Health and Safety at Work Act 2015
- The Protected Disclosures (Protection of Whistle-blowers) Act 2022.
- Financial Markets Conduct Act 2013
- Resource Management Act 1991
- Local Electoral Act 2001
- Local Government (Rating) Act 2002
- Te Ture Whenua Māori Act 1993

Moved Cr Cassin, seconded Cr Baird and **Resolved** that:

1. The report be received.

10. Structure Of Council Committees

The Chief Executive advised that the purpose of this report is to inform Council that the Mayor as exercised the powers under Section 41A Role and Powers of Mayor, Local Government Act 2002 for the establishment of committees for the 2023-2025 Triennium.

The Committee structure of this triennium sees only 2 standing committees:

- Risk and Assurance (with independent Chair)
- Chief Executive Review Committee

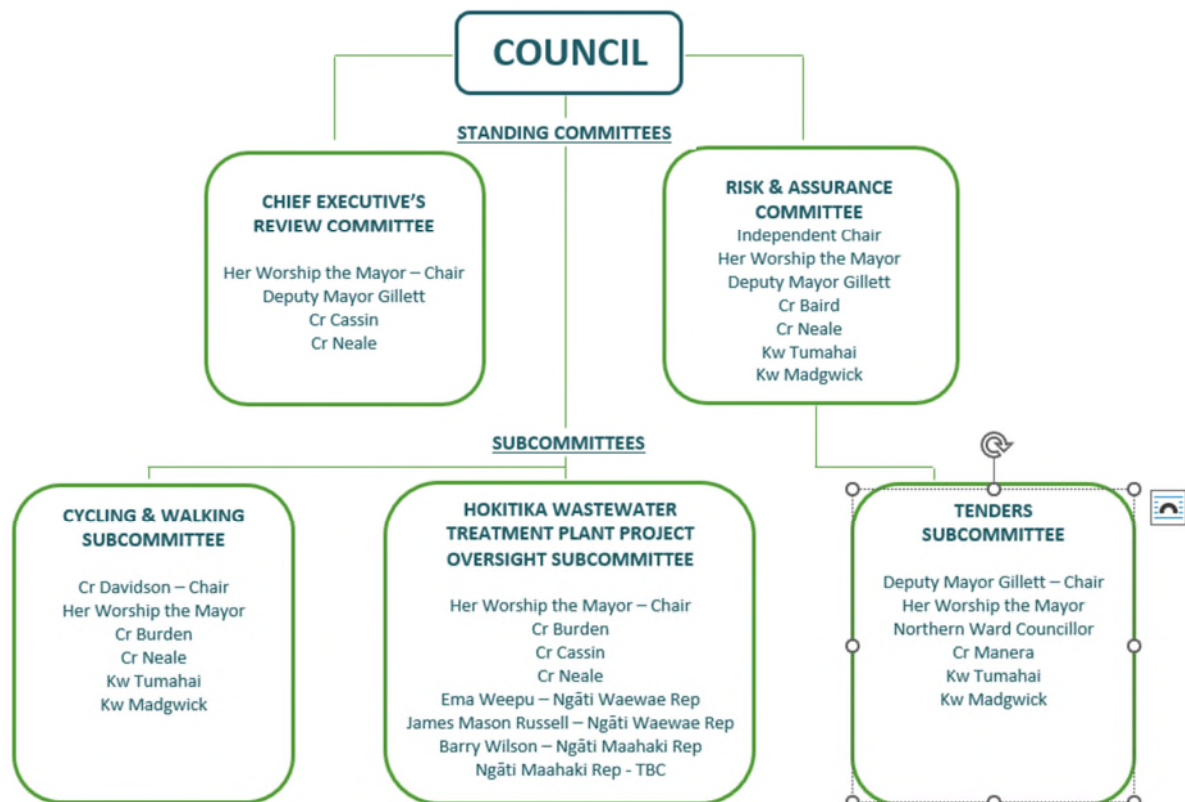
With only 3 Sub-Committees:

- Cycling & Walking Sub-Committee
- Hokitika Wastewater Treatment Plant Project Oversight Sub-Committee
- Tenders Committee (Sub-Committee of Risk and Assurance to meet as and when required).

Moved Cr Gillett, seconded Cr Baird and **Resolved** that:

1. The report be received.
2. Council adopts the Committee structure and membership as outlined below.
3. Council adopts the proposed meeting schedule for January 2023 to December 2023, attached as **Appendix 1** of these minutes.

Proposed Committee Members of Council Committees 2022 – 25 Triennium



11. Elected Members' Remuneration

The Chief Executive advised that the purpose of this report is to advise elected members of the remuneration pool and Mayor's remuneration as determined by the Remuneration Authority for the period beginning 1 July 2022 to 30 June 2023.

Cr Neale enquired as to why the Deputy Mayor's remuneration had increased by 45% and Councillors by 14%.

The Chief Executive advised that the function of the Deputy Mayor has a lot more responsibility than the previous Deputy position.

Her Worship also explained that due to what is coming up ahead with reforms, local government reviews, with the day-to-day workload and the rebuilding of relationship between Councillors, Council staff and the communities, that Her Worship expects the role and performance of the Deputy to increase considerably, which will enable the Mayor to work more effectively, and will also enable good communication to the Councillors from the Mayor's office.

Cr Cassin also questioned the justification to increase reimbursement from the remuneration authority, given the current economic reality.

Moved Cr Neale, seconded Cr Manera and **Resolved** that:

1. That Council receives the report.
2. That Council advise the Remuneration Authority of the changes to the Committee Structure, and the proposed allocation of the remuneration pool.

Office	Annual Rem	Total pool
Mayor	\$ 105,174	
Deputy Mayor	\$ 60,349	\$ 60,349
Councillor (no additional responsibility) x 6	\$ 26,522	\$ 185,651
Total pool (not including Mayor)		\$ 246,000

12. Proposed Schedule Of Ordinary Meetings For November/December 2022

The Chief Executive advised that the purpose of this report is to adopt a schedule of Council meetings for the remainder of 2022.

Moved Cr Neale, seconded Cr Burden and **Resolved** that:

1. That the report be received.
2. That Council adopts the schedule of meetings for the remainder of 2022 as follows:

Date	Meeting	Time
24 November	Council Meeting	1.00 pm
8 December	Council Meeting	1.00 pm

**DATE OF ORDINARY COUNCIL MEETING – 24 NOVEMBER 2022
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

MEETING CLOSED AT 2.07 PM

Confirmed by:

Mayor, Helen Lash
Chair

Date:

CHIEF EXECUTIVE’S REVIEW COMMITTEE EXTRAORDINARY MINUTES

MINUTES OF AN EXTRAORDINARY MEETING OF THE CHIEF EXECUTIVE’S REVIEW COMMITTEE OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON WEDNESDAY 23 MARCH 2022 COMMENCING AT 4.00 PM

1. MEMBERS PRESENT AND APOLOGIES

Chairperson	His Worship the Mayor
Members	Cr Carruthers (Deputy)
	Cr Martin
	Cr Keogan

NGĀ WHAKAPAAHA APOLOGIES

Nil.

ALSO IN ATTENDANCE

Pamela Peters (via Zoom) from Watson Peters Ltd, Strategy, Performance and Organisational Facilitator (in attendance for part of the meeting).

STAFF PRESENT

S.R. Bastion, Chief Executive (in attendance for part of the meeting), D.M. Maitland, Executive Assistant (in attendance for part of the meeting).

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register had been circulated via Microsoft Teams and was available on the Council Table. There were no amendments made to the Interest Register.

3. NGĀ MENETI O TE HUI KAUNIHĒRA MINUTES OF MEETING

Meeting Minutes to be confirmed:

- **27 October 2021**

Moved Deputy Mayor Carruthers, seconded His Worship the Mayor and **Resolved** that the Minutes of the Extraordinary Chief Executive’s Review Committee Meeting held on the 27 October 2021 be confirmed as a true and correct record of the meeting.

4. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED (to consider and adopt confidential items)

Moved Deputy Mayor Carruthers, seconded Cr Martin and **Resolved** that the Committee confirm that the public were excluded from the meeting in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 4.05 pm.

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

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Minutes to be confirmed: 27 October 2021	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)(i)
2.	Chief Executive's Review Process – Interim Update on CE Performance 2021-2022.	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)(i)

This resolution is made in reliance on sections 48(1)(a)(i) and (d) of the Local Government Official Information and Meetings Act 1987, and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1,2	Protect the privacy of natural persons, including that of deceased natural persons (Section 7(2)(a))

Moved Deputy Mayor Carruthers, seconded His Worship the Mayor and **Resolved** that the business conducted in the 'Public Excluded Section' be confirmed and accordingly, the meeting went back to the open part of the meeting at 4.17 pm.

MEETING CLOSED AT 4.17 PM

DATE OF NEXT MEETING: TO BE CONFIRMED

Confirmed by:

**Deputy Mayor Carruthers
Chair**

Date: 23 June 2022



EXTRAORDINARY CAPITAL PROJECTS AND TENDERS COMMITTEE MINUTES

MINUTES OF AN EXTRAORDINARY MEETING OF THE CAPITAL PROJECTS AND TENDERS COMMITTEE, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON 21 APRIL 2022 COMMENCING AT 4.00PM

The Committee Meeting was live streamed to the Westland District Council YouTube Channel and presentations are made available on the council website.

1. MEMBERS PRESENT AND APOLOGIES

Chairpersons	His Worship The Mayor	
Members	Deputy Mayor Carruthers	
	Cr Hartshorne	Cr Hart
	Kw Tumahai	Cr Davidson
	Kw Madgwick	

NGĀ WHAKAPAAHA APOLOGIES

Deputy Mayor Carruthers
Kw Francois Tumahai

Moved Cr Hart, seconded Cr Hartshorne and **Resolved** that the apologies from Deputy Mayor Carruthers and Kw Francois Tumahai be received and accepted.

STAFF PRESENT

S. Bastion, Chief Executive; E. Bencich, Operations Manager; L. Crichton, Group Manager: Corporate Services; D. Maitland; Executive Assistant, E. Rae, Strategy and Communications Advisor; S. Johnston, Governance Administrator.

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register had been circulated via Microsoft Teams.

3. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED (to consider and adopt confidential items)

Moved Cr Hart, seconded Cr Davidson and **Resolved** that Committee confirm that the public were excluded from the meeting in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 4.06pm

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the

Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Hampden Street Watermain Upgrade Project – Tender Approval	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1,	Protect information where the making available of the information: (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Section 7(2)(b)(ii)).

Moved Cr Hart, seconded Cr Davidson and **Resolved** that the business conducted in the ‘Public Excluded Section’ be confirmed and accordingly, the meeting went back to the open part of the meeting at 4:13pm.

DATE OF THE NEXT ORDINARY CAPITAL PROJECTS AND TENDERS COMMITTEE MEETING:

11 MAY 2022 AT COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM.

MEETING CLOSED AT 4.13PM

Confirmed by:

His Worship the Mayor
Chair
Date: 11 May 2022

Deputy Mayor Carruthers
Date: 11 May 2022



ORDINARY COUNCIL MINUTES

MINUTES OF THE ORDINARY COUNCIL MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON THURSDAY 22 SEPTEMBER 2022 COMMENCING AT 9:00AM

The Council Meeting was live streamed to the Westland District Council YouTube Channel and presentations are made available on the council website.

1. KARAKIA TĪMATANGA OPENING KARAKIA

The opening Karakia was read by Cr Neale

2. MEMBERS PRESENT AND APOLOGIES

Chairperson	His Worship the Mayor	
Members	Cr Carruthers (Zoom)	
	Cr Davidson	Cr Hart
	Cr Hartshorne	Cr Neale
	Cr Keogan	Cr Martin

NGĀ WHAKAPAAHA APOLOGIES

Kw Madgwick
Kw Tumahai

Moved Cr Neale, seconded Cr Davidson and **Resolved** that the apologies from Kw Madgwick and Kw Tumahai be received and accepted.

STAFF PRESENT

S. Bastion, Chief Executive; L. Crichton, Group Manager: Corporate Services; S. Baxendale, Group Manager District Assets; L. Truman, Finance Manager; D. Maitland; Executive Assistant, E. Rae, Strategy and Communications Advisor; S. Johnston; Governance Administrator.

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register had been circulated via Microsoft Teams and available on the Council table. There were no changes to the Interest Register noted.

Council observed a minute's silence in honour of the recent passing of the Queen.

Cr Keogan arrived in the Chambers at 9:07am.

Mayor Bruce Smith advised that the meeting today is the last meeting of the Triennium and will be conducted in accordance with standing orders as per usual, and that the meeting was not to be used for political purposes.

The Mayor proceeded to make mention of and thank the following groups/people:

The Chief Executive, Simon Bastion: It has been a pleasure to work with you. You have taken the role of Chief Executive with very low government experience, you have upskilled, and have become a great Chief Executive with great project work.

Group Manager, Corporate Services: Lesley Crichton: The person who controls the cheque book often comes under attack, as what politicians/councillors want and what the cheque book says is often different. Lesley has upgraded the finance systems, big congratulations on this. This is a very important part of Council.

Other Managers: It has been good to have you all on board. We have quite a good team that is very specialised.

Executive Assistant, Diane Maitland: Has been working for Council for 39 years. Whenever something comes up that is impossible to find the detail on, the Mayor would ask Di, and the next thing you know the information would be sitting in front of you. She is an incredibly valuable staff member, and I know she will never leave!

Council Controlled Organisations (CCO's) – Joanne Conroy, Westland Holdings, West Roads, and Destination Westland Boards have been outstanding at slowly improving profitability. Even despite last year – this was the first loss in 26 years. This year it has bounced back, and it is great to see. It makes a big difference to Councils cashflow. To Graham Kelly at West Roads, I have had the privilege of an open relationship with him which has helped. Melanie Anderson from Destination Westland - exactly the same. A lot of things the Mayor is updated on, on a day-to-day basis.

Looking at the Challenges for the next year for Council: The biggest issue we have at the moment is this building, and buildings that council own, however, we are in a position where we now have options. The next Council will be able to look at these options. So, it is probably the biggest challenge for 2023. The costs that come down from central government, 3 Waters, Significant Natura Area's, and Stewardship Land – it is never ending, and they are not budgeted for, there is no cheque sent with these requests. Next Council will no doubt pick up where this Council has finished up on and push for the benefit of the Community.

Deputy Mayor Carruthers: I know you are unwell today but thank you so much for your assistance and guidance, standing in on occasion for me where it has been necessary the last 3 years. Thank you so much for that.

Cr Hartshorne: Picking up on the South Westland side of things when your predecessor left, you have been a silent but very much a community minded and supportive councillor.

Cr Hart: I sit at every meeting, and I wait for you to ask the questions about finances. I know that when you ask a question I need to go and look to see what you're talking about. Your contribution has been very valuable.

Cr Martin: Probably the sharpest person around the Council table in relation to all sorts of issues because of your experience. Thank you so much, 9 years is a long time.

Cr Neale: Your contribution to finance and risk surprised me. You're not a trained accountant or risk specialist, but I found the questions you asked and direction you pushed on finance and risk has been outstanding, it has probably been the thing and I would say is top of the list for me.

Cr Keogan: You've been great. You've always had the community in mind, you've gone to the war zones - to Ross, and Kumara; it's important to connect with people first – which you've done.

