



AGENDA

RĀRANGI TAKE

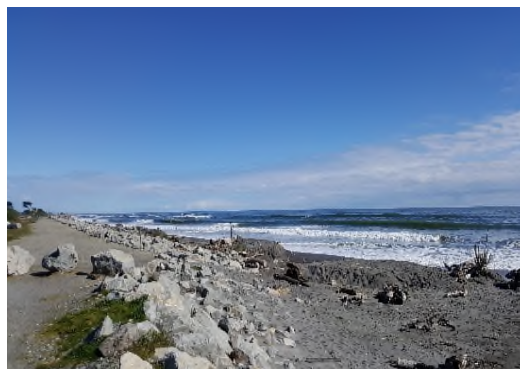
NOTICE OF AN ORDINARY MEETING OF

COUNCIL

to be held on Thursday 23 May 2019 commencing at 11.00 am
in the Council Chambers, 36 Weld Street, Hokitika

Chairperson: His Worship the Mayor

Members:	Cr Martin (Deputy)	Cr Lash (Deputy)
	Cr Carruthers	Cr Eatwell
	Cr Havill ONZM	Cr Neale
	Cr Olson	Cr Routhan
	Kw Tumahai (or Representative)	Kw Rochford (or Representative)



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 meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

1. KARAKIA TĪMATANGA OPENING KARAKIA

Kia hānene ngā hau āio Mai i ngā maunga	Blow gently peaceful winds From the mountains
Ki ngā tai o Poutini	To the tides of Poutini
Kia whakapapa pounamu te moana	May the sea be like greenstone
Hei huanui mā tātou	A pathway for us all
Aroha atu, aroha mai	Let us show respect for each other
Tātou i a tātou katoa	For each and everyone
Hui e! Tāiki e!	Bind us all together!

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 KAUNIHĒRA MINUTES OF COUNCIL MEETINGS

Pages 6-29

6. NGĀ TĀPAETANGA PRESENTATIONS

7. ACTION LIST

Pages 30-31

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Local Governance Statement** Pages 32-67
- **Official Complaint to Council** Pages 68-70
- **Local Government Leaders' Climate Change Declaration** Pages 71-81
- **Remuneration Authority - Childcare Allowance for Elected Members** Pages 82-91

9. ADMINISTRATIVE RESOLUTIONS

The Council is required to confirm its Seal being affixed to the following documents:

Sale and purchase of Real Estate by Tender:

- Seddon Street, Kumara

- Otira Highway, State Highway 73, Dillmanstown
- Blue Spur Road
- High Street, Jackson Bay and Fitzgerald Street, Jackson Bay.

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.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

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 – 4 April 2019	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 or withholding exists. Section 48(1)(a)
2	Confidential Minutes – 18 April 2019	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 or withholding exists. Section 48(1)(a) and (d)
3.	Confidential Minutes – 3 May 2019	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 or withholding exists. Section 48(1)(a) and (d)

4.	Road Maintenance Contract Renewal (First Rollover)	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 or withholding exists. Section 48(1)(a) and (d)
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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 area as follows:

Item No.	Interest
1	Maintain legal professional privilege (Schedule 7(2)(g))
2, 3 & 4	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
3 & 4	Protect information were the making available of the information (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))

**DATE OF NEXT ORDINARY COUNCIL MEETING – 27 JUNE 2019
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**



Council Minutes

MINUTES OF AN EXTRAORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS 36 WELD, STREET, HOKITIKA ON THURSDAY 7 FEBRUARY 2019 AT 4.01 PM

1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER

1.1 Members Present

His Worship the Mayor R.B. Smith (Chair)
Deputy Mayor H.M. Lash
Deputy Mayor Cr L.J. Martin
Cr. D.M.J. Havill (ONZM), J.A. Neale, G.L. Olson, D.C. Routhan, Cr Gray Eatwell,
Kw. Francois Tumahai, Te Rūnanga o Ngāti Waewae

Apologies and Leave of Absence

Cr D.L. Carruthers

Moved Deputy Mayor Lash, seconded Deputy Mayor Martin and **Resolved** that the apology from Cr Carruthers be received and accepted.

Absent:

Kw. Tim Rochford, Te Rūnanga o Makaawhio

Staff in Attendance:

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services; D.M. Maitland, Executive Assistant and Council Secretary; F. Scadden, Customer and Planning Manager; Te Aroha Cook, Regulatory Services Manager; E. Rae, Strategy and Communications Advisor; M. Dixon, Compliance Team Leader; V. Morris, Engineering Officer.

1.2 Interest Register

The Interest Register was tabled and no amendments were noted.

2. TO CONSIDER THE IMPACT OF THE GOVERNMENT FUNDED FREEDOM CAMPING SITES ON LOCAL ACCOMMODATION PROVIDERS

His Worship the Mayor welcomed members of the public to the meeting and recognised that some people had travelled some distance to be in attendance at the meeting.

The meeting has been called to allow accommodation providers in Westland to put their views to Councillors on the impact of the freedom camping sites which are Central Government funded and administered by Council, and to consider possible solutions. Each submitter would be allocated 5 minutes to speak.

Twenty submitters had indicated that they wished to be heard at the meeting.

His Worship the Mayor outlined the process for submitters and provided background information in regard to Council's Freedom Camping Bylaw which had been adopted after public consultation.

The following people spoke to their submissions:

1. Fritz Fehling

Mr Fehling spoke to his written submission which included his views on definitions of camping and the effects on the environment.

2. Danni Eggeling

Mrs Eggeling spoke on topics such as development of local commercial enterprise for tourism and the impact of freedom camping on this. Mrs Eggeling proposed that freedom camping should be banned in South Westland and policed, and would like more community involvement and individual responsibility.

3. Nathan Hوجلund

Mr Hوجلund advised that he runs an accommodation business at Lake Paringa. He spoke on topics such as reduction in business income for January-February 2019, and the damage the high number of vehicles are doing to the wonderful asset on the Coast which needs to be preserved and protected.

4. Royden Dick

Mr Dick advised he was representing Pukekura Lodge and Camping Ground and spoke regarding Council failing all accommodation providers, his belief of the lack of consultation and undertaking and asked Council to cancel the freedom camping sites to allow people to make living.

5. Logan Skinner

Mr Skinner spoke regarding freedom camping, tabled written information from Ashley Cassin, Chair of Glacier Country Tourism Group. Mr Skinner advised that he appreciated that Council has tried to alleviate the issues of previous seasons with the TIF funding. Topics covered included damage to local businesses, details of the affect to his business, potential damage to the Natural Wilderness Brand, and needing a sustainable product. He offered alternative solutions including, focus on education, producing some printed material and erecting notices.

6. Phillip Patterson

Mr Patterson advised that he represented everyone including freedom campers, noting that you cannot drink the water in the local creek.

7. Kerri Weston

Mrs Weston advised that she has an accommodation business which she set up after travelling New Zealand. She noted that one of the biggest changes she has seen is the way people travel, everything is done on a Smartphone. Mrs Weston advised that a year-long visa traveller spends a lot more money than a short-term budget traveller, which impacts on her business. Topics covered included the Tourism NZ roadshow noting that they are no longer investing in the backpacker market because they are aiming at the high-yield tourist. Mrs Weston discussed the Acre Creek freedom camping site.

8. Trevor Lister

Mr Lister, Chairperson of the Ross Community Council advised that his main submission is personal. Topics discussed included the Freedom Camping Act, suggesting that Council be mindful with terminology. Noted that although Council did not create freedom camping areas, they have contributed to the problem. Asked that there be a target group for freedom camping.

9. Sue Stile

Ms Stile spoke regarding holiday parks. Topics included the reduction in referrals from i-SITES, data from Campermate shows people aren't using commercial campsites so should be a stronger emphasis from Councils on commercial campgrounds, follow lead of Buller and allow only self-contained vehicles. On a national level, freedom camping is only triggered when capacity is reached, or where there is overflow, and if all the camp grounds were full, all we need is a website like Campermate, it could be paid for out of tourism.

10. Sharon Jordon - from Cloud 9

Ms Jordon advised that she owns and operate Cloud 9 Campervan Park. Topics discussed included the impact of new sites on their patronage numbers, not meant to have an adverse effect on businesses, safety of the sites in light of Health and Safety regulations, abuse of locals by tourists at the site.

Asked Council to consider measures to assist the above topics.

Mrs Susan Clarke commented on self-contained vehicles versus non self-contained. Mrs Clarke had also provided a written submission as Manager, Hokitika's Kiwi Holiday Park and Motels.

Ms Jackie Grant advised that she used to own Cloud 9 Motorcamp and used to come to Council and complain regarding freedom camping, noting that the problem has compounded.

11. Jim Wafelbakker

Mr Wafelbakker spoke regarding Kakapotahi Beach and noted that in Holland you cannot go freedom camping. He advised that he is running a B&B. Noted the positive aspects of the responsible camping sites, and that businesses could get a hawkers licence to sell their wares to the campers.

12. Peter Salter

Mr Salter, Bushmen's Centre, Pukekura. Topics discussed included the camp site at Waitaha, the amount of people each night in that area, concerned at their contribution to the country, agreed with leaving the toilets in certain places near the highways, and the suggestion of closing the sites down unless people have a registered, self-contained certificate. Mr Salter asked that Council revisit this matter with Central Government.

13. Kathryn Lane – Wildside Backpackers and Lodge in Harihari.

Ms Lane advised that they have two Airbnbs and since the Waitaha campsite is operational, the effect that has had on their business. Topics discussed included public consultation, cost of the sites and only self-contained vehicles being allowed.

14. Kate Hawkins – Greenstone Retreat, Kumara

Ms Hawkins advised that visitor numbers are lower than expected. She has invested hugely in her accommodation operation. Topics discussed including the damage that free sites are having on accommodation providers, monitoring, consultation and restricting use of the sites to daytime only.

Ms Hawkins advised that solutions need to come from a United Government and Councils.

15. Mark Brown, campground owner in Ross

Mr Brown advised that he has been a campground owner in Ross for 33 years and thanked the Council for getting everyone together to try and resolve the issues regarding freedom camping. Topics discussed included the effect that freedom camping has on established businesses, and the effect that freedom campers has on people at present.

16. Katherine Benny

Ms Benny spoke in opposition to the proposed freedom camping area at Jackson Bay. Topics discussed included the effect that such a proposal would have on the endangered wildlife in the area and the availability of Department of Conservation campground. Ms Benny was concerned that Jackson Bay was included as a freedom camping site.

17. Inger Perkins, Manager, West Coast Penguin Trust

Ms Perkins was unable to present her submission in person, however it was circulated to Council. Ms Perkins asked that Council recommends that no new freedom camping be allowed or encouraged in areas that could adversely affect Tawaki/Penguins and that proposals to allow freedom camping at Jackson Bay be withdrawn.

18. Inger Bolt

Ms Bolt was unable to attend the meeting and present her submission.

19. Samuel Blight

Mr Blight provided a verbal submission. Topics discussed included the issues of the camping site at Acre Creek and visitor experience to the area. Paying tourists are not going to want to come here if the reputation is not good. Need to look at this in a practical and logistical sense. Noted that the current situation is a national issue, not a local issue. Mr Blight asked that Council take another look at doing a self-contained only approach, making it one night only, and asked that current sites be numbered and enforced.

Deputy Mayor Martin left the meeting at 6.27 pm and returned at 6.28 pm.

MEETING CLOSED AT 6.31 PM.

Confirmed by:

Mayor Bruce Smith
Chair

Date



COUNCIL MINUTES

MINUTES OF AN EXTRAORDINARY MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 4 APRIL 2019 COMMENCING AT 4.30 PM

PRESENT

Chairperson: His Worship the Mayor

Members:	Cr Martin (Deputy)	Cr Lash (Deputy)
	Cr Carruthers	Cr Eatwell (until 4.53 pm)
	Cr Havill ONZM	Cr Neale
	Cr Olson	Cr Routhan
	Kw Tumahai	
	Paul Wilson, Te Runanga o Makaawhio representative (via remote access)	

FLOOD DAMAGE IN WESTLAND DISTRICT

The Transportation Manager provided drone footage and aerial photography on the recent flood damage and slips on the Dorothy Falls Road, Milltown Road, Styx River, Upper Arahura River, Waiho Flat Road, Franz Josef, Fox River and the Landfill protection which has 20 km of riverbed contaminated with landfill material as well as beaches. It was noted that there is a current hazard on Lake Kaniere with timber floating in the lake due to the recent slips.

1. NGĀ WHAKAPAAHA APOLOGIES

Nil.

ABSENT

Kw Rochford

STAFF PRESENT

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services;

K. Jackson, Transportation Manager; D.M. Maitland, Executive Assistant and Council Secretary.

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register was circulated and no amendments were received to be noted.

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

Nil.

4. PŪRONGO KAIMAHI STAFF REPORTS

4.1 Speed Limits

The Transportation Manager provided an update on the speed limits and advised that the speed limits have diverted back to their original speed due to enforcement with NZTA and New Zealand Police. He further advised that good feedback had been received and staff will be looking at extending some limits and an open conversation will be held with road users on suitable speed limits.

The Chief Executive noted that speed limits are covered by the Bylaw Process.

4.2 Freedom Camping Review Working Group – Terms of Reference

The Regulatory Services Manager spoke to this report and advised that the purpose of the report is to seek Council's approval of the Freedom Camping Review Working Group – Terms of Reference, and to confirm appointment of Councillor representatives from each ward to the working group.

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

- A) Council receives the report.
- B) Council adopts the Freedom Camping Review Working Group Terms of Reference.

- C) Council appoint Cr Carruthers, Cr Eatwell and Cr Neale to the Freedom Camping Review Working Group.
- D) Paul Wilson, Te Runanga o Makaawhio be appointed as the Iwi representative on the Freedom Camping Review Working Group.

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

Cr Eatwell called a point of order that the document that is being discussed is already a public document and did not think the public should be excluded from this part of the meeting.

The Group Manager Corporate Services advised that while the report is public and is already in the public domain, there are some items that should be discussed in the Public Excluded Section.

Moved His Worship the Mayor, seconded Deputy Mayor Martin and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987, at 4.51 pm.

Deputy Mayor Lash, Cr Eatwell, Cr Neale and Cr Routhan recorded their votes against the motion.

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 Report – Office of the Controller and Auditor-General	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 or withholding exists. Section 48(1)(a) and (d)

This resolution is made in reliance on sections 48(1)(a) 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 area as follows:

Item No.	Interest
1	Maintain legal professional privilege (Schedule 7(2)(g)) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information – (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))

Moved Deputy Mayor Martin, seconded Cr Olson 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 5.28 pm.

6. **PUBLIC EXCLUDED INFORMATION RELEASED INTO THE PUBLIC ARENA**

6.1 **Report to Council – Office of the Controller and Auditor-General**

The Council resolved in the 'Public Excluded' section of the meeting to release the following information into the public arena:

'The report from the Controller and Auditor-General be released to the open part of the meeting.'

**DATE OF NEXT ORDINARY COUNCIL MEETING – 18 APRIL 2019
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

MEETING CLOSED AT 5.28 PM

Confirmed by:

Mayor Bruce Smith
Chair

Date

COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 18 APRIL 2019 COMMENCING AT 11.00 AM

PRESENT

Chairperson:	His Worship the Mayor	
Members:	Cr Martin (Deputy)	Cr Lash (Deputy)
	Cr Carruthers	Cr Eatwell
	Cr Havill ONZM	Cr Neale
	Cr Olson	Kw Tumahai

1. KARAKIA TĪMATANGA OPENING KARAKIA

Deputy Mayor Martin advised that the Opening Karakia was read in the Finance, Audit and Risk Committee Meeting in the morning.

2. NGĀ WHAKAPAAHA APOLOGIES

(includes leave of absence notification)

- Cr Routhan (all of the meeting)
- Cr Carruthers (part of the meeting)

ABSENT

Kw Rochford

Moved Deputy Mayor Martin, seconded Cr Neale and **Resolved** that the apologies from Cr Routhan (all of the meeting) and Cr Carruthers (part of the meeting) be received and accepted.

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register was circulated and no amendments were noted.

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

4.1 Urgent Item of Business – Water Main Renewal Contract 18/19/23 – Hampden Street, Hokitika

Moved Deputy Mayor Martin, seconded Cr Neale and **Resolved** that in accordance with Section 46A of the Local Government Official Information and Meetings Act 1987, the following item be added as an urgent item of business not on the Council Agenda due to the following:

- (i) The reason why the item is not on the agenda.

Tenders closed on the 10 April 2019. This then required tenders to be evaluated by the Tender Evaluation Panel.

- (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

The tender work was programmed to be completed by the end of the financial year, 30 June 2019.

5. NGĀ MENETI O TE HUI KAUNIHERA MINUTES OF COUNCIL MEETING – 28 FEBRUARY 2019

(Note: The March Council Meeting was cancelled due to the flood event.)

Moved Deputy Mayor Martin, seconded Cr Havill and **Resolved** that the Minutes of the Ordinary Council Meeting, held on the 28 February 2019 be confirmed as a true and correct record of the meeting.

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

7. ACTION LIST

The Chief Executive went through the Action List as per the Council Agenda.

Moved Cr Carruthers, seconded Cr Neale and **Resolved** that the Action List be received.

His Worship the Mayor extended his thanks to the Council staff for their work in the Emergency Operations Centre on the 24 March 2019 and the two weeks since that time where a lot of time and effort has gone into the response and also the Business as Usual Functions of Council.

Moved Deputy Mayor Martin, seconded Cr Olson and **Resolved** that the thanks of Council be conveyed directly to the Council Staff.

Cr Carruthers advised that he would like to see this item be publicised in the local media.

His Worship the Mayor then presented a plaque to Council from the 2nd Engineer Regiment of the Royal NZ Engineers for the reopening of the Waiho Bridge in 2019.

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Chief Executive's Report**

The CE spoke to his report and advised the purpose of his report is to provide an update on the positive aspects that are happening in the Westland District and an update on any matters of significance and priority.

Moved Cr Olson, seconded Deputy Mayor Martin and **Resolved** that the Quarterly Report from the Chief Executive dated 18 April 2019 be received.

6. NGĀ TĀPAETANGA PRESENTATIONS

6.1 Sister City Return Visit from Huanggang City, China

Mike Keenan, Council's Ambassador to the Chinese and Yuri Tang, Destination Westland attended the meeting and spoke to the report to Council.

Mr Keenan outlined the next steps in the process which was for Westland to consider:

- Sending 8 representatives to participate in the Huanggang International Tourism Expo from 9-12 May 2019, to promote Westland as well as the West Coast.
- If the promotion is very successful, both Westland District and Huanggang City need to develop a Westland and West Coast travel plan.

The successful return visit not only signed a friendship city relationship agreement, but also deepened the two sides understanding of each other's cities, enhanced the friendship

between Westland and Huanggang, and promoted future cultural and commercial exchanges.

Mr Keenan advised that all the parties travelling to China would be paying for their own airfares, with all other expenses being paid for by the hosts.

Moved Cr Olson, seconded Cr Eatwell and **Resolved** that the report from Mike Keenan be received with thanks.

His Worship the Mayor thanked Mr Keenan and Ms Tang for their presentation to Council.

8. PŪRONGO KAIMAHI STAFF REPORTS cont.

- **Utilising Funds from the Hari Hari Complex Reserve Fund**

The Community Development Advisor spoke to this item and advised that the purpose of the report is to advise Council that the Hari Hari Community Association would like to utilise funds from the Hari Hari Complex Reserve Fund.

Moved Deputy Mayor Lash, seconded Cr Neale and **Resolved** that funds be released for the strengthened glass and window installation as per the preferred quote, and the remainder of funds be retained in the Hari Hari Complex Reserve Fund tagged for future Hari Hari community projects.

- **Westland Industrial Heritage Park Proposal for Mort Cruickshank Memorial Art Seat**

The Community Development Advisor spoke to this item and advised that the purpose of the report is to provide Council with a recommendation from the Hokitika Reserves and Environs Community Group for the provision of a new seat in Weld Lane, Hokitika.

Cr Neale asked that the areas for disability parking be checked.

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that:

- A) Council approves the recommendation of the Hokitika Reserves and Environs Group by approving the request from the Westland Industrial Heritage Park for an Art Seat to be located in Weld Lane, Hokitika.
- B) In line with Council's Policy on Statues, Monuments, Memorials and Public Art, that a Memorandum of Understanding, between

Council and the Westland Industrial Heritage Park to be written for the maintenance of the seat which will include what needs to be done, how often it needs to be done and who will do it.

Citizenship Ceremony

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

NAME	FORM OF OATH
Ms Susanne Gerda LUECHT	Affirmation
Mr Jan VYCHODIL	Affirmation

The meeting then adjourned at 12.30 pm for lunch with the new citizens, families and supporters.

The meeting reconvened at 12.47 pm.

Cr Carruthers was an apology for the remainder of the meeting.

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Complaint to Council**

The Chief Executive spoke to this item and advised that the purpose of the report is to advise that a letter of complaint had been received from a member of the public with regard to an allegation of a frivolous statement about a local organisation and the associated misleading of Councillors.

Moved Cr Olson, seconded Cr Havill and **Resolved** that Council receive the report and notes that the CE will investigate the complaint and report back to the 23 May 2019 Council Meeting.

- **NZ Pounamu Centre, Museum, Cultural and Visitor Hub**

Jackie Gurden from Gurden Consulting spoke to the report from the CE and advised the purpose of the report is to receive a copy of the feasibility study commissioned by Council of the New Zealand Pounamu Centre, Museum, Cultural and Visitor Hub, Hokitika.

Moved His Worship the Mayor, seconded Cr Neale and **Resolved** that the report on the New Zealand Pounamu Centre, Museum, Cultural and Visitor Hub, Hokitika be received.

His Worship the Mayor thanked Mrs Gurden for her presentation to Council.

- **Adoption of Draft Annual Plan 2019-20.**

The Group Manager: Corporate Services and Strategy and Communications Advisor spoke to this item and advised the purpose of the report is to propose the adoption of the 2019-2020 Draft Annual Plan for the financial year ending 30 June 2020.

A copy of the 2019-2020 Draft Annual Plan had been circulated to the Mayor and Councillors by the Strategy and Communications Advisor who then spoke to the proposed changes in the plan as follows:

- Hokitika Ocean Outfall Pipeline
- Ongoing Compliance Activity
- Transfer maintenance of Council buildings, community halls and public toilets to Destination Westland.
- Dog Control Fee Structure
- Additional Funding for Hokitika Regent Theatre
- Tourism Strategy Group Funding
- Additional Funding for Hokitika Regent Theatre.

Transfer of Pensioner Housing to Destination Westland.

Councillors asked for a staff report to the 23 May 2019 Council Meeting regarding the transfer of pensioner housing to Destination Westland. The Group Manager Corporate Services advised that advice had been received from the Audit Director regarding the regulations around consulting and amending Council's Long Term Plan and advised that she would circulate this information to the Mayor and Councillors.

- **Adoption of Draft Annual Plan 2019-20 cont.**

Moved Deputy Mayor Martin, seconded Cr Eatwell and **Resolved** that:

- A) Council adopts the Draft Annual Plan 2019/20 as tabled with agreed changes.
- B) Council instructs the Chief Executive to make the Draft Annual Plan available to the community from 24 April 2019.

- **Adoption of the Consultation Document for the Draft Annual Plan 2019/2020.**

The Group Manager Corporate Services spoke to this item and advised that the purpose of the report is to adopt the Consultation Document for the 2019/2020 Draft Annual Plan for the financial year ending 30 June 2019.

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that:

- A) Council adopts the Consultation Document for the Draft Annual Plan 2019/20 as circulated to Council.
- B) Council instructs the Chief Executive to release the Consultation Document for public consultation commencing 24 April 2019.

- **Destination Hokitika and their role**

Reilly Burden, Chair of Destination Hokitika and Shirley Gardiner attended the meeting and provided a presentation regarding Destination Hokitika and their role:

- Background on Destination Hokitika (DH). Destination Hokitika is an Incorporated Society made up of business people and entrepreneurs that are passionate about Hokitika and its surrounds (previously Enterprise Hokitika Inc. May 2018).
- Organisational Structure
- Executive Structure
- Guiding Principles
- Funding Model
- Benefits of being a member of Destination Hokitika
- Supporting Members
- What DH would like to do and where they would like to go.

His Worship the Mayor thanked Mr Burden and Mrs Gardiner for their presentation to Council.

9. ADMINISTRATIVE RESOLUTIONS

Nil.

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

(to consider and adopt confidential items)

Moved Cr Olson, seconded Deputy Mayor Martin and **Resolved** that the 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.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

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 28.02.19	– 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 or withholding exists. Section 48(1)(a)
2.	Waste to Energy	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 or withholding exists. Section 48(1)(a) and (d)
3.	Confidential Report	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 or withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) 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 area as follows:

Item No.	Interest
1 & 3	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	Protect information were the making available of the information (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))

Moved Deputy Mayor Lash, seconded Cr Olson 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 3.50 pm.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 23 MAY 2019
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

MEETING CLOSED AT 3.50 PM

Confirmed by:

Mayor Bruce Smith
Chair

Date

COUNCIL MINUTES

MINUTES OF AN EXTRAORDINARY MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON FRIDAY 3 MAY 2019 COMMENCING AT 3.00 PM

PRESENT

Chairperson: His Worship the Mayor

Members:	Cr Martin (Deputy) from 3.04 pm	Cr Lash (Deputy) from 3.04 pm
	Cr Eatwell	Cr Havill ONZM
	Cr Neale	Cr Olson
	Kw Tumahai	

1. NGĀ WHAKAPAAHA APOLOGIES

- Deputy Mayor Lash for lateness
- Deputy Mayor Martin for lateness
- Cr Carruthers, Cr Routhan for the full meeting.

Moved Cr Olson, seconded Cr Neale and **Resolved** that the apologies from Deputy Mayor Lash for lateness, Deputy Mayor Martin for lateness, Cr Carruthers for the full meeting, and Cr Routhan for the full meeting, be received and accepted.

ABSENT

Kw Rochford

STAFF PRESENT

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services; T. Cook, Regulatory Services Manager; D. Inwood, Group Manager District Assets; F. Scadden, Customer Service and Planning Manager; D.M. Maitland, Executive Assistant and Council Secretary.

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register was circulated and no amendments were received to be noted.

3. DISCUSS AND RESOLVE COUNCIL'S DIRECTION IN RELATION TO ITS EVENTS:

- The Hokitika Wildfoods Festival
- The Ute Muster
- Other Events

His Worship the Mayor welcomed attendees to the meeting and advised that the purpose of the meeting is to provide an update on the recent announcement that Destination Westland would be disestablishing its events department, and there was uncertainty in the community and sponsors over the 2020 Wildfoods Festival which was one of Westland's and this Council's greatest assets.

His Worship the Mayor noted that there were various members of the community in attendance at the meeting, along with the Board of Westland Holdings Limited.

His Worship the Mayor advised that various comments had appeared in media throughout the country and many media outlets had portrayed the Hokitika Wildfoods Festival and also events as being finished, with the result that this had impacted on sponsorship and accommodation bookings for these events.

The Hokitika Wildfoods Festival had been planned for the 7 March 2020 and the Ute Muster planned for the 20-21 July 2019.

His Worship the Mayor advised that the meeting would be moving into Confidential to ensure that anything related to staff or matters of a confidential nature are kept in confidential and advised that the Board of Westland Holdings Limited would be asked to remain in the Confidential part of the meeting to be available to ask questions of Councillors.

His Worship the Mayor advised that the Statement of Intent for Destination Westland is being completed and this has gone to Westland Holdings Limited. There is a contract between Council and Destination Westland.

Deputy Mayor Lash attended the meeting at 3.04 pm.

Deputy Mayor Martin attended the meeting at 3.04 pm.

His Worship the Mayor then opened the meeting for general discussion and advised that there is uncertainty in the community as to whether events are on or off the table and the impact of this happening.

Deputy Mayor Lash advised that Wildfoods is an iconic brand that belongs to Hokitika and Westland and would like to see that retained and asked that a discussion be held with Westland Holdings Limited, including where

the risk sits and how this can be managed going forward. Deputy Mayor Lash supported keeping the brand and protecting Wildfoods.

Cr Havill supported keeping the Hokitika Wildfoods Festival noting that it's an iconic event and preferred that the event stays with Destination Westland.

Cr Olson supported Wildfoods and noted that there are various service clubs that use the Hokitika Wildfoods Festival as their fundraisers for the year.

Cr Eatwell asked that it be recognised why Council are having an emergency situation, noting that Westland Holdings Limited is the governing body of Destination Westland. Cr Eatwell supported the Hokitika Wildfoods Festival continuing and asked that Council make provision for discussing how it will not put our ratepayers at risk.

Cr Neale expressed concern about the whole process, including who should run it after discussion with Westland Holdings Ltd later in the meeting. Cr Neale asked for costs for the last Wildfoods Festival.

Kw Tumahai supported protecting the Wildfoods Festival and that is clearly shouldn't be a burden on the ratepayer, noting that there may be different models on how to run it. Noted that in terms of the Extraordinary Council Meeting that it sends a signal to the community that the Wildfoods Festival and Events do matter and also sends a message to the media.

Deputy Mayor Martin declared a Conflict of Interest as a Director of Destination Westland.

Deputy Mayor Martin referred to the impact assessment of the Wildfoods Festival undertaken in 2012 and noted that it was intended that this be updated again this year on bringing events into our community. Supported the Wildfoods Festival, noting that it is in the Council's Long Term Plan.

His Worship the Mayor noted that there are approximately 60 community groups that are involved in some capacity for the Hokitika Wildfoods Festival. The GDP value is estimated at \$6.5M per year and advised that this Council made a decision to focus on core functions.

Moved Deputy Mayor Lash, seconded Cr Neale and **Resolved** that while Council makes a commitment to the running of the Hokitika Wildfoods Festival on the 7 March 2020, Council will focus on doing due diligence with Westland Holdings Limited, with a view to mitigating any risk to the ratepayer.

Cr Havill voted against the motion.

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

Moved Deputy Mayor Lash, seconded Cr Eatwell and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987, at 3.49 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	Events	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 or withholding exists. Section 48(1)(a) and (d)

This resolution is made in reliance on sections 48(1)(a) 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 area as follows:

Item No.	Interest
1	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

Moved Deputy Mayor Lash, seconded Cr Eatwell and **Resolved** that the Directors of Westland Holdings Limited be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of being the holding company for Destination Westland, who were delegated the Council's events portfolio, including the Hokitika Wildfoods Festival from the 3 July 2018.

Moved His Worship the Mayor, seconded Deputy Mayor Martin and **Resolved** that the business conducted in the 'Public Excluded Section' be confirmed, and accordingly, the meeting went back to the open part of the meeting at 4.21 pm.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 23 MAY 2019
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

MEETING CLOSED AT 4.21 PM

Confirmed by:

Mayor Bruce Smith
Chair

Date

Council Meetings - Action List

Date of Meeting	Item	Action	Officer	Status
28.06.18	Kaniere School Students – Cycle trail	Council staff to get back to the Kaniere School Students regarding the proposal	GMDA	Not considered a priority at present. Council staff will work with Kaniere School.
24.01.19	Waste Minimisation Fund	Presentation back to Council regarding waste management within a 6 month timeframe.	OM	Report to come back to Council for the 27 June Council Meeting.
24.01.19	Trading in Public Places	Staff to identify an appropriate location for traders, including powered sites	C&PM	Being considered as part of the beachfront development. Quotes being sourced for the sites.
28.02.19	Timing of Council Meetings	Report back from CE and Group Manager: Corporate Services	CE& GMCS	Council agenda considered and timelines revised to extend Exec Team session. No other changes proposed.
28.02.19	Proposal to Encourage Use of Te Reo Māori in Council Communications and Documents	<p>THAT Council resolve to engage with local Iwi to implement the use of Te Reo Māori in council documents, publications, communications and signage</p> <p>THAT Council resolve to produce a document of approved Te Reo Māori translations for Council use.</p>	C&SM	Agenda document changes implemented. Communication committee to lead future program of work.

Date of Meeting	Item	Action	Officer	Status
28.02.19	Proposed Stopbank Extension at Franz Josef	THAT Council receive the letters of support in principle from the Chairman of the Franz Josef Community Council Inc. and Franc Inc. and forward them to the West Coast Regional Council.	CE	Letters passed onto regional council for consideration. WCRC workshop conducted on 25-3-19 with key stakeholders
28.02.19	Responsible Camping Areas – Freedom Camping Bylaw 2018	THAT Council initiates a full review of the Freedom Camping Bylaw 2018 THAT Council determine the membership of a Freedom Camping Working Group consisting of representatives from Council, Council Officers, accommodation providers, community representatives, and stakeholders.	RSM	Group to meet.
04.04.19	Speed Limits	Extension of some limits and open conversation with road users on suitable speed limits.	GMDA	
18.04.19	Council thanks to Staff	The thanks of Council be conveyed directly to the Council staff due the flooding event on the 24 March 2019 and the two weeks since the Ordinary Council Meeting.	CE	Emailed sent to All Staff thanking them for their efforts.
18.04.19	Hari Hari Complex Reserve Fund	Release of funds for work on the Hari Hari Community Hall and the remainder of the funds retained and tagged for future projects in Hari Hari.	CE	
18.04.19	Disability Parking	Areas for disability parking to be checked near Weld Lane.	GMDA	
18.04.19	MOU be developed	Between Council and the Westland Industrial Heritage Park for future maintenance of the seat in Weld Lane.	CDA	
18.04.19	Complaint to Council	Complaint to be investigated and report back to Council.	CE	
18.04.19	Transfer of Pensioner Housing to Destination Westland	Report to May Council Meeting	CE	
03.05.19	Events	Council resolved to do due diligence with WHL with a view to mitigating any risk to the ratepayer.	CE	

Report



DATE: 23 May 2019
TO: Mayor and Councillors
FROM: Chief Executive

LOCAL GOVERNANCE STATEMENT

1.0 SUMMARY

- 1.1 The purpose of this report is to provide an update on Council's Local Governance Statement.
- 1.2 This issue arises from the requirement to provide an updated Local Governance Statement in accordance with the Local Government Act 2002.
- 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 May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopt the amended Local Governance Statement.

2.0 BACKGROUND

- 2.1 A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that must include specific information. This must be adopted by Council 6 months after the triennial election.

3.0 CURRENT SITUATION

- 3.1 Council has a Local Governance Statement which was last adopted by Council on the 27 February 2014 and has subsequently been amended.
- 3.2 A copy of the updated version is attached to this report as Appendix 1.

4.0 OPTIONS

4.1 Option 1 – Adopt the amended Local Governance Statement.

4.2 Option 2 – Not adopt the Local Governance Statement.

5.0 SIGNIFICANