

AGENDA

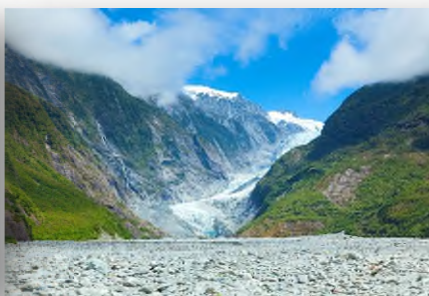
RĀRANGI TAKE

NOTICE OF AN ORDINARY MEETING OF

COUNCIL

to be held on **Thursday 8 December** commencing at **11:00am**
in the Council Chambers, 36 Weld Street, Hokitika and via Zoom

Chairperson	Her Worship the Mayor
Deputy Mayor	Cr Gillett
Northern Ward Members:	Cr Neale, Cr Burden
Hokitika Ward Members:	Cr Baird, Cr Davidson
Southern Ward Members:	Cr Cassin, Cr Manera
Iwi Representatives:	Kw Madgwick, Kw Tumahai



In accordance with clause 25B of Schedule 7 of the Local Government Act 2002, members may attend the meeting by audio or audio-visual link.

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

Whakataka te hau ki te uru
Whakataka te hau ki te tonga
Kia mākinakina ki uta
Kia mātaratara ki tai
E hī ake ana te atakura
He tio, he huka, he hau hū
Tīhei mauri ora

Cease the winds from the west
Cease the winds from the south
Let the breeze blow over the land
Let the breeze blow over the ocean
Let the red-tipped dawn come with a sharpened air
A touch of frost, a promise of a glorious day.

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.

- **Ordinary Council Meeting Minutes – 24 November 2022** (Pages 8-17)

6. **ACTION LIST**

Chief Executive, Simon Bastion

(Pages 18)

7. **NGĀ TĀPAETANGA** **PRESENTATIONS**

- **Hokitika Lions Club Awards Presentations**
Her Worship the Mayor
 - **Civic Awards**
 - **Young Achiever Awards**
 - **Westland Scholarship**
- **Okarito Community – Dark Sky Reserve** (Presentation circulated separately)
Paula Sheridan and Chris Monson
- **Our Story – Hokitika District** (Presentation circulated separately)
Department of Conservation / Te Papa Atawhai.
Operations Manager, Owen Kilgour & Improvement Manager, Karen Jury
- **Heritage New Zealand – Verbal Update**
Chief Executive, Heritage NZ, Andrew Coleman
- **RSL – Hokitika Sports & Recreations Facilities Plan – Q&A** (Information circulated separately)
Senior Consultant, Kevin Collier; Recreation, Sport, Leisure Consultancy
- **Westland District Council Transportation Update – December 2022** (Presentation circulated separately)
Transportation Manager, Karl Jackson

8. **PŪRONGO KAIMAHI** **STAFF REPORTS**

- **CE's Report** (Pages 19-36)
Chief Executive, Simon Bastion
- **Delegations Manual** (Pages 37-94)
Chief Executive, Simon Bastion
- **Local Governance Statement** (Pages 95-130)
Chief Executive, Simon Bastion

9. ADMINISTRATIVE RESOLUTION

Council is required to confirm its Seal being affixed to the following document

- **Leon Hume – Senior Building Control Officer**

Aspect	Delegation	Parameters
Building Act,2004	Generally, all of Council's powers, duties, and functions per the Act	The following are specifically excluded: <ul style="list-style-type: none"> - The transfer of functions, powers, and duties pursuant to S. 233 - The fixing of fees or charges pursuant to S. 219
	Pursuant to sections 33 - 39 all powers in respect of Project Information Memoranda including but not limited to: <ul style="list-style-type: none"> • Determining the adequacy of information received and require further information • Issuing PIMs (s34) • Determining if errors have been made and reissue PIMs (s34(4)) • Deciding what information should be included in the PIM (s35) • Attaching a development contribution notice if applicable or to impose charges per the Council's current Schedule of Fees (s36) • Determining if the project requires a resource consent and attach a resource consent certificate to the PIM (s37) • Determining if a copy of the PIM should be supplied to a network utility operator (s38) • Determining whether the application affects a registered historic place, historic area, wahi tapu or wahi tapu area and notify the application to the Historic Places Trust as required (s39) 	
	Pursuant to sections 45, 46, 48, 49, 50, 51, 52, 53, 54, 67, 71-73, 74, 75, 77 and 83, all powers in respect of building consents including, but not limited to:	

Aspect	Delegation	Parameters
	<ul style="list-style-type: none"> • Determining the information which the Building Consent Authority requires as part of a building consent application (s45) • Determining if a copy of the application is to be supplied to the NZ Fire Service (s46) • Processing the consent application, including determining the adequacy of information provided; requiring further information; determining if any warning of ban applies to any building method proposed; assessing the application against the NZ Building Code; determining whether or not to accept a producer statement as establishing compliance with any aspect of the NZ Building Code (s48) • Determining if the provisions of the Building Code would be met if the building work is completed in accordance with the consent application and grant the building consent (s49) • Determining whether to refuse any building consent and give written notice of the refusal and reasons for the refusal (s50) • Issuing building consents (s51) • Determining applications for extension of time to commence building work (s52) • Advising applicants of the amount of levy for a building consent and collect the levy on behalf of the Chief Executive of the Department of Building and Housing f(ss 53-54) • Determining whether a consent is granted subject to a waiver or modification of the NZ Building Code and impose any conditions considered appropriate (s67) • Determining all matters relating to the grant or refusal of a building consent for the construction of a building or for major alterations to a building on land subject to natural hazards, including granting any waiver or modification of the Building Code in respect of the hazard concerned; imposing any conditions considered appropriate and notifying the appropriate authority (ss71-73) • Determining if any entry on a certificate of title relating to the land being subject to a natural hazard is no longer required (s74) • Determining if a building consent involves building work covering two or more 	

Aspect	Delegation	Parameters
	<p>allotments and set appropriate conditions, including not issuing the building consent until those conditions have been met (ss 75, 77)</p> <ul style="list-style-type: none"> • Determining applications to remove conditions issued under s75 	
	<p>Pursuant to sections 93-95, determining all matters relating to whether a code compliance certificate will be issued, including requiring further information, determining applications for extension of time to complete building work and issuing or declining to issue code compliance certificates.</p>	
	<p>Pursuant to sections 96-99, all matters relating to certificates of acceptance, including but not limited to:</p> <ul style="list-style-type: none"> • Requiring further information • Processing the application, including determining whether or not to accept a producer statement as establishing compliance with any aspect of the NZ Building Code • Determining any qualifications which should be made • Issuing or declining to issue the Certificate of Acceptance 	
	<p>Pursuant to sections 102, 103, 106, 107, 109-110, all matters relating to compliance schedules and building warrants of fitness, including but not limited to:</p> <ul style="list-style-type: none"> • Issuing compliance schedules (s102) • Determining the content of a compliance schedule (s103) • Determining whether or not to amend a compliance schedule on application from the owner of the building (s106), recommendation from a licensed building practitioner (s109) or the Council's own initiative (s107) • Requiring production of annual written reports on compliance schedules (s110) 	
	<p>Pursuant to sections 112-113, 115 and 116, all matters relating to alterations of existing buildings and changes of use, including but not limited to:</p> <ul style="list-style-type: none"> • Determining whether or not to grant a building consent for an alteration to an existing building that will not fully comply with the Building Code (s112) 	

Aspect	Delegation	Parameters
	<ul style="list-style-type: none"> Determining conditions and issuing building consents for buildings with specified intended lives (s113) Determining whether or not to permit the change of use of a building (s115) Determining whether or not to permit the extension of life for a building with a specified intended life (s116) Determining whether or not to give effect to a subdivision that affects a building (s116A) 	
	<p>Pursuant to sections 121-124 and 126, all matters relating to dangerous, earthquake-prone or insanitary buildings, including but not limited to:</p> <ul style="list-style-type: none"> Determining whether a building is dangerous, including seeking advice from the NZ Fire Service (s121) Determining whether a building is earthquake-prone (s122) or insanitary (s123) Determining the appropriate action to be taken where sections 121-123 apply, including issuing a notice to the building owner (s124) Applying to the District Court to carry out work where a notice under s124 is not being complied with in a reasonable period (s126) 	

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 Minutes – 24 November 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.	Heaney & Partners Update on Legal Matters	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.	Kaniere Water Race Bridge Replacements Contract Number 22-23-08 – 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	The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
1, 3	The withholding of the information is necessary to 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	The withholding of the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
2	The withholding of the information is necessary to maintain Legal professional privilege Schedule 7(2)(g)

**DATE OF NEXT ORDINARY COUNCIL MEETING – 23 FEBRUARY 2023
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

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 24 NOVEMBER 2022 - COMMENCING AT 1 PM

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 Kw Paul Madgwick.

2. MEMBERS PRESENT AND APOLOGIES

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

NGĀ WHAKAPAAHA APOLOGIES

No apologies

STAFF PRESENT

S.R. Bastion, Chief Executive; T. Cook, Group Manager, Regulatory, Planning and Community Services; L. Crichton, Group Manager: Corporate Services; S. Baxendale, Group Manager, District Assets (Zoom); D. Maitland; Executive Assistant, E. Rae, Strategy and Communications Advisor (Zoom); 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 with one update noted and added from Cr Cassin.

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 were circulated separately via Microsoft Teams.

- **Ordinary Council Meeting Minutes – 24 October 2022**

Moved Cr Gillett seconded Cr Cassin and **Resolved** that the Minutes of the Ordinary Council Meeting held on the 24 October 2022 be confirmed as a true and correct record of the meeting.

The Chair **Approved** that their digital signature be added to the confirmed Council Meeting Minutes of 24 October 2022.

MINUTES TO BE RECEIVED:

- CE's Review Committee Minutes - 23 March 2022
- Extraordinary Capital Projects & Tenders Committee Minutes – 21 April 2022
- Ordinary Council Meeting Minutes – 22 September 2022

Moved Cr Neale seconded Cr Burden and **Resolved** that the CE's Review Committee Minutes of 23 March 2022, the Extraordinary Capital Projects and Tenders Committee Minutes of 21 April 2022 and the Ordinary Council Meeting Minutes of 22 September 2022 be received.

6. ACTION LIST

The Chief Executive, Simon Bastion spoke to the Action List and provided the following updates:

1. Speed Limit Register Review – Stage 2

Summary of feedback has been completed, and Council will be updated on this as part of the Transportation Update at the December Council Meeting.

2. Pakiwaitara Building /Council Building Business Case

Confirm Council have engaged with consultants to evaluate the future strategy – with the opportunity to include/consider the Hokitika Government House in this strategy. NZ Heritage have been invited to meet with council on 8th December 2022 to evaluate this; as well as a walk through of the building on that day.

3. Racecourse Development Submission Bid (RSL)

Confirmation that the bid was successful of \$3.5million to do the infrastructure works.

Next stage will involve detailed planning.
Council will receive an update at the December Council meeting from RSL who will provide a finalised report for this.

Her Worship the Mayor requested background information be made available and circulated to Councillors regarding this matter.

Moved Cr Davidson seconded Cr Baird and **Resolved** that the updated Action List be received.

7. NGĀ TĀPAETANGA PRESENTATIONS

• Westland Holdings Ltd – Year End June 2022

Chair, Joanne Conroy, and Director Chris Rea spoke to this presentation:

- **Westland Holdings Board**
- **Business Updates:**

Destination Westland:

Wildfoods on track (minimum of 5k attendees, not exceeding 10k)

First Pensioner Housing project underway.

Heliport is starting to show some growth with more international visitors.

Service Performance for year ended 30 June 2022.

Westroads:

Profit is up on last year's results

Statement of Service Performance for year ended 30 June 2022.

Revenue down slightly due to the ongoing effects of Covid.

Westland Holdings Limited:

Finalising borrowing from Local Government Funding Agency to reduce overall lending costs for Destination Westland Ltd and Westroads Ltd.

Beginning work on Statement of Intent for 2023.

Survey completed from wider stakeholders with positive results.

Statement of Comprehensive Income – for year ended 30 June 2022.

- **Questions & Thanks**

Three AGMs are being held Friday 25 November at the Fire Station for Councillors who would like to attend:

1. 1.00pm Westroads Ltd
2. 1.45pm Destination Westland Ltd
3. 2.30pm Westland Holdings Ltd

Moved Cr Neale seconded Cr Cassin and **Resolved** that the presentation from Joanne Conroy, Chair, Westland Holdings Ltd be received.

The following items were taken out of order to the Agenda:

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Financial Report**

Finance Manager, Lynley Truman spoke to this item and advised the purpose of this report is to provide an indication of Council's financial performance for the month to 31 October 2022.

Moved Cr Gillett seconded Cr Cassin and **Resolved** that:

1. The Financial Performance Report for 31 October 2022 be received.

- **Terms of Reference for Committees**

Chief Executive, Simon Bastion spoke to this item and advised 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.

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

1.1. The report be received.

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

- Chief Executive's Review Committee – with the following amendment:
 - *Approving any legal representation on performance-related issues or defamation proceedings – **as directed by the full Council.***

- 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) with the following amendment:
 - *That the Tenders Subcommittee is a **subcommittee of the Risk & Assurance Committee**.*

1.3. That the Terms of Reference for the Committees/Subcommittees be updated in the Delegations Manual.

1.4. That the Local Governance Statement be updated.

- **Appointments to Other Organisations**

Chief Executive, Simon Bastion spoke to this item and advised the purpose of this report is to confirm Council appointments to committees, community organisations liaison roles and other appointments for the 2022-2025 Triennium.

Organisation	Councillor Liaison
Franz Josef/Waiiau Rating District Joint Committee	Her Worship the Mayor Cr Cassin Cr Manera
Hokitika Seawall Joint Committee	Her Worship the Mayor Deputy Mayor Gillett Cr Davidson, Cr Neale, Cr Baird Vacancy - TBC
West Coast Road Safety Committee	Cr Davidson, Cr Manera
Otira Community Association	Cr Burden, Cr Neale, Northern Ward Councillor
Kumara Residents Association	Cr Burden, Cr Neale, Northern Ward Councillor
Destination Hokitika	Her Worship the Mayor, Deputy Mayor Gillett
Heritage Hokitika	Her Worship the Mayor, Deputy Mayor Gillett
Heritage West Coast	Her Worship the Mayor, Deputy Mayor Gillett
Safe Community Coalition	Cr Davidson, Cr Manera, Cr Neale
Kokatahi/Kowhitirangi Community Association	Cr Burden, Cr Neale, Northern Ward Councillor
Ross Community Society	Cr Burden, Cr Neale, Northern Ward Councillor
Hari Hari Community Association	Cr Cassin, Cr Manera
Whataroa Community Association	Cr Cassin, Cr Manera
Okarito Community Association	Cr Cassin, Cr Manera
Franz Inc.	Cr Cassin, Cr Manera
Franz Josef/Waiiau Community Forum	Cr Cassin, Cr Manera
Glacier Country Tourism Group	Cr Cassin
Fox Glacier Community Association	Cr Cassin, Cr Manera
Haast Community	Cr Cassin, Cr Manera
Other Appointments	
Creative Communities Local Assessment Committee	Cr Burden Cr Neale
Development West Coast – Appointment Panel	Her Worship the Mayor, Cr Gillett (delegation)

Sport NZ Rural Travel Fund – Allocation Committee	Cr Cassin
West Coast Regional Transport Committee	Cr Davidson, Cr Burden
Membership of Civil Defence Emergency Management Groups	Her Worship the Mayor
Future Franz	Her Worship the Mayor (Chair) Deputy Mayor Gillett Cr Cassin
TTPP (One District Plan)	Her Worship the Mayor Cr Cassin

The Mayor advised of the following additions to the list:

- Cr Baird to be included in the Hokitika Joint Seawall Committee
- Cr Manera to be added to the Fox Glacier Community Association, and the Road Safety Committee.
- Deputy Mayor to be added to Development West Coast Appointment Panel as a delegate.
- Cr Burden to the West Coast Regional Transport Committee.

Moved Cr Gillett seconded Cr Cassin and **Resolved** that:

1.1 The report be received.

1.2 Council confirms the appointments to committees, community organisations and other appointments as above for the 2022-2025 Triennium.

- **Appointment of Resource Management Act (RMA) Commissioner**

Chief Executive, Simon Bastion spoke to this item and advised 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.

The Chief Executive also clarified that this is a nomination – not an appointment, that it is purely the endorsement of Edith Bretherton to be nominated.

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

1.1 the Report to Council be received.

1.2 Council nominates Edith Bretherton as Westland District Council's RMA Commissioner for the Te Tai o Poutini Plan.

9. ADMINISTRATIVE RESOLUTIONS

Moved Cr Davidson seconded Cr Cassin and **Resolved** that Council confirm its Seal being affixed to the following documents:

Warrant of Appointment – Contractor

Anna Margaret JOHNSON	Warrant of Appointment as a Contractor for Westland District Council	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 s.332 and s.333 of the Resource Management Act 1991.
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Mark William DIXON	Warrant of Appointment as a Contractor for Westland District Council	<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
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10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Moved Cr Burden 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 2.10 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 Meeting Minutes -22 September 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.	Confidential CE's Review Committee Meeting Minutes – 23 March 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)
3.	Confidential Capital Projects & Tenders Committee Meeting Minutes – 21 April 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)
4.	Joint Waste Minimisation & Management Services on the West Coast	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.	Appointment of Director to Destination Westland Ltd	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.	Appointment of Independent Chair to Risk & Assurance Committee	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
1,2,3,5,6	The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons (Schedule 7 (2)(a))
4	The withholding of information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or 7(2)(h)
4	The withholding of the information is necessary to 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	The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage. 7(2)(j)

Moved Cr Burden, seconded Cr Neale 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 3:12pm.

Council adjourned for an afternoon tea break, enjoyed with the new citizens who were awaiting their Citizenship Ceremony. Council reconvened at 3.30pm for the Ceremony.

• **Citizenship Ceremony – 3.30pm**

The following new Citizens for Westland District attended the meeting to undertake their Form of Oath and Swear Allegiance to His Majesty the King of New Zealand before Her Worship the Mayor and Councillors as follows:

NAME	NATIONALITY	FORM OF OATH
Noelia Pamela Dawoser	Argentinian	Affirmation
Quentin Lecerf	French	Affirmation
Sadhana Devi	Fijian	Affirmation
Binesh Krishan Naidu	Fijian	Affirmation
Natasha Anna Morris	British	Oath
Prabhjot Singh Sekhon	Indian	Oath
Parminder Kaur Sekhon	Indian	Oath
Ikjot Singh Sekhon	Indian	No Oath (Minor)

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




MEETING CLOSED AT 4:00 PM

Confirmed by:

Mayor Helen Lash
Chair

Date:

08.12.22 - 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	<p>A summary of the feedback received once submissions have closed and to be circulated to Council.</p> <p>Transportation Manager to provide an update at the 8th Dec Council meeting.</p>
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	<p>The CE has engaged 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.</p> <p>NZ Heritage invited to meet with Council on the 8 December 2022.</p>
3	24.03.22		Racecourse Development Submission Bid	Council to be keep abreast of the IAF Application	Sep 22	CE	<p>IAF Application submitted – and confirmed successful (\$3.5million for infrastructure works).</p> <p>RSL will give an update to Council on the 8th December and provide a finalized report for this – which includes the second half of the racecourse.</p> <p>Confidential minutes and presentations pertaining to the Racecourse Development from previous Confidential Meetings to be circulated to Councillors via teams.</p>

Report to Council



DATE: 08 December 2022
TO: Mayor and Councillors
FROM: Chief Executive

CHIEF EXECUTIVE'S QUARTERLY REPORT

1. Summary

- 1.1. The purpose of this report is to provide an update on all aspects of what is happening in the Westland District, and update Council on any matters of significance and priority.
- 1.2. 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.
- 1.3. This report concludes by recommending that Council receive the Chief Executive's Report dated 8th Dec 2022.

2. Background

- 2.1. The reason the report has come before the Council is due to the need to keep Council informed of any matters of significance and priority.

3. Matters of significance and priority list

The current matters of Significance and Priority are as follows:

3.1 Three Waters Reform

The three waters reform bill has had its second reading in parliament. The government via the Green Party attempted to introduce entrenchment provisions with the legislation which would require a 60% vote to subsequently change the law. This has caused consternation with constitutional lawyers as this type of provision is usually reserved for electoral reform. In the light of objections Government are reviewing the position.

The activity levels within the DIA 3 waters National Transition Unit (NTU) have picked up with increasing requirements for WDC to engage across a range of workstreams, including finance, legal, HR and technical. The NTU 3 waters team are onsite 7th, 8th and 9th of December and it is likely that activity levels will increase. The Group Manager District Assets has been elected co-chair of the Local Transition Team across Entity D.

WDC is continuing to work in partnership with other West Coast Councils supported by Tonkin and Taylor on the technical details.

3.3 Three Waters Capital Works Programme

The 3 Waters Reform Projects (stimulus funding) was completed in August, well before the extended deadline of December 2022. The maximum funding available (\$6.8M) was spent throughout the district on 46 various projects.

3.4 The Hokitika Wastewater Treatment Plant (WWTP).

Due to the Local Government Body elections, formal meetings of the working groups stalled until the Councillors were appointed to the Hokitika Wastewater Treatment Plant Project Oversight subcommittee. Now that we have new appointed Councillors and Iwi representation we can move on with the program of work. Iwi have included Pauline Adams who is the new Ngāti Maahaki rep alongside Barry Wilson.

Stantec will meet with the committee on December 14 to progress the revised Terms of Reference and update the committee on the current status and future program of work.

Work to date:

- Project outcome statement, process, and partner/stakeholder involvement agreed by Oversight Subcommittee (Inaugural Meeting, Aug 2021).
- Problems and benefits of investment defined by Project Working Group (Iwi reps, WDC staff, Stantec persons) at Workshop 1 (Sept 2021), and then endorsed by Oversight Subcommittee (Oct 2021).
- Technical elements of the project defined by Project Working Group (plus WCRC staff) at Workshop 2 (Oct 2021). Included: scope, risks, constraints, and dependencies.
- Draft Strategic Case Report issued to WDC for review (Nov 2021). Sets out: purpose, background, strategic context, case for investment, existing arrangements and needs, potential scope and key technical requirements, main benefits and risks, key constraints, and dependencies.
- Options Development
 - Potential Options for key elements of the WWTP explored by Project Working Group (plus reps from WCRC, DOC, CPH) at Workshops (Nov 2021 and March 2022). Included: locations, discharge, treatment, storage, capacity, funding, and technology.
 - Commence discussions with Silver Fern Farms regarding the project process, activities to date, and consideration of their discharges within the options consideration process (Nov 2021).
 - Fatal flaw assessment of Base Scheme Elements by Project Working Group at Fatal Flaw Workshop (May 2022).
 - Site visit to Greymouth WWTP by Project Working Group (June 2022).
 - Traffic light assessment of Base Scheme Options Long List by Project Working Group at Traffic Light Assessment Workshops (June and July 2022).

Next steps:

- Options Development – Next three months
 - Complete Traffic Light Assessment of the Base Scheme Options, incorporating Mana Whenua feedback on potential treatment enhancements. By: Project Working Group at a Workshop. Intended outcome: identify a Short List of Potential WWTP Schemes.
 - Present Short List of Potential WWTP Schemes to the Oversight Subcommittee and seek endorsement of the shortlisted schemes, which would go forward for detailed assessment.
 - Commence Detailed Investigation of the Short List of Potential WWTP Schemes. Including: economic, geotechnical, modelling, risk assessment, consenting risks and issues, to guide a Multi Criteria Analysis. Expected to take up to 12 months to include full season of weather conditions. By: Stantec.

- Options Development – Going forward
 - Complete Detailed Investigation of the Short List of Potential WWTP Schemes. By: Stantec. Expected to take up to 12 months to include full season of weather.
 - Carry out Multi Criteria Analysis of the Short List of Potential WWTP Schemes, to identify a preferred/recommended option. By: Project Working Group.
 - Carry out in parallel a Best Practicable Option assessment of the Short List, to provide an RMA lens on the assessment process. By: Stantec.
 - Presentation to Oversight Subcommittee - progress update and endorsement of recommended option for community consultation.

3.5 **Hampden St Watermains Upgrade**

Tru-Line Drainage were awarded the contract to replace the old steel watermain from Sale St through to Revell St. Work commenced in May and was completed in October.



3.6 **Fox Glacier Water Treatment Plant Upgrade**

The new water treatment plant is programmed to be operational in April 2023. We have had issues securing a design build contractor due to industry pressure and central government changes affecting availability.

Whilst this is very frustrating there is little that we can do. There is no point retendering and trying to find another supplier.

The current budget for the project is \$1.09M. Included in this is Tourism Infrastructure Funding of \$468,000

3.7 **Kumara and Harihari Watermains Upgrade**

Westroads were awarded the contract to replace old water mains in Wanganui Flat Rd, Harihari and a section on Seddon St, Kumara. Work commenced in August with the Harihari section first. This section was completed in November with Kumara commencing early November as well. It is expected that this work will be completed with restoration before the Christmas break.

3.8 **Hokitika Z-Line Wastewater Mains Upgrade**

Isaac Construction Ltd. were awarded the contract to replace a section of the old AC wastewater main in the Z-Line. The Z-Line runs from Richards Dr to Hampden St at the back of properties (through and easement area). The section being replaced is from the Hampden St end to Park St. Work commenced in early November and is on track for completion by the Christmas break.



3.9 Hokitika Swimming Pool Renovation - \$3M


Council has received additional funding of \$1.42m for the next phase of the swimming pool refurbishment. Works that require the closure of the pool will be undertaken during the annual pool closure which is likely to be in early June 2023.

The project team meeting with Destination Westland Ltd and we are exploring options on how to best manage the works to the changing areas and the front of the building. The revised plans allow both of the trees to the front of the pool to remain where they are.

It is anticipated that work to the filtration plant can start early in the new year. A detailed program of works is in development.

3.10 Tourism Infrastructure Funding (TIF) applications

Project	Details	TIF Funded	Council contribution
Upgrade of Franz Josef Car Parking Area	<p>Currently negotiating with preferred supplier for carpark works.</p> <p>Ideal electrical have installed new carpark area lighting.</p> <p>Betacom supplying new bollard lighting for track leading to carpark and have installed.</p> <p>Chip sealing and repairs are underway, completion date 24th November.</p> <p>Spent to date: \$63,079.93</p>	\$137,000	\$63,000
Paringa Public Toilets	<p>All About Sewage Ltd contracted to supply and install new septic tank for the new toilet block. Also, to install toilet block.</p> <p>Toilet block to be installed before chip sealing works begin, to minimise damage to the seal.</p> <p>Chip sealing works to be completed by Westroads.</p>	\$236,000	\$46,000

			
<p>Cass Square Toilets</p>	<p>New Toilet Block Architects currently working through soil report results to make changes to the site plan. Building consent has been submitted. Toilets are currently stored at Westroads yard awaiting installation.</p> <p>E-Bike Charging Stations E&I contracted to install e-bike charging stations</p>	<p>\$191,500</p>	<p>\$84,000</p>
<p>Jackson Bay Visitor Parking</p>	<p>Project is currently on hold.</p>	<p>\$123,00</p>	<p>\$65,000</p>
<p>Hokitika Beachfront Infrastructure Development</p>	<p>Car Park Works on the new carpark have begun.</p> <p>Beach Access Ramp</p> <ul style="list-style-type: none"> • All 200 concrete blocks are onsite and have been fenced off for safety • The resource consent application is due to be submitted to WCRC by 9th December (by Davis Ogilvie Consultants) • A new quote for the geotechnical design of the access ramp walls has been requested from a new consultant (Eliot Sinclair). This will include a timeframe on the work. • A building consent exemption is being drafted for application and will be submitted by 9 December • Upon approval of the resource consent, building consent and design drawings/ground testing, construction will commence. This is likely to be February/March 2023. 	<p>\$230,500</p>	<p>\$136,000</p>

3.11 Carnegie Building

The Carnegie building is in the final stage of the earthquake strengthening. The remaining works to be undertaken are external finishes to the plasterwork at the top of the building. This includes recoating the columns on the roof. Some of the works are required to resecure mouldings that have become detached from the building and present a safety hazard.

Delays relating to the reprovision of the parapet meant that the plastering contractor moved on to another contract. The site has been closed until January 2023 when work will recommence for approximately 6 weeks.

Works completed to date include:

- Installation of new concrete foundations
- Installation of the new shear walls to all the perimeter and the main internal wall
- Structural steel installation of the vertical bracing to the new shear walls
- Structural steel installation to the ceiling bracing
- Painting of interior, Repairs to broken glazing
- Drilling and installation of the reinforcing to the entry columns
- Electrical services (lighting, emergency lighting and sire protection)



Works to be completed include:

- Completion of parapet works
- Removal of external scaffolding

3.12 Pakiwaitara Building/Council Headquarters

O'Connor and Partners have been commissioned by Council to evaluate options for the future of the Pakiwaitara building and Council Offices. This will include exploring the options presented by Heritage New Zealand for a long-term option of Government House once it is refurbished and earthquake proofed. A preliminary meeting was held with O'Connor and partners on the 5th December to scope out the review. It is anticipated that a report will be brought to Council in March 2023.

3.13 West Coast Wilderness Trail

Project	Details	External Funding	Council contribution
Milltown Shelter	<p>Installation of a larger shelter at Milltown is complete. This area includes a drop off/pick up area for commercial trail operators, two toilets, & 2 x 5 stand bike racks and a picnic table for cyclists to relax and enjoy the spectacular views.</p> 	\$88,000	\$88,000
Paiere Road Shelter	<p>Installation of a smaller shelter and single toilet unit between Hokitika and Ross approx. around 120km marker.</p>		
Taramakau Shelter	<p>Installation of a smaller shelter, double toilet unit & 5 stand bike rack around 20km marker</p> 		
Hurunui Jacks Shelter	<p>Addition of a 5 x stand bike rack and a single toilet unit.</p>		

3.14 Parks and Reserves, playground repairs and renewals

Community playgrounds in Westland have been allocated funds in the Long-Term plan for upgrades and repairs. The following works have been completed or are underway:

Project Name	Details	Council Contribution
Cass Square Playground	<p>A Lotteries Funding application has been submitted to increase the scope of the original playground design. Successful funding recipients will be announced in December. The below images highlight the new and improved playground design. The theme for this playground is the history of Westland e.g., gold mining, greenstone and the Hokitika port.</p>	Figures to be confirmed

If successful in more external funding, work will begin in April of 2023.



Whataroa Play Area

A new playground has been installed in Whataroa.

\$110,000



3.15 Racecourse

At the last Council meeting of the previous triennium in September 2022, Council gave approval for the Chief Executive to conclude negotiations with Kainga Ora relating to the WDC's bid to the Infrastructure Acceleration Fund (IAF). This followed a detailed technical presentation from Joseph and Associates and a business case review, including stress testing, undertaken by O'Connor and Partners. Ministers have approved the Infrastructure Acceleration Fund bid of \$3.5m for the provision of infrastructure on the Hokitika Racecourse.

Council officers are now putting together a next steps programme which will include the designing and planning of the roading and water infrastructure and consultation with the community on options for the design and provision of housing on the north of the site. RSL consultants are presenting today (8th Dec) on the outcome of the review into sport and leisure provision within Hokitika. That report will shape Council's approach to the recreational element of the racecourse site which will also be subject to public consultation.

In a similar vein to other government funding Council is required to produce regular reports for Kainga ora on the progress with the racecourse project and the delivery of the infrastructure.

We expect to invite the Suresh Ram who is the Delivery Manager for all of the Infrastructure Acceleration Funds for New Zealand to the February council meeting. We expect to have a detailed program of work completed at this stage.

3.16 Emergency Operations Centre (EOC)

Work has commenced on the concept phase of the Westland Emergency Operations Centre & Emergency Coordination Centre (EOC/ECC) Project. This includes engagement with iwi and partner organisations to understand funding options for the building and lease arrangements. The end goal is for Westland to have a fully setup EOC/ECC in an IL-4 rated building which includes co-location of partners, storage for critical response equipment, alternate communications, and alternate options for lifelines utilities so the building can be self-sufficient and not reliant on any service so that there is continuity for emergency management and coordination for our district and partners.

An application is being submitted to the NEMA CDEM Resilience Fund to fund this specialist multi-purpose equipment to compliment the EMAT caches already based on the West Coast.

4 Other Activities

4.1 Corporate Services

- **Finance:**

Finance have been busy working on the Annual Report and audit. The sign off date is later than usual due to the COVID bill which allowed for Councils to sign off their accounts by 31 December rather than the standard 31 October. This was in place for annual reports for the years ending June 2021 and 2022. This was due to the shortage of audit staff in New Zealand.

The finance team are now starting on work with budget managers to prepare annual plans which will be required to be adopted by 30 June 2023.

Further work to enhance our IBIS reporting and budgeting systems is ongoing. Budget managers have already used this system successfully to complete operating budgets and will also be able to work on capital budgets in this system with assistance from the finance team.

Further ad hoc work will be required on the 3 waters project, where more detailed financial information will need to be provided to the transition unit.

- **Information Technology:**

We have had recent staff changes in the Information Technology team with our Information Technology Projects and GIS Officer resigning. His replacement started on the 29th November.

The D4H civil defence software implementation process is progressing, the next stage was to hand this over to the CDEM group to provide training to the people who will use the software.

Another focus for the IT team at present is network security. Our network is currently undergoing penetration testing by an outside contractor. This involves a process to find potential security leaks on our network and recommending actions required to fix the weak spots. In our ongoing efforts to tackle the possibility of cyber-crime, we are also carrying out ongoing staff and Councillor training on recognising spam texts and emails they may receive.

- **Information Management:**

We have made good progress this quarter on a number of fronts.

Our Public Kiosk is live and running at the Customer Service Centre where it is being trialled with customers. Customers are able to submit digital forms and lookup council information with ease. Dependent on the success of this trial, Kiosks could be distributed across the district.

Digitisation of processes continues, with the most recent work being focused on HR functions, including an online job application form (public), and an internal workflow for recruitment being refined.

Behind the scenes, technical efficiencies have been realised with a much-improved performance from our online systems. Historical plans continue to be scanned, with critical records being stored at the secure Iron Mountain facility in Christchurch.

- **Strategy and Communications**

Strategy

Alongside the Finance team, the Strategy and Communications Advisor (SCA) has been busy this quarter with the Annual Report and associated audit work. Looking ahead, the SCA is implementing the project for the next Annual Plan, along with the Finance team.

In this quarter the SCA has made submissions on behalf of Council on the Self-Contained Motor Vehicles Legislation Bill and the Water Services Entities Bill. The Self-Contained Motor Vehicles Bill has had its first reading and is now at the Select Committee stage. The Water Services Entities Bill has had its second reading and is now at the Committee of the Whole House stage, following the Select Committee's report.

Communications

To support the Chief Executive to foster and facilitate participation in the Local Elections, the SCA developed and administered a communications plan and ensured that the website had all the information necessary for voters and candidates. Each ward received enough nominations to hold an election. The voter turnout (from Electionz.nz) was 58.75%, a drop of just over 5% from the 2019 election. However, the drop follows the trend throughout the country with the average voter turnout of 36%.

Following the elections, the website has been updated with information and images of the new Council. On the landing page, a link to the GIS mapping system has replaced the Te Tai o Poutini Plan link as the submission period has closed. GIS maps are one of our most popular pages so making this link prominent improves the customer experience.

There have been 31 requests for comment from the media to date (23 November) in this quarter and 19 media releases.

An average of 55.46% of recipients opened an email from Westland Matters in the period. This is significantly higher than organisations that distribute similar information whose average rate is 38.5%. An average of 20.92% of the recipients went on to open links within the email, which is also significantly higher than the 6.5% average click rate for other organisations.

From 1 September to 22 November 2022 content from our Facebook page has been seen by over 41,000 people. This is an organic metric as we do not currently 'boost' (pay) for any of our content.

Results

Facebook Page reach

41,039 ↑ 8.1%



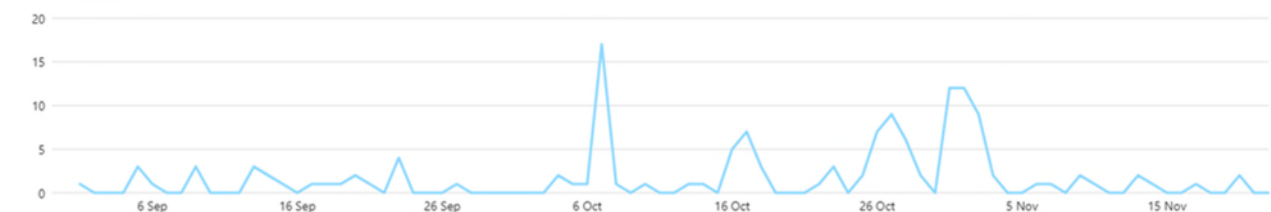
Facebook Page visits

14,114 ↑ 35.9%

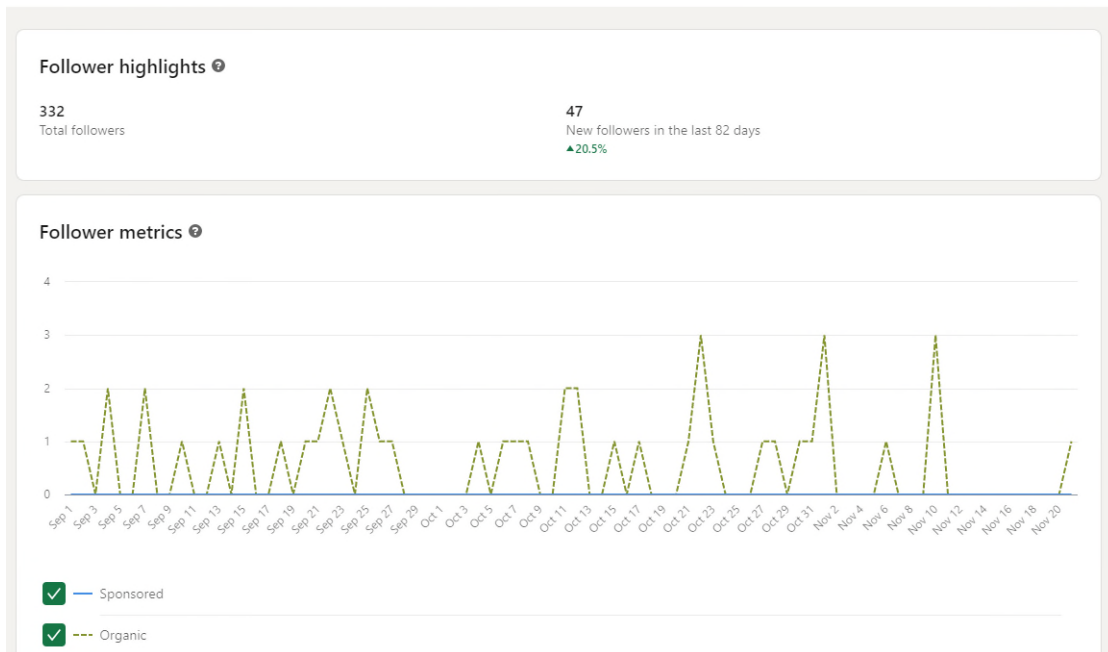


Facebook Page new likes

140 ↓ 14.6%



Efforts to engage with a different demographic through LinkedIn are successful, with a growth of 47 new followers in this period.



4.2 Hokitika Museum Report

- **Collection Readiness**

A new collection database, Axiell Emu, has been implemented to best catalogue the collection. This database enables Museum staff to access collection records remotely as an offsite server has been appropriated to facilitate this manner of working. Remote access enables Museum staff to work on collection records most places throughout the Museum buildings and offsite. An online public interface is available with this collection database where the intention is for collections online by 2023-2024, enabling a greater experience for community and visitors to interact with the Museum online.

The collection archives and associated facilities project, a feasibility report final draft named Te Whata Nui has been completed. The Te Whata Nui feasibility report is expected to be finalised in 2023.

- **Exhibition Development - Ngā Whakatūranga**

The project’s financial feasibility report has been completed. The project timeline is now centred on both the scheduling and concept design stage. Scheduling can only be confirmed once the seismic strengthening project has been completed. To inform the concept design stage, public workshops with communities and schools have been conducted during 2022 and continue to run in early 2023.

- **Westland Public Interpretation Workshops**

The Hokitika Museum has facilitated a range of public interpretation workshops throughout Westland with communities and schools. Additional workshops for Northern Westland and Ōtira will be held in early 2023. The purpose of these workshops are to:

1. Establish or further develop a sincere connection between the Hokitika Museum and the many communities in Westland.
2. Capture a breadth of stories from the many communities in Westland.
3. Keeping collections ‘warm’ by connecting source communities to the collection.

These workshops enable the Hokitika Museum to understand what these communities think is important in regard to their cultural identity and heritage. This approach ensures that recognition is given to stories and timelines that form the identity of Westland communities. Ultimately long-lasting relationships are created between Museum staff and collections with source communities.

- **Collection Workshops**

The Hokitika Museum continues to develop collection workshops with Grey District and Buller District schools and communities in early 2023. The first Grey District workshop in November was cancelled due to illness and staff isolation requirements. The purpose of these workshops is for the communities to meet the Hokitika Museum and connect with collection items sourced from their communities. The expected outcome is to develop long lasting relationships between Museums staff and collections with source communities. These workshops will support the Hokitika Museum to understand how these source communities would want these collection item(s) to be presented on the online collection database and when exhibited.

- **Funding**

Final funding reports for Ministry for Culture and Heritage and National Services – Te Paerangi have been progressed. Funding application for the Ngā Whakatūranga project with the Ministry for Culture and Heritage Regeneration Fund has been accepted to progress through to the second round of applications. Heritage Hokitika is the lead applicant for the application on behalf of the project. Hokitika Museum is supporting the application by compiling the material required for the proposal.

4.3 Westland District Library Report

- **Staffing**

All library positions are filled and new staff fully trained and operational in time for the lifting of COVID restrictions and the resumption of library programming. Three new volunteers have joined the volunteer programme, assisting with shelving, preparing new books for lending and basic collection maintenance tasks.

- **Stage 1 - RFID Project**

The New Zealand Library Partnership Programme awarded the library NZ\$40,000 COVID Recovery Transition and Hardship funding to support commitments to subscriptions and the RFID project (Stage 1) in the 2022/2023 financial year. Staff and volunteers are placing and encoding RFID tags in every book (28,000 items). Progress has been slower than expected as, following the lifting of COVID restrictions, library programming has been prioritized. However, with the additional support of our volunteers, the aim is to complete the tagging process by the end of the year. Once completed, stage 1 will facilitate quicker, more accurate processing of issues and returns, improving customer service for patrons.

- **APNK Internet Access and Monitor Print Management System**

The long-awaited upgrade to the APNK print management system has taken place, enabling patrons to print from their own device. Staff had a week to train and trial the system before going live and the APNK team are tweaking the system as it continues to roll out to other libraries across NZ. The new print management system has increased functionality for patrons, improved reporting for staff and the potential for additional features in the future.

- **Collections – providing access to information, supporting literacy and culture**

Regular weeding practices to remove and sell tatty and outdated stock had been disrupted over the pandemic period. This has now been completed, and the books removed offered for sale in the Big Book Sale. This has provided space for the remaining collection to be shelved and displayed comfortably, improving the browsing experience for patrons. The much-used Cookbook section has been relocated, providing more space and improved access to the bookshelves, and creating different seating and study areas. Patrons and regular library users have commented favorably on the new layout. Funds from the Big Book Sale have been used to purchase books to create a Dyslexia-friendly adult collection and, following a survey, to purchase a sofa for the children's area. With the West Coast library consortium's decision to end the subscription to Press-Reader, the library has subscribed to Over-Drive's new e-magazine collection. These are accessed through the same platform as the Over-Drive e-books and e-audio, patrons are finding it easier to access on the one platform.

A yearlong trial subscription to LinkedIn Learning for patrons has been funded by the NZLPP fund. This provides patrons with 24/7 free access to 1000's of courses for professional development and upskilling that are, otherwise, not readily available on the Coast. Uptake has been slow and further intensive promotion of this resource is being planned for the New Year.

- **Library Spaces**

During the pandemic our community changed the way they used the library with many choosing to utilize non-contact services or reduce the time spent in the library. As restrictions have eased and then ceased, the community is gradually choosing to spend more time in our safe and inclusive spaces, browsing, socializing, working, and using the computers. The new sofa, requested by patrons, will provide comfortable seating for family and whanau to sit and enjoy books together in the children's library area while relocating some shelving, desks and seating in the main library area has created smaller seating areas suitable for different uses and allowed for improved social distancing.

Income from the hiring out of the Digital Learning Centre decreased slightly during last year but is increasing now that pandemic restrictions on meetings and travelling have been removed.

- **Programmes and Events**

The new format Wriggle and Rhyme sessions for carers/parents and children 0-5 have been hugely popular and have a growing audience. Engagement with pre-schools has increased with preschool groups visiting the library and library outreach, these programmes support early learning and literacy. Outreach to local primary schools and Westland High School has resumed with the NZ Book Awards programme and a new reading group at the High School to encourage reading for pleasure in younger teens – a traditionally hard-to-engage age group. Promotion of the Summer Reading Challenge for Primary age children has begun, children participating in the challenge maintain or improve their literacy levels over the long summer holidays. Our social groups, Play with Words and Books & Banter are well supported and a new Te Reo Māori conversation group, Rōpu Kōrero, has been well received. Outreach to the Allen Bryant Care Home has resumed with a fortnightly reading group and library staff supported the Fran Josef Wellbeing Day. The combined Sustainability Library Talk and Seed and seedling swap was successful and has developed into a Sustainability Series for next year, with the objective of supporting the community to make sustainable choices and reduce our environmental impact.

- **Community Libraries**

Over the pandemic period many of the Community Libraries have undergone changes in access, location, or volunteers. Library staff are working with volunteer Community Librarians and the local

communities to support local access to library resources. The results of a brief survey indicate that many South Westland residents are unaware of our digital resources. While many people prefer to read a physical book, the digital collections offer a significantly wider choice than the pocket collections in the Community Libraries and are available 24/7. With internet access increasing in South Westland, more people can access these and a campaign to promote digital resources is planned for 2023.

4.4 Westland Mayors Task Force For Jobs (MTFJ):

The Westland Mayors Taskforce for Jobs have supported 22 job placements this financial year and currently supporting an additional 7 youth who are job seeking. Funding criteria is focussed on only youth 16 – 24 years, people with a disability and those experiencing long term unemployment.

The Westland MTFJ are on track to supporting 50 employment opportunities prior to the financial year end 2022/23.

The MTFJ team’s primary focus as of December 2022 is the preparation and delivery of the Inspire to Aspire Careers Day. This full day will be held at the Pakiwaitara Building on the 15th February 2023. The 2021 event hosted three Westland high schools and 26 exhibitors. The 2023 event will host all secondary providers throughout Westland and Grey Districts and in excess of 60 exhibitors from around the Country. The team welcomes volunteer support from Council staff and Councillors leading up to, during and following this free community event.

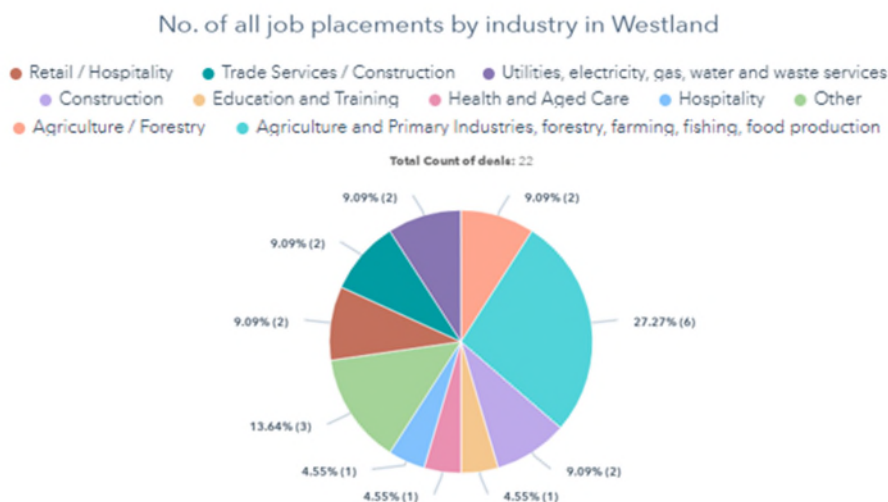
New partnerships include:

Te Hono o Nga Waka: MTFJ offers support to Te Hono o ngā Waka who are delivering Miri Miri and Romi Romi teachings to Māori and non-Māori. This programme targets those seeking positive change in their lives through traditional Māori practices.

Poutini Waiora: The MTFJ has partnered with Poutini Waiora to deliver a Wellness Workshop on the 27th of February at the Pakiwaitara building.

West Coast Trades Academy: The Coordinator works in close partnership with the Trades Academy and currently exploring options on how the MTFJ fund can support youth at risk.

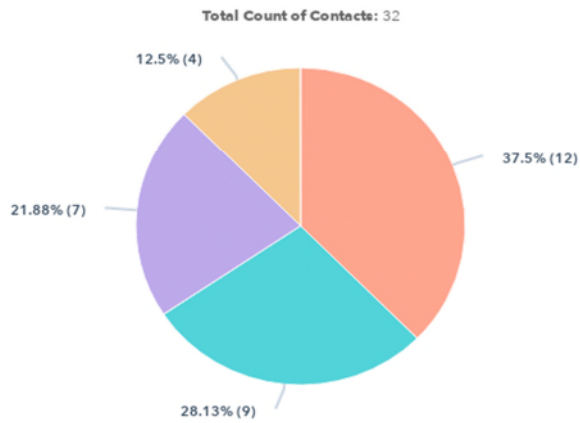
Overview of YTD November 2022 outcomes:



Drivers License Status of all registered Jobseekers in Westland

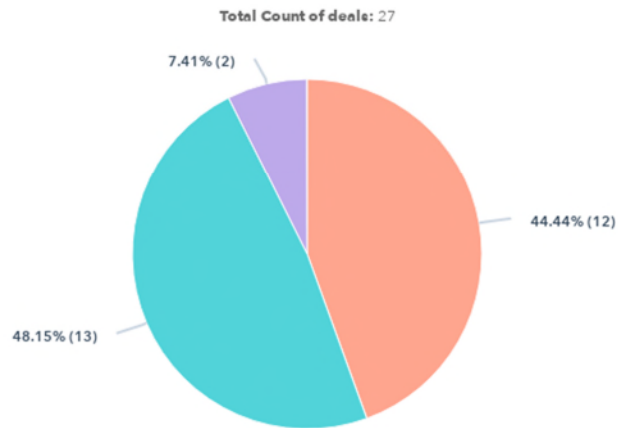
Date range: All time

None Learners Restricted Full



Ethnicity of all registered Jobseekers in Westland

Maori New Zealand European Pasifika




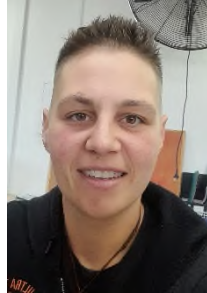

5. Staffing Update

Incoming and Outgoing Staff (September - November 2022)

Arrivals

Becca Noble, Business Support Officer – District Assets



<i>Cody Nabben – Graduate Financial Accountant –</i>	
<i>Pascale Geoffrion – Westland MTFJ Youth Facilitator –</i>	
<i>Mikhael Schumacher – Technology Infrastructure Officer -</i>	

Departed

Shelley Sutherland (People & Capability Manager) – Shelley left council on the 7 October for personal reasons.

Mark Dixon (Facilities, Property & Compliance Manager) – has left council and is now working at Westland Milk Products. Mark is still supporting council regarding Districts matters as required.

6. Options

- 6.1 Option 1: To receive the report.
- 6.2 Option 2: To not receive the report.

7 Risk Analysis

- 7.1 Risk has been considered and no risks have been identified.

8. Health and Safety

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

9. Significance and Engagement

- 9.1 No public consultation is considered necessary.

10. Assessment of Options (including Financial Considerations)

- 10.1 Option 1 is the preferred option.
- 10.2 There are no financial implications to this option

10.3 Option 2 is not the preferred option.

10.4 There are no financial implications to this option.

11. Preferred Option(s) and Reasons

11.1 The preferred option is Option 1.

11.2 The reason that Option 1 has been identified as the preferred option is that the report enables Council to be kept fully informed of projects and matters of significance that are underway in the Westland District.

12 Recommendation(s)

12.1 That the Quarterly Report from the Chief Executive dated 8th December 2022 be received.

Simon Bastion
Chief Executive

Report to Council



DATE: 2 December 2022
TO: Mayor and Councillors
FROM: Chief Executive

DELEGATIONS MANUAL

1. Summary

- 1.1. The purpose of this report is to request Council approval for updates to the Delegations Manual since it was last approved by Council on 28 November 2019.
- 1.2. This issue arises due to the Council's decisions on the Committee and Subcommittee structure following the Triennial Council meeting held on the 27 October 2022, and the Terms of Reference for the Committees and Subcommittees as adopted by Council on the 24 November 2022.
- 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 - 2031. Refer page 2 of the agenda.
- 1.4. This report concludes by recommending that Council adopt the amended Delegations Manual, attached as **Appendix 1**.

2. Background

- 2.1. The reason the report has come before the Council is due to changes to the Committees and Subcommittees structure following the Triennial Local Body Election.
- 2.2 The Delegations Manual defines methods and means of operations, and managerial and administrative relationships. The manual is related to other key documents including Council's Bylaws and other formal expressions of policy.
- 2.3 The Council's Delegations Manual lists which powers are delegated to various committees and to Council staff. The current Delegations Manual dates back to 2006 or earlier, as it has a record of amendments beginning in May 2006. The full delegations manual was approved by Council on 27 February 2014. Since then a number of minor administrative changes have been made within the organisation or between staff and Councillors and these are listed in the "Record of Amendments" in the manual.

3. Current Situation

- 3.1 Following the disbanding of Standing Committees and Subcommittees at the Triennial Council Meeting on the 27 October 2022, changes to the Delegations Manual are required.

- 3.2 The proposed changes do not result in any transfer of powers from Councillors to staff or vice-versa. The intent of the changes is primarily to reflect the latest structure of Council committees, subcommittees, and staff.
- 3.3 There have been a number of staffing changes within the organisation since the Delegations manual was last adopted by the Council. These have resulted in changes to job titles. This has been reflected in the manual and logged under Record of Amendments.
- 3.4 A new delegation has been added to include a delegation to the Chief Executive, or in their absence, to the Acting Chief Executive, the power to issue warrants of enforcement.

4. Options

- 4.1. Option 1: Adopt the amended Delegations Manual.
- 4.2. Option 2: Do not adopt the amended Delegations Manual.

5. Risk Analysis

- 5.1. Risk has been considered and potentially there could be financial risks to the organisation if financial delegations are incorrect or out of date as staff have financial limits on purchase orders that they can authorise.

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 deemed to be 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 amended Delegations Manual.
 - 8.1.1. There are no financial implications to this option.
- 8.2 Option 2 – Do not adopt the amended Delegations Manual.
 - 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 the Delegations Manual is required to be updated with the new Committee and Subcommittee structure as adopted by Council and is a key tool in assisting the Council to achieve its goals effectively and establishes the legal power for making delegations.

10. Recommendation(s)

- 10.1. That the report be received.

10.2. That Council adopt the amended Delegations Manual and publish it on the Council's website www.westlanddc.govt.nz.

Simon Bastion
Chief Executive

Appendix 1: Amended Delegations Manual



Delegations Manual

Updated: 2 December 2022

Record of Amendments 2022

Date Amended	Amendment	Clause	Page Reference
05.05.22	Planning Committee: Remove Cr Kennedy and replace with Southern Ward Councillor.	20.3	15
05.05.22	Community Development Committee: Remove Cr Kennedy and replace with Southern Ward Councillor.	20.4	17
05.05.22	CE's Review Committee Add Cr Keogan to the Committee	20.5	19
05.05.22	Hokitika Wastewater Treatment Plant (WWTP) Project Oversight Subcommittee Resolved that remuneration be included for workshops and the Mayor or Chair of the Subcommittee are able to sign off Iwi representative payments.	20.7	25
05.05.22	Delegations to Staff: Group Manager: Regulatory and Community Services Increase delegation from \$50,000 to \$100,000	27.7	31
05.05.22	Delegations to Staff: Asset Manager – remove delegation Asset Strategy and Development Manager – add delegation of \$50,000	27.7	33
13.07.22	General Delegations to Senior Managers: Change reference from “appointments details form” to “Request to Recruit Form”.	28.2	37
13.07.22	Delegations to Staff: Building Control Manager Increase delegation from \$10,000 to \$20,000	27.7	34
13.07.22	Change of title: Group Manager: Regulatory and Community Services to Group Manager: Regulatory, Planning and Community Services	27.7	31
13.07.22	Remove Role from Executive Team: Planning Manager	1.1 27.7	3 31
21.09.22	Delegations to Staff: Executive Assistant Increase delegation from \$5,000 to \$10,000	27.7	31
02.12.22	Update to Part III – Delegation to Standing Committees as per the Triennial Local Body Elections	20	9

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1. **Introduction**

1.1 **Glossary**

- a) **Executive Team:** The Chief Executive and the four senior Managers comprising of the Group Manager: Corporate Services; Group Manager: District Assets; Group Manager: Regulatory, Planning and Community Services, supported by the Executive Assistant.
- b) **Manager:** A member of the Executive Team other than the Chief Executive.
- c) **Activity:** The particular branch of the Council's functions (e.g., water, sewerage, library) as opposed to the particular accounts which comprise that activity.
- d) **Cost Centre Controllers:** Officers nominated by the Executive Team to assume responsibility for particular activities within the Council's functions so as to ensure agreed works are completed and the budget is not overspent.

1.2 **The Place of the Delegations Manual**

This Delegations Manual has been adopted by the Westland District Council to define methods and means of operations and managerial and administrative relationships. The manual is related to other key documents including Council's Bylaws and other formal expressions of policy.

2. **The Philosophy of the Council**

- 2.1 The Westland District Council believes that it is essential, in the interests of good management and effective administration, to encourage a delegation of decision making to the lowest competent level. This will achieve best use of the abilities of elected representatives and officers, minimise the cost of material, technical and financial resources, promote the development of effective managers and minimise bureaucratic interference in the daily affairs of the District's residents.
- 2.2 Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use. Delegations will not however remove from the Council and top management ultimate accountability for the affairs of this Council.
- 2.3 Delegates should willingly accept authority and responsibility for decision making in the certain knowledge that their decisions, if made in a full, fair, and objective manner, will not be reviewed lightly.
- 2.4 It is the statutory function of this Council to lead and guide the good management of the District by determining primary goals and objectives, by setting strategies and policies for their achievement and to encourage their achievement through the considered use of committees and the appointment of a Chief Executive.
- 2.5 Officers in turn implement and administer those policies, contribute substantially to their formulation, and provide and manage the infrastructures on which the District is based. Delegation focuses and sharpens this relationship and assists in the better achievement of the respective functions of elected representatives and officers.

- 2.6** A necessary consequence of delegation is the need for clear reporting. The Westland District Council adheres to the concept of exception reporting. This means that when the Council makes a decision; it expects the decision to be implemented without further reporting. Only if the target is not met, i.e., an exception occurs, should further reporting be necessary.
- 2.7** Finally, the level of delegation is symptomatic of the health and well-being of the Council. Without it, the mutual trust and respect which should exist between members of the Council and its officers, and the effectiveness and efficiency of the organisation must be at risk.

3. General and Specific Delegations

- 3.1** In this manual, a general delegation implies the granting of authority to determine a range of matters of a similar kind as and when they arise over a period of time without further reference to the delegator.
- 3.2** From time to time, the Council may delegate authority to determine a specific issue and this authority will exist only so long as that matter is unresolved and will then lapse. This is a specific delegation.
- 3.3** This manual will be revised for general delegations as they are granted, but not those of a specific nature, which will be largely historical by the time they are recorded.

4. The Meaning of Delegation

- 4.1** Delegation in the manual means the assignment of a duty or power of action to another together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.
- 4.2** A power merely to hear evidence or consider a proposal is not delegation and is not therefore generally included in this manual. It is assumed that all committees, subcommittees, and officers have authority to hear any matter within their jurisdiction and submit a report or recommendation to a higher authority unless that is prohibited by law.

5. What May Be Delegated

- 5.1** In almost all situations the Council itself is a delegatee, in that its functions, powers and duties derive from Parliament through empowering legislation under which legislative, judicial, and administrative authority is granted to the Council for specific purposes.
- 5.2** The limits under which functions, power and duties may be further delegated are strictly interpreted in accordance with the empowering legislation concerned, although rules in these matters are generally well settled.
- 5.3** Parliament has shown awareness that, in the interests of the effective and efficient management of a district, delegation (of other than legislative powers) is permitted subject only to specific exceptions. Special additional common law rules apply also, particularly to the delegation of legislative powers.
- 5.4** In this environment, the Council has a wide discretion to arrange its own administration in a way which provides efficiency, flexibility, and responsiveness to local needs. In doing so it must, however, comply with the special requirements imposed by law in given circumstances.

6. The Characteristics of Delegation

It is important to understand the following characteristics of delegation:

- 6.1** The delegator does not lose the function, power or duty by delegation and may exercise this concurrently with the delegatee;
- 6.2** It is implicit that a delegation may be revoked at any time without notice;
- 6.3** The delegatee is acting in their own name on behalf of the Council when exercising delegated authority;
- 6.4** If a delegatee's decision is invalid it cannot be ratified by the delegator. The correct action is generally for the matter to be considered in full again by the delegator, assuming it is within the delegator's power to determine the matter at issue;
- 6.5** The laws relating to Local Government generally recognise that the decisions of a delegatee may be reviewed or appealed to the delegator who may confirm, vary, override, or substitute a decision, although there are some exceptions. In such cases the grounds for the review should be clearly stated and a decision varied only when compelling circumstances arise.

A local authority may not rescind or amend a decision made by the committee pursuant to a delegation authorising the making of the decision (Schedule 7, Section 30 (6) of the Local Government Act 2002).

7. Care in Defining Authority

- 7.1** The law recognises, in certain circumstances, the right of individuals acting in good faith in reliance on the apparent authority of a delegatee to enforce a decision of a delegatee, whether or not the delegatee in fact had the authority claimed.
- 7.2** Accuracy and precision should always be a feature when defining the scope and limitations of any delegated authority in order to protect the interests of the Council, the delegatee and any interested third party.

8. Statutory Authority

- 8.1** The delegations contained in this manual are made in accordance with the Local Government Act 2002 and any other statutory authority permitting delegation.
- 8.2** In accordance with Section 42(3)(a) of the Local Government Act 2002, the Council shall maintain a clear separation between regulatory and service delivery functions. The management structure shall also reflect this separation. The delegations to both committees and staff have been drafted to coincide with this separation.

9. Delegations to be in Writing

Every delegation under this manual shall be in writing and shall define with reasonable precision the nature, purpose and bounds of a given delegation.

10. Extent of Delegation

Subject to any specified limitation, term or condition applied by the delegator or by law a delegatee may exercise the power or authority delegated in the same manner and to the same effect as could the delegator.

11. Sub-delegation

11.1 Every committee, the Chief Executive and each manager may further delegate any power granted to them in this manual or otherwise by the Council either generally or specifically and may impose any term or condition upon that sub-delegation.

11.2 Subcommittees and officers below the level stated may not subdelegate a power of decision but may instruct an officer or person to carry out investigations and make recommendations.

11.3 Within 1 month of the manual being adopted by the Council each manager shall determine the delegations which they wish to make under this clause and shall supply a statement of these to the Chief Executive for inclusion as a schedule in the manual. Additional delegations may be made at this time in which case a statement of that delegation or delegations shall be supplied to the Chief Executive within 1 month of them being made.

12. Reporting Decisions

A delegatee need not generally report decisions to the delegator except:

12.1 All contracts accepted under delegated authority are to be reported by the delegatee (in this case either a manager, the Executive Team, or a standing committee) to the next higher level of authority (the Executive Team, standing committee or Council) at the earliest opportunity.

12.2 Other decisions are to be reported on as specifically provided for.

13. Term of Delegation

Unless any delegation is expressed to be for a definable term it shall continue until revoked by the delegator or the Council or withdrawn in any way by operation of law.

14. Variation of Decision

- 14.1** The Council and any delegator may review, reserve, or vary any decision of a delegatee at any time except to the extent that the decision has already become binding on the delegator by operations of law and cannot be reversed.
- 14.2** A reversal or variation of a decision is not of itself a revocation of a delegation under this manual.
- 14.3** A decision of a delegatee shall only be reserved or varied where:
- a) it is manifestly wrong; or
 - b) it is contrary to a decision of the delegator of which the delegatee was unaware; or
 - c) it contains serious implications for the Council of which the delegatee was unaware; or
 - d) there is other good cause to reserve or vary that decision.

15. Concurrent Jurisdiction

Nothing in this manual shall limit the power of the Council or a delegator to exercise a function, duty, or power concurrently with or in substitution for a delegatee.

16. Policy and Delegated Decision Making

- 16.1** In reaching a decision under delegated authority full regard must be had to both:
- a) any Council policy applying to an issue; and
 - b) all relevant facts applying to the case.
- 16.2** Should any delegatee, having considered all the facts of the case, be unable to make a decision which complies with Council policy on any matter, the correct action is then to refer the matter to the Council if a decision cannot be made in compliance with any policy applying to the decision to be made.

17. Delegation to Office

- 17.1** Unless a contrary intention is indicated, every delegation shall be to a stated office or position and not to an individual or the membership of a group in their personal capacities. In every case of this type, the delegation shall survive any change in the occupiers of any such office.
- 17.2** Delegation to the Executive Team shall be exercised by a majority vote. Dissenting votes are to be recorded and all exercises of this delegated power shall be recorded in the proceedings of the Executive Team. The acceptance of tenders by the Executive Team shall be subject to the approval of the manager of the department concerned. If the department manager does not approve, the matter will be referred to the appropriate standing committee.

18. Appeals

18.1 Any person affected by any decision of a delegatee may appeal that decision:

- 27)** in the case of a decision by an officer, to the Chief Executive in consultation with the appropriate department manager, as the case may be; and
- b) in the case of a decision made by the Chief Executive, a committee or subcommittee, to the Council; and
- c) in the case of a decision made pursuant to the Resource Management Act 1991, in accordance with Section 357.

18.2 In reviewing any decision on appeal under this clause the Chief Executive or the Council shall have regard to:

- 27)** any reason given by the delegatee in making a decision; and
- b) any Council policy applying to the matter at issue; and
- c) the facts of the case; and
- d) the grounds for review of a decision contained in clause 14 of this manual; and
- e) any other relevant matter.

19. Amendments to this Manual

This manual shall be maintained by the Executive Assistant who shall amend it in accordance with:

- 27)** any instructions to that affect given by the Council and any delegatee authorised to amend this manual; or
- b) any need for typographical, grammatical, or other minor amendment where the intention of the Council in the matter of a delegation is not altered.

20. Standing Committees/Other Committees

The Council has two Standing Committees:

- Chief Executive’s Review Committee
- Risk and Assurance Committee

The quorum for the Standing Committees is as follows:

- Chief Executive’s Review Committee – Chair plus 2 members
- Risk and Assurance Committee – Chair plus 2 members (must include 1 Councillor)

The Council has two Subcommittees and a number of Working Groups:

- Cycling and Walking Subcommittee
- Hokitika Wastewater Treatment Plant Project Oversight Subcommittee
- Tenders Subcommittee which is a subcommittee of the Risk and Assurance Committee.

In the case of Cycling and Walking and Tenders Subcommittee, the quorum will be the Chair plus 2 members.

The quorum for the Hokitika Wastewater Treatment Plant Project Oversight Subcommittee will be the Chair plus 2 members, one of which must be an Iwi representative.

20.1 Chief Executive’s Review Committee

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, as directed by full council.
- 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.

20.2 Risk and Assurance Committee – Terms of Reference

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.

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
- Oversea 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.

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.

Committee Membership

- Independent Chair

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

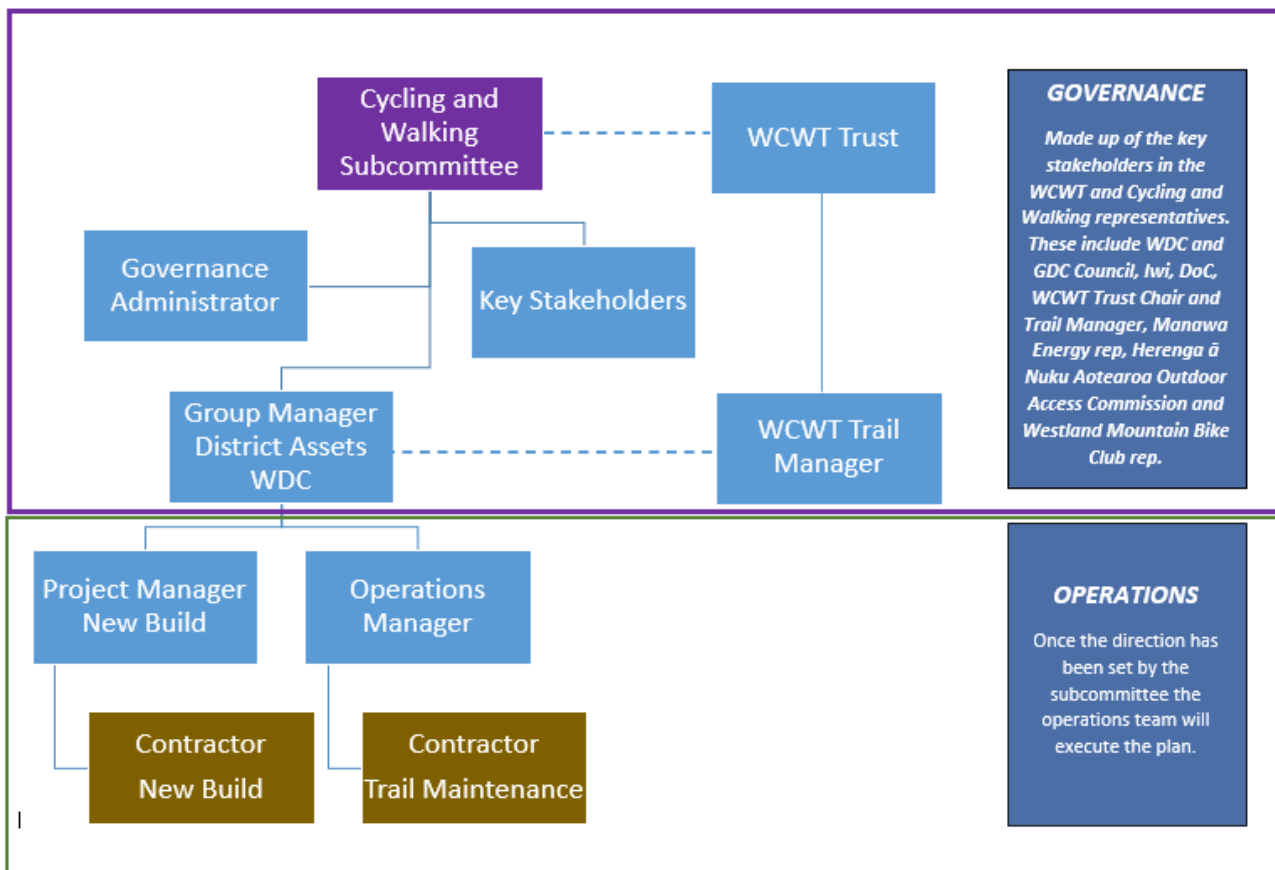
The Committee Chair will usually be the spokesperson on matters of public interest within the committee's scope of work. Some issues may be of such public interest that it is more appropriate for the Mayor to be the spokesperson. On technical matters or where the status is still at the staff proposal 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.

20.3 Cycling and Walking Subcommittee

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.

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.

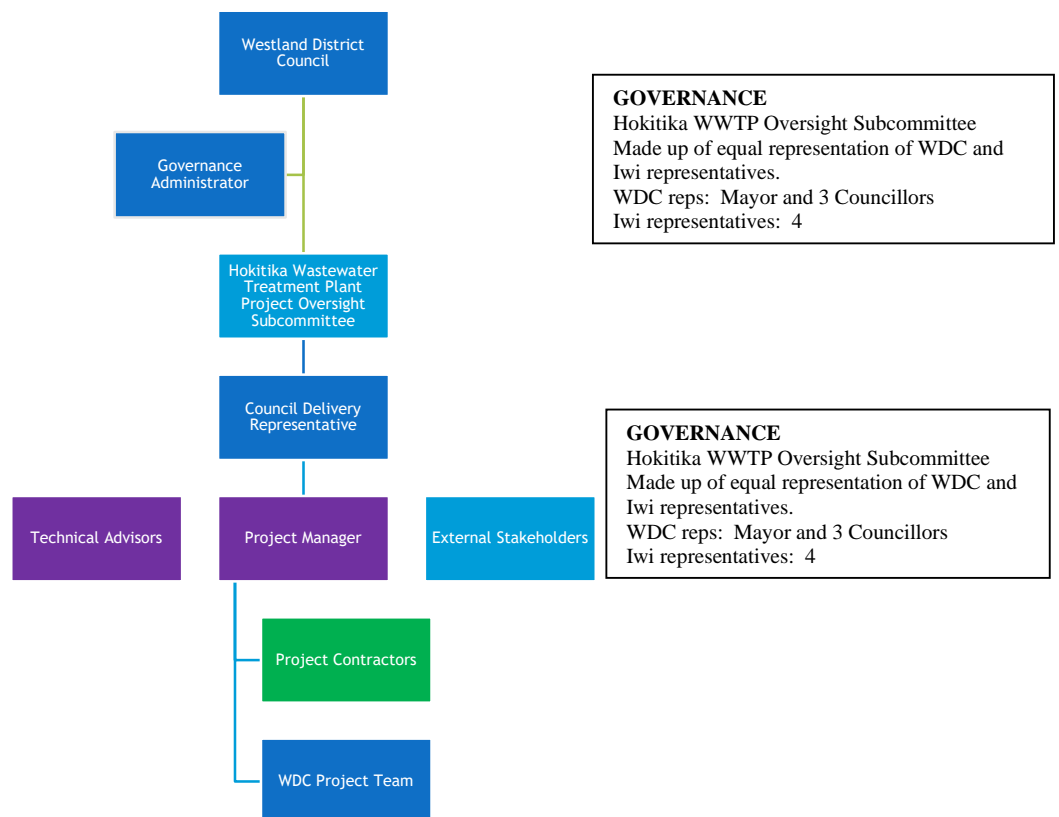
Minutes of meetings

The subcommittee shall record minutes of all its proceedings.

20.4 Hokitika Wastewater Treatment Plant Project Oversight Subcommittee

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.



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.

20.5 Tenders Subcommittee (Subcommittee of the Risk and Assurance Committee)

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

22. Items that cannot be delegated

- 22.1 Councils have broad powers of delegation however there are some decisions that can only be exercised by the full governing body and cannot be delegated, these include:
- a) the power to make a rate
 - b) the power to make a bylaw (although local boards have the right to recommend these for their local areas)
 - c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan
 - d) the power to adopt a long-term plan, annual plan, or annual report
 - e) the power to appoint a chief executive (cl. 32 of Schedule 7 of the LGA 2002)
 - f) The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - g) The power to adopt a remuneration and employment policy.
- 22.2 No officer may exercise the powers listed in clauses 22.1 (a) – (g) above.

23. Subcommittees

23.1 A subcommittee shall exercise only such delegated authority as is granted to it from time to time by the Council or the relevant head committee.

23.2 The primary purposes of subcommittees are:

- 27)** to dispose of matters which have been delegated to it; and
- b) to investigate and report, with recommendations if appropriate, on matters referred from the head committee; and
- c) to act as a forum for communication between elected representatives, officers, and interested parties.

25. District Licensing Committee

25.1 The following is delegated to the District Licensing Committee

- a) To hear all matters relating to the functions, duties and responsibilities of a District Licensing Committee as provided for in the Sale and Supply of Alcohol Act 2012.

Guideline: *The Sale and Supply of Alcohol Act 2012 allows the Committee chairperson to decide certain matters (such as unopposed applications) without a hearing.*

Guideline: *The Council appoints the District Licensing Committee(s) for a five-year period, and members need not be Councillors.*

26. Elected Members' Expenses

Elected members' expenses are to be approved consistent with the Remuneration Authority rules and Council's Sensitive Expenditure Policy.

Mayor

26.1 Approval of Councillors expenses.

Deputy Mayor

26.2 Approval of the Mayor's expenses.

PART IV – DELEGATION TO STAFF

27. Staff: Contractual Authority and Financial Management of Activities

- 27.1** The contractual authorities for staff are set down in the charts following. Where staff are not included in the charts they have no authority to enter into contract/commitments on behalf of the Council. The amounts stated are all maximums.
- 27.2** Members of the Executive Team have the right (within the terms of their contractual authority) to enter into contracts for the expenditure of funds within activities for which their subordinates also have authority and will be held accountable for the activities which they control. Managers should always consult with the designated cost centre controller prior to expending funds in accounts other than those for which they themselves are directly responsible.
- 27.3** Where a cost centre controller is aware that an activity is about to be or has been overspent, they should report that fact to the person to whom they are responsible as soon as practicable.
- 27.4** The criterion to be used in assessing managerial financial performance will be whether or not the total budget for the department is adhered to. Variations on activity budgets within departments may therefore emerge but must be reported to the appropriate committee.
- 27.5** No oral contract shall be made for a sum exceeding \$1,000 (see Section 3 Public Bodies Contracts Act).
- 27.6** All commitments entered into under the contractual authorities set out in the following charts shall be reported to the next highest level of authority at the earliest opportunity.

27.7 Delegations to Staff – Contractual Authority and Activity Management

Staff Member	Item	Amount
EXECUTIVE TEAM <i>(Acting Together)</i>	Contractual Authority for capital expenditure provided for in estimates.	\$250,000 per item
	Contractual Authority for emergency expenditure not provided for in estimates.	\$250,000 per item
	Contractual Authority of non-capital expenditure provided for in estimates.	\$250,000 per item
	Contractual Authority for purchase of plant items provided for in estimates.	\$100,000 per item
	Disposal authority for plant items provided for in estimates.	\$100,000 per item
	Disposal authority for assets and goods (except Real Estate).	\$50,000 per item
	Activities to which contractual authority applies.	All activities
	Activities for which the officer is the Financial Manager.	N/A
OFFICE OF THE CE Chief Executive	Contractual Authority for emergency expenditure not provided for in estimates.	\$100,000 per item
	Contractual Authority for expenditure provided for in estimates.	\$100,000 per item
	Contractual Authority for emergency expenditure not provided for in estimates.	\$100,000 per item
	Contractual Authority for expenditure provided for in estimates.	\$100,000 per item
	Activities to which contractual authority applies.	All activities
	Activities for which the officer is the Financial Manager.	Elected Representatives and CE’s Department

Delegations to Staff – Contractual Authority and Activity Management cont

Staff Member	Item	Amount
Group Manager: District Assets	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Financial Manager. All other delegations as provided to the Financial Manager.	\$100,000 per item \$100,000 per item All activities Assets and Operations N/A
Group Manager: Corporate Services	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Financial Manager. All other delegations as provided to the Financial Manager	\$100,000 per item \$100,000 per item All activities Corporate Services Group N/A
Group Manager: Regulatory, Planning and Community Services	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Financial Manager. All other delegations as provided to the Financial Manager The return of any bond taken for the performance of a condition of consent	\$100,000 per item \$100,000 per item All activities Building Act N/A Full amount
Executive Assistant	Contractual Authority for emergency expenditure not provided for in estimates Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	\$10,000 per item \$10,000 per item Elected Representatives & Chief Executive’s Department Elected Representatives & Chief Executive’s Department N/A

Staff Member	Item	Amount
Human Resources Advisor	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	Nil \$10,000 per item Human Resources Human Resources N/A
CORPORATE SERVICES		
Finance Manager	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	Nil \$50,000 per item Accounting and Administrative Functions Accounting and Administrative Functions N/A
Information Technology Manager	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	Nil \$10,000 per item Information Technology Information Technology N/A
Strategy and Communications Advisor	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	Nil \$2,000 per item Corporate Planning Corporate Planning N/A
Information Manager	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager.	Nil \$10,000 per item Information Services Information Services

Staff Member	Item	Amount
	All other delegations as provided to the Budget Manager.	N/A
DISTRICT ASSETS		
Transportation Manager	<p>Contractual Authority for emergency expenditure not provided for in estimates.</p> <p>Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies.</p> <p>Activities for which the officer is the Budget Manager.</p> <p>All other delegations as provided to the Budget Manager.</p>	<p>Nil</p> <p>\$50,000 per item Professional Services Business Unit</p> <p>Professional Services Business Unit</p> <p>Nil</p>
Operations Manager	<p>Contractual Authority for emergency expenditure not provided for in estimates.</p> <p>Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies.</p> <p>Activities for which the officer is the Budget Manager.</p> <p>All other delegations as provided to the Budget Manager.</p>	<p>Nil</p> <p>\$50,000 per item Professional Services Business Unit</p> <p>Professional Services Business Unit</p> <p>Unit</p> <p>N/A</p>
Asset Strategy and Development Manager	<p>Contractual Authority for emergency expenditure not provided for in estimates.</p> <p>Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies.</p> <p>Activities for which the officer is the Budget Manager.</p> <p>All other delegations as provided to the Budget Manager.</p>	<p>Nil</p> <p>\$50,000 per item Professional Services Business Unit</p> <p>Professional Services Business Unit</p> <p>Unit</p> <p>N/A</p>
Facilities, Property and Compliance Manager	<p>Contractual Authority for emergency expenditure not provided for in estimates.</p> <p>Contractual Authority for expenditure provided for in estimates.</p>	<p>Nil</p> <p>\$5,000 Compliance \$5,000 Facilities</p>

Staff Member	Item	Amount
	Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	Professional Services Business Unit Professional Services Business Unit N/A
REGULATORY AND COMMUNITY SERVICES		
Building Control Manager	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager. The return of any bond taken for the performance of a condition of a consent.	Nil \$20,000 per item Building Inspection Services Building Inspection Services N/A The full amount
Community Development Advisor	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	Nil \$5,000 per item Community Development Community Development N/A
Museum Director	Contractual Authority for emergency expenditure not provided for in estimates. Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies. Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	Nil \$5,000 per item Hokitika Museum Hokitika Museum N/A
Library Manager	Contractual Authority for emergency expenditure not provided for in estimates Contractual Authority for expenditure provided for in estimates. Activities to which contractual authority applies.	Nil \$5,000 per item District Library District Library

Staff Member	Item	Amount
	Activities for which the officer is the Budget Manager. All other delegations as provided to the Budget Manager.	N/A

28. Staff Delegations

28.1 Chief Executive

- Interpretations of the delegated authority of all officers.
- Appointed as Principal Administrative Officer for the purpose of the Local Government Act 2002 and other relevant legislation.
- As Principal Administrative Officer, authority to exercise all those powers and duties specified in Council's standing orders with respect to the Common Seal.
- Internet Banking Authority in conjunction with any one of the following:
 - Finance Manager
 - Accountant
 - Group Manager: Corporate Services
- Authority to operate Council's bank accounts in conjunction with any one of the following:
 - Finance Manager
 - Accountant
 - Group Manager: Corporate Services
- Authority to operate one Business Visa Card subject to:
 - A credit limit of \$10,000 on the Group Manager: Corporate Services' card
 - Card to be in the name of the Group Manager: Corporate Services.
- Statements are to be approved by the Chief Executive.
- Authority to issue press releases provided however that any such press releases shall not do anything whereby the goodwill and reputation of the Council may be prejudicially affected.
- Approval where applications for Class 4 Gambling Consents can be demonstrated to be in full compliance with Council's Class 4 Gambling Policy.
- To assess and approve discounts or alternative payments owed to Council, where a case of financial hardship has been proven.
- The authority to issue warrants of appointment pursuant to Section 174 Local Government Act 2002,
 - appoint enforcement officers pursuant to Section 177 Local Government Act 2002,
 - appoint authorised officers pursuant to Section 222 of the Building Act 2004,
 - appoint enforcement officers pursuant to Section 371B of the Building Act 2004,
 - appoint officers pursuant to Section 11 of the Fencing and Swimming Pools Act 1987,
 - appoint officers under the Westland District Council bylaws,
 - appoint enforcement officers pursuant to Section 38 of the Resource Management Act 1991, and
 - appoint licensing inspectors pursuant to Section 197 of the Sale and Supply of Alcohol Act 2012.

28.1 Chief Executive cont.

- The Principal Administrative Officer shall hold the Common Seal of the local authority and be responsible for the use of the same.
- The Chief Executive or other officers authorised by them may affix the seal to any document and shall report to the Council at its next ordinary meeting as to the documents thus sealed.
- Authority to appoint a Risk Coordinator.
- The authority to sign any form of information, evidence or consent relating to matters of litigation.

28.2 General Delegations to Senior Managers

- Approval to authorize the carry forward of annual leave for direct reports, of up to an accumulation of 10 days.
- Authority to direct officers to take leave if they have not reduced their excess annual leave.
- Authority to grant, at their discretion, up to 10 days leave without pay in any one year to members of their staff. (Periods of leave in excess of 10 working days are to be referred to the Chief Executive).
- Authority to approve letters of offer and individual employment agreements provided the "Request to Recruit Form" has been completed and signed by the Chief Executive.
- Authority to approve merit promotions, accelerated increments, and double increments to members of their staff; provided however that such increased salaries are no more than the approved maximum for that position.
- Require bonds for any use of Council property under departmental manager's control.

Where such is permitted by law and is not inconsistent with Council policy every manager may, in regard to matters within their jurisdiction, set, vary or waive fees or charges.

- Authority to issue such public notices as may be required from time to time by the Westland District Council, provided however that such public notices are issued under the name of the Chief Executive.
- Authority to issue press releases on activities for which the officer is the manager, provided however that any such press releases shall not do anything whereby the goodwill and reputation of the Council may be prejudicially affected.
- Authority to appoint staff within established limits, up to but excluding those reporting directly to managers.
- Authority to make any decision on applications for the erection of extensions of ancillary buildings that are licensed to occupy legal road, subject to applicants having a right of appeal to Council.

- The authority to sign any form of information, evidence or consent relating to matters of litigation.

28.3 Group Manager: Regulatory, Planning and Community Services

28.3.1 General Delegations:

- Authority to approve and issue and/or renew licenses for trading in public places.
- Authority to approve and issue and/or renew Certificates of Registration for all premises to which the Health (Registration of Premises) Regulations 1996 refer.
- Authority to register, impound and destroy dogs. Authority to refund dog registration fees on the death of a dog and authority to remit registration fees or penalties where it would be just and equitable to do so.
- All of the functions, powers, duties and discretions of the Council pursuant to the Dog Control Act 1996.
- Authority to issue infringement notices pursuant to Section 66, Dog Control Act, 1996.
- Authority to issue permits for operations of an amusement device (Amusement Devices Regulations 1978, Regulation 11).
- Authority to issue Cleansing Orders (Section 41 Health Act 1956).
- Authority to carry out Disinfection of Premises (Section 81 Health Act 1956).
- Action under Section 183 Local Government Act 2002 in relation to removal of growth likely to constitute a fire hazard.
- Delegation of functions pursuant to Regulation 22 (1) Housing improvement Regulations 1947.
- Service of notices to occupiers of private land, to clear litter (Section 10, Litter Act 1979).
- Authority to issue notices pursuant to Section 29 of the Health Act 1956.
- Issue of demolition requisitions and enforcement of demolition orders under Section 48 and Section 51 of the Health Act 1956
- Issue of certificate pursuant to Sections 42 and 48 of the Health Act.
- Issue of repair notices under Section 42 of the Health Act.
- Authority to issue Certificates of Exemption pursuant to Regulation 6 of the Food Hygiene Regulations 1974 and Regulation 14 of the Camping Ground Regulations 1985.
- Power to refund fees in respect of any withdrawn applications in proportion to the remainder less cost incurred by the time of withdrawal.

- Authority to cancel a building line restriction pursuant to Section 327A of the Local Government Act, 1974 subject to all buildings being in conformity with the Operative District Plan.
- Authority to approve of the creation of a right of way pursuant to Section 348 of the Local Government Act, 1974.
- Authority to remedy contravention under the Forest and Rural Fires Act 1977 and to initiate proceedings to recover costs for such actions.
- Authority to file prosecutions for offences under the Forest and Rural Fires Act 1977.
- Authority to issue fire restriction notices and burning permits pursuant to the Forest and Rural Fires Act 1977.
- All the functions, powers and duties vested in Council pursuant to Council Bylaws.
- All the functions, powers and duties delegated to the Planning Manager, Planning Team Leader, Building Control Manager, and Environmental Health Officer.

NOTE: The Group Manager Regulatory Planning and Community Services may subdelegate any or all of the above.

- The power to remit fees and charges for volunteer or not-for-profit organisation's. (Decisions to be reported back to the next meeting of Council.)
- Authority to affix the Common Seal in accordance with Clause 32.1 of this manual.

28.3.3 Planning Manager / Planning Team Leader

Resource Management Act Delegations:

<ul style="list-style-type: none"> ▪ Regional Council Applications 	<p>In conjunction with the Group Manager: District Assets to make a submission on any Resource Consent notified by the West Coast Regional Council and grant Section 95 approvals (affected persons).</p>
<ul style="list-style-type: none"> ▪ Regional Council Plans 	<p>To make a submission on any Plan or Policy Statement notified by the West Coast Regional Council.</p>
<p><i>Guideline</i></p>	<p><i>It is anticipated that this delegation will be exercised on minor amendments and changes only. Any submission must be consistent with Council policy and any major change to a Plan or Policy Statement will be considered by the Council.</i></p>
<ul style="list-style-type: none"> ▪ Section 10 	<p>The authority to grant a time extension to an existing use.</p>
<ul style="list-style-type: none"> ▪ Section 36 	<p>The power to remit fees and charges for volunteer or not-for-profit organisation's. (Decisions to be reported back to the next meeting of Council.)</p> <p>Ability to not perform an action to which a charge relates, until the charge has been paid in full.</p>
	<p>Authority to approve of the reimbursement in part or full of a fee where an application is withdrawn, and the processing costs are less than the Authority to adjust or write off any outstanding fees where it is determined that the fee requires adjustment or it is unreasonable or not possible to try and collect it.</p>
<ul style="list-style-type: none"> ▪ Section 37 & 37A 	<p>The power to waive and extend time limits.</p>

28.3.2 Resource Management Act Delegations cont.

▪ Section 38	The authorisation as Enforcement Officer
▪ Section 41	The authority to direct that evidence be provided before the hearing, the authority for staff to direct certain procedural aspects of the hearing before the hearing and the authority to request a party who made a submission to provide further evidence before a hearing.
▪ Section 42	Protection of sensitive information.
▪ Section 42A	Authorisation to require the preparation of reports for each consent application.
▪ Section 87BA	To make determination on issuing permitted certificates for Boundary Activities.
▪ Section 87BB	To make determination on issuing permitted certificates for Marginal and Temporary Non-Compliances.
▪ Section 88	To make a determination on whether an application for a resource consent is complete or not and the reasons for that determination.
▪ Section 91	Deferral of application pending additional consents.
▪ Section 91C	To return applications that have remained on hold for a total of more than 130 working days.
▪ Section 92	To require further information to be provided or to commission a report before a Resource Consent Application is notified or heard and to postpone notification of a hearing.
▪ Section 92A	The authority for staff to set time limits on applications in circumstances outlined in the Act.
▪ Section 92A	The authority to set time limits for the receipt of further information.
▪ Section 95	The power to decide if an application for a Resource Consent should be limited notified or publicly notified.
▪ Section 95A	Authority to exercise the discretion to publicly notify an application.

28.3.2 Resource Management Act Delegations cont.

▪ Section 95B	Authority to determine affected persons and affected order holders and to give limited notification.
▪ Section 95C	Authority to publicly notify an application after a request for further information.
▪ Section 95D	Authority to determine if adverse effects are likely to be more than minor.
▪ Section 95E	Authority to determine if a person is an affected person if an activity's adverse effects are minor or more than minor.
▪ Section 99	The power to initiate pre-hearing meetings. The authority to decide if staff that have the power to make a decision on an application may attend and participate in a pre-hearing meeting.
<i>Guideline</i>	<i>This authority is subject to all parties agreeing.</i>
▪ Section 99A	The authority to appoint a person as a mediator where the Council is the consent applicant.
▪ Section 100	The power to determine that a formal hearing is not needed.
▪ Section 101	The power to fix a hearing date.
<i>Guideline</i>	<i>The fixing of a hearing date is to be undertaken in-so-far as possible with the applicant.</i>
▪ Section 102	The power to make a decision to establish a joint hearing.
▪ Section 103	Power to decide and arrange the holding of combined hearings where two or more applications are made to Council.
▪ Section 106	The authority for staff to decline an application in the circumstances outlined in the Act, i.e. adequate information not provided to enable the application to be determined.

28.3.2 Resource Management Act Delegations cont.

▪ Section 109	The power to decide whether any work subject of a bond or covenant is completed satisfactorily.
▪ Section 114	To determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.
▪ Section 116	Exercise the discretion to support or oppose any application made to the Environment Court pursuant to Section 116 of the Resource Management Act 1991.
▪ Section 124	To permit an application to continue to operate pending determination of an application for a replacement consent as provided for in S124(b).
▪ Section 125	Power to extend the period in which a resource consent lapses.
▪ Section 126	The power to cancel unexercised consents.
▪ Section 127	The power to decide the circumstances when it would be unreasonable to seek written approval of other persons to the variation or cancellation of conditions.
▪ Section 128 to 132	Power to initiate review of condition of a resource consent and make a decision on the review.
▪ Section 133A	The authority to correct minor mistakes or defects in resource consent.
▪ Section 139	To issue or decline Certificates of Compliance.
▪ Section 139A	To issue an existing use certificate
▪ Section 176A	The waiving of the need for an outline Plan. The approval of Outline Plans and the request for changes to be made.
▪ Section 222	The power to issue a Completion Certificate.
▪ Section 223	The power to accept a survey scheme plan and provide authority to LINZ in Landonline.

28.3.2 Resource Management Act Delegations cont.

▪ Section 224	The power to verify all conditions of subdivision consent are met and provide authority to LINZ in Landonline.
▪ Section 226	The power to certify any survey plan or copy thereof to the effect that the subject land has not been subject to a previous statutory approval.
▪ Sections 227, 240 and 241	To cancel in whole or in part prior approvals or Certificates requiring the amalgamation of allotments.
▪ Section 234	Power to vary or cancel an esplanade strip.
▪ Section 243	The revocation of conditions as to easements.
▪ Section 310 & 311	To apply to the Environment Court for a declaration.
▪ Section 314	To apply to the Environment Court for an enforcement order.
▪ Section 316 & 320	Power to apply for enforcement order or interim enforcement order.
<i>Guideline</i>	<i>The need for legal advice should be considered on each occasion.</i>
▪ Section 322	Power to serve abatement notices.
▪ Section 323	To act as and allow an enforcement officer to take appropriate action to reduce noise to a reasonable level or seize equipment to ensure compliance with an abatement notice.
▪ Section 325A	To cancel or confirm an abatement notice or approve a request for change or cancellation of an abatement notice.
▪ Sections 327 & 328	To act as and allow an enforcement officer to give a directive to reduce excessive noise and take action to control the excessive noise
▪ Section 330	In the case of emergency work, power to take preventative or remedial action
▪ Sections 332 & 333	Power of entry for inspection survey, collect samples

28.3.2 Resource Management Act Delegations cont.

<p><i>Guidelines</i></p>	<p><i>Section 323</i> <i>An enforcement officer must be accompanied by a constable when equipment is seized and impounded.</i></p> <p><i>Section 333</i> <i>Under this section the officer may undertake surveys for any purposes connected with the preparation, change or review of a policy statement or plans. In this case reasonable written notice shall be given to the occupier before entering the land. Warrants must be shown and written authorisations produced upon initial entry. As the Act is quite explicit it is not considered that any additional guidelines are required.</i></p> <p><i>Under section 332 of the Act staff may enter onto a property but not enter a dwelling house to determine whether or not:</i></p> <p><i>(a) The Act, rules, consent etc, are being complied with;</i></p> <p><i>(b) An enforcement order etc, is being complied with; or</i></p> <p><i>(c) Any person is contravening a rule in a plan in a manner prohibited by specific sections of the Act.</i></p>
<ul style="list-style-type: none"> ▪ Section 336 	<p>The power to consider an application to return seized property.</p>
<ul style="list-style-type: none"> ▪ 1st Schedule - Clause 5 	<p>The power to decide on whom public notice shall be sent in relation to the Proposed District Plan or a change thereto and to arrange public notification of that proposal.</p>
<ul style="list-style-type: none"> ▪ 1st Schedule - Clause 7 	<p>The power to summarise submissions made in respect of a Proposed District Plan or a change thereto.</p>
<ul style="list-style-type: none"> ▪ Section 99A 	<p>The authority to refer a person to mediation.</p>

28.3.2 Resource Management Act Delegations cont.

<ul style="list-style-type: none"> ▪ Section 104A ▪ Section 104B ▪ Section 104C ▪ Section 104D ▪ Section 106 ▪ Section 108 ▪ Section 220 	<p>To approve applications for resource consents, including determining conditions for;</p> <p><u>Controlled</u> activities, Restricted discretionary activities, discretionary activities, and Non-complying activities;</p> <p>where non-notified or where notified and:</p> <ul style="list-style-type: none"> - no submissions are received; or - no request is made for a hearing; or - the need for a hearing has been adverted by a submission being withdrawn.
<p><i>Guideline</i></p>	<p><i>The Act requires all applications to be notified unless specific circumstances provided for in the Act are met</i></p>
<ul style="list-style-type: none"> ▪ Section 127 	<p>Power to change or cancel a consent condition.</p> <p>The power to decide the circumstances when it would be unreasonable to seek written approval of other persons to the variation or cancellation of conditions.</p>
<ul style="list-style-type: none"> ▪ Section 168A 	<p>To consider and make a decision on any Requirement for a Designation which does not require a hearing.</p>
<ul style="list-style-type: none"> ▪ Section 171 	<p>To consider and make a recommendation to any requiring Authority on any Requirement for a Designation which does not require a hearing.</p>
<ul style="list-style-type: none"> ▪ Section 181 	<p>To consider and make decisions on any application to alter an existing designation.</p>
<ul style="list-style-type: none"> ▪ Section 221 	<p>Power to issue and cancel a consent notice.</p>
<ul style="list-style-type: none"> ▪ Section 223 	<p>To approve any survey plan.</p>
<ul style="list-style-type: none"> ▪ Section 224 	<p>Authority to certify compliance as an ‘authorised officer’ with specified conditions prior to deposit of survey plan.</p>
<p>General</p>	<p>The authority to sign a form of consent or other</p>

	document to be lodged with the Environment Court relating to resource consents.
<i>Guideline</i>	<i>The need for legal advice should be considered on each occasion.</i>

28.3.3 Sale and Supply of Alcohol Act 2012 Delegations:

To act as Secretary of the District Licensing Committee.

NOTE: The Group Manager: Regulatory, Planning and Community Services may subdelegate any or all of the above.

28.3.4 Building Act Delegations:

All of the functions, powers, duties and discretions of the Council pursuant to the Building Act 1991 and the Building Act 2004 and Building Codes issued pursuant to them.

NOTE: The Group Manager: Regulatory, Planning and Community Services may subdelegate any or all of the above.

28.4 Group Manager: Corporate Services

- Authority to institute legal proceedings for recovery of debts owed to Council.
- Authority to remit penalty on rates in respect to any particular ratepayer and ratepayers in the circumstances when the officer considers it would be just and equitable to do so. In all instances the amounts shall not exceed delegation. All penalties written off to be reported back to Council once a year.
- Authority to deposit surplus general funds with any bank and to invest special funds in any manner authorised by the Trustees Act and within the Audit Office and Council policy.
- Authority to negotiate loan interest rates and terms with brokers and/or lending institutes for loans raised by Council.
- The writing off of bad debts considered to be bad or uncollectable up to the value of delegated authority. All debts to be written off to be reported back to Council once a year.
- Arrange overdraft facilities up to statutory limit.
- Make or take any oath or declaration in regard to Council's financial affairs.
- Enter into any arrangements for payment of a debt owed to Council over a period.
- In consultation with the Group Manager: District Assets, discontinue any service for non-payment and authorise resumption of service where appropriate.
- Amend any entries in the valuation roll or the Council's rating records which are the result of an error or which are no longer correct as a result of changed circumstances.
- Authority to apply to the Valuer General for valuation equalization certificates for rating purposes.

NOTE: The Group Manager: Corporate Services may subdelegate any or all of the above to the Finance Manager.

- Internet Banking Authority in conjunction with any one of the following:
 - Chief Executive
 - Finance Manager
 - Accountant
- Authority to operate a Council Business Visa Card as approved by the Chief Executive.
- Authority to operate Council's bank accounts in conjunction with any one of the following:
 - Chief Executive
 - Finance Manager
 - Accountant

28.5 Finance Manager

- Authority to institute legal proceedings for recovery of debts owed to Council.
- Authority to remit penalty on rates in respect to any particular ratepayer and ratepayers in the circumstances when the officer considers it would be just and equitable to do so. In all instances the amounts shall not exceed \$500. All penalties written off to be reported back to Council once a year.
- Authority to deposit surplus general funds with any bank and to invest special funds in any manner authorised by the Trustees Act and within the Audit Office and Council policy.
- Authority to negotiate loan interest rates and terms with brokers and/or lending institutes for loans raised by Council.
- The writing off of bad debts considered to be bad or uncollectable up to the value of \$200. All debts to be written off to be reported back to Council once a year.
- Arrange overdraft facilities up to statutory limit.
- Make or take any oath or declaration in regard to Council's financial affairs.
- Enter into any arrangements for payment of a debt owed to Council over a period.
- In consultation with the Group Manager: District Assets, discontinue any service for non-payment and authorise resumption of service where appropriate.
- Amend any entries in the valuation roll or the Council's rating records which are the result of an error or which are no longer correct as a result of changed circumstances.
- Authority to apply to the Valuer General for valuation equalization certificates for rating purposes.

NOTE: The Finance Manager may subdelegate any or all of the above to the Accountant.

- Internet Banking Authority in conjunction with any one of the following:

- Chief Executive
 - Accountant
 - Group Manager: Corporate Services
- Authority to operate a Council Business Visa Card as approved by the Chief Executive.
 - Authority to operate Council's bank accounts in conjunction with any one of the following:
 - Chief Executive
 - Accountant
 - Group Manager: Corporate Services

28.6 Group Manager: District Assets

- The powers conferred on the Council by clause 11 of the Tenth Schedule of the Local Government Act 1974 (temporary prohibition of traffic on roads.)
- Authority to remove motor vehicles which may be abandoned (Section 356 Local Government Act 1974).
- The closing of sports grounds as circumstances shall require from time to time.
- The granting of drainage easements over parks and reserves.
- Variation of the allocation of sports grounds, winter, and summer.
- Temporary use of any park or reserve for any recreation or entertainment and to impose any terms and conditions applicable.
- Approval of applications to take up collections on reserves and beaches and Council owned public open spaces.
- Approval of the erection of commercial signs and sponsorship signs on sports parks, subject to other necessary approvals (i.e., CAA or Building Consents)
- Approval of temporary helicopter landing and take-off sites on parks and reserves, subject to other necessary approvals.
- Authority to issue notices to property owners and residents in area where works are to be carried out subject to any other statutory provisions.
- Authorise the planting or removal of trees from any reserve, street, or other Council land.
- Approval of erection of directional signs.
- Authority to set fees and charges for inspections and repair of service authority trenches (i.e., utility providers), in conjunction with the Chief Executive.
- Fixing of charges within the limits imposed by the Reserves Act 1977, for the use of Council reserves in conjunction with the Chief Executive.

- All the functions, powers and duties vested in Council by virtue of the Jackson Bay Wharf Bylaw.
- The powers conferred on the Council by the Transport (Vehicular Traffic Road Closure) Regulations 1965.
- Power to carry out or authorise any relevant actions or procedures regarding market days and special functions in shopping areas.
- Authority to carry out or authorise any relevant actions or procedures regarding parades or processions, public entertainment and playing of Christmas Carols on streets and public places.
- Remission of burial charges pursuant to Section 49 of the Burial and Cremation Act 1964.

NOTE: The Group Manager: District Assets may subdelegate any or all of the above.

28.7 Privacy Officers

The following staff have been appointed as Privacy Officers by the Executive Team:

- Human Resources Advisor
- Strategy and Communications Advisor
- Information Manager

WARRANTS OF APPOINTMENTS

8.1 Introduction

The purpose of granting of a warrant by Council is to facilitate the conduct of the regulatory functions of Council. Warranted Officers are expected to apply good judgement at all times in the exercise of their duties under warrant. Officers must carry their warrants at all times when undertaking duties for which they are warranted and must display their warrant when requested to do so.

8.2 Delegations

The Council delegates the power to issue warrants of enforcement to the Chief Executive, or in their absence, to the Acting Chief Executive.

8.3 Warranted Officers

Council and Contractor staff members have been granted warrants for the Council for the specific Acts, Regulations and Bylaws detailed for each Officer. Staff of contractors may be appointed as Officers of the Council. Warrants are granted to Officers only for the period of time the Warranted Officer holds the position of responsibility necessitating the warrant. In the event a Warranted Officer changes their position or resigns as an Officer of Council their warrant is forfeit at the time the change or resignation becomes effective. Officers to whom warrants have been issued are required to surrender their warrant to the Council at that time. C

Contractors are responsible for keeping and maintaining current at all times a register of all their staff who are Warranted Officers of Council. When any staff member resigns or leaves the employment of the contractor, they are to ensure that the warrant issued to that staff member is withdrawn and any warrant documents are returned.

8.4 Warrants Schedule Refer to the Warrant Register for details

Record of Previous Amendments to the Manual

Date Amended	Amendment	Clause	Page Reference
17 May 2006	Add Swimming Pool Manager	30.7	21
17 May 2006	Add Engineering Officer	30.7	21
2 April 2007	Add Consents and Planning Officer	30.7	23
2 April 2007	Amend "Land and Resources Officer" to "Waste Management and Resources Officer"	30.7	21
15 October 2008	Update Standing Committees	20	10
15 October 2008	Amend Planning and Regulatory General Delegations, Resource Management Act Delegations, Sale of Liquor Act Delegations and Building Act Delegations.	31.3	27-36
1 May 2009	Amend Community Services Officer Delegations	31.4	37
1 May 2009	Amend "General Manager" to "Chief Executive Officer"	Various	Various
1 May 2009	Update Standing Committees	20	10
1 May 2009	Update Committees (add Councillor Butzbach to Assets and Planning and Development Committees)	20	10
1 May 2009	Update Other Committees (Solid Waste Committee, add Hearings and Licensing Commissioners)	20.1	11
1 May 2009	Amend Jurisdiction of the Planning and Development Committee (Planning Meeting 7/08/08)	23	13
1 May 2009	Amend Jurisdiction of the Recreation and Community Services Committee (Recreation Meeting 28/10/08)	24	13
1 May 2009	Amend Jurisdiction of the Assets Committee (adding Civil Defence Emergency Management and Rural Fire) (Assets Meeting 20/11/08)	25	14
1 May 2009	Add Jurisdiction of the Solid Waste Management Committee	27	15
1 May 2009	Added Guidelines to Jurisdiction of the Commissioners	28	16
1 May 2009	Add Delegation to Manager Audit and Compliance	30.7	19
1 May 2009	Amend Audit and Finance Delegations (Staff Delegations) (Audit Meeting 9-04-09)	31	Various
6 August 2009	Amend "Managers' Personal Assistant" to "Executive Assistant" in line with CEO's changed title	19 & 30.7	9, 22
18 August 2009	Amend delegations to Manager Planning and Regulatory	30.7	19
18 August 2009	Remove Delegations to Events Coordinator and Assistant Events Coordinator due to WBU Structure	30.7	23, 24
18 August 2009	Amend Standing Orders	33	42
19 August 2009	Amend Staff Delegations Resource Management Act Delegations	32.7 33.2.1	19, 22, 23, 28-37
8 September 2009	Remove Delegations to Manager Audit & Compliance	30	19
14 September 2009	Add "All functions, powers and duties pursuant to the Resource Management Act 1991 <u>and not otherwise delegated,</u>		13
16 October 2009	Amend Part 29.1 by removing the phrase "Deputy Mayor Councillor Bryce Thomson" and replacing it with Councillor Allen Hurley – Council Meeting 15 October 2009	29.1	15

Record of Previous Amendments to the Manual cont.

Date Amended	Amendment	Clause	Page Reference
3 December 2009	Add new Clause d) and e) relating to Commissioners and appointment of a mediator – Planning and Development Committee Meeting – 3 December 2009	29.1	16
19 January 2010	Amend Resource Management delegations as per recent amendments to the Resource Management Act.	33.3.2	27-34
26 March 2010	Added “Information Technology” to Information Technology Officer’s delegations	32.7	21
6 April 2011	Update “Standing Committees”	20	11
6 April 2011	Update Listing of “Other Committees”	21	12
6 April 2011	Amend “Operations Manager” to “Group Manager – Assets & Operations” (Operations Department Restructure)	Various	Various
7 April 2011	Amend Swimming Pool Manager to Supervisor Pools (Operations Department Restructure)	29.7	26
7 April 2011	Amend Waste Management and Resources Officer to Development Control Officer (Operations Department Restructure)	29.7	26
7 April 2011	Amend Information Technology Officer to Supervisor IT Services (Operations Department Restructure)	29.7	26
7 April 2011	Amend Consents and Planning Officer to Consents Officer (Operations Department Restructure)	29.7	28
7 April 2011	Amend Community Liaison Officer to Community Development Officer (Operations Department Restructure)	29.7	28
2 May 2011	Increase delegations to Management Team and the Group Manager – Assets & Operations – Council Meeting 28 April 2011	32.7	22
2 May 2011	Amend Tender Procedures – Part V Miscellaneous – Council Meeting 28 April 2011	34	45-46
28 March 2012	Amend “four” Senior Managers to “three” Senior Managers	1.1	4
28 March 2012	Remove reference to Manager Audit and Compliance (Council Restructure)	1.1	
28 March 2012	Update Performance Management Committee Members	20	11
28 March 2012	Amend reference to “LTCCP” to “LTP”	25.3, 25.5	16
28 March 2012	Amend delegation of Development Control Officer to Planning Engineer – (Operations Department staffing)	29.7	25
28 March 2012	Amend reference from “Consents Officer” to “Planner” – (Planning and Regulatory staffing)	29.7	27
28 March 2012	Update delegations to the Chief Executive Officer - instructions from Council Meeting – 22.03.12	30.1	28
28 March 2012	Update delegations to the Chief Executive Officer – Authority to update Warrants of Appointments	30.1	29
28 March 2012	Update reference from “Planning and Development Committee” to “Strategy Committee”	30.3.2	31, 36
24 July 2012	Include delegations to “Community Services Team” due to restructure process.	29.7	30-31

Record of Previous Amendments to the Manual cont.

Date Amended	Amendment	Clause	Page Reference
24 July 2012	Update the Executive Team listing	1.1 a)	5
16 August 2012	Include a delegation for the Conduct Review Committee	20	12, 27
16 August 2012	Include the Terms of Reference for the Committees	24-27	16-26
16 August 2012	Update Delegations to Staff	29.7-30.6	28-54
16 August 2012	Remove Tender Procedures	31	55
16 August 2012	Remove Standing Orders	32	56
23 August 2012	Add reference to Council Bylaws	30.3.1	43
18 December 2012	Amend reference from Chief Executive Officer to “Chief Executive” – Risk Committee Meeting 20.11.12	Various	Various
18 December 2012	Amend reference from CEO to “CE” (Risk Committee Meeting - 20.11.12)	Various	Various
18 December 2012	Amend reference to Credit Card (internal policy change)	31.1 31.5	41 54-55
18 December 2012	Remove reference to “him”	31.1	42
18 December 2012	Add paragraph to Chief Executive and Departmental Managers regarding litigation	31.1	42
18 December 2012	Remove reference to property rentals	31.2	42
18 December 2012	Amend right of way clause (Risk Committee Meeting – 20.11.12)	31.3.2	45
7 February 2013	Part IV - Resource Management Act Delegations - Add reference to the Manager Planning and Regulatory’s delegation to exercise the discretion to support or oppose any application made to the Environment Court (Council Meeting 24.01.13)	Part IV 31.3.2	47
7 February 2013	Part III - Elected Members Expenses – Add reference to the Elected Members Expenses for the Mayor, Chairperson of the Performance Management Committee and the Deputy Mayor (Council Meeting 24.01.13)	Part III Clause 30	29
7 February 2013	Part IV – Delegation to Staff – Remove reference to “non-capital” from staff delegations. (Council Meeting 24.01.13)	Part IV Clause 30.7	31-39
7 February 2013	Part IV – Delegation to Staff – Add a reference to the credit card for the iSite Manager’s Delegation (Council Meeting 24.01.13)	Part IV Clause 30.7	34
7 February 2013	Part IV – Delegation to Staff - Add “Authority to operate two Business Visa Cards“(Council Meeting 24.01.13)	Part IV Clause 31.1	40
7 February 2013	Part IV – Delegation to Staff - Amend reference to the Finance Manager’s Delegation to operate a Business Visa Card (Council Meeting 24.01.13)	Part IV Clause 31.5	54
28 February 2013	Part IV – Delegation to Staff – Add reference to Acting Group Manager – Corporate Services’ Delegations (Council Meeting 28.02.13)	Part IV Clause 31.7	32
12 July 2013	Part 1 – Glossary – Amend reference to Executive Team (CE’s Staff Review 12.07.13)	Part 1	5

Record of Previous Amendments to the Manual cont.

Date Amended	Amendment	Clause	Page Reference
12 July 2013	Amend Reference from “Chief Financial Officer” to Finance Manager (CE’s Staff Review 12.07.13)	Various	Various
12 July 2013	Part IV – Delegations to Staff – Remove “Finance Manager” from “Executive Team” Listing to the Table on Page 33 (CE’s Staff Review 12.07.13)	Part IV Clause 31.7	31
12 July 2013	Amend reference from “Group Manager – Assets and Operations” to “Group Manager: District Assets” (CE’s Staff Review 12.07.13)	Various	Various
03.02.14	General Amendment - Amend reference from “Manager: Planning and Regulatory) to “Group Manager: Planning, Community and Environment) CE’s Staff Review.	1, 31.7, 32.1, 32.3.2, 32.3.3, 32.3.4, 32.4	6, 43, 51, 60, 63, 64
03.02.14	Delegations to Committees - Remove reference to Performance Management Committee, Strategy Committee, Operations Committee, Risk Management Committee and Conduct Review Committee (Council Meeting 28.11.13)	20, 22	13-14-15
03.02.14	Delegations to Committee - Add reference to “Executive Committee” (Council Meeting 28.11.13)	20, 22	13-14-15
03.02.14	Hearings Commissioners - Amend reference from “Hearings and Licensing Commissioners” to “Resource Management Hearings Commissioners” (Council Meeting 28.11.13)	21	15-16
03.02.14	Delegations to Standing Committees - Update reference from Long Term Council Community Plan to Long Term Plan (grammatical)	22	15
03.02.14	Delegations to Standing Committees - Remove Terms of Reference for Performance Management Committee, Strategy Committee, Operations Committee, Risk Management Committee (Council Meeting 28.11.13)	24, 25, 26, 27	16-28
03.02.14	Delegations to Other Committees - Remove reference to “Conduct Review Committee” – ceases to exist	28	29
03.02.14	Executive Committee - Add Terms of Reference to the Executive Committee	24	30-35
03.02.14	Elected Members Expenses - Remove reference to Chairperson of Performance Management Committee and remove paragraph relating to Deputy Mayor (Council Meeting 28.11.13)	30	37
03.02.14	Delegations to Staff – Executive Team meeting noted that Executive Team Delegations had not been carried through the Manual due to an administrative error.	31.7	39
03.02.14	Delegations to Staff - Amend reference from Acting Group Manager Corporate Services to Group Manager: Corporate Services (permanent appointment made to position)	31.7	43
03.02.14	Delegations to Staff - Remove reference to Community Development Officer (restructure of Community Development/Community Services)	31.7	45

Record of Previous Amendments to the Manual cont.

Date Amended	Amendment	Clause	Page Reference
03.02.14	Delegations to Staff - Amend reference from Community Services Officer to Community Development Officer (restructure of Community Development/Community Services 18.10.13)	31.7	46
03.02.14	Delegations to Staff - Amend reference from Team Leader – Operations to Operations Manager, Field Inspections Officer (previously Contracts Supervisor), Property and Projects Supervisor (previously Engineering Officer), Engineer Water Services (previously Supervisor 3 Waters), Solid Waste Engineer (previously Development Control Officer) - (District Assets Reorganisation 05.12.13),	31.7 & 28.7	47 26-27
03.02.14	Delegations to Staff - Amend reference of Planning Engineer (incumbent resigned) to Development Control Engineer 21.11.13)	31.7	48
18.02.14	Delegations to Staff (Group Manager: Planning, Community and Environment) – clarify resource management powers	32.3.2	?
03.02.14	Business Visa Cards – Amend reference to iSite Manager’s Visa Card only increased to \$10,000. No increase to Finance Manager’s delegation (Council Meeting 28.11.13)	32.1	51
03.02.14	Sale of Liquor Act Delegations – Amend reference to Sale of Liquor Act Delegations (Council Meeting 28.11.13) and replace with references to Sale and Supply of Alcohol Act 2012 along with relevant provisions (Council Meeting 27.02.14)	32.3.3	63
18.02.14	Resource Management Hearing Commissioners – Amend to reflect situation where no Councillors are accredited hearing commissioners; also reference to District Licensing Committee as per Sale and Supply of Alcohol Act 2012 (Council Meeting 27.02.14)	21, 29, 30	15-16
20.08.14	Delegations to Staff – Update references to Job Titles of Staff Members –Events Coordinator (previously Events Manager), Assistant Events Coordinator (previously Wildfoods Festival Assistant), Museum Director (previously Museum Manager).	28.7	25-26
21.08.14	Delegations to Staff – Change amount of Delegation of Wildfoods Festival Coordinator – reduced from \$15K to \$10K by CE when Fixed Term Position was developed.	28.7	24
20.11.14	Delegations to Staff – Add a delegation to the Corporate Planner via email from Jim Ebenhoh, effective 20 November 2014.	28.7	32
16.02.15	Delegations to Staff – Add a delegation to the Emergency Management Officer via email from Tanya Winter, effective 16 February 2015.	28.7	26
26.03.15	Update Terms of Reference for the Executive Committee as per Amendments and Readoption at the Council Meeting on 26 March 2015.	20 & 24	15-21

Record of Previous Amendments to the Manual cont.

Date Amended	Amendment	Clause	Page Reference
29.06.15	Delegation to Ashley Cassin, Project Manager, West Coast Wilderness Trail via email from Tanya Winter and Peter Anderson, effective 29 June 2015 to 30 October 2015.	28.7	26
10.08.15	Delegations to Staff – Add a delegation to the Acting District Building Inspector via email from Jim Ebenhoh, effective 10 August 2015 to the 20 November 2015.	28.7	31
10.08.15	Delegations to Staff – Add a delegation to the Asset Management Planner via email from Vivek Goel, effective 25 August 2014.	28.7	29
10.08.15	Delegations to Staff – Add a delegation to the Environmental Health/Regulatory Officer via email from Jim Ebenhoh, effective 26 January 2015.	28.7	31
10.08.15	Delegations to Staff – Increase a delegation to the Operations Manager via email from Vivek Goel, effective from new staff appointment 1 October 2015.	28.7	28
10.08.15	Change to Title of Solid Waste Engineer to Solid Waste and Development Control Officer – effective from staff appointment 16 November 2015.	28.7	29
01.10.15	Increase in delegation for Transportation Officer from \$20,000 to \$50,000	30.7	25
07.04.16	Delegations to Staff – Change of Titles as follows: “iSite Manager” to “Customer Service Manager” Corporate Planner from the Planning, Community & Environment Group to the Corporate Services Group “District Librarian” to “Library Manager” “District Building Inspector” to “Building Control Manager” Acting District Building Inspector – removed as no longer applicable “Compliance Officers” to “Building Control Officers” & “Building Control and Quality Officer”	28.7 28.7 28.7 28.7 28.7 28.7	27 27 30 30 31 31
07.04.16	Staff Delegations - Change of Titles as follows: “Assistant Accountant” to “Accountant”. “iSite Manager” to “Customer Service Manager”	29.1 & 29.4 29.1	33, 36 & 44 33
11.07.16	Amend reference from “Supervisor IT Services” to “Information Services Manager”.	28.7	27
09.08.16	Increase delegation of Museum Director and Library Manager from \$2,000 to \$5,000	28.7	30
15.10.16	Delegations to Staff – Add a delegation to the HR Advisor as per signed Position Description in IEA	28.7	25
31.10.16	Amend reference from “Operations Manager” to “Transportation Manager”	28.7	27
31.10.16	Amend reference from “Field Inspections Officer” to “Transportation Officer”	28.7	27

Record of Previous Amendments to the Manual cont.

Date Amended	Amendment	Clause	Page Reference
24.11.16	Update to Terms of Reference – Standing Committee of Council – Finance, Audit and Risk Committee. Council Resolution of the 24.11.16	24	17
24.11.16	Financial Delegations to the Chief Executive Council put in place a \$5,000 cap on consultant spend and legal fees in the organisation, trialled on a 6 months basis, with any spend in excess of \$5,000 to be referred to the Mayor and Chair and of the Finance, Audit and Risk Committee. Council Resolution of the 24.11.16		
19.04.17	Increase delegation of Information Services Manager from \$5,000 to \$10,000	28.7	26
27.04.17	Financial Delegations to the Chief Executive The Council Resolution of the 24 November 2016 was revoked and the Consultant Spend and Legal Fees cap of \$5,000 was removed.		
23.05.17	Amend reference from “District Planner” to “Planning Manager”	28.7	31, 41
09.06.17	Add a subdelegation clause as per Pages 42 and 43 noting that the Group Manager: Planning, Community and Environment may subdelegate.	29.3	35
12.06.17	Credit Card Policy Amend reference from “Finance Manager” to “Group Manager: Corporate Services” as per email from Group Manager: Corporate Services	29	32
27.06.17	Amend reference from “Wildfoods Festival Coordinator” to Event Manager: Hokitika Wildfoods Festival	28.7	30
03.07.17	Amend reference from “Corporate Planner” to “Strategy and Communications Advisor” once new staff member commences employment in role.	28.7	26
18.12.17	Include Terms of Reference for the Dog Control Hearing Committee as adopted by Council 28.09.17	25	20
18.12.17	Add Delegation from Chief Executive to Group Managers to approve Letters of Offer and Individual Employment Agreements – Exec Team outcome.	30.2	34
18.12.17	Increase credit limit of Group Manager: Corporate Services’ card to \$10,000 to reflect actual spending limit	30.1	33
18.12.17	Amend reference from “Customer Service Manager” to “iSite Manager” to reflect split of Customer Service from the Hokitika iSite.	29.7 30.1	27 33
27.04.18	Terms of Reference – Tenders Committee – Council Resolution 26.04.18	26	22
21.05.18	Amend reference licence “Activities for which the officer is the Financial Manager” for Planning Manager, Building Control Manager and Environmental Health/Regulatory Officer – Refer email from Jim Ebenhoh 06.04.18	30.7	35
21.05.18	Amended reference from “Building Inspection Services” to “Building Control”, “Pensioner Flat Maintenance & Building Inspection Services” to “Building Control” – Refer email from Jim Ebenhoh 06.04.18	30.7	34

Date Amended	Amendment	Clause	Page Reference
21.05.18	Added "Alcohol Licensing" to the list for Environmental Health/Regulatory Officer – Refer email from Jim Ebenhoh 06.04.18	30.7	34

Record of Previous Amendments to the Manual cont.

Date Amended	Amendment	Clause	Page Reference
21.05.18	Remove "Civil Defence" and "Rural Fires" from Transportation Officer – Refer email from Jim Ebenhoh 06.04.18	30.7	31
22.05.18	Add "Operations Manager" with delegated authority of \$50,000. Authorised by the Chief Executive via email 22.05.18.	30.7	31
21.08.18	Terms of Reference: Finance, Audit and Risk Committee – Updated at the Council Meeting 26.07.18	24	23
28.11.19	Amendments to the Manual after the Triennial Elections, including: <ul style="list-style-type: none"> • Council Committees and Sub-Committees • Hearings Commissioners • RMA Hearings Advisors • Commissioner Accreditation • Delegations to Staff in line with new positions and changes to existing positions in the organisation (addition of delegation to Capital Projects Manager) • RMA Delegations 	20 21 27 27 30.7 31.3.3	17 17 18 18 21-28 34
17.02.20	Increase in delegation to Building Control Manager from \$5,000 to \$10,000 as per request from Simon Bastion dated 16.02.20.	27.7	26
27.02.20	Include Terms of Reference for Standing and Subcommittees to Part III of the Delegations Manual – "Delegations to Standing Committees"	20	9
04.09.20	Appointment of Privacy Officers: <ul style="list-style-type: none"> - People and Capability Manager - Strategy and Communications Advisor - Business Analyst 	28.6	43
14.10.20	New delegation level for the role of Engineering Assistant.	27.7	25
21.10.20	Decrease in delegation for the People and Capability Manager from \$50,000 to \$10,000.	27.7	23

Record of Amendments 2021

Date Amended	Amendment	Clause	Page Reference
29.01.21	Executive Team – role titles changed for the Group Manager: Regulatory and Community Services and Planning Manager	1.1 28.3 28.3.3	3 40 42
29.01.21	Delegations to Staff – role titles changed for the Group Manager: Regulatory and Community Services and Planning Manager.	27.7	32
29.01.21	Delegations to Staff – Community Development Advisor – role moved to Regulatory and Community Services.	27.7	37
29.01.21	Delegations to Staff – Emergency Management Officer – (shared role with West Coast Regional Council) role moved to near Regulatory and Community Services.	27.7	37
29.01.21	Delegations to Staff – Engineer – Water Services renamed to Engineer 3 Waters.	27.7	34
29.01.21	Delegations to Staff – Asset Management Planner (Vacant) and Capital Projects Manager roles were removed from the manual.	27.7	36
29.01.21	Delegations to Staff – new role of Project Manager added.	27.7	35
29.01.21	Delegations to Staff – new role of Asset Manager added.	27.7	35
29.01.21	Delegations to Staff – tidy up of wording for Senior Building Control, Building Control Officers, Quality Officer roles.	27.7	36
29.01.21	Delegations to Staff – Museum Director – new role.	27.7	37
16.04.21	Delegations to Staff – Updates to delegations to Budget Managers as a result of the Change Management Process Outcomes	27.7	31
16.04.21	Change in position title from “Business Analyst” to “Information Manager”.	28.6	49
16.04.21	Update reference from “cheque authority” to “Internet Banking Authority”.	28 28.5	36 47
16.04.21	Include a delegation to the Group Manager: Corporate Services (similar to the Finance Manager delegation).	28.4	49
01.11.21	Delegations to Staff – Update to delegations for the Facilities, Property and Compliance Manager as follows: Compliance - \$5,000 Facilities - \$5,000	27.7	34
05.11.21	Update the Terms of Reference for the Committees as adopted by the Committees and Council.	20	9-26

Report to Council



DATE: 2 December 2022
TO: Mayor and Councillors
FROM: Chief Executive

LOCAL GOVERNANCE STATEMENT

1. Summary

- 1.1. The purpose of this report is to request Council approval for updates to the Local Governance Statement since was last approved by Council on the 28 November 2019.
- 1.2. This issue arises from the requirement to provide an updated Local Governance Statement in accordance with [Section 40 of the Local Government Act 2022 \(LGA\)](#).
- 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 - 2031. Refer to page 2 of the agenda.
- 1.4. This report concludes by recommending that Council adopt the amended Local Governance Statement, attached as **Appendix 1**.

2. Background

2.1. The reason the report has come before the Council is because under s 40 LGA a local authority must prepare and make publicly available, following a triennial general election of members, a local governance statement that must include specific information. This must be adopted by Council within six months after the triennial election. The Council's Triennial Council meeting was held on Thursday 27 October 2022.

- (1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—
 - (a) the functions, responsibilities, and activities of the local authority; and
 - (b) any local legislation that confers powers on the local authority; and
 - (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under [section 158](#) or [159](#); and
 - (c) the electoral system and the opportunity to change it; and
 - (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and
 - (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and

- (f) governance structures and processes, membership, and delegations; and
- (g) meeting processes (with specific reference to the applicable provisions of the [Local Government Official Information and Meetings Act 1987](#) and standing orders); and
- (h) consultation policies; and
- (i) policies for liaising with, and memoranda or agreements with, Māori; and
- (j) the management structure and the relationship between management and elected members; and
- (ja) the remuneration and employment policy, if adopted; and
- (k) equal employment opportunities policy; and
- (l) key approved planning and policy documents and the process for their development and review; and
- (m) systems for public access to it and its elected members; and
- (n) processes for requests for official information.

(2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.

(3) A local authority must update its governance statement as it considers appropriate.

3. Current Situation

3.1. The current situation is that Council has a Local Governance Statement which was adopted by Council on the 28 November 2019. Since that time the Local Governance Statement has been amended as follows:

Date	Amendment
18.05.22	Update the Executive Team Listing - Planning Manager Vacancy
18.05.22	Update the Committee Listing - Include Southern Ward Vacancy
19.07.22	Change of title: - Group Manager: Regulatory and Community Services to Group Manager: Regulatory, Planning and Community Services
19.07.22	Remove Role from Executive Team: Planning Manager

3.2. A copy of the updated version is attached to this report as **Appendix 1**.

4. Options

4.1. Option 1: Adopt the amended Local Governance Statement.

4.2. Option 2: Do not adopt the Local Governance Statement.

5. Risk Analysis

5.1 Risk has been considered and by not adopting the Local Governance Statement within 6 months of the Triennial General Election of members of the local authority could result in Council being in breach of the Local Government Act 2002.

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 medium as Council is required to have a Local Governance Statement in terms of the Local Government Act 2002.

7.1.1. No public consultation is considered necessary.

8. Assessment of Options (including Financial Considerations)

8.1. Option 1 – Adopt the amended Local Governance Statement.

8.1.1. There are no financial implications to this option.

8.2. Option 2 – Do not adopt the Local Governance Statement.

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 Council has to comply with the Local Government Act 2002.

10. Recommendation(s)

10.1. That the report be received.

10.2. That Council adopts the amended Local Governance Statement and publishes it on Council's website www.westlanddc.govt.nz.

Simon Bastion
Chief Executive

Appendix 1: Amended Local Governance Statement



LOCAL GOVERNANCE STATEMENT

Amended by Council – 28.11.19

Updated – 02.12.22

Version 2022.03

Record of Amendments

Date	Amendment	Clause	Page Reference
14.10.10	Update the Councillors Contact Details	2	6
19.11.10	Update the list of Committees as per Council Meeting of 18.11.10	7.1 & 7.2	17-18
18.07.12	Include the Council Vision		2
18.09.12	Update the Management Team Listing	2.2	3
18.07.12	Update the Representation Review	4.1-4.4	8-11
18.09.12	Include a clause regarding updating		
18.09.12	Add Conduct Review Committee (Council Resolution– 23.08.12)	7.2	20
26.09.12	Amend reference from Chief Executive Officer to “Chief Executive”		Various Pages
27.02.14	Various amendments to reflect legislative changes and new Council committee and management structure, to insert list of bylaws, and to include the Consultation Policy and Elected Members Code of Conduct (for Council Resolution – 27.02.14)		Various Pages
	Addition of Westroads Greymouth Ltd (as per Council Meeting – 27.02.14)	7.1	18
	Addition of Waste Management to Groups (as per Council Meeting – 27.02.14)	7.3	21
23.05.19	Various amendments to reflect legislative changes and new Council committee and management structure, to insert list of bylaws, and to include the Significance and Engagement Policy and Partnership Agreement with Papatipu Rūnanga, and Statement on consideration of the Four Wellbeings.		Various Pages
28.11.19	Amendments reflecting the amendments after the Triennial Meeting held on the 24 October 2019 as follows: Page 31 – Item 6.6 Code of Conduct Remove “...may only be amended by a 75%...” Page 34 – Item 7.2 Council Committees Addition of Cr Davidson to the Capital Projects and Tenders Committee.		31 and 34
18.05.22	Update the Executive Team Listing	22	9

	- Planning Manager Vacancy		
18.05.22	Update the Committee Listing - Include Southern Ward Vacancy	22	10
19.07.22	Change of title: Group Manager: Regulatory and Community Services to Group Manager: Regulatory, Planning and Community Services	2.2	9
19.07.22	Remove Role from Executive Team: Planning Manager	2.2	9
02.12.22			

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COUNCIL VISION

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

Council by-line in promoting Westland:

“Westland, the last best place”



1. Introducing the Local Governance Statement

1.1 What is the purpose of the Local Governance Statement?

A Local Governance Statement is a collection of information prepared under [Section 40 of the Local Government Act 2022](#) that includes information about the ways in which a local authority engages with its community and makes decisions, and the ways in which individuals can influence processes.

Consideration is given to the social, environmental, economic, and cultural community wellbeings as part of this document.

1.2 What Information does the Local Governance Statement contain?

To meet the purpose, this Local Governance Statement includes information on:

- (a) the functions, responsibilities, and activities of the local authority; and
- (b) any local legislation that confers powers on the local authority; and
- (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under [section 158](#) or [159](#); and
- (c) the electoral system and the opportunity to change it; and
- (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and
- (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
- (f) governance structures and processes, membership, and delegations; and
- (g) meeting processes (with specific reference to the applicable provisions of the [Local Government Official Information and Meetings Act 1987](#) and standing orders); and
- (h) consultation policies; and
- (i) policies for liaising with, and memoranda or agreements with, Māori; and
- (j) the management structure and the relationship between management and elected members; and
- (ja) the remuneration and employment policy, if adopted; and
- (k) equal employment opportunities policy; and
- (l) key approved planning and policy documents and the process for their development and review; and
- (m) systems for public access to it and its elected members; and
- (n) processes for requests for official information.

(2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.

(3)

A local authority must update its governance statement as it considers appropriate.

1.3 The Legal Requirement for Council to have a Local Governance Statement

[Section 40 of the Local Government Act 2022](#) (LGA 2002) requires Council to have a Local Governance Statement.

1.4 Amendments to this document

This document shall be maintained by the Executive Assistant who shall amend it in accordance with:

- a) any instructions to that affect given by the Council and any delegated authorised to amend it; or
- b) any need for typographical, grammatical, or other minor amendment where the intention of the Council is not altered.

2. How to Contact Us

2.1 Initial Contact

In the first instance members of the public should contact Council staff if they have an information or service request. Any member of the Council's staff can be contacted by phoning 03 756 9010 or freephone 0800 474 834. Council staff may be emailed either via a website enquiry through the Council Website at www.westlanddc.govt.nz, at council@westlanddc.govt.nz; or directly to the staff member.

Staff members email addresses follow this format:

firstname.surname@westlanddc.govt.nz

2.2 Council Office

Council offices: 36 Weld Street, Hokitika 7810
Postal address: Private Bag 704, Hokitika 7842

Customer Service hours: Monday to Fridays 8.30 am – 4.30 pm

Phone: 03 756 9010

Freephone: 0800 474 834

Fax: 03 756 9045

Email: council@westlanddc.govt.nz

Any initial contact regarding Council services should be made to the Council Office. Any complaints about advice given by Council staff should be directed to the Chief Executive.

EXECUTIVE TEAM

Name	Position	Phone	Email
Simon Bastion	Chief Executive	03 756 9010	ce@westlanddc.govt.nz
Lesley Crichton	Group Manager: Corporate Services	03 756 9010	lesley.crichton@westlanddc.govt.nz
Scott Baxendale	Group Manager: District Assets	03 756 9010	scott.baxendale@westlanddc.govt.nz
Te Aroha Cook	Group Manager: Regulatory, Planning and Community Services	03 756 9010	tearoa.cook@westlanddc.govt.nz
Diane Maitland	Executive Assistant	03 756 9010	diane.maitland@westlanddc.govt.nz

MAYOR, COUNCILLORS AND RUNANGA KAITAKI

MEMBER		MOBILE	EMAIL ADDRESS
Mayor - Elected at large across the District			
Mayor Helen Lash		027 242 7484	Mayor.Lash@westlanddc.govt.nz
Northern Ward - 3 Elected Representatives			
Cr Jane Neale		021 027 18810 03 755 8069	Cr.neale@westlanddc.govt.nz
Cr Reilly Burden		027 824 1048	Cr.burden@westlanddc.govt.nz
Northern Ward Councillor - TBC			
Hokitika Ward - 3 Elected Representatives			
Cr Donna Baird		027 567 7139	Cr.baird@westlanddc.govt.nz
Cr Steven Gillett (Deputy)		021 755 246	Cr.gillett@westlanddc.govt.nz
Cr Paul Davidson		021 081 55642 03 755 6513	Cr.davidson@westlanddc.govt.nz
Southern Ward - 2 Elected Representatives			
Cr Ashley Cassin	25 Weld Street Hokitika	027 339 1214	Cr.cassin@westlanddc.govt.nz
Cr Brian Manera	34 Main Road Hari Hari	03 753 3325	Cr.manera@westlanddc.govt.nz

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio Kaitaki

Te Rūnanga o Ngāti Waewae Kaitaki Kw Francois Tumahai		021 425 229	cr.tumahai@westlanddc.govt.nz
Te Rūnanga o Makaawhio Kaitaki Kw Paul Madgwick		027 555 4267	cr.madgwick@westlanddc.govt.nz

The Council is made up of eight councillors, representing three wards, the Mayor (who is elected at large), and a representative from Rūnanga o Ngati Waewae and Rūnanga o Makaawhio.

3. Functions, Responsibilities and Activities of the Council

3.1 Functions

Under the Local Government Act 2002 (LGA),

(1) The purpose of local government 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.

The LGA states that the role of a local authority is to -

(a) give effect, in relation to its district or region, to the purpose of local government stated in [section 10](#); and

(b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

3.2 Responsibilities

The Westland District Council has interpreted these obligations to mean that it has the overall responsibility and accountability for the proper direction and control of the District's activities. This responsibility and accountability includes:

- Providing a leadership focus for the District.
- Formulating the District's strategic direction.
- Managing the principal risks facing Westland.
- Administering various regulations and upholding the law.
- Safeguarding the public interest.
- Ensuring the integrity of management control systems.
- Ensuring the effective succession of elected members.
- Promoting economic and social development of the District and acting as an advocate on behalf of community interests.
- Planning for a sound and sustainable physical and human environment and enforcing relevant regulations.
- Providing and maintaining infrastructural, physical, and utilities services.
- Providing and maintaining recreational facilities and facilitating the provision of social and community services.
- Reporting to ratepayers on the above.

3.3 General and Local Legislation

Westland District Council also has legislative responsibilities and obligations under a number of Acts of Parliament, including:

- Building Act 2004
- Civil Defence and Emergency Management Act 2002
- Dog Control Act 1996
- Health Act 1956
- Health and Safety at Work Act 2015
- Land Transport Act 1998
- Land Transport Management Act 2003
- Local Electoral Act 2001
- Local Government Act 2002
- Local Government Rating Act 2002
- Local Government, Official Information and Meetings Act 1987
- Public Bodies Leases Act 1969
- Reserves Act 1977
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012

And such further legislation and amendments that Central Government from time to time may impose on local authorities.

There is no local legislation applicable in Westland.

3.4 Activities

The Council groups the work it does under Activity Groups.

These groups are:

- **Leadership**
Democracy, Corporate Services, Council Controlled Organisations.
- **Planning & Regulatory Services**
Animal Control, Building Control, Customer Service, District Plan, Emergency Management, Environmental Health, Inspections and Compliance, Resource Management, Liquor Licensing.
- **Transportation**
Bridges, Emergency Repairs, Footpaths, Transportation, Road Legalisation, Road Maintenance, Capital Developments, Capital Replacements.
- **Water Supplies**
Kumara, Arahura, Hokitika, Ross, Harihari, Whataroa, Franz Josef, Fox Glacier, and Haast Township Supplies.
- **Wastewater**
Hokitika, Kaniere, Franz Josef, Fox Glacier and Haast reticulated wastewater systems.

- **Stormwater**
Reticulated stormwater for Hokitika township and roadside drainage to the remaining district townships.
- **Solid Waste Management**
- Transfer stations, Open landfills, Closed landfills, Urban Refuse Collection, Waste Minimisation and Recycling.
- **Community Services**

Community Development and Assistance, Community Halls, Townships.

- **Leisure Services and Facilities**
- Cemeteries, Elderly Housing, Westland District Library, Parks and Reserves, Hokitika iSite, Hokitika Wildfoods Festival and Events, Hokitika Museum, Swimming Pools, West Coast Wilderness Trail.

Commercial Buildings, Land and Buildings, Jackson Bay Wharf, Street Furniture, Monuments, Public Toilets.

4. Electoral Systems and Representation Arrangements

4.1 Electoral System

Westland District Council currently operates its elections under the first past the post-electoral system. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained.

The other option permitted under the Local Electoral Act 2001 is the single transferable vote system (STV). This system is used in district health board elections. Further information on STV can be obtained from Council's Electoral Officer.

Under the Local Electoral Act 2001 the Council can resolve to change the electoral system to be used at the next two elections or conduct a binding poll on the question, or electors can demand a binding poll. A poll can be initiated by at least 5 per cent of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for at least the next two triennial general elections, i.e., we cannot change our electoral system for one election and then change back for the next election.

On 23 August 2018, the Westland District Council gave public notice of its final proposal for representation arrangements to apply for the Council for the elections held on the 12 October 2019. Notification of the right to appeal or object was also given. No appeals or objections were received in respect of the resolution, therefore the representation arrangements for the Westland District Council's 2019 local elections were the same as in the final proposal.

4.2 Wards and Constituencies

The Council will comprise 8 members elected from three wards, with the Mayor being elected at large.

The three wards reflect the following identified communities of interest:

Northern Ward	All that part of Westland District north of the Mikonui River but excluding Hokitika Ward.
Hokitika Ward	All that part of Westland including the town of Hokitika, the area north to Three Mile and including the areas to the east known as Blue Spur and Brickfield as far as Pine Tree Road.
Southern Ward	All that area of Westland south of the Mikonui River.

The population that each member represents is:

Ward	Estimated Population	Members	Population per Member
Northern Ward	3210	3	1070
Hokitika Ward	3500	3	1167
Southern Ward	2080	2	1040

4.3 Representation Options

4.3.1 Māori Wards

The [Local Electoral Act 2001](#) states that any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.

Currently, the Council has not resolved to create Māori Wards and there has not been any demand for a poll to do so.

4.3.2 Community Boards

Westland District Council does not have any Community Boards.

4.4 Changing Representative Arrangements

The Council is required to review its representation arrangements at least once every six years. The Council conducted a review in 2018. It is not legally required to begin to review representation again until 2024.

This review must include the following:

- Whether members should be elected from the whole district, wards, or from a mixture of both on an 'at large' basis.
- The areas of wards and constituencies and their boundaries.
- The number of members to be elected from each ward and constituency.
- Whether there should be [community boards](#) in a district.
- If there are to be community boards, the number of members of the board, the boundaries of the community and whether the area is to be divided for electoral purposes.

The Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review and should also follow guidelines published by the Local Government Commission. The Act gives electors the right to make a written submission to the Council, and the right to be heard if they wish.

Electors also have the right to appeal any decisions to the Local Government Commission, which will make a binding decision on the appeal.

5. Reorganisation Processes

5.1 Changing the District's Boundaries or Functions

Local government reorganisation, as set out by the [LGA 2002 s. 24](#), may provide for one or more of the following matters:

Scope of local government reorganisation

- (1) Local government reorganisation may provide for 1 or more of the following matters:
 - (a) the union of districts or regions:
 - (b) the constitution of a new district or region, including the constitution of a new local authority for that district or region:
 - (c) the abolition of a district or region, including the dissolution or abolition of the local authority for that district or region:
 - (d) the alteration of the boundaries of any district or region:
 - (e) the transfer from one local authority to another of -
 - (i) a responsibility, duty, or power conferred by an enactment; or
 - (ii) a discretionary function:
 - (f) the assumption by a territorial authority of the responsibilities, duties, and powers of a regional council as a unitary authority:
 - (g) the performance and exercise by a local authority of both—

- (i) the responsibilities, duties, and powers of a regional council in respect of a region; and
 - (ii) the responsibilities, duties, and powers of a territorial authority in respect of a district that constitutes a part only of that region:
- (h) the establishment of 1 or more joint committees and the delegation of responsibilities, duties, and powers to those committees:
- (i) the establishment of a local board area, including the establishment of a local board for that area:
- (j) in relation to a local board, other than a local board established under the Local [Government \(Auckland Council\) Act 2009](#),—
- (i) the means by which the chairperson is elected; and
 - (ii) whether the local board may include appointed members:
- (k) the abolition of a local board area:
- (l) the alteration of the boundaries of a local board area:
- (m) the union of 2 or more local board areas.

The purpose of the local government reorganisation provisions of this Act is to improve the effectiveness and efficiency of local government by—

- (a) providing communities with the opportunity to initiate, and participate in considering, alternative local government arrangements for their area; and
- (b) requiring the Commission, in consultation with communities, to identify, develop, and implement in a timely manner the option that best promotes good local government.

Who may make a reorganisation application?

- (1) A reorganisation application may be made to the Commission by any person, body, or group, including (but not limited to)—
- (a) 1 or more affected local authorities; or
 - (b) the Minister.
- (2) A reorganisation application must be made to the chief executive officer of the Commission.

6. Roles and Conduct

6.1 Mayor and Councillors' Role

The Mayor and the Councillors of the Westland District Council have the following roles:

- Setting the policy direction of Council
- Monitoring the performance of Council
- Representing the interests of the district. On election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the whole of the Westland District
- Employing the Chief Executive. Under the Local Government Act the local authority employs the Chief Executive, who in turn employs all other staff on its behalf.

6.2 Role and Powers of the Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. In addition, the Mayor has the following roles:

41ARole and powers of mayors

(1) The role of a mayor is to provide leadership to—

(a) the other members of the territorial authority; and

(b) the people in the district of the territorial authority.

(2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

(3) For the purposes of subsections (1) and (2), a mayor has the following powers:

(a) to appoint the deputy mayor:

(b) to establish committees of the territorial authority:

(c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—

(i) may make the appointment before the other members of the committee are determined; and

(ii) may appoint himself or herself.

(4) However, nothing in subsection (3) limits or prevents a territorial authority from—

(a) removing, in accordance with [clause 18](#) of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or

(b) discharging or reconstituting, in accordance with [clause 30](#) of Schedule 7, a committee established by the mayor under subsection (3)(b); or

(c) appointing, in accordance with [clause 30](#) of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or

(d) discharging, in accordance with [clause 31](#) of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).

(5) A mayor is a member of each committee of a territorial authority.

(6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).

(7) To avoid doubt, —

(a) [clause 17\(1\)](#) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a):

(b) [clauses 25](#) and [26\(3\)](#) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the

territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

6.3 Deputy Mayor's Role

The Deputy Mayor may be appointed by the Mayor or elected by the members of Council at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members. In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the responsibilities and duties and may exercise the powers of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

6.4 Committee Chairperson's Role

The Council has created two Standing Committees and three Subcommittees. A committee chairperson is responsible for:

- Presiding over meetings of the committee.
- Ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual.
- A committee chairperson may be removed from office by resolution of Council.

6.5 Chief Executive's Role

The Chief Executive is appointed by the Council in accordance with section 42 and clauses 33 and 34 of Schedule 7 of the Local Government Act 2002.

The chief executive is responsible to their local authority for—

(a) implementing the decisions of the local authority; and

(b) providing advice to members of the local authority and to its community boards, if any; and

(c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed, or exercised; and

(d) ensuring the effective and efficient management of the activities of the local authority; and

(da) facilitating and fostering representative and substantial elector participation in elections and polls held under the [Local Electoral Act 2001](#); and

(e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and

(f) providing leadership for the staff of the local authority; and

(g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and

(h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Chief Executive is the only employee of the Council, and the only person who may lawfully give instructions to other staff. Any complaint about individual staff members should therefore be directed to the Chief Executive and not elected members or departmental managers. Any complaints about the CE should be directed in the first instance to the Mayor or Deputy Mayor and this can be done through any elected member.

The Chief Executive has an annual performance review, which all Councillors contribute to in a public excluded meeting. The Council will only monitor performance against criteria that have been identified and agreed with the Chief Executive in advance and are focused on organisational operation and delivery of the core services.

6.6 Elected Members Code of Conduct

All elected members are required to adhere to Council's Elected Members Code of Conduct. Once adopted the Code of Conduct may only be amended by 75% of the members present.

The code of conduct sets out—

Understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including:

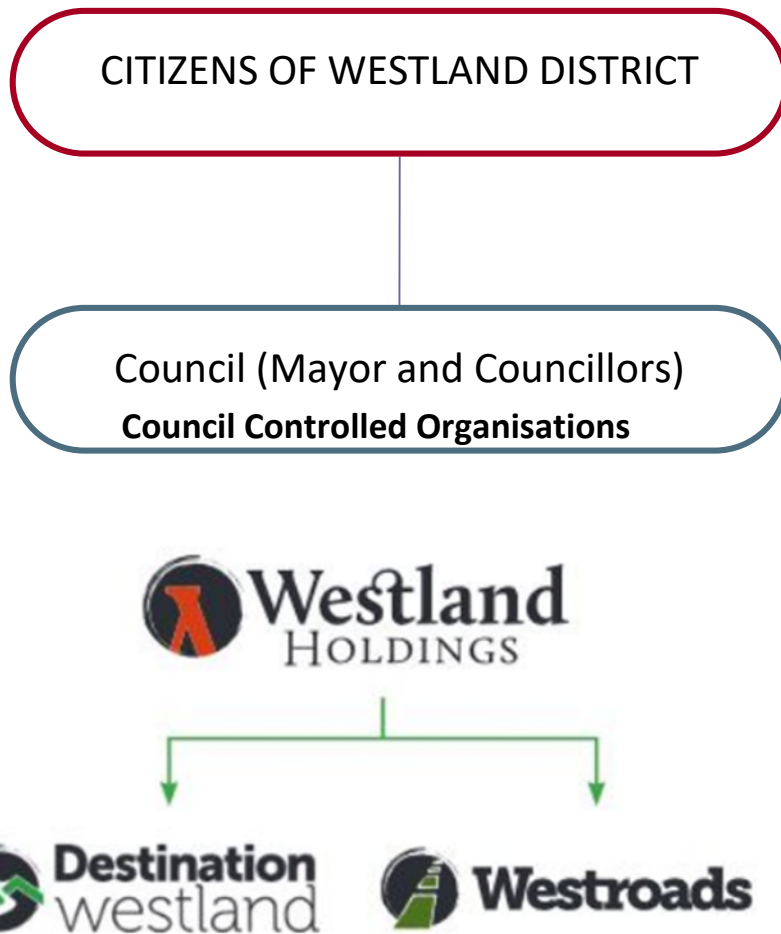
- a. behaviour towards one another, staff, and the public; and
 - b. disclosure of information, including (but not limited to) the provision of any document, to elected members that –
 - i. is received by, or is in possession of, an elected member in his or her capacity as an elected member; and
 - ii. relates to the ability of the local authority to give effect to any provision of this Act; and
 - c. a general explanation of –
 - i. the Local Government Official Information and Meetings Act 1987; and
 - ii. any other enactment or rule of law applicable to members.
2. A local authority may amend or replace its code of conduct but may not revoke it without replacement.
 3. A member of a local authority must comply with the code of conduct of that local authority.
 4. A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
 5. After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
 6. To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

The Code of Conduct is available on the Council's Website.

7. Governance and Management Structure

7.1 Governance Structure

The Westland District Council Governance Structure



...r division between the role of Council and that of management. The Westland District Council elected members concentrate on setting policy, strategy, and determining the level of financial resources. The Council then reviews progress. Management is tasked with implementing Council policy and strategy.

Council Controlled Organisation (CCO) Westland Holdings Ltd

Westland Holdings Limited (WHL) is the governance link between Council and its trading entities. The company is responsible for ensuring the trading organisations meet their statutory, commercial, and public obligations as defined in their Statements of Intent. These are reviewed annually by WHL on behalf of Council, with reference to the objectives determined in the Long-Term Plan, along with each company's individual strategy.

The presence of a holding company is intended to facilitate objective governance, whilst enabling the trading organisations to operate on commercial principles. The Board's directors are appointed by Council:

- Joanne Conroy (Chair)
- Chris Gourley
- Chris Rea

Council Controlled Trading Organisations (CCTOs)

Westroads Ltd

Westroads Limited main activity is that of a general contractor based in Hokitika and Greymouth (Westroads Greymouth Ltd) as well as depots and staff throughout South Westland. It also operates a crushed metal plant in Greymouth. In 2014 it purchased Christchurch based Trenching Dynamix Ltd; a specialist buried horizontal infrastructure installation company.

Destination Westland Ltd

Council's former CCO's Hokitika Airport Limited and Westland District Property Limited were merged on 30 June 2018. The merged CCTO is known as Destination Westland Ltd and has a commercial focus, continuing to manage the portfolios that were previously held under Hokitika Airport Limited and Westland District Property Limited.

Destination Westland Ltd operates the Hokitika Airport which is the principal airport on the West Coast.

In addition, Destination Westland Ltd manages some of the Council's property portfolio, previously overseen by Westland District Property Limited. This includes the sale and leasing of property; managing the leasing and occupation of mining rights; management of Pensioner Housing, Hokitika Swimming Pool, Jacksons Bay Wharf. From 3 July 2018, Destination Westland started managing the Hokitika i-SITE and the West Coast Wilderness Trail, and Council's events portfolio including the Hokitika Wildfoods Festival. The management of the Hokitika Museum was transferred back to Council on 28 September 2020.

7.2 Council Committees

The Council reviewed its committee structure at the Triennial Council meeting on the 27 October 2022.

There are two Standing Committees and three Subcommittees which are listed below:

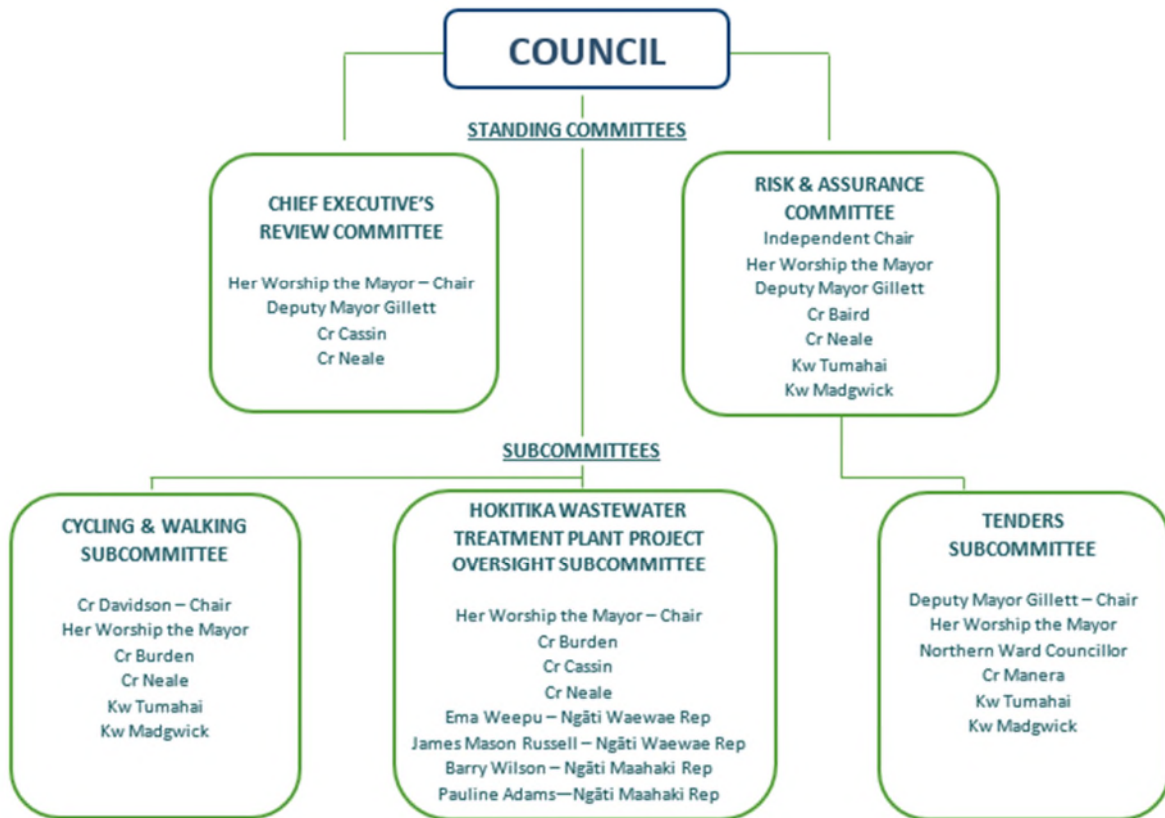
Standing Committees

- CE's Review Committee
- Risk and Assurance Committee

Subcommittees

- Cycling and Walking Subcommittee
- Hokitika Wastewater Treatment Plant Project Oversight Subcommittee
- Tenders Subcommittee (a Subcommittee of the Risk and Assurance Committee)

Committee Structure



7.3 Management Structure

Chief Executive

- Receives good policy advice.
- Delivers all services to the desired standard.
- Delivers the Annual and Long-Term Plan.
- Complies with the law.
- Employment of staff, including:
 - Recruitment
 - Talent development
 - - Pay and benefits
 - Employment Relations
 - Health and Safety

District Assets

- Operating, maintaining, and improving Council's infrastructural assets:
 - roading
 - water services
 - recreational assets
 - cemeteries
 - buildings
 - solid waste disposal
 - Transportation planning
 - Asset Management.

Planning

- Resource management consenting, compliance monitoring and enforcement
- Policy development and implementation under the Resource Management Act 1991, including review of the District Plan, and connecting RMA functions to wider community visioning and concept planning exercises.
- Advising Council on a variety of planning matters such as central government legislation, regional plans and policies, and future growth scenarios.

Corporate Services

- Frontline Customer Service

Provide effective financial management within the policies adopted by Council.

- Financial inputs
- Preparation of the Annual Report, Annual Plan, and Long-Term Plan, ensuring the Council Controlled Organisations meet their reporting requirements.
- IT/GIS support
- Information Management
- Risk coordination

Regulatory and Community Services

The management and delivery of regulatory functions of Council. This includes:

- Building Control
- Animal Control
- Environmental Health
- Liquor Licencing, Compliance, and associated Bylaws
- Māori Liaison Officer, with an oversight of Council's statutory obligations to strengthen the capacity of Māori to take part in local government and its decision-making processes.

Executive Assistant

Provides the Mayor and Councillors and the Chief Executive with a comprehensive and efficient administrative and secretarial service and facilitates and maintains a professional link between the Mayor, Councillors, Chief Executive and Executive Team.

7.4 Delegations

Council is assigned powers to act by a wide range of legislation, trust deeds and documents. In order to allow its Committees and the Chief Executive to carry out their functions, Council has to delegate some these powers to act. The Chief Executive has to further delegate a number of these powers to allow Council staff to carry out their functions.

All delegations of power are contained in the Council's Delegations Manual which is available on the Council Website.

8. Meeting Processes

8.1 The Rules for Meetings and Standing Orders.

The legal requirements for Council meetings are in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and Committee meetings are open to the public unless there is reason to consider some items with the public excluded.

The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information and the maintenance of public health, safety, and order.

The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

The Mayor or Committee Chair is responsible for maintaining order at meetings and may, at their discretion, order the removal of any member of the public for disorderly conduct, or remove any member of the Council who does not comply with Standing Orders (a set of procedures for conducting meetings). The Council adopted a set of Standing Orders for the conduct of meetings of Council and its Committees at the Inaugural Council Meeting on the 27 October 2022.

Minutes of meetings are kept and made publicly available, subject to the provisions of the LGOIMA.

Public notification of meetings is in accordance with NZS 9202:2003.

During meetings of the Council or Committees, all Council participants (the Mayor, Chair or Councillors or Members) must follow Standing Orders unless Standing Orders are suspended by a vote of 75% (or more) of the members present.

In addition, the Elected Members Code of Conduct sets out the expectations of the behaviour, which elected members expect of each other at meetings. Council adopted a revised Code of Conduct at its meeting on the 27 October 2022.

9. Consultation Policies

9.1 Consultation and Engagement Policy

The Council has a [Consultation and Engagement Policy](#) available on the Council Website.

9.2 Special Consultation Procedure under Local Government Act 2002

The Local Government Act sets out certain consultation principles and a procedure that is followed when making certain decisions. This procedure, the special consultative procedure, is outlined in sections 83, 86 and 87 of the LGA 2002.

Principles of Consultation must be undertaken in accordance with best practice consultation principles given in section [82 of the LGA 2002](#).

Under section 76AA of the LGA 2002, Council is required to have a Significance and Engagement Policy.

The purpose of the Westland District Council's Significance and Engagement Policy (SEP) is —

- To enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
- To provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters.
- To articulate the relationship between the significance of a matter and the corresponding level of engagement of parties that is required.

The Council believes in the importance of having a SEP as it provides a useful and accountable decision-making framework for both the Council and the community

The [Significance and Engagement Policy](#), which includes details of statutory consultation requirements, can be found on the Council's website.

The Council can and does consult outside of the special consultative procedure. When it is adopting its Long-Term Plan, Annual Plan or District Plan it will hold formal meetings with community groups and other interested parties. At these meetings the Council will seek views on the matters the Council considers to be important and identify issues of concern to the community.

The special consultative procedure consists of the following steps:

- (a)** prepare and adopt—
 - (i)** a statement of proposal; and
 - (ii)** if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with [section 83AA](#)); and
- (b)** ensure that the following is publicly available:
 - (i)** the statement of proposal; and
 - (ii)** a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with [section 82\(1\)\(d\)](#); and
 - (iii)** a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
- (c)** make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
- (d)** provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and
- (e)** ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—
 - (i)** is given a reasonable opportunity to do so; and
 - (ii)** is informed about how and when he or she may take up that opportunity.

The Council may be required to use the special consultative procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

9.3 Liaising with Māori – Te Tangata Whenua O Te Tai Poutini

The Council at their meeting on the 26 July 2018 resolved to extend an invitation to the Chairs of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio to attend and participate in Council Meetings and the business of Council, in acknowledgement of, and to further strengthen, Council’s partnership with Mana Whenua of Westland.

Before the end of the last Triennium, Council included the Chairs of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio as full members of the Finance, Audit and Risk Committee and they are able to participate in Council Meetings. Terms of Reference for the Risk and Assurance Committee will be adopted by that Committee on the 9 February 2023.

A Memorandum of Understanding (MoU) establishes the protocol between the Westland District Council, Te Rūnanga O Ngāti Waewae and Te Rūnanga O Makaawhio.

The MoU:

- provides a framework for the parties to work together towards improving Westland;
- provides mechanisms and resources that assist the Rūnanga to participate in Council policy, planning, and other decision-making processes
- facilitates the sharing of information to build a better understanding that enhances collaboration and strategic thinking about Westland's future
- identifies strategic opportunities to work closely together for the betterment of Westland district; and
- builds iwi capacity and capability to partner with local government.

The Council is therefore committed to acknowledging the unique perspectives of Papatipu Rūnanga and is further committed to strengthening our relationship with Papatipu Rūnanga as a result of the Partnership Agreement, which was signed on the 22 November 2018.

10. Equal Employment Opportunity Policy

10.1 Equal Employment Opportunity Policy

The Council is committed to the principles of Equal Employment Opportunity for all its employees and accordingly will act in accordance with the following policy:

- People with the best skills and qualifications to do particular jobs are employed regardless of their gender, race, marital status, physical impairment, or sexual preference.
- All employees will have a fair and equitable chance to compete for appointment or promotion and to pursue their careers.
- The recruitment and promotion of employees is based on merit.
- All employees have equitable access to training and skills development.

11. Key Planning and Policy Documents

11.1 Long Term Plan (LTP)

In accordance with section 93 of the LGA 2002, the Council adopted its fifth Long Term Plan (LTP) in June 2018. The LTP was adopted following the special consultative procedure set out in section 93A of the LGA 2002.

The purpose of the LTP is to:

- Describe the activities of Council.
- Describe community outcomes.
- Provide integrated decision making and co-ordination of resources.
- Provide a long-term focus for decisions and activities of council.
- Provide a basis for accountability to the community.

The LTP is the central focus for the Council's future over the next 10 years. The plan will be reviewed by 30 June 2021 and will be reviewed every three years thereafter. It is important to note that Council cannot significantly deviate from the LTP without re-engaging the community through the special consultative procedure. In other words, once the plan is adopted it determines the Council's direction for the next three years. The LTP is subject to audit.

The LTP is the Council's key document and contains information on:

- **Groups of Activities:** The LTP shows the level of service Council will provide for each activity, the assets employed and the total costs (both capital and operating) to Council for providing those services.
- **Financial Strategy:** to underpin prudent financial management, with an analysis of the key factors likely to impact on the Council (population change, investment in infrastructure etc.)
- **Infrastructure:** to make explicit how Council envisages it will manage its roads, water, wastewater, and stormwater facilities over the next 30 years.
- **Variations between the LTP and earlier assessments** of water services, sanitary services, and waste management within the District.
- **Forecast financial statements:** Detailed forecasts for three years and summary forecasts for the seven years after the first three.
- **Details of any Council-controlled organisations,** its objectives, scope of activities and targets.
- **Funding Impact Statement:** How the rates are going to be allocated/charged to ratepayers.
- **A Revenue and Financing policy:** who pays for services provided, why and how
- **Significant Forecasting assumptions and associated risks** to the financial estimates.
- **A summary of the Council's Significance and Engagement Policy.**
- **Development of Māori Capacity to Participate in Council Decision-making.**
- **How Council will develop Māori capacity to contribute to the decision-making process.**
- **Describe community outcomes;** good access to health services, a safe and caring community, lifelong educational opportunities, a treasured natural environment, a buoyant district economy and enjoying life in Westland.
- **As a consequence of the LGA 2002 Amendment Act 2014,** the LTP is now required to also include:
 - the infrastructure strategy, and,
 - the projected number of rating units within the District.

11.2 The Annual Plan

The year in which a Long-Term Plan is adopted this document becomes the Annual Budget for that year. For the two years between reviews of the LTP Council will adopt an Annual Plan through the special consultative procedure set out in sections 83 & 85 of the Local Government Act 2002.

The Annual Plan focuses on the budgets for the current financial year and the setting of rates. Any significant or material changes proposed must be consulted on with the community. This document will not be able to significantly deviate from the LTP, unless a special consultative procedure and audit are undertaken.

11.3 Policies

All external policies adopted by the Westland District Council are available on the [Council Website](#).

11.4 The Westland District Plan

The Westland District Plan was adopted on 16 May 2002. This Plan sets out the framework of objectives, policies, and methods to be used to achieve integrated management of the effects of the use, development, and protection of the natural and physical resources of Westland District. Some of the methods to be used include rules controlling the effects of land use and land subdivision.

The Plan has been prepared to fulfil the requirement of Part V of the Resource Management Act 1991 that there be, at all times, one district plan for each territorial authority district. Implementation of the Plan's policies and methods is intended to assist the Council to carry out its functions under the Act. The Plan is one of a number of initiatives to be used by the Council to achieve the (sustainable management) purpose of the Act.

The District Plan is available on the Council's Website at www.westlanddc.govt.nz and at Council's Office, 36 Weld Street, Hokitika.

The Local Government Commission required all West Coast District Councils to prepare a combined West Coast district plan under the Resource Management Act 1991. The reorganisation scheme completes the proposal for the transfer of council district plan-making responsibilities to the West Coast Regional Council and delegation to a joint committee comprising representatives of the four councils and local iwi responsible for approving a new combined West Coast district plan. This is referred to as the Tai Poutini One District Plan and will eventually replace the Westland District Plan.

11.5 Bylaws

Council reviewed most of its bylaws in 2018 and made changes following submissions and hearings. New bylaws are generally required to be reviewed within 5 years, and revised bylaws within 10 years of the most recent revision.

- [Airport Charges Bylaw 1998](#) – revised 2 July 2018 – next review by July 2028
- [Dog Control Bylaw 1997](#) – revised 2 July 2018 – next review by July 2028

- Fencing Bylaw 1991 – revised 2 July 2018 – next review by July 2028
- Freedom Camping Bylaw – adopted Nov 2018
- Appendix A. Maps of Prohibited Freedom Camping Sites
- Appendix B. Maps of Responsible Camping Sites
- Alcohol Control Bylaw 2018 – approved 2 July 2018 – review by July 2023
- Refuse and Recycling Bylaw 1992 – revised 2 July 2018 – next review by July 2028
- Speed Limits Bylaw 2006 – revised 2 July 2018 – next review by July 2028
- Speed Limits Bylaw 2006 Attached Schedule
- Trading in Public Places Bylaw 2008 – revised 2 July 2018 – next review by July 2028
- Traffic and Parking Bylaw 2013 – revised 2 July 2018 – next review by July 2028
- Waste Water Bylaw 2018 – approved 2 July 2018 – next review by July 2023
- Water Supply Bylaw 2016 – 23 June 2016 – review by June 2021
- Wildfoods and Other Events Bylaw 2003 incorporating the Wildfoods and Other Events Amendment Bylaw 2006 – revised 2 July 2018 – next review by July 2028

The following Bylaws have been revoked:

- Jackson Bay Wharf Bylaw 2001 – Revoked 27 March 2014

12. Local Government Official Information and Meetings Act 1987 (LGOIMA)

12.1 Requests for LGOIMA

The LGOIMA allows people to request official information held by Council. It contains rules for how such requests should be handled and provides a right to complain to the Ombudsman in certain situations. The LGOIMA also has provisions governing the conduct of meetings.

In responding to LGOIMA's, Council will consider the principle of availability

The principle of availability underpins the whole of the LGOIMA. The Act explicitly states that:

The question whether any official information is to be made available ... shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

Official information means any information held by Council.

It is not limited to documentary material, and includes material held in any format such as:

- written documents, reports, memoranda, letters, notes, emails, and draft documents;
- non-written documentary information, such as material stored on or generated by computers, including databases, video, or tape recordings;
- information, which is known to Council, but which has not yet been recorded in writing or otherwise (including knowledge of a particular matter held by an officer, employee or member of Council in their official capacity);
- documents and manuals which set out the policies, principles, rules, or guidelines for decision making by an agency;
- the reasons for any decisions that have been made about a person.

Information held by elected members and employees

Information held by elected members (i.e., mayor and councillors) and officers and employees of an agency in their official capacity is deemed to be held by Council.

Any requests for information will be provided in accordance with the LGOIMA.

A charge shall be made to recover all reasonable costs incurred by Council in providing the information. Council has adopted a set of fees and charges for requests under LGOIMA. These are on the Council website under fees and charges. An estimation of cost prior to providing the information can be made available.

Requests for official information should be addressed to the Chief Executive and emailed to LGOIMA@westlanddc.govt.nz