Cr Davidson: Your contribution to the cycle ways and the protection of the town has been a focus for you and is a great thing. Particularly the cycleways – nothing is ever perfect, but you've found the things that needed adjusting and have adjusted them. It's been a great contribution and I sincerely hope you continue in this area as you're pretty good at it.

Special mention to the relationship Council has with media: because it is not good enough. It is ok, but it's not good enough. I want to pay special tribute to Janna Sherman because I have been in contact with her on a two daily basis for a number of years now. The articles that are written takes on some incredibly complex issues and mostly come out quite brilliant. Joanne Nash from Stuff, a good supporter of this Council. We need to be more open though. When a reporter rings, we should talk to them and tell them what we know. This would be a huge advantage going forward.

One of the biggest issues this Council will have is to hold the relationship together with Mana Whenua, with Ngāti Waewae and Ngāti Makaawhio. The election next year it is going to be, in my opinion, be racially based, it's going to be nasty, it's going to be difficult, and this Council has been a leader with relationship with Iwi on the Coast, and I would hate to see that dropped and go backwards because of what's happening nationally. So, to whoever gets elected in the next council it is pretty important.

**4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE
URGENT ITEMS NOT ON THE AGENDA**

There were no urgent items of business not on the Council Agenda.

**5. NGĀ MENETI O TE HUI KAUNIHĒRA
MINUTES OF MEETINGS**

The Minutes of the previous Meeting had been included as part of the Agenda.

- **Ordinary Council Meeting Minutes – 25 August 2022**

Moved Cr Davidson seconded Cr Hart and **Resolved** that the Minutes of the Ordinary Council Meeting held on the 25 August 2022 be confirmed as a true and correct record of the meeting subject to the following amendment on page 7 of the minutes under the Hokitika Beachfront Access Project Report:

“The Mayor advised that he had been in contact with an ex-West Coast Regional Council staff member who was able to confirm verbal discussions had taken place with the Chief Executive of the West Coast Regional Council, and that he was happy to confirm this in writing”.

The Chair **Approved** that their digital signature be added to the confirmed Council Meeting Minutes of 25 August 2022.

6. ACTION LIST

The Chief Executive spoke to the Action List.

Moved Cr Keogan, seconded Cr Martin and **Resolved** that the updated Action List be received. With the below update:

#	Item	Status Update
9.	Reseals 2022/2023	<p>Transportation Manager advised that the Bitumen pricing has an impact on the budget and works for this coming year:</p> <ul style="list-style-type: none"> • There have been substantial cost increases over the last few months • The current program is committed for resurfacing 18km = 4-5% of the network. The target is 6.5%. So short about 5kms. • Currently looking at alternative surfaces. • The current program has been priced and it is towards the upper limit of what there is available in budget. • Gone back to the contractor and requested a revision on reseal prices and surfacing type requested.

	<ul style="list-style-type: none"> • The way forward for Council will be to keep a closer eye on the surfacing done and be actively monitoring what is going on. <p><i>Cr Martin queried if the plan was inflation adjusted for the next 3 years.</i></p> <p><i>The Transportation manager advised that it wasn't and is something that cannot be factored in at the time. There may be potential to fund some activity from other budgets, understanding that that might affect other projects. So, it comes down to what is more important to achieve and do.</i></p>
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The following items were taken out of order to the Agenda:

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Delegations to Chief Executive**

The Chief Executive spoke to this item and advised the purpose of this report is to seek Council's approval to delegate the responsibilities, duties and powers of the Council to the Chief Executive during the period beginning the day after the declaration of the official election result until the day of the swearing in of the new Council, subject to limitations set out in [clause 32\(1\) of Schedule 7](#) of the Local Government Act 2022, except for certain powers set down in the legislation that cannot be delegated. The report also recommends that the Council discharges all current Committees.

Moved Cr Hartshorne seconded Cr Hart and **Resolved**

1. That the report be received.
2. That Council delegates all of its responsibilities, duties, and powers to the Chief Executive, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, during the period beginning the day after the declaration of the official election result until the day of the swearing in of the new Council, subject to:
 - (a) Following consultation with the person elected to the position of Mayor,
 - (b) Attending only to those matters that cannot reasonably wait until the first meeting of the new Council and;
 - (c) By reporting all decisions made under delegation to the first meeting of the new Council; and
 - (d) Calling an Extraordinary meeting of Council if any urgent decisions arise in this period requiring significant political input.

- **Continuation of Joint-Committee Post Election**

The Chief Executive spoke to this item and advised the purpose of this report is to provide for the continuation of the Hokitika Seawall Joint Committee and the Franz Josef/Waiiau Rating District Joint Committee following the 2022 triennial election. Without a resolution to this effect, these Joint Committees would be automatically discharged following the election in October 2022.

Moved Cr Hartshorne seconded Cr Neale and **Resolved** that:

- a. That the report be received.

- b. The Hokitika Seawall Joint Committee shall **not** be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election; and
- c. That the Franz Josef/Waiiau Rating District Joint Committee shall **not** be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election.

- **Finance Report**

The Finance Manager spoke to this time and advised the purpose of this report is to provide an indication of Council's financial performance for the month to 31 August 2022.

The Finance Manager noted that there is an administrative error in the Sustainability Report under the Liquidity Risk – the figure in the description should be 173% **not** 1.73%.

Moved Cr Hart seconded Cr Neale and **Resolved** that:

- a. That the Financial Performance Report for 31 August 2022 be received.

- **Annual Dog Control Report**

The Chief Executive spoke to this report and advised that the purpose of this report is to adopt the Annual Report on Dog Control Policies and Practices for the year ending 30 June 2022.

Moved Cr Keogan seconded Cr Neale and **Resolved** that:

1. The report be received
2. Council adopts the Annual Dog Control Policy and Practices Report for the year ended 30 June 2022.
3. The adopted Annual Dog Control Policy and Practices Report for the year ended 30 June 2021 is publicly notified, and made publicly available on Council's website, and
4. The Secretary for Local Government is advised that the Annual Dog Control Policy and Practices Report for the year ended 30 June 2022 has been published in accordance with Section 10A of the Dog Control Act 1996, and Section 5(1) of the Local Government Act 2002.

- **Better Off Package Funding**

The Chief Executive spoke to this item and advised the purpose of this report is to provide a follow-on update for Council on the 3 Waters Reform "Better Off Package Funding" and seek a resolution on the options put before Council following a Council workshop held on Monday 12 September 2022.

Cr Martin declared a conflict of interest with this agenda item and advised that it is noted in the agenda report that he has not had input into proposed projects from an organisation that he is a member of, (Hokitika Lions Club) and that he would not be participating in the discussion or any decision making around this item, and happy to leave the Chambers if appropriate.

Cr Neale also declared a conflict of interest due to the West Coast Riding for the Disabled having applied for funding through the Better Off Package Funding, and her affiliation with the West Coast Riding for the Disabled, and also would not participating in the discussion or decision making around this item.

Cr Davidson advised that he would be abstaining from voting on this item due to feeling uncomfortable with the process that standing orders weren't being followed properly at the Community Projects Council Workshop on the 12 September 2022. This is not a reflection on the members of the workshop committee. Cr Davidson advised that he was present when funding was

allocated and mentioned at the meeting that conflicted members should not be present and stands by that today. With a large pool of funding \$500k being allocated and over 1/3 of the pool was allocated to those projects with conflicting members. And although they registered their conflict of interest, councillors should have been in a position to discuss these applications without them being present.

Cr Martin, Cr Neale, and Cr Davidson remained in the Council Chambers during the discussion and resolution.

The Chief Executive highlighted that the Better Off Funding from 3 Waters was funding a total of 58 projects are being executed as a part of this fund with projects stretching from Otira all the way down to Fox Glacier. Also, to highlight that this fund is conditional on the Swimming Pool Stage 2 receiving external funding. To date there has been positive response, but it is not finalised yet. It has been through 2 ministers and yet to be approved by Hon Grant Robertson. We are confident that it will go through but wanted to highlight that it is still a risk.

There were some projects that did not pass the criteria unfortunately. We have put them on hold at this stage. We still have to go through the Department of Internal Affairs and do due diligence.

Council have also gained an extension in regard to time from 30th September 2022, Council now has until the 31st October 2022, which gives time to do due diligence properly.

We will be asking each community – if it is not a Council asset that they all be signing an agreement in terms of how the project needs to be conducted and each community will need to define who that project manager will be. In terms of projects, Council will assign a project overseer for these projects to support the communities, and we may need to do due diligence on some of the applications to ensure there is nothing we don't believe should be done with the funding.

We have until June 2027 to have these projects completed. Council is keen to get these projects completed within the next 18 months.

The Mayor noted that standing orders do not apply to Council Workshops.

Moved Cr Keogan seconded Cr Hartshorne and **Resolved** that:

- a. That the report be received.
- b. That Council confirm the applications attached as Appendix 1 in the Report to Council; and directs the CE to proceed with an application to Department of Internal Affairs.

The 12 applications for the Community Fund were noted as:

Group/Organisation	Project/Initiative	Total Project Cost	GST
Lions Club – Strengthening, Extension & Resilience Upgrade	To upgrade Lazar Park Hall to provide recreational amenities, including a commercial kitchen, hall, toilets, and meeting spaces that are structurally safe, fit for purpose and resilient for the purposes of emergency management	\$95,000.00	Excl.
Whataroa Community Association CD Infrastructure	Civil Defence Infrastructure – Whataroa area	\$72,314.75	Incl.

West Coast Riding for the Disabled Inc.	Indoor Area – Surface	\$52,468.75	Incl.
Fox Glacier Memorial Arboretum	Memorial garden space at Fox Glacier Hall site	\$44,000.00	Incl.
Bruce Bay Community Hall Inc.	Completion of Bruce Bay Community Hall Safety Projects	\$42,201.92	Incl.
Lake Kaniere Community Association	Lake Kaniere Community Resilience Plan for both residents and day trippers and West Coast Cycle Trail users.	\$40,000.00	Incl.
Kumara Memorial Hall	Kumara Resilience Container	\$36,636.70	Incl.
West Coast Riding for the Disabled Inc.	Indoor Arena Electrical materials	\$32,757.75	Incl.
Kumara Junction – Gentle Annie Track Extension	Gentle Annie Track Extension	\$26,691.00	Incl.
Ross Community Society Inc.	Ross Civil Emergency Hub	\$22,514.31	Incl.
Hari Hari Civil Defence Group	Stage 2 Civil Defence Plan for Hari Hari	\$21,033.63	Incl.
Otira Responsibility Community Association Board	Community Civil Defence Hub	\$13,378.00	Incl.
	Contingency	\$1,003.19	
	Total:	\$500.00.00	

• **Annual Report of the Work of the Audit and Risk Committee for the Period of 1 August 2021 - to 31 July 2022.**

The Group Manager, Corporate Services advised that the purpose of this report is to present to full Council on Thursday 22 September the Annual Report of the Work of the Audit and Risk Committee for the period 1 August 2021 to 31 July 2022.

Moved Cr Martin seconded Cr Neale and **Resolved**:

- a. That Council receive the Annual Report of the Work of the Audit and Risk Committee for the period 1 August 2021 to 31 July 2022.

9. ADMINISTRATIVE RESOLUTION

Warrant of Appointment – Planner, Enforcement Officer

Moved Cr Neale seconded Cr Martin and **Resolved** that the Council Affix its seal of approval to the following document:

Olivia Rose Anderson	Warrant of Appointment – Planner, Enforcement Officer	To act in the Westland District as: <ul style="list-style-type: none"> • An Officer pursuant to s.174 of the Local Government Act; AND • An Officer under the Westland District Council Bylaws; AND • Enforcement officer pursuant to s.38 of the
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		Resource Management Act 1991, including the power of entry pursuant to s.332 and s.333 of the Resource Management Act 1991.
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7. NGĀ TĀPAETANGA PRESENTATIONS

- **Community Service Awards**

The Mayor and Cr Hartshorne presented the Community Service Award to:

Dave Nolan - for service to the Whataroa Community

Council adjourned for Morning tea at 9:57am, and recommenced the meeting at: 10:17am

Presentations Continued:

- **Community Service Award**

The Mayor and Cr Hartshorne presented the Community Service Award to:

Sherry Woodside - for service to the Whataroa Community.

- **The Last 3 Years – Power Point**

The Chief Executive spoke to the following slides:

Summary of Activities for the 2019-2022 Triennium

- Community Services – Township Development Fund
- Community Services – Westland Creative Communities Funding, Westland Rural Travel Fund

Building Control Manager spoke to the Building Department Slides:

- Regulatory – Building Department
- Building – Ongoing Challenges, Key Success Factors
- Hokitika Museum - Vision, Mission, Highlights, Challenges
- Hokitika Museum – rebranding
- Library 2019-2022
- District Assets – Last 3 years, Infrastructure Funding, Major Great Rides Fund, PGF Fund, Lotteries, Culture and Heritage Funds, 3 Waters Reform, Future projects.
- Chief Executive – last 3 years, Big Takeaways, Councillors and Governance, Achievements and Opportunities, Future Focus, Thanks.

Westland Workforce Coordinator, Mayors Taskforce for Jobs, spoke to the Mayors Taskforce Slide:

- Community Services – Mayors Taskforce for Jobs – Community Recovery

Group Manager, Corporate Services spoke to the following slides:

- Corporate Services Group – Information Management, Digitisation Project, Strategies & Communication, Ongoing challenges, upcoming future works

Moved Cr Martin, Seconded Cr Davidson and **Resolved** that the presentation from the Chief Executive, Simon Bastion be received.

- **Presentations to Mayor and Councillors Retiring Not Standing for Re-Election**

The Mayor presented Certificates and gifts to Councillors Retiring and who are not standing for Re-Election:

Cr Anna Hart

Cr Ian Hartshorne

Cr Jenny Keogan

Councillors Keogan and Hart presented a certificate and gift to the Mayor, who will not be standing for re-election

10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Moved Cr Hart, seconded Cr Neale and **Resolved** that Council confirm that the public were excluded from the meeting in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 12:30 pm.

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

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Confidential Minutes – 25 August 2022	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2.	Audit & Risk Report Independent Chair, Rachael Dean.	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3.	Tender Awards Hokitika Z Line Waste-Water Contract 22/23-02	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

4.	Utilities Maintenance Contract 22/23-3	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
5.	Tender Awards West Coast Councils Regional Roading Asset Management Services	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
6.	West Coast Councils Regional Bridge and Structures Asset Management Services	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
7.	Hokitika Racecourse Group Manager, District Assets; Scott Baxendale	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1	Protect the privacy of natural persons, including that of deceased natural persons ()
1,2,3,4,5,6,7	Protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b)).
1, 2,3,4,5,6,7	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
3,4,5,6	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j)).

Moved Cr Martin, seconded Cr Davidson and **Resolved** that the business conducted in the 'Public Excluded Section' be confirmed and accordingly, the meeting went back to the open part of the meeting at 12:42pm.

**DATE OF INAUGURAL COUNCIL MEETING – 27 OCTOBER 2022
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

MEETING CLOSED AT 12:43 PM

Confirmed by:




**Mayor, Bruce Smith
Chair**

Date: 22.09.2022

**Simon Bastion
Chief Executive**

Date: 22.09.2022

24.11.22 - Council Meeting - Action List

Item No.	Date of Meeting	COMPLETED IN PROGRESS OVERDUE	Item	Action	Completion Date/Target Date	Officer	Status
1	10.12.20		Speed Limit Register Review Stage 2	Review of the speed limits on the below roads/areas: <ul style="list-style-type: none"> • Kokatahi/Kowhitirangi Area • Old Christchurch Road • Kaniere Road • Lake Kaniere Road and surrounding areas (Hans Bay, Sunny Bight, Lake Kaniere) 	April 2023	GMD A, KJ & CE	Council is halfway through the consultation process on this, feedback to date has been mixed and slow. Large support however for speed reduction around schools which is being planned as part of the latest Waka Kotahi Rule changes. A summary of the feedback received once submissions have closed and to be circulated to Council.
2	26.08.21		Pakiwaitara Building /Council Building Business Case	Business case and scope of work to be brought to Council after the structural elements of the work have been identified, costed and timelines finalized.	Mar 23	CE	The CE to engage a consultant to evaluate the future strategy in regard to the current council civil assets – Council Building, Pakiwaitara and any other buildings that need to be considered.
3	24.03.22		Racecourse Development Submission Bid	Council to be keep abreast of the IAF Application	Sep 22	CE	IAF Application submitted – awaiting confirmation

Report to Council



DATE: 24 November 2022
TO: Mayor and Councillors
FROM: Finance Manager

FINANCIAL PERFORMANCE: OCTOBER 2022

1. Summary

- 1.1. The purpose of this report is to provide an indication of Council's financial performance for the month to 31 October 2022.
- 1.2. This issue arises from a requirement for sound financial governance and stewardship with regards to the financial performance and sustainability of a local authority.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2021, which are set out in the Long-Term Plan 2021 - 31. Refer to page 2 of the agenda.
- 1.4. This report concludes by recommending that Council receive the financial performance report to 31 October 2022.

2. Background

- 2.1. Council receives monthly financial reporting so that it has current knowledge of its financial performance and position against budgets. A more detailed performance report is presented to the Risk and Assurance Committee (R&A Committee), previously known as the Audit and Risk Committee, on a quarterly basis which includes non-financial information against KPI's adopted through the Long Term Plan.
- 2.2. The R&A Committee received a report to the end of March 2022 and expressed concern about the number Activities for which Statement of Service and Performance Reports were not provided. Due to year end processes no further quarterly report has been provided to the R&A Committee at this point.

3. Current Situation

- 3.1. The information in the report is of a summarised nature, with only permanent variances over \$25,000 having comments. Temporary differences which are mainly budget phasing are not commented on as these will either approximate budget by the end of the financial year, or become a permanent variance which will be noted.
- 3.2. With the inclusion of the sustainability report, it is not necessary to include such detail to Council in the financial report, as the key business indicators are included in the sustainability report. A number of these indicators make up part of the covenants required to be reported half-yearly to the Local Government Funding Agency.

3.3. The financial performance report to 31 October 2022 is attached as **Appendix 1** and contains the following elements;

3.3.1.Sustainability report

3.3.2.Statement of Comprehensive Revenue and Expense

3.3.3.Notes to the Statement of Comprehensive Revenue and Expense

3.3.4.Revenue and Expenditure Graphs

3.3.5.Debtors

3.3.6.Debt position

3.3.7.Capital Report

4. Options

4.1. Option 1: That Council receives the Financial Performance Report to 31 October 2022.

4.2. Option 2: That Council does not receive the Financial Performance Report to 31 October 2022.

5. Risk Analysis

5.1. Risk has been considered and no risks have been identified in receiving the report, however if Council did not receive the report, it could be perceived that there was a lack of financial stewardship leading to reputational risk and conduct risk.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being low as the report is for information purposes only.

7.2. No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1: The Council receives the report. This report is to inform Council on the monthly financial position and to encourage financial stewardship.

8.2. Option 2: If the Council does not receive the report there will be no oversight of the financial position of Council or whether the costs of Council are being managed in line with budgets.

8.3. There are no financial implications to these options.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that the report is administrative in nature and to do nothing could create risks to council. Council would be carrying out its administrative stewardship in receiving the report.

10. Recommendation(s)

10.1. That the Financial Performance Report for 31 October 2022 be received.

Lynley Truman
Finance Manager

Appendix 1: Finance Performance Report for 31 October 2022.



Financial Performance
Year to 31 October 2022

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Sustainability Report

Total revenue	Total expenditure	Total surplus/(deficit)
\$11.24M	\$10.31M	\$0.93M
Is 2.05% more than the total budget of \$11.01M	Is 3.42% more than the total budget of \$9.97M	Against a budget of \$1.05M

SUSTAINABILITY

Rates to operating revenue **54.46%**

Rates Revenue	\$6.12M
Operating Revenue	\$11.24M

54.46% of operating revenue is derived from rates revenue. Rates revenue includes penalties, water supply by meter and is gross of remissions. Operating revenue excludes vested assets, and asset revaluation gains.

Balanced budget ratio **109.05%**

Operating revenue	\$11.24M
Operating expenditure	\$10.31M

Operating revenue should be equal or more than operating expenditure. Operating revenue excludes vested assets and asset revaluation gains. Operating expenditure includes depreciation and excludes landfill liability and loss on asset revaluations. Year to date revenue is 109.05% of operating expenditure.

Interest to rates revenue (LGFA Cov.) **3.58%**

Net interest and finance costs	\$0.22M
Rates Revenue	\$6.12M

3.58% of rates revenue is paid in interest. Our set limit is 25% of rates revenue. Net interest is interest paid less interest received. Rates revenue includes penalties, water supply by meter and gross of remissions.

Interest to operating revenue **1.95%**

Net Interest and finance costs	\$0.22M
Operating revenue	\$11.24M

1.95% of operating revenue is paid in interest. Our set limit is 10% of operating revenue. Net interest is interest paid less interest received.

Liquidity Risk (LGFA Cov.) **174%**

Gross debt	\$29.82M
Undrawn committed facilities	\$3.98M
Cash and cash equivalents	\$15.81M

The liquidity risk policy requires us to maintain a minimum ratio of 110% which is also an LGFA covenant. Council's current liquidity risk is 174%. Gross debt includes pre-funding of \$3m invested in term deposit.

Essential services ratio **58.42%**

Capital expenditure	\$1.43M
Depreciation	\$2.45M

Capital expenditure should be equal or more than depreciation for essential services. Year to date capex is 58.42% of depreciation. Essential Services are Water Supply, Wastewater, Stormwater, and Roading. Adverse ratio in October is a result of the lag in processing capital works invoices compounded by an increase in depreciation as a result of the revaluations in June 2022.

Statement of Comprehensive Revenue and Expense

Statement of Comprehensive Revenue and Expense							
	Notes	Full Year Forecast (\$000)	Full Year Budget (\$000)	YTD Budget (\$000)	Actual YTD (\$000)	Variance YTD (\$000)	Var/Bud %
Revenue							
Rates	01	19,143	19,227	6,205	6,121	(84)	-1.35%
Grants and subsidies	02	10,760	11,291	3,764	3,232	(531)	-14.12%
Interest Revenue	03	119	7	2	113	111	6026.98%
Fees and Charges	04	2,146	2,177	742	711	(31)	-4.18%
Other revenue	05	1,953	1,193	302	1,062	760	251.97%
Total operating revenue		34,121	33,896	11,015	11,240	225	2.05%
Expenditure							
Employee Benefit expenses	06	5,933	6,079	2,020	1,874	(146)	-7.25%
Finance Costs	07	990	987	329	333	4	1.15%
Depreciation	08	8,736	8,515	2,838	3,059	221	7.78%
Other expenses	09	14,133	13,871	4,779	5,041	262	5.48%
Total operating expenditure		29,793	29,452	9,967	10,307	340	3.42%
Operating Surplus/(Deficit)		4,329	4,444	1,048	933	(115)	-10.98%

Notes to the Statement of Comprehensive Revenue and Expense

Comments are provided on permanent variances over \$25,000.

Notes to the Statement of Comprehensive Revenue and Expense

01 Rates

Rates income continues to be lower than planned mainly due to lower metered water usage as a result of lower tourism. As tourism numbers increase, there is expected to be a complementary increase in metered water rates.

02 Grants and subsidies

Grant funding is lower budget but this is mainly due to timing of the grant claims. Capital grants are generally subject to meeting specified stages of completion of the project before a claim can be submitted. A core grant received this financial year is \$1.4m for the Hokitika Swimming Pool and the final claim for the 3 waters reform projects.

03 Interest Revenue

Unbudgeted interest received from term deposits, mainly from past grant funding receipts and prefunding.

04 Fees and charges

Fees and charges are generally down on budget across most activities, but there is still strong demand is still fuelling Building Fees with these fees being \$43k above budget.

05 Other Revenue

Recreation Contributions are \$124k over budget with nine contributions being received to date. An unbudgeted first claim against the 3 Waters funding agreement for \$87.5k has been made. The other key contributor is the non-cash gain on swaps which is \$526k.

06 Employee benefit expenses

Actual salary cost is lower than planned due to unfilled roles.

07 Finance Costs

Finance costs remain reasonably on budget

08 Depreciation

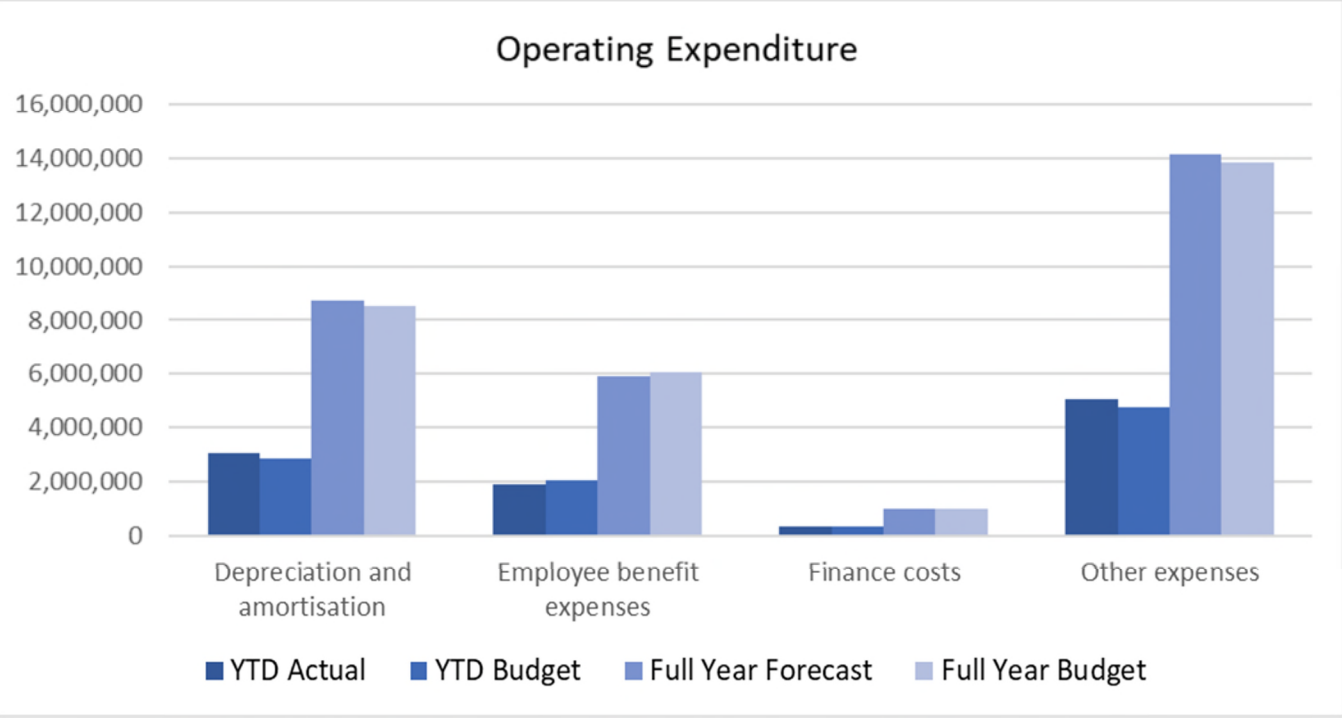
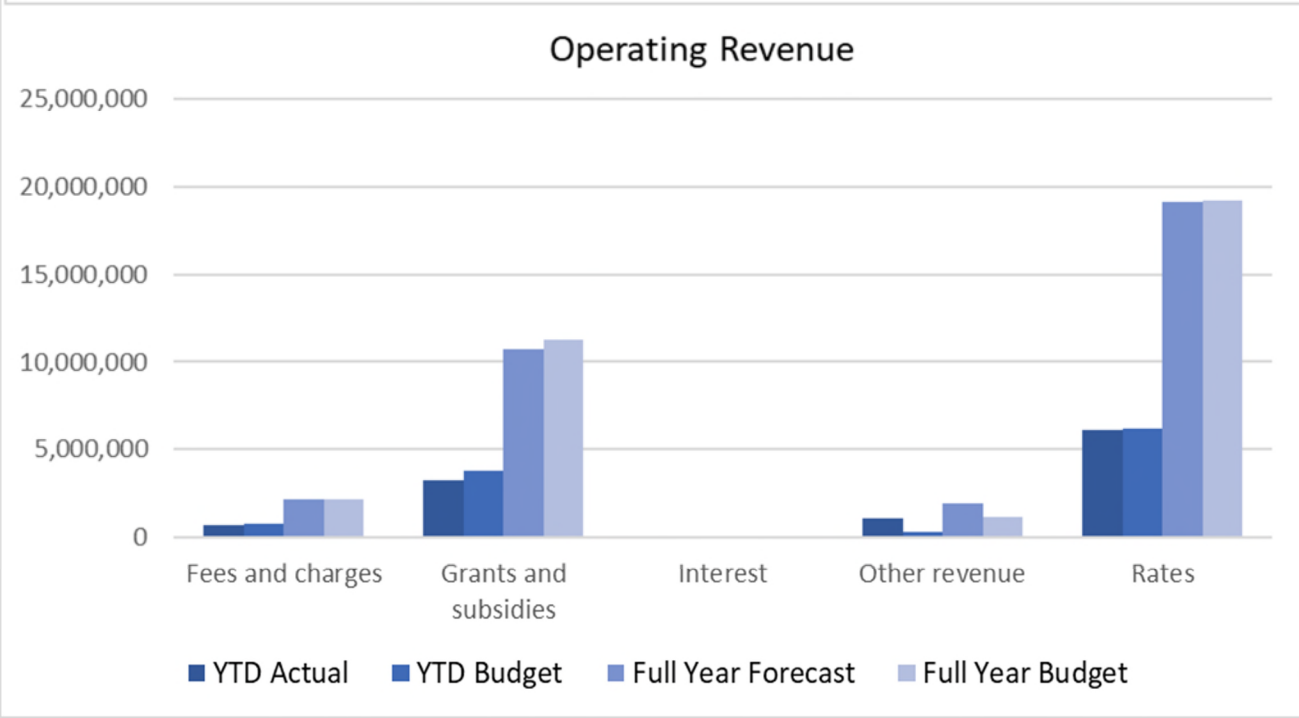
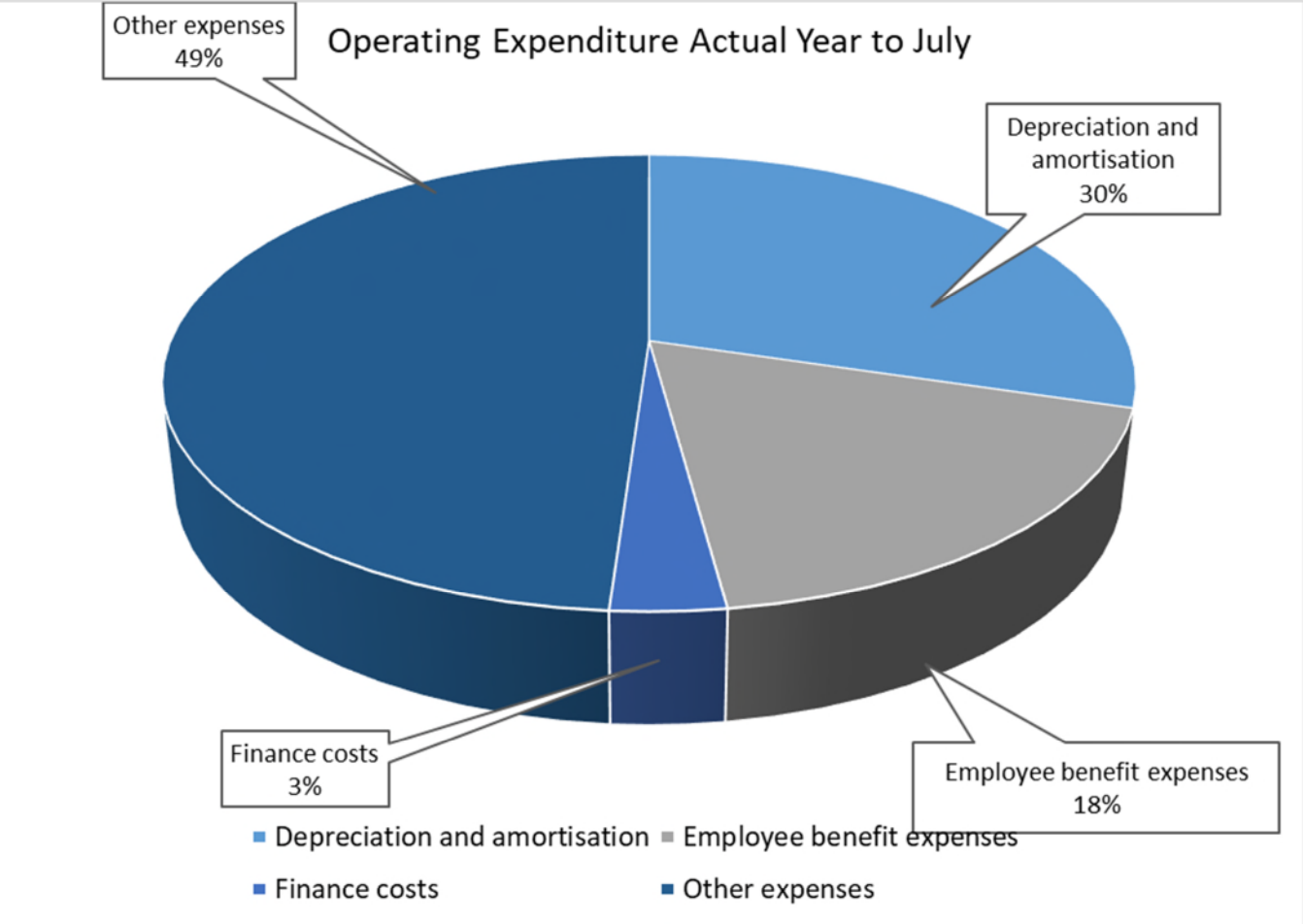
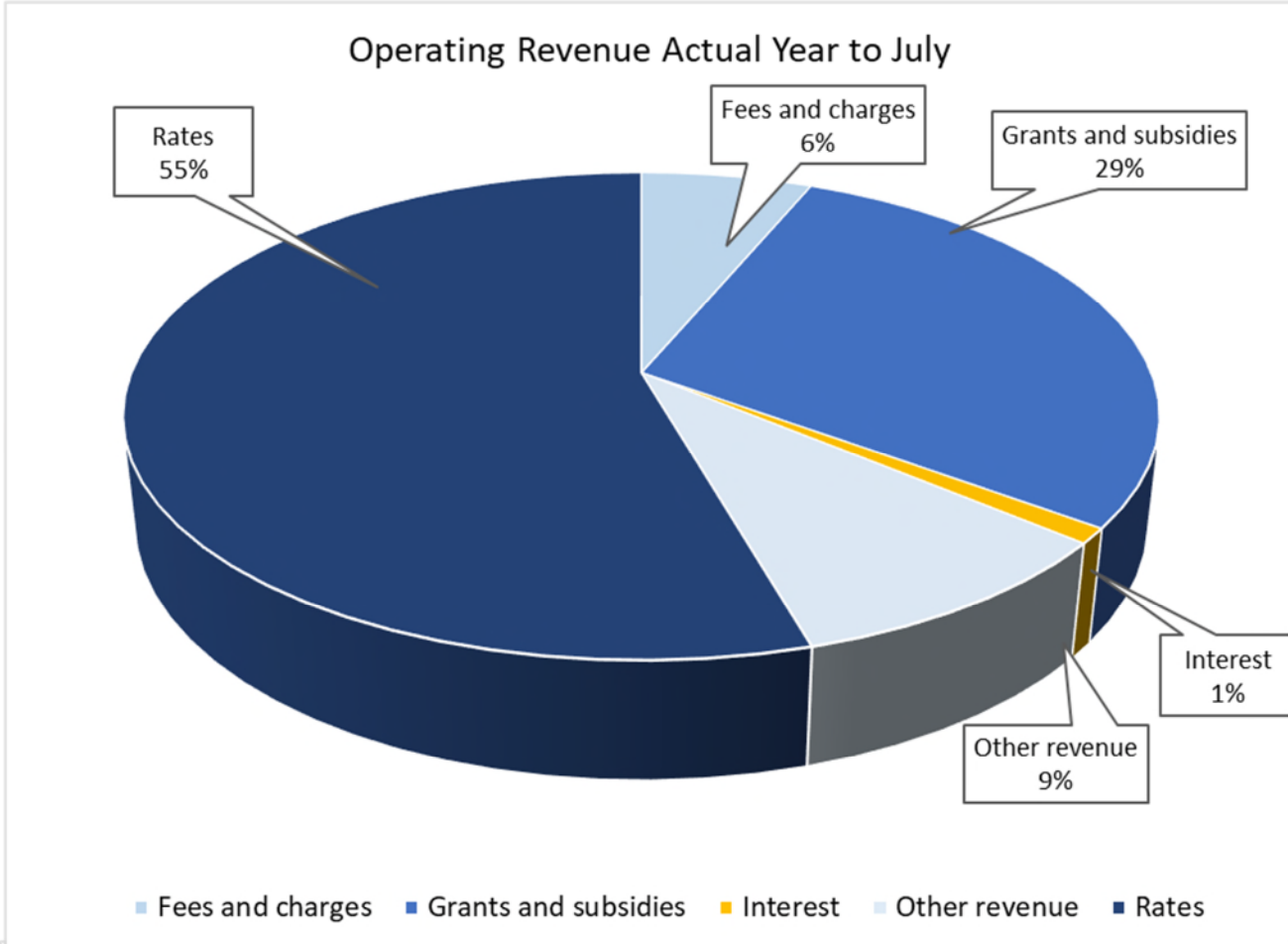
Depreciation is higher than budget mainly due to higher than expected asset value revaluation gains.

09 Other expenses

The major over budget cost is non-cash loss on Swaps \$242k (there is an offsetting gain of \$526k noted above).

APPENDIX 1

Revenue & Expenditure Graphs



APPENDIX 1

Debtors as at 31 October 2022

31/10/2022

Type	Over 90 Days	60-90 Days	30-60 Days	Current	Total (\$)
Building Consents	11641	3629	1799	7335	24,405
Building Warrants	900	462	803	2071	4,236
Resource Consents	870	1037	7615	6819	16,341
Sundry Debtors	136059	20080	104422	79707	340,267
Grand Total	149,470	25,208	114,638	95,932	385,249

31/10/2021

Type	Over 90 Days	60-90 Days	30-60 Days	Current	Total (\$)
Building Consents	33,426	3,051	621	5,324	42,421
Building Warrants	1,005	-	450	10	1,465
Resource Consents	6,015	11	951	11,145	18,122
Sundry Debtors	14,759	45	11,917	214,570	241,291
Grand Total	55,204	3,108	13,939	231,048	303,299

Rates Debtors as at 31 October 2022

Rates Debtors at 30 September 2022	440,702
Rates instalment	4,784,246
Less payments received	-836,806
Paid in advance change	-937,831
Previous years write off's	33,201
Write off's	0
Penalties	0
Discounts	-30
Court Cost	1,153
	3,043,932
Total Rates Debtors at 31 October 2022	3,484,635
Arrears included above at 31 October 2022	3,484,635
Arrears at 31 October 2021	3,307,107
Increase/(decrease) in arrears	177,528

APPENDIX 1

Debt Position

Debt Position 2022/2023 (\$000)

	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23
Actual Debt Position	29,818	29,818	29,818	29,818	29,818								
Budget	29,818	29,818	29,818	29,818	29,818	29,818	29,818	29,818	29,818	29,818	29,818	26,818	35,759
Forecast						29,818	29,818	29,818	29,818	29,818	29,818	26,818	35,759

Forecast Debt Position for 2021-2022 Financial Year

Forecast as at	Jun-23
Opening Balance	29,818
Loan funded capex forecast	7,092
Forecast repayments 2021-22	-1,150
Forecast balance June 2023 per AP	35,759



Capital Report

Capital Projects 2022/23

As at 09/09/2022

				Legend - Ke		
Project / Activity	YtD Expenses	Carry + Annual Plan	Forecast	Budget Track	Progress / Track	Progress Comments
	\$0	\$0	\$0			
LEADERSHIP						
Furniture Renewals	2,721	5,120	5,120			
Council HQ Earthquake strengthening & upgrade	0	250,000	250,000			
Council HQ - i-SITE room fitouts	0	60,920	60,920			
IT Equipment - Disaster Recovery Servers	0	32,768	32,768			Part of Business Continuity and Disaster Recovery Plan.
Hannahs Clearing Fire Station upgrade	0	71,680	71,680			
IT equipment Renewals	(401)	15,360	15,360			
IT Offsite Replication	0	40,960	40,960			
Replacement of vehicles	0	81,920	81,920			
	2,320	558,728	558,728			
Planning & Regulatory Services						
Civil Defence - Satellite Data & Voice	0	4,500	4,500			
Civil Defence - Emergency Operations Centre	0	1,396,398	1,396,398			
Civil Defence – Emergency containers	0	8,357	8,357			
Civil Defence – Emergency communications equipment	0	20,539	20,539			
	0	1,429,794	1,429,794			
LIBRARY & Museum						
Library - Resources	18,272	70,836	70,836			
Library Furniture & Equipment	0	8,860	8,860			
Museum – Museum archives	0	533,676	533,676			Part to complete full transferal between collection databases, concept design and 1/3 funding requirement for RCHF and
Museum – Museum complex roller doors – H&S	0	2,000	2,000			
Museum – Packaging material	0	7,600	7,600			
Museum – Scissor lift H&S upgrades	0	8,200	8,200			
Collection Database-Axiell EMu	0	38,828	38,828			
Digital Interactive Package (pt of Museum fitout)	0	505,010	505,010			To be used for Ngā Whakatūrangā Project. PIW, concept and detail design
	18,272	1,175,010	1,175,010			



















































Project / Activity	YtD Expenses	Carry + Annual Plan	Forecast	Budget Track	Progress / Track	Progress Comments
WATER SUPPLY						
Kumara - WTP remedial work	0	48,710	48,710			Budget to be used for automation of duty / stand by valves (currently manual)
Kumara Replace Existing Reservoirs-investigation	0	25,000	25,000			Deffered unitl 24/25
Kumara Monitoring Equipment At WTP	5,239	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Kumara Assessment reservoir	0	19,219	19,219			Deffered unitl 24/25
Kumara - Seismic valves	0	27,315	27,315			Deffered unitl 24/25
Kumara Water Mains Replacement	3,877	218,431	218,431			Contract to Westroads. Physical works commenced week beginning 25 October.
Arahura Monitoring Equipment at WTP	5,239	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Arahura Water Treatment Plant upgrade	43,665	123,884	123,884			Commissioning phase now underway. 30day run period due for completion week neginning 31st October.
Hokitika Monitoring Equipment at WTP	6,182	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Hokitika Seismic Valve (main outlet)	71,906	49,345	49,345			Now deffered unitl May / June 2023.
Hokitika Water Mains Replacement	314,292	309,724	309,724			Completed. As-builts and Invoices still to come.
Investigate Options for Brickfield Reservoirs	0	92,160	92,160			Not started
Hari Hari Monitoring Equipment at WTP	5,239	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Hari Hari Water Mains Replacement	134,765	174,942	174,942			Contract to Westroads. Hok in of new main week beginning 31st October.
Ross Monitoring Equipment at WTP	5,239	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Whataroa Monitoring Equipment at WTP	5,239	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Franz Josef Monitoring Equipment at WTP	5,239	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Fox Glacier Monitoring Equipment at WTP	5,239	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
Fox Glacier Plant Upgrade to DWSNZ	22,916	1,068,851	1,068,851			Membranes ordered. ETA Jan 2023. Fabrication underway off site.
Franz Josef WTP and Reservoir upgrades	2,500	0	0			Completed.
Haast Monitoring Equipment at WTP	5,344	100,000	100,000			Implementation of compliance equipment to meet new Rules. Engaged consutlants, Lutra, to assist. Report due mid-Novem
SCADA / Telemetry at WTP's	10,653	21,415	21,415			Budget to be used for SCADA set up on burst control valves.
WTP Chlorination	0	125,000	125,000			Deplox units with Filtec. Instatlition & commisioning early 2023.
	652,769	3,203,996	3,203,996			

WASTE WATER						
Hokitika Water Mains Repl+G154:G166acement	0	66,473	66,473			Physical works completed last year. Budget to be used for easement finilaization with James Scott.
General Contribution towards new developments	0	10,240	10,240			
General Replacement of Wastewater Treatment Plant	0	20,480	20,480			Replacement of Haast WWTP outflow meter. Works progressing.
Hokitika WWTP - 3 Waters Funded Projects (100% funded)	160,808	171,294	171,294			Project completed. No more funding from this project code - now WWHOK NEW WWTP. DA to reivew open PO associated
Hokitika WWTP Treatment and Disposal	1,836	6,110,487	6,110,487			Next working group meeting November (Approx)
Hokitika -Z-line section replacement	9,075	302,381	302,381			Contract awarded to Isaac Construction Ltd. ETA completion by mid December.
Hokitika Wastewater Retic CCTV	0	20,000	20,000			Budget to be used for lateral locations / confirmations.
Kaniere Road Catchment - I&I Investigation and Provisions	14,988	105,627	105,627			Kaniere Rd Pump Station part completed.
	186,708	6,806,982	6,806,982			

Project / Activity	YtD Expenses	Carry + Annual Plan	Forecast	Budget Track	Progress / Track	Progress Comments
SOLID WASTE						
Butlers - Intermediate capping	1,187	82,081	82,081			
Franz Josef - Landfill final capping	0	2,404	2,404			
Butlers New Cell/Franz Josef Wast Management	46,796	217,383	217,383			
Emmissions Trading - Carbon Credits	0	200,000	200,000			
Hokitika - Glass crusher, waste mimimisation equipment	12,050	100,000	100,000			
Haast Lanfill Capping	455	48,280	48,280			
Haast - Develop transfer station	0	100,000	100,000			
Hokitika - Refuse shed 1 doors & iron replacement	11,865	13,656	13,656			
Hokitika Refuse Shed 2	0	10,000	10,000			
Hokitika - Waste minimisation equipment	1,240	80,248	80,248			
	73,592	854,052	854,052			
STORM WATER						
Hokitika Stormwater Mains Replacement	0	228,107	228,107			
Hokitika - Pump upgrade (Sewell St)	0	100,000	100,000			Electrical board being delivered and installed early December
Hokitika - Kaniere Rd network pipeline	0	122,880	122,880			
Livingstone St Pump Upgrade	156,363	1,375,622	1,375,622			Waiting for specialist manholes to be delivered from Auckland. ETA end of Novemeber
Beach St SW realignment	17,914	370,631	370,631			Southern soak pit to be installed by end of November.
Jollie St Extension	0	252,573	252,573			Contract on GETS (Government Electronic Tendering System). Closes 9th November.
Bealey St Pump Upgrade	0	20,480	20,480			
Contribution towards new developments	0	10,240	10,240			
	174,277	2,480,533	2,480,533			
CEMETERIES						
Cemetery – Hokitika Improvements	(920)	11,354	11,354			
Cemetery - Hokitika Improvements Ashes Berm	0	20,000	20,000			
Cemetery – Hokitika tractor shed	0	13,663	13,663			
Cemetery - Hokitika Upgrade and expansion	0	13,663	13,663			
Cemetery - Ross Berm development	0	33,090	33,090			
	(920)	91,770	91,770			
SWIMMING POOLS						
Swimming Pool Hokitika Refurbishment	43,074	1,615,759	1,615,759			
Swimming Pool Ross - EQ strengthening	0	10,000	10,000			
Swimming Pool Ross - Replace novalite, windows & roof rick	0	14,783	14,783			
	43,074	1,630,542	1,630,542			

Project / Activity	YtD Expenses	Carry + Annual Plan	Forecast	Budget Track	Progress / Track	Progress Comments
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FACILITIES & LEISURE SERVICES - OTHER						
Strengthening Carnegie Building	181,057	0	0			
Buildings - Carnegie building fitout	0	709,390	709,390			
Buildings - Custom House - repile building	1,881	3,210	3,210			
Buildings - Fox house re-roof	0	26,200	26,200			
Buildings p Fox House Insulation	0	0	0			
Buildings - Haast Community hall	0	26,200	26,200			
Buildings - Hari Hari house - plumbing work	0	29,169	29,169			
Buildings - Hari Hari House Insulation	0	15,360	15,360			
Buildings - Pakiwaitara Earthquake structural works	620	450,000	450,000			
Buildings - Pakiwaitara: Westland Discovery Centre fitout	0	0	0			
Buildings - Whataroa pavilion upgrade	0	2,261	2,261			
Hokitika Heritage Park Infrastructure	0	80,000	80,000			
Franz Josef Urban Revitalisation Plan	9,816	200,000	200,000			
Franz Heliport and Carpark	6,310	188,051	188,051			
Heritage area lighting	0	57,848	57,848			
Hokitika Rubbish Bins	0	2,024	2,024			
Hokitika lighting and banners	16,855	117,825	117,825			
Hokitika revitalisation plan	12,125	100,000	100,000			
Jacksons Bay Wharf	0	0	0			
Jacksons Bay Trailer and Boat Park	0	188,180	188,180			
Visitor Services - iSite equipment replacements	0	6,072	6,072			
WCWT Milltown Shelter	44,635	67,398	67,398			
Paringa Conveniences (70% funded)	1,016	239,561	239,561			
WCWT Northbank route	12,618	73,564	73,564			
Website Development & Upgrades	0	0	0			
Westland Tourism Marketing Infrastruture	0	75,000	75,000			
	286,932	2,657,313	2,657,313			

Project / Activity	YtD Expenses	Carry + Annual Plan	Forecast	Budget Track	Progress / Track	Progress Comments
PARKS & RESERVES						
Cass Square - Rubber matting	0	111,460	111,460			
Cass Square toilets	48,988	23,697	23,697			
Cass Square - Upgrade of Playground equipment	0	546,788	546,788			
Cass Square - new developments	0	166,968	166,968			
Cass Square - new pavilion	0	76,800	76,800			
Cass Square - Turf Improvements	0	0	0			
Cass Square Skate Park	25,431	0	0			Deferred to next round of Lotteries Community Facilities
Playground - Ross equipment upgrades to meet standards	0	91,536	91,536			
Playground - Whataroa equipment upgrades to meet	45,731	56,470	56,470			
Playground - Haast equipment upgrades to meet	0	1,536	1,536			
Playground - Kumara equipment upgrades to meet	0	1,536	1,536			
Reserves - Hokitika dog park	0	20,250	20,250			
Reserves - Waterfront Development: Beach access;	215,961	279,876	279,876			
Cycle Trail - Lake Kaniere Stage 1	8,077	41,303	41,303			
Cycle Trail - Wainihinhi wet weather route bridge	0	320,000	320,000			
Cycle Trail - Mahinapua viewing platform	0	70,000	70,000			
Cycle Trail - Mahinapua Boardwalks & Bridges	0	0	0			
Cycle Trail - Minor infrastructure (shelters etc)	0	72,000	72,000			
Cycle Trail - Safety enhancements	0	60,000	60,000			
Cycle Trail - Kaniere water race bridges	3,100	278,967	278,967			
Larrikins Road	0	0	0			
WCWT Storm 2022 Repairs	7,483	0	0			
Westland Racing Club Reserve development	44,952	460,693	460,693			
Racecourse Dev-Stormwater	0	896,000	896,000			
Racecourse Dev-Event Zone	0	0	0			
	399,723	3,575,880	3,575,880			

Project / Activity	YtD Expenses	Carry + Annual Plan	Forecast	Budget Track	Progress / Track	Progress Comments
LAND TRANSPORTATION						
211 Unsealed Road Metalling	0	193,241	193,241			
212 Sealed Road Resurfacing	33,752	1,108,910	1,108,910			
213 Drainage Renewals	97,774	191,071	191,071			
214 Sealed Road Pavement Rehabilitation	10,753	400,000	400,000			
215 Structures Component Replacement/216 Bridge & Structures Replacement	24,594	500,000	500,000			
216 Bridge & Structure Renewals	0	500,000	500,000			
222 Traffic Services Renewals	10,492	110,730	110,730			
212 SPR Sealed Road Resurfacing	0	300,000	300,000			
213 SPR Drainage Renewals	69,990	(6,828)	(6,828)			
214 SPR Sealed Road Pavement Rehabilitation	0	229,393	229,393			
215 SPR Structures Component Replacement/216 SPR Bridge & Structures Replacement	0	198,436	198,436			
216 SPR Bridge & Structure Renewals	0	70,000	70,000			
222 SPR Traffic services renewals	8,134	6,511	6,511			
Low Cost Low Risk - Local	0	295,000	295,000			
Low Cost Low Risk - SPR	20,100	2,084,475	2,084,475			
Footpath upgrades	57,016	(13,020)	(13,020)			
Cron Street and Footpath Extensions (100% funded)	84,700	40,003	40,003			
Old Christchurch Road (100% funded)	0	83,918	83,918			
	417,306	6,291,840	6,291,840			
UNBUDGETED CAPITAL EXPENDITURE						
Civil Defence Event 2022 August.	0	0	0			0
LDHQ Energy Centre	23,634	0	0			0
	23,634	0	0			
Total	2,277,688	30,756,440	30,756,440			

Report to Council



DATE: 24 November 2022
TO: Mayor and Councillors
FROM: Chief Executive

ADOPTION OF TERMS OF REFERENCE FOR COMMITTEES AND SUBCOMMITTEES

1. Summary

- 1.1. The purpose of this report is for the Council to adopt the Terms of Reference and appointment of members for the Chief Executive's Review Committee, Risk and Assurance Committee, Cycling and Walking Subcommittee, Hokitika Wastewater Treatment Plant Project Oversight Subcommittee, and the Tenders Subcommittee.
- 1.2. This issue arises from the establishment of the two Standing Committees and three Subcommittees by the Mayor and the requirement to be clear as to the role of the Committees and Subcommittees.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2021, which are set out in the Long-Term Plan 2021 - 31. Refer to page 2 of the agenda.
- 1.4. This report concludes by recommending that Council adopt the Terms of Reference and appointment of members for the Chief Executive's Review Committee, Risk and Assurance Committee, Cycling and Walking Subcommittee, Hokitika Wastewater Treatment Plant Project Oversight Subcommittee, and the Tenders Subcommittee.

2. Background

- 2.1. The reason the report has come before the Council is due to the Mayor has established the committee structure of the Council and appointed the respective chairs of the committees and subcommittees under [s.41A](#) of the Local Government Act 2002.
- 2.2. Her Worship the Mayor appointed Cr Steven Gillett as Deputy Mayor at the Inaugural Council meeting on 27 October 2022.
- 2.3. Council determined that a committee structure would be more relevant and effective than a portfolio system as there was a lack of clarity around the purpose and expected outcomes of the portfolio system.

3. Current Situation

- 3.1. The current situation is the Mayor has established a Committee and Subcommittee structure and a Chairperson for each Committee. To give effect to the Mayor's declaration, it is necessary for the Council to agree to a Terms of Reference for each Committee or Subcommittee. The membership of each Committee has already been adopted by Council at the Triennial Council meeting held on 27 October 2022.

3.2. The Mayor has indicated that she wishes each Committee and Subcommittee to be responsible for the following matters:

i) Chief Executive's Review Committee

Delegations of the Committee:

- Approving the employment agreement between the local authority and the chief executive and setting key performance indicators in a performance agreement.
- Working with the chief executive on the implementation of the performance agreement.
- Conducting any performance reviews required by the performance agreement.
- Making decisions about the remuneration of the chief executive.
- Conducting any statutory performance reviews under clauses 34 and 35 of Schedule 7 of the Act.
- Deciding any other issues that may arise in the relation to the employment or performance of the chief executive.
- Fulfilling the local authority's contractual obligations to the chief executive.
- Approving any legal representation on performance-related issues or defamation proceedings.
- Disciplinary or performance issues that may need to be addressed/investigated relating to the chief executive.

ii) Risk and Assurance Committee

Delegations to the Committee

- The Risk and Assurance Committee can conduct and monitor special investigations in accordance with Council policy, including engaging expert assistance, legal advisors, or external auditors, and where appropriate, recommend action (s) to Council.
- Subject to any expenditure having been approved in the Long-Term Plan or Annual Plan the Risk and Assurance Committee have delegated authority to approve:
 - Risk management and internal audit programmes.
 - The appointment of the internal auditor, risk management and internal audit programmes, audit engagement letters and letters of undertaking for audit functions, and additional services provided by the external auditor.
 - The proposal and scope of the internal audit.

iii) Cycling and Walking Subcommittee

Delegations to the Subcommittee

The Cycling and Walking Subcommittee shall have the following delegated powers and be accountable to the Council for the exercising of these powers. In exercising the delegated powers, the Subcommittee will operate within:

- Policies, plans, standards, or guidelines that have been established and approved by Council
- The overall priorities of the Council
- The needs of Iwi and the local communities
- The approved budgets for the activity.

The Cycling and Walking Subcommittee shall have delegated authority to:

- Co-opt other members as appropriate.
- Provide the powers necessary to perform the Subcommittee’s responsibilities except:
 - Powers that the Council cannot legally delegate or has retained for itself
 - Where the Committee’s responsibility is limited to making a recommendation only.
 - Deciding significant matters for which there is high public interest, and which are controversial.
 - Commissioning of reports on new policy where that policy programme of work has not been approved by the Council.

iv) Hokitika Wastewater Treatment Plant Project Oversight Committee

Delegations to the Subcommittee

The Hokitika WWTP Project Oversight Subcommittee will have the following delegated powers and be accountable to the Council for the exercising of these powers. In exercising the delegated powers, the Subcommittee will operate within:

- Policies, plans, standards, or guidelines that have been established and approved by Council;
- The overall priorities of the Council;
- The needs of Iwi and the local communities; and
- The approved budgets for the activity.

The Hokitika WWTP Project Oversight Subcommittee will have delegated authority to:

- Define the overall objectives and values of the Hokitika WWTP project.
- Power to co-opt technical advice as appropriate.
- All powers necessary to perform the Subcommittee’s responsibilities except:
 - Powers that the Council cannot legally delegate or has retained for itself.
 - Where the Subcommittee’s responsibility is limited to making a recommendation only.
 - Deciding significant matters for which there is high public interest, and which are controversial.
 - The commissioning of reports on new policy where that policy programme of work has not been approved by the Council.

v) Tenders Subcommittee

Delegations to the Subcommittee

The Tenders Subcommittee will have the following delegated powers and will be a Subcommittee of the Risk and Assurance Committee.

- In accordance with the Council’s Adopted Delegations Manual, the Chief Executive has delegated authority to sign off tenders less than \$100,000.
- Tenders from \$100,000 to \$499,999 must be approved by the Tenders Committee.
- Tenders from \$500,000 and greater must be approved by the full Council.

4. Options

4.1. Option 1: Adopt the Terms of Reference for each Committee and Subcommittee.

4.2. Option 2: Request changes to the Terms of Reference for each Committee and Subcommittee.

4.3. Option 3: Do not adopt the Terms of Reference for each Committee and Subcommittee.

5. Risk Analysis

5.1. Risk has been considered and no risks have been identified.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being administrative in nature and therefore of low significance.

7.1.1.No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – Adopt the Terms of Reference for each Committee and Subcommittee and confirm the appointments. This will enable efficient and effective decision-making for some of the more complex governance processes.

The Council must adopt the Terms of Reference before any Committees can start operating.

For the matters delegated to the Committees, good process can be just as important, if not more so, than the final decision.

8.1.1.There are no financial implications to this option.

8.2. Option 2 - Request changes to the Terms of Reference and confirms the Council appointments.

8.2.1 There are no financial implications to this option.

8.3 Option 3 – Do not adopt the Terms of Reference for the Committee and Subcommittees.

8.3.1 There are no financial implications to this option.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is to enable efficient and effective decision-making for some of the more complex governance processes.

10. Recommendations

10.1. That the report be received.

10.2. That Council adopts the Terms of Reference for the following Committees and Subcommittees:

- Chief Executive's Review Committee
- Risk and Assurance Committee
- Cycling and Walking Subcommittee
- Hokitika Wastewater Treatment Plant Project Oversight Subcommittee
- Tenders Subcommittee (noting the appointment of a Northern Ward Councillor to the Subcommittee).

10.3. That the Terms of Reference for the Committees be updated in the Delegations Manual.

10.4. That the Local Governance Statement be updated.

Simon Bastion
Chief Executive

Appendix 1: Terms of Reference for the Chief Executive’s Review Committee

Appendix 2: Terms of Reference for the Risk and Assurance Committee

Appendix 3: Terms of Reference for the Cycling and Walking Subcommittee

Appendix 4: Terms of Reference for the Hokitika Wastewater Treatment Plant Project Oversight Subcommittee

Appendix 5: Terms of Reference for the Tenders Subcommittee



**TERMS OF REFERENCE FOR THE
CHIEF EXECUTIVE’S REVIEW COMMITTEE**

Title	Chief Executive’s Review Committee
Authorising Body	Mayor/Council
Status	Standing Committee
Quorum	The Chair plus two members
Adopted by Council	24 November 2022
Administrative Support	Chief Executive’s Office

Role of the Chief Executive’s Review Committee

Council employs the Chief Executive, who in turn employs and manages Council staff. Council, therefore, has a responsibility to set and monitor the performance of the Chief Executive.

Membership

The Chief Executive Review Committee will comprise of the following:

- Her Worship the Mayor (Chair)
- Deputy Mayor Gillett
- Cr Cassin
- Cr Neale

Quorum

The quorum at any meeting of the Subcommittee shall be the Chairperson and any two members.

Frequency of Meetings

The Chief Executive’s Review Committee shall meet at least twice per year but may convene more frequently as required.

Conduct of Affairs

The Committee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members’ Interests) Act 1968, Council’s Standing Orders, and Code of Conduct.

Committees Responsibilities

The Committee’s responsibilities are described below:

Performance of the Chief Executive

- Review the Chief Executive's performance as required in the employment agreement between the Council and the Chief Executive.
- Annually consider the Chief Executive's remuneration.
- Supervise any recruitment and selection process for a Chief Executive.
- Consider any issues regarding the employment of the Chief Executive.
- The Committee may procure independent specialist advice to assist with the relationship and oversight of the Chief Executive's performance in accordance with Council's procurement policy and processes.

Delegations of the Committee:

- Approving the employment agreement between the local authority and the Chief Executive and setting key performance indicators in a performance agreement.
- Working with the Chief Executive on the implementation of the performance agreement.
- Conducting any performance reviews required by the performance agreement.
- Making decisions about the remuneration of the Chief Executive.
- Conducting any statutory performance reviews under clauses 34 and 35 of Schedule 7 of the Act.
- Deciding any other issues that may arise in the relation to the employment or performance of the Chief Executive.
- Fulfilling the local authority's contractual obligations to the Chief Executive.
- Approving any legal representation on performance-related issues or defamation proceedings.
- Disciplinary or performance issues that may need to be addressed/investigated relating to the Chief Executive.

Minutes of meetings:

The Committee shall record minutes of all its proceedings.

APPENDIX 2



TERMS OF REFERENCE FOR THE RISK & ASSURANCE COMMITTEE

Title	Risk and Assurance Committee
Authorising Body	Mayor/Council
Status	Standing Committee
Quorum	Chair plus 2 members (must include 1 Councillor)
Adopted by Council	24 November 2022
Administrative Support	Chief Executive Office

This document outlines the Terms of Reference for the Risk and Assurance Committee.

The Chief Executive (CE) will assign the Group Manager: Corporate Services (GMCS) to the Committee. The GMCS will be responsible for coordinating agendas and be the principal point of contact for committee members.

1. Purpose

The purpose of the Risk and Assurance Committee is to contribute to improving the governance, performance, and accountability of the Westland District Council by:

- Ensuring that the Council has appropriate financial, health and safety, risk management and internal control systems in place.
- Seeking reasonable assurance as to the integrity and reliability of the Council's financial and non-financial reporting.
- Provide a communication link between management, the Council and the external and internal auditors and ensuring their independence and adequacy.
- Promoting a culture of openness and continuous improvement.

2. Responsibilities

Risk Management

- Review the risk management framework, and associated manual to ensure they are current, comprehensive, and appropriate for effective identification and management of Council's risks.
- Assist Council with determining 'risk appetite'.
- Review the effectiveness of Council's risk management framework.
- Review the effectiveness of the risk assessment and management policies and processes.
- Review risk management reporting on a quarterly basis.

APPENDIX 2

Audit and External Accountability

- Engage with Councils external auditors regarding the external audit work programme and agree the terms and arrangements of the external audit
- Recommend to Council the terms and arrangements for the external audit programme
- Review of effectiveness of the annual audit and Long-Term Plan audit
- Oversee the preparation of and review key formal external accountability documents such as the Long-Term Plan and the Annual Report in order to provide advice and recommendation to Council in respect of the appropriateness of the documents and disclosures made.
- To review in depth the Council's annual report and recommend the adoption of the annual report to Council.
- Monitor the organisations response to the external audit reports and the extent to which recommendations are implemented.
- To engage with the external auditors on any one-off assignments.

Internal Control

- Review the existence and quality of cost-effective internal control systems and the proper application of procedures.
- Monitor the delivery of the internal audit work programme.
- Review the annual internal audit plans and assess whether resources available to internal audit are adequate to implement the plans, and
- Assess whether all significant recommendations of the internal audit have been properly implemented by management.
- Monitor existing corporate policies and recommend new corporate policies to prohibit unethical, questionable, or illegal activities. This also includes reviewing and monitoring of policies and procedures.
- Review the effectiveness of the control environment established by management including computerised information systems controls and security. This also includes reviewing and monitoring of the documentation of policies and procedures.
- Review the existence and quality of cost-effective health and safety management systems and the proper application of the health and safety management policy and processes.
- Review the Council's insurance policies on an annual basis.

Other Matters

- Review reports related to any protected disclosure, ethics, bribery, and fraud related incidents and assist in any investigations related to these matters.
- Review the process of the development of the financial strategy and infrastructure strategy as required by the Long-Term Plan.
- Monitor Council's treasury activities to ensure that it remains within policy limits, where there are good reasons to exceed policy, that this be recommended to Council.
- Review any other policies.
- Ensure compliance with applicable laws, regulations, standards, and best practice guidelines.
- The Risk and Assurance Committee will also periodically review its own effectiveness and report the results of that review to the Council.

APPENDIX 2

3. Delegated Authority

- The risk and assurance committee can conduct and monitor special investigations in accordance with Council policy, including engaging expert assistance, legal advisors, or external auditors, and where appropriate, recommend action (s) to Council.
- Subject to any expenditure having been approved in the Long-Term Plan or Annual Plan the Risk and Assurance Committee have delegated authority to approve:
 - Risk management and internal audit programmes.
 - The appointment of the internal auditor, risk management and internal audit programmes, audit engagement letters and letters of undertaking for audit functions, and additional services provided by the external auditor.
 - The proposal and scope of the internal audit.

The Risk and Assurance Committee can recommend to Council

- Governance policies associated with Council's financial, accounting, risk management, compliance and ethics programmes, and internal control functions, including the Liability Management Policy, Treasury Policy, Sensitive Expenditure Policy, Fraud Policy, and Risk Management Policy.
- Accounting treatments, changes in generally accepted accounting practice (GAAP).
- New accounting and reporting requirements.

Power to delegate

The audit and risk committee may not delegate any of its responsibilities, duties, or powers.

4. Committee Meetings, records, and reporting structure

- The committee will meet at least quarterly in each financial year.
- One meeting must consider the draft annual report prior to adoption of the annual report by Council
- Minutes of the committee be presented to the Council for its consideration
- Report to the Council at least twice a year on the effectiveness of internal controls, risk management and financial reporting, noting any recommendations for improvement.
- The committee will be attended by a representative of External Audit for one meeting each year

Role of Chair

The role of Chair is key to achieving committee effectiveness, to achieve this;

- The chair should meet with the GMCS before each meeting to discuss and agree the business for the meeting.
- The Chair should take ownership of, and have final say in, the decisions about what business will be pursued at any particular meeting.
- The Chair should ensure that after each meeting appropriate reports (minutes) are prepared from the Risk and Assurance Committee to the Council.
- Encourage good, open relationships between the Risk and Assurance Committee, CE, GMCS and internal and external auditors.

APPENDIX 2

Committee Membership

- Independent Chair
- Her Worship the Mayor
- Deputy Mayor Gillett
- Councillor Baird
- Councillor Neale
- Kw Madgwick
- Kw Tumahai

The Committee Chair will usually be the spokesperson on matters of public interest within the committee's scope of work. Some issues may be of such public interest that it is more appropriate for the Mayor to be the spokesperson. On technical matters or where the status is still at the staff proposal level, senior staff may be the appropriate spokesperson. Where necessary and practical the Mayor, Committee Chair and senior staff will confer to determine the most appropriate course of action for advising the public.

The Committee shall record minutes of all its proceedings.

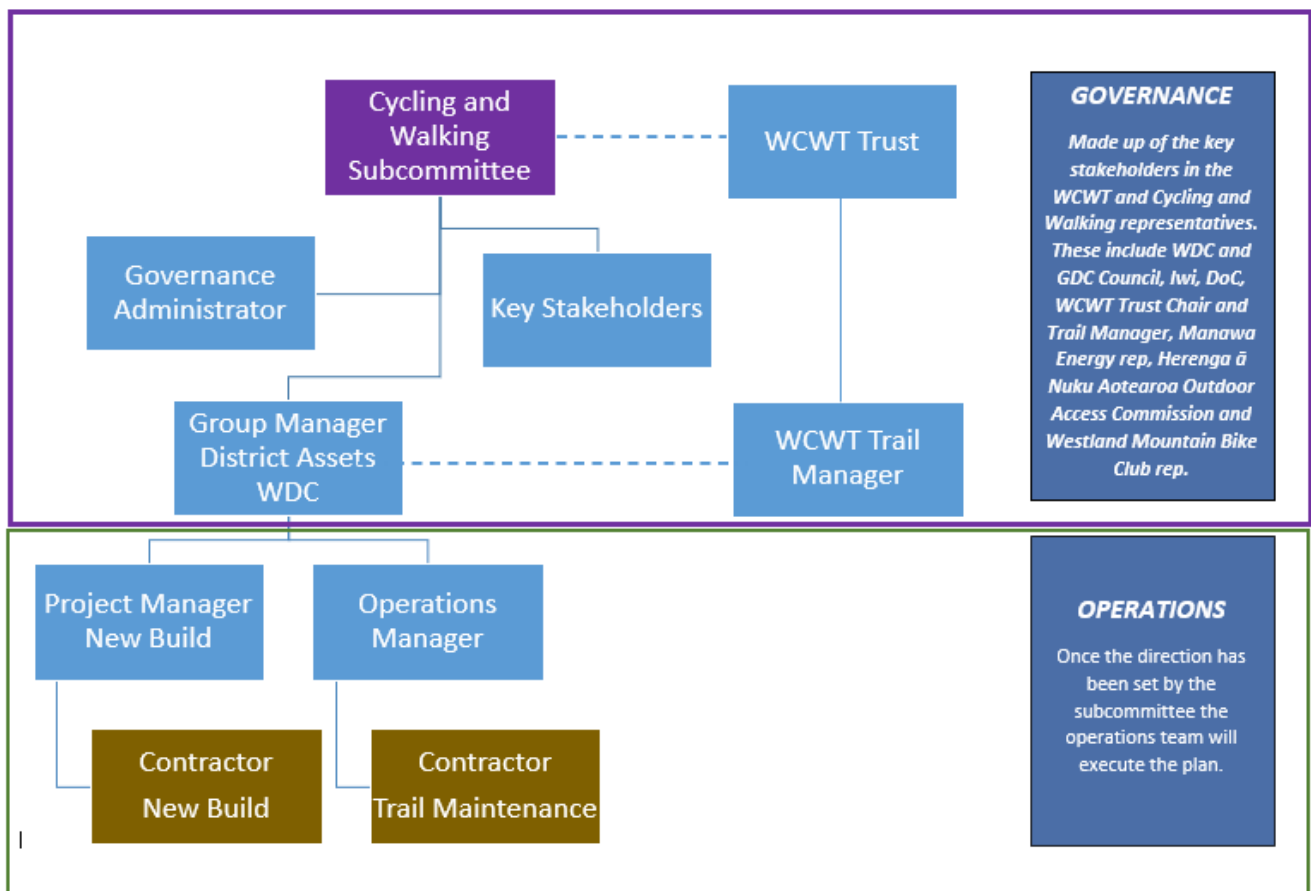


TERMS OF REFERENCE FOR THE CYCLING AND WALK SUBCOMMITTEE

Title	Cycling and Walking Subcommittee
Authorising Body	Mayor/Council
Status	Subcommittee of Council
Quorum	The Chair plus two members
Adopted by Council	24 November 2022
Administrative Support	Chief Executive’s Office

Purpose

The purpose of the Cycling and Walking Subcommittee is to oversee the Governance of the West Coast Wilderness Trail (WCWT) and guide future strategy in decision-making in regard to cycling and walking.



Responsibility

The Cycling and Walking Subcommittee is responsible for the following:

- Defining the overall Strategic Plan for the West Coast Wilderness Trail (WCWT).
- Ownership of the development and maintenance of the Cycling & Walking Asset Management Plan.
- Defining the priority projects with the Cycling & Walking Asset Management Plan.
- Reviewing and defining the financial sustainability of each proposal.
- Ensuring the prioritisation of projects reflects the community/user needs.
- Supports the NZ Cycle Trail Nga Haerenga network program and strategy and meets the criteria set by Major Great Rides NZ.
- Working closely with all key stakeholders of the WCWT & other stakeholder organisations.
- Supporting Funding applications as applicable.
- Assist with bridging project barriers outside the influence of staff

In connection with each project, the subcommittee shall receive regular reports from management containing such information it deems relevant to fulfil its mandate, including but not limited to information concerning:

- Project timetable, critical path events, and progress to completion
- Major project milestones, including variance analysis and mitigation strategies
- Key issues or disputes and proposed mitigation strategies
- Project budget updates, showing actual expenditures versus budget, use of contingencies, and projected final expenditures

Report to Council on a regular basis to provide updates as required.

Delegations to the Subcommittee

The Cycling and Walking Subcommittee shall have the following delegated powers and be accountable to the Council for the exercising of these powers. In exercising the delegated powers, the Subcommittee will operate within:

- Policies, plans, standards, or guidelines that have been established and approved by Council
- The overall priorities of the Council
- The needs of Iwi and the local communities
- The approved budgets for the activity.

The Cycling and Walking Subcommittee shall have delegated authority to:

- Co-opt other members as appropriate.
- Provide the powers necessary to perform the Subcommittee's responsibilities except:
 - Powers that the Council cannot legally delegate or has retained for itself
 - Where the Committee's responsibility is limited to making a recommendation only.
 - Deciding significant matters for which there is high public interest, and which are controversial.
 - Commissioning of reports on new policy where that policy programme of work has not been approved by the Council.

Power to Delegate

The Cycling and Walking Subcommittee may not delegate any of its responsibilities, duties, or powers.

Membership

The Cycling & Walking Subcommittee will comprise the following, one of which will be the chairperson:

- Chairperson (Westland District Council-appointed representative and appointed by the Mayor)
- Two Iwi representatives
- One Grey District Council representative
- The Chair of the West Coast Wilderness Trail Trust
- The Trail Manager of the West Coast Wilderness Trail Trust
- A representative from Manawa Energy
- A Department of Conservation representative being the Hokitika Operations Manager (or representative)
- A Herenga ā Nuku Aotearoa Outdoor Access Commission representative
- A Westland Mountain Bike Club representative

Chairperson

The Chairperson is responsible for:

- The efficient functioning of the subcommittee;
- Setting the agenda for subcommittee meetings in conjunction with the Chief Executive; and
- Ensuring that all members of the subcommittee receive sufficient timely information to enable them to be effective Committee members.

The Chairperson will be the link between the subcommittee and Council staff.

The Chair appointment will be reviewed and appointed following the selection of Councillors at each new Triennium.

Quorum

The quorum at any meeting of the subcommittee shall be the Chairperson and any two members.

Frequency of Meetings

The Committee shall meet as required but not less than quarterly.

Conduct of Affairs

The Committee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, Council's Standing Orders and Code of Conduct.

Relationships with Other Parties

The Chief Executive is responsible for servicing and providing support to the subcommittee in the completion of its duties and responsibilities. The Chief Executive shall assign council staff as required to provide these functions on his/her behalf.

The Chairperson may request the Chief Executive, staff in attendance, and all other parties other than Council representatives to leave the meeting for the duration of the discussion concerning a member of staff. The Chairperson will provide minutes for that part of the meeting.

The subcommittee acknowledges that Waka Kotahi (NZTA) are a major stakeholder in the outcomes of the WCWT and plays an important part in aspects of the trail that impact on NZTA assets and rider safety. Whilst they do not form part of the membership of the subcommittee, they will be consulted on any relevant aspect of the subcommittee work.

APPENDIX 3

The Subcommittee also recognises the role the Ministry of Business, Innovation and Employment (MBIE) plays in their role with Major Great Rides. Not only are they a provider of funding but also ensure the overall performance and health of the trail are maintained and where possible improved. The Subcommittee will seek support for the strategy and direction of the trail through MBIE on a regular basis or as stipulated in formal agreements.

Contacts with Media and Outside Agencies

The Subcommittee Chairperson is the authorised spokesperson for the Subcommittee in all matters where the Committee has the authority or a particular interest.

Subcommittee members, including the Chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the subcommittee's delegations.

The Chief Executive will manage the formal communications between the subcommittee and its constituents and for the subcommittee in the exercise of its business. Correspondence with central government, other local government agencies, or other official agencies will only take place through Council staff and will be undertaken under the name of the Westland District Council.

Conduct of Affairs

The subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, Council's Standing Orders and Code of Conduct.

Public Access and Reporting

Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:

- Workshops may be held to provide an opportunity for councillors to give guidance to staff on the next steps (direction setting), however, they cannot make decisions or formal resolutions.
- Extraordinary meetings of the subcommittee must be held in accordance with Standing Orders.

The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in s.48 of the Local Government Official Information and Meetings Act 1987.

Minutes of meetings

The subcommittee shall record minutes of all its proceedings.

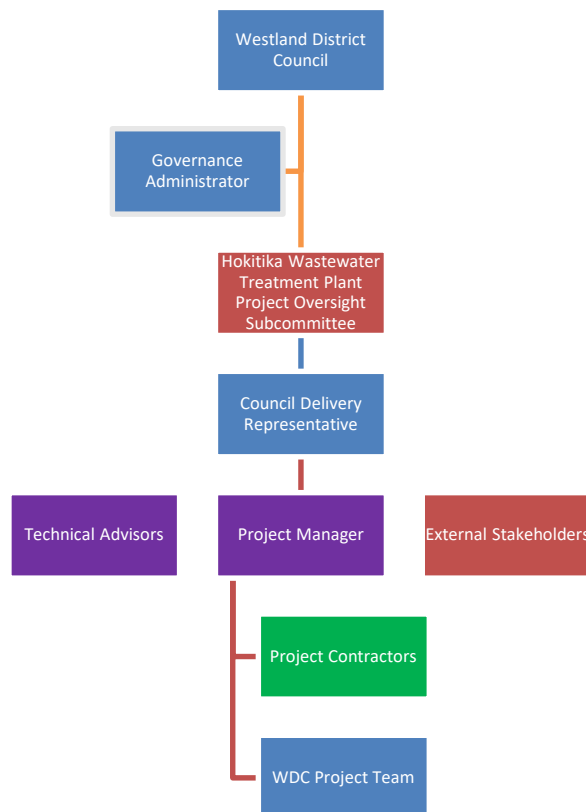


TERMS OF REFERENCE FOR THE HOKITIKA WASTEWATER TREATMENT PLANT PROJECT OVERSIGHT SUBCOMMITTEE

Title	Hokitika Wastewater Treatment Plant Project Oversight Subcommittee
Authorising Body	Mayor/Council
Status	Subcommittee of Council
Quorum	The Chair plus two members, one of which must be an Iwi representative
Adopted by Council	24 November 2022
Administrative Support	Chief Executive’s Office

Purpose

The purpose of the Hokitika Wastewater Treatment Plant (WWTP) Project Oversight Subcommittee is to oversee the Governance of the Hokitika Wastewater Treatment Plant Project. This Subcommittee honours the MoU between Westland District Council (EDC) and Poutini Ngāi (Kāi) Tahu in an equal partnership to support significant issues and projects within the WDC boundary. The makeup of the Subcommittee represents an equal partnership to ensure stakeholders are represented to provide guidance on the strategy of the project.



GOVERNANCE
 Hokitika WWTP Oversight Subcommittee
 Made up of equal representation of WDC and Iwi representatives.
 WDC reps: Mayor and 3 Councillors
 Iwi representatives: 4

GOVERNANCE
 Hokitika WWTP Oversight Subcommittee
 Made up of equal representation of WDC and Iwi representatives.
 WDC reps: Mayor and 3 Councillors
 Iwi representatives: 4

Responsibility

The Hokitika WWTP Project Oversight Subcommittee is responsible for the following:

- Defining the overall objectives and values of the Hokitika WWTP project.
- The contribution each proposal would have towards achieving the objectives.
- Financial sustainability of each proposal.
- Ensuring the prioritisation of projects reflects community needs.
- Working closely with all key stakeholders of the project.

In connection with the project, the Subcommittee shall receive regular reports from project management containing such information it deems relevant to fulfil its mandate, including but not limited to information concerning:

- Project timetable, critical path events and progress to completion.
- Major project milestones, including variance analysis and mitigation strategies.
- Key issues or disputes and proposed mitigation strategies.
- Project budget updates, showing actual expenditures versus budget, use of contingencies and projected final expenditures.
- Assist with bridging project barriers outside the influence of staff.

The Subcommittee will report to Council on a regular basis to provide updates as required.

Delegations to the Subcommittee

The Hokitika WWTP Project Oversight Subcommittee will have the following delegated powers and be accountable to the Council for the exercising of these powers. In exercising the delegated powers, the Subcommittee will operate within:

- Policies, plans, standards, or guidelines that have been established and approved by Council;
- The overall priorities of the Council;
- The needs of Iwi and the local communities; and
- The approved budgets for the activity.

The Hokitika WWTP Project Oversight Subcommittee will have delegated authority to:

- Define the overall objectives and values of the Hokitika WWTP project.
- Power to co-opt technical advice as appropriate.
- All powers necessary to perform the Subcommittee's responsibilities except:
 - Powers that the Council cannot legally delegate or has retained for itself.
 - Where the Subcommittee's responsibility is limited to making a recommendation only.
 - Deciding significant matters for which there is high public interest, and which are controversial.
 - The commissioning of reports on new policy where that policy programme of work has not been approved by the Council.

Power to Delegate

The Hokitika WWTP Project Oversight Subcommittee may not delegate any of its responsibilities, duties or powers.

Membership

The Hokitika WWTP Project Oversight Subcommittee will comprise the following, one of which will be the chairperson:

- Her Worship the Mayor (Chair)
- Cr Burden
- Cr Cassin
- Cr Neale
- Iwi Representatives x 4

Chairperson

The Chairperson is responsible for:

- The efficient functioning of the Subcommittee;
- Setting the agenda for Subcommittee meetings in conjunction with the Chief Executive; and
- Ensuring that all members of the Subcommittee receive sufficient timely information to enable them to be effective Committee members.

The Chairperson will be the link between the Subcommittee and Council staff.

The Chair appointment will be reviewed and appointed following the selection of Councillors at each new Triennium.

Remuneration

Remuneration for iwi representatives will be \$250.00 per meeting and is to be funded by Westland District Council. A Koha will also be offered for utilisation of the Arahura Marae (when hosting meetings).

Frequency of Meetings

The Subcommittee shall meet as required but not less than quarterly. Every alternative meeting will be hosted by Arahura Marae.

Relationships with Other Parties

- The Chief Executive is responsible for servicing and providing support to the Subcommittee in the completion of its duties and responsibilities. The Chief Executive shall assign council staff as required to provide these functions on his/her behalf.
- The Chairperson may request the Chief Executive and staff in attendance to leave the meeting for the duration of the discussion. The Chairperson will provide minutes for that part of the meeting.
- The Subcommittee acknowledges that there are a number of external stakeholders interested in the outcome of the project and whilst they do not form part of the membership of the Subcommittee, they will be consulted on any aspect of the Subcommittee's work that they will be impacted by.

Contacts with Media and Outside Agencies

- The Subcommittee Chairperson is the authorised spokesperson for the Subcommittee in all matters where the Subcommittee has the authority or a particular interest.
- The Subcommittee members, including the Chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council on matters outside of the Subcommittee's delegations.
- The Chief Executive will manage the formal communications between the Subcommittee and its constituents and for the Subcommittee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of the Westland District Council.

Conduct of Affairs

The Subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, Council's Standing Orders and Code of Conduct.

Public Access and Reporting

Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:

- Workshops may be held to provide an opportunity for councillors to give guidance to staff on the next steps (direction setting), however, they cannot make decisions or formal resolutions.
- Extraordinary meetings of the Subcommittee must be held in accordance with Standing Orders.

The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in s.48 of the Local Government Official Information and Meetings Act 1987.

Minutes of meetings:

The Committee shall record minutes of all its proceedings.



APPENDIX 5

TERMS OF REFERENCE FOR THE TENDERS SUBCOMMITTEE

Title	Tenders Subcommittee
Authorising Body	Mayor/Council
Status	Subcommittee of the Risk and Assurance Subcommittee
Quorum	The Chair plus two members
Adopted by Council	24 November 2022
Administrative Support	Chief Executive's Office

Purpose

The purpose of the Tenders Subcommittee is as follows:

1. To approve conforming tenders with value between \$100,000 and \$499,999 with preference to lowest conforming tenders.
2. To approve the extension of the term of contracts in accordance with special conditions of the contracts, subject to good performance and there be no chance of a new tender delivering more attract rates/outputs.
3. Overhead review of contractor performance.

Responsibility

The Tenders Subcommittee is responsible for:

1. Considering tender evaluations presented by Group Managers/Consultants for work with a value between \$100,000 and \$499,999. The subcommittee will in its deliberations provide for:
 - Taking into account the advice provided by staff/consultants
 - Giving preference to the lowest conforming tenders.
2. Recommendations to Council on recommendations by Group Managers regarding contractor performance.

Report to the Risk and Assurance Committee on a regular basis concerning all large capital project updates as required.

Delegated Authority

In accordance with the Council's Adopted Delegations Manual, the Chief Executive has delegated authority to sign off tenders less than \$100,000.

Tenders from \$100,000 to \$499,999 must be approved by the Tenders Committee.

Tenders from \$500,000 and greater must be approved by the full Council.

Power to Delegate

The Tenders Subcommittee may not delegate any of its responsibilities, duties or powers.

Membership

The subcommittee will comprise of the following:

- Deputy Mayor Gillett (Chair)
- Her Worship the Mayor
- Northern Ward Councillor (to be determined)
- Cr Manera
- Kw Tumahai
- Kw Madgwick

Chairperson

The Chairperson is responsible for:

- The efficient functioning of the subcommittee
- Setting the agenda for subcommittee meetings in conjunction with the Chief Executive
- Ensuring that all members of the subcommittee receive sufficient timely information to enable them to be effective subcommittee members.

The Chairperson will be the link between the subcommittee and Council staff.

Quorum

The quorum at any meeting of the subcommittee shall be the Chairperson and any two members.

Frequency of Meetings

The subcommittee shall meet as and when required.

Relationships with Other Parties

The Chief Executive is responsible for servicing and providing support to the subcommittee in the completion of its duties and responsibilities. The Chief Executive shall assign council staff as required to provide these functions on his/her behalf.

The Chairperson may request the Chief Executive and staff in attendance to leave the meeting for the duration of the discussion. The Chairperson will provide minutes for that part of the meeting.

Contacts with Media and Outside Agencies

The Subcommittee Chairperson is the authorised spokesperson for the subcommittee in all matters where the subcommittee has the authority or a particular interest.

Subcommittee members, including the Chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council on matters outside of the subcommittee's delegations.

The Chief Executive will manage the formal communications between the subcommittee and its constituents and for the subcommittee in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of the Westland District Council.

Conduct of Affairs

The subcommittee shall conduct its affairs in accordance with the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members' Interests) Act 1968, Council's Standing Orders and Code of Conduct.

Public Access and Reporting

Notification of meetings to the public and public access to meetings and information shall comply with Standing Orders, but it should be noted that:

- Workshops may be held to provide an opportunity for councillors to give guidance to staff on the next steps (direction setting), however, they cannot make decisions or formal resolutions.
- Extraordinary meetings of the subcommittee must be held in accordance with Standing Orders.

The public may be excluded from the whole or part of the proceedings of the meeting and information withheld on one or more of the grounds specified in s.48 of the Local Government Official Information and Meetings Act 1987.

Minutes of meetings

The subcommittee shall record minutes of all its proceedings.

Report to Council



DATE: 24 November 2022
TO: Mayor and Councillors
FROM: Chief Executive

CONFIRMATION OF APPOINTMENTS

1. Summary

- 1.1. The purpose of this report is to confirm Council appointments to committees, community organisations liaison roles and other appointments for the 2022-2025 Triennium.
- 1.2. This issue arises from requests from community organisations to have a Council representative liaise with their group.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2021, which are set out in the Long Term Plan 2021 - 31. Refer to page 2 of the agenda.
- 1.4. This report concludes by recommending that Council confirm the appointments to committees, community organisations, liaison roles, and other appointments for the 2022-2025 Triennium.

2. Background

- 2.1. The report has come before the Council due to a number of external organisations that the Council makes an appointment to or has a liaison role with. These are not legislatively driven and it is at the sole discretion of the Council as to whether a representative is appointed.

3. Current Situation

- 3.1. The current situation is at the Inaugural Council meeting held on 27 October 2022, Council adopted a committee structure, and meeting schedule and adopted the Committee chairs and membership.
- 3.2. It is important to understand the difference between “making an appointment to” and “having a liaison role”. Appointments are usually legislatively or constitutionally driven. In the past Council has “made appointments to outside organisations”, such as community organisations. There is nothing in these organisations constitutions that requires Council to do this and for this reason, officers are recommending that the term used is “has a liaison role with...”.

4. Options

- 4.1. Option 1: To confirm the elected member representation on community organisations, communities and other appointments as attached as **Appendix 1**.

4.2. Option 2: Amend the list.

5. Risk Analysis

5.1. Risk has been considered and no risks have been identified.

6. Health and Safety

6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

7.1. The level of significance has been assessed as being of low significance and is administrative in nature.

7.1.1.No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – The listing in Appendix 1 is a reflection of a discussion that the Council has already had. Confirming this list means that the outside organisations can be notified as to who their Council liaison person is.

8.1.1. The only financial implication to this option is that elected members are able to claim mileage in accordance with the Elected Members Allowances Policy 2022 and within budget. The more meetings that are attended where mileage is claimed, the higher the cost.

8.2. Option 2 – Amending the list of appointments at the meeting on 24 November 2022 will have little impact. However, if Council wishes to do some significant work on the list, it may mean parts of this report are deferred to a future meeting, which will delay confirming appointments.

8.2.1 There are no financial implications to this option.

9. Preferred Option(s) and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that this will enable elected members to develop a good working relationship within the communities that they represent.

10. Recommendation

10.1. That the report be received.

10.2. That Council confirms the appointments to committees, community organisations and other appointments for the 2022-2025 Triennium.

Simon Bastion
Chief Executive

Appendix 1: Appointments to Committees, Community Organisations and Other Appointments

APPOINTMENTS TO COMMITTEES

Organisation	Recommendation
Franz Josef/Waiarau Rating District Joint Committee	Recommendation: Her Worship the Mayor Cr Cassin Cr Manera
Hokitika Seawall Joint Committee <i>This Joint Committee with the West Coast Regional Council is established to oversee the management of the Hokitika Seawall. Three elected members are required.</i>	Recommendation: Her Worship the Mayor Deputy Mayor Gillett Cr Davidson Cr Neale Vacancy - TBC
Road Safety Committee	Recommendation: Cr Davidson

LIAISON ROLES WITH COMMUNITY ORGANISATIONS

Organisation	Recommendation
Otira Community Association	Recommendation: Cr Burden, Cr Neale, Northern Ward Councillor
Kumara Residents Association	Recommendation: Cr Burden, Cr Neale, Northern Ward Councillor
Destination Hokitika	Recommendation: Her Worship the Mayor, Deputy Mayor Gillett
Heritage Hokitika	Recommendation: Her Worship the Mayor, Deputy Mayor Gillett
Heritage West Coast	Recommendation: Her Worship the Mayor, Deputy Mayor Gillett
Safe Community Coalition <i>(The Safe Community Coalition terms of reference do not stipulate membership; however elected members have attended meetings in the past.)</i>	Recommendation: Cr Davidson, Cr Manera, Cr Neale
Kokatahi/Kowhitirangi Community Association	Recommendation:

APPENDIX 1

Organisation	Recommendation
	Cr Burden, Cr Neale, Northern Ward Councillor
Ross Community Society	Recommendation: Cr Burden, Cr Neale, Northern Ward Councillor
Hari Hari Community Association	Recommendation: Cr Cassin, Cr Manera
Whataroa Community Association	Recommendation: Cr Cassin, Cr Manera
Ōkārito Community Association	Recommendation: Cr Cassin, Cr Manera
Franz Inc.	Recommendation: Cr Cassin, Cr Manera
Franz Josef/Waiiau Community Forum	Recommendation: Cr Cassin, Cr Manera
Glacier Country Tourism Group	Recommendation: Cr Cassin
Fox Glacier Community Association	Recommendation: Cr Cassin
Haast Community	Recommendation: Cr Cassin, Cr Manera

OTHER APPOINTMENTS

Group	Name
Creative Communities Local Assessment Committee	Recommendation: Cr Burden Cr Neale
Development West Coast – Appointment Panel	Recommendation: Her Worship the Mayor
Sport NZ Rural Travel Fund – Allocation Committee	Recommendation: Cr Cassin
West Coast Regional Transport Committee <i>This Joint Committee is a Committee of Council that is required under section 105 of the Land Transport Management Act. Council is required to appoint one elected</i>	Recommendation: Cr Davidson

APPENDIX 1

<p><i>member as representative on this Committee.</i></p>	
<p>Membership of Civil Defence Emergency Management Groups - West Coast Emergency Management Group <i>Section 13 of the Civil Defence and Emergency Management Act 2002 states that “Each local authority that is a member of a Group with other local authorities must be represented on the Group by 1, and only 1, person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson.”</i></p>	<p>Recommendation: Her Worship the Mayor</p>
<p>Future Franz <i>The purpose of the Working Group is to work in a collaborative manner to plan for the future of the Franz Josef/Waiau area in regard to the challenges it faces.</i></p>	<p>Recommendation: Her Worship the Mayor (Chair) Deputy Mayor Gillett Cr Cassin</p>
<p>TTPP (One District Plan)</p>	<p>Recommendation: Her Worship the Mayor Cr Cassin</p>

Report to Council



DATE: 24 November 2022
TO: Mayor and Councillors
FROM: Chief Executive

Nomination of Resource Management Act (RMA) Commissioner to Represent Westland

1. Summary

- 1.1. The purpose of this report is to seek council's endorsement of Edith Bretherton to be nominated as an RMA Commissioner to represent the Westland District Council (WDC) in the Hearing of submissions to the Te Tai o Poutini Plan (TTPP).
- 1.2. The Committee would like district recommendations so you feel well represented on the panel. Based on this council seeks to nominate an RMA commissioner to represent them as part of the Hearing stage of the TTPP.
- 1.3. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in June 2021, which are set out in the Long-Term Plan 2021 - 31. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending Edith Bretherton be nominated as the Westland District Councils RMA Commissioner for the Te Tai o Poutini Plan Hearings.

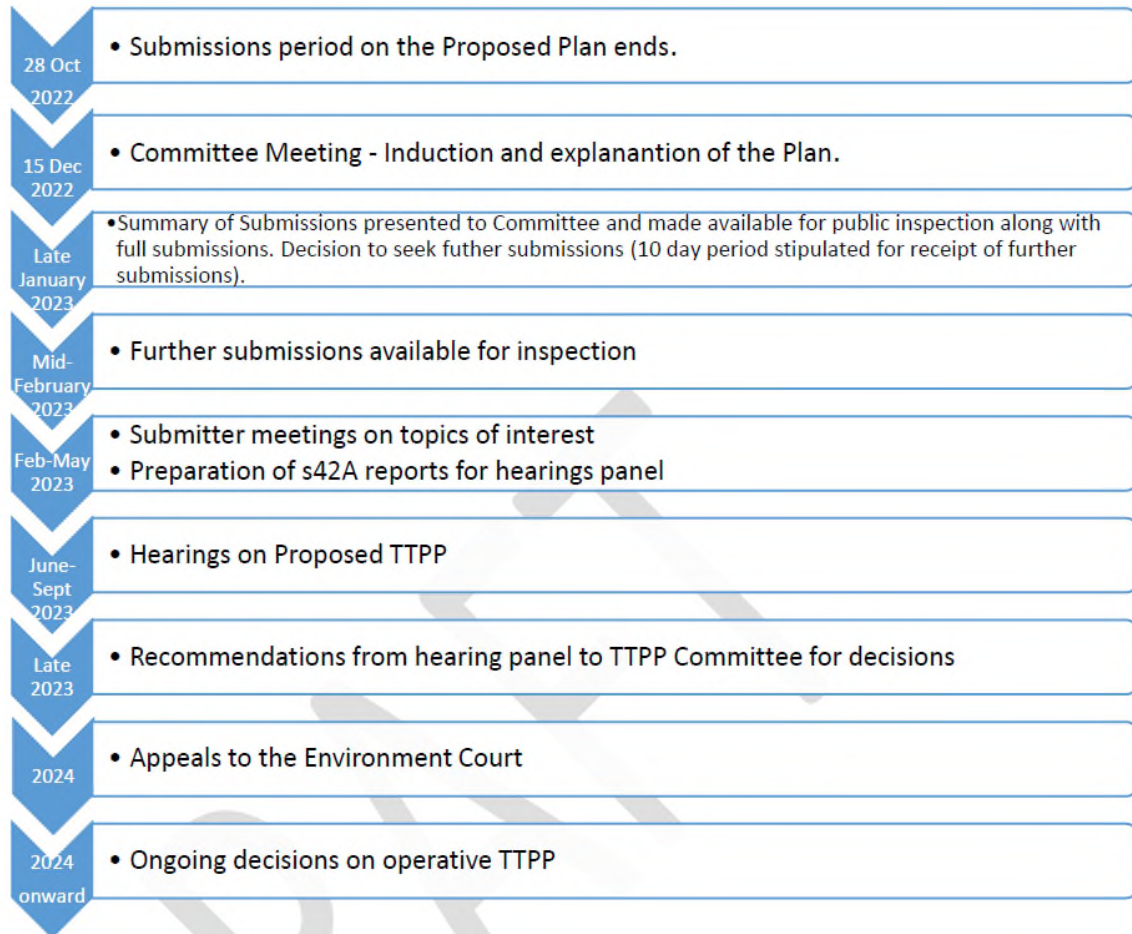
2. Background

- 2.1. An Order in Council detailing the formal reorganisation scheme to align the three district plans of Westland, Greymouth, and Buller District Council District Plans into one district plan was signed by the Governor-General on 17 June 2019, and came into force on 19 July 2019. This means that, rather than each of the Councils preparing individual plans, Te Tai o Poutini Plan Committee became the approved body responsible for preparing and approving a new combined district plan covering the West Coast.
- 2.2. The Te Tai o Poutini Plan Committee was formed and is a joint committee between the four West Coast councils and local iwi. It is comprised of the Mayor or Chair and one other councillor from each council and one representative each from Te Rūnanga o Ngati Waewae and Te Rūnanga o Makaawhio, plus an independent chairperson. The Committee has full decision-making powers. The make-up of the Committee ensures each district has equal input and voting rights in determining what is included within the proposed TTPP.
- 2.3. The project team assigned to lead the program has completed the development of the plan to a proposed form and the Proposed Plan was released to the general public to allow for submissions to be received. This was supported by numerous workshops throughout the West Coast, including the Westland district.
- 2.4. The plan was notified to the public on 14th July 2022. Submissions on the notified plan closed on 11th November 2022.

3. Current Situation

3.1. With the recent closing of the first round of submissions a next step in the formal statutory process is hearing of the submissions. Further submissions we be sort prior to the hearings. This requires a Hearings Panel to be comprised of qualified RMA Commissioners.

3.2. Timeline for Committee:



3.3. It is expected that each district nominates one of the RMA Commissioner.

3.4. The Hearings Panel will consist of the three district RMA Commissioners, one appointed by Poutini Ngāi Tahu and an Independent Chair who is a RMA Commissioner with Chair experience. The appointment of Commissioners including the Chair will be by consensus of the Joint Committee members.

3.5. The Chief Executive reviewed potential candidates of RMA Commissioner to support WDC based on the following criteria:

- 3.5.1.1. Preference for a Local resident;
- 3.5.1.2. Experience in the development of District Plans;
- 3.5.1.3. Experience in RMA Hearings;
- 3.5.1.4. Knowledge of the natural hazard dynamics of the West Coast;
- 3.5.1.5. Experience working as part of a team

3.6. A number of potential candidates were contacted and reviewed and Edith Bretherton was selected as the preferred candidate. See Edith's Biography attached as **Appendix 1**

4. Options

- 4.1. Option 1: To nominate Edith Bretherton as WDC's RMA Commissioner Representative for the TTPP.
- 4.2. Option 2: To not nominate Edith Bretherton and seek another applicant.
- 4.3. Option 3: Not to nominate a WDC RMA Commissioner for the TTPP.

5. Risk Analysis

- 5.1. Risk has been considered and Council should consider the risk of not having a RMA Commissioner to represent WDC during the Hearings process of TTPP. While RMA Commissioners are expected to be independent in the decision making process, the absence of a WDC nominated RMA Commissioner with knowledge of Westland District and its natural environment, including the hazard scape, may result in the content of submissions received not being fully questioned and understood, particularly any submission that seeks an amendment or deletion to what has been proposed.
- 5.2. There is a risk that the TTPP Committee may not approve the WDC nominee? They are looking for a variety of backgrounds and skills and this will factor in their decision making for the make-up of the panel. This would require council to review other potential applicants.
- 5.3. Be aware that Edith would not be able to hear any of the topics she has developed. While Edith was engaged as a Planner for preparation of section 32 requirements of the Resource Management Act (RMA) for the TTPP, she was not part of section 42a requirements of the RMA, there is sufficient separation so as to manage pre-determination. Edith has not submitted in her own right, nor been involved in preparation of submissions for others.

6. Health and Safety

- 6.1. Health and Safety has been considered and no items have been identified.

7. Significance and Engagement

- 7.1. The level of significance has been assessed as being low and administrative in nature.
 - 7.1.1.No public consultation is considered necessary in relation to the recommendation within this report.

8. Assessment of Options (including Financial Considerations)

- 8.1. Option 1 – To nominate Edith Bretherton as WDC's RMA Commissioner Representative for the TTPP.
 - 8.1.1.As outlined in Edith Bretherton's biography she is an Accredited RMA Commissioner and is a local resident.
 - 8.1.2.Has been involved in the development of the TTPP and led the topics of Energy, Infrastructure, Transport, Natural Hazards, Designations, Public Access, Historic Heritage and Notable Trees.
 - 8.1.3.While Edith was engaged as a Planner for preparation of section 32 requirements of the Resource Management Act (RMA) for the TTPP, she was not part of section 42a requirements of the RMA, there is sufficient separation so as to manage pre-determination. Edith has not submitted in her own right, nor been involved in preparation of submissions for others.
 - 8.1.4.The support for the RMA Commissioner has been factored into the TTPP budget.
- 8.2. Option 2 - Not to nominate Edith Bretherton and seek another applicant.
 - 8.2.1.There are other applicants that may be approached. This will involve a further time delay.
 - 8.2.2.The support for RMA requirements has been factored into the TTPP budget.

8.3. Option 3 – To not nominate an RMA Commissioner. Whilst this is an option it is not supported as the preferred option as WDC has a responsibility to ensure we support the plan and represented as an equal partner.

8.3.1. There are no financial implications to this option.

9. Preferred Option and Reasons

9.1. The preferred option is Option 1.

9.2. The reason that Option 1 has been identified as the preferred option is that Edith Bretherton has the following credentials:

- 9.2.1.1. is an accredited RMA Commissioner
- 9.2.1.2. is a local resident;
- 9.2.1.3. has full understanding of the development of the plan
- 9.2.1.4. has the qualifications to support the technical aspects of the plan
- 9.2.1.5. Was a planner for plan preparation of the (s.32), not 42a as required by the RMA, therefore there is sufficient separation so as to manage any perceived pre-determination.
- 9.2.1.6. Has not submitted in her own right, nor been involved in preparation of submissions for others.

10. Recommendations

10.1. That the Report to Council be received.

10.2. That Council nominates Edith Bretherton as Westland District Council's RMA Commissioner for the TTPP.

Simon Bastion
Chief Executive

Appointment of Westland District Council RMA Commissioner for the TTPP

APPENDIX 1

Edith Bretherton BIOGRAPHY

Education and Development

- Bachelor of Business, Graduate Diploma of Arts, Bachelor of Science (Physical Geography and Earth Science), Masters of Science (Physical Geography) all from Massey University.
- NZPI associate member. Completed courses in Plan Development, Designations and Freshwater Plan Making
- Accredited RMA Commissioner

RMA planning experience

- Auckland Unitary Plan policy team
- Consenting under Auckland Unitary Plan (regional and district)
- West Coast Regional Plans including Regional Policy Statement, Regional Land and Water Plan, Regional Coastal Plan and implementation of National Policy Statement for Freshwater Management
- Te Tai o Poutini Plan, topics including Energy, Infrastructure, Transport, Natural Hazards, Designations, Public Access, Historic Heritage and Notable Trees. Planner for plan preparation (s.32), not 42a, therefore sufficient separation so as to manage predetermination. Not a submitter in own right, nor has been involved in preparation of submissions for others.
- Currently employed by GNS as a Natural Hazards Planner

West Coast Connection

Resident and property owner on the West Coast. Solid understanding of communities, stakeholders, and physical environment across the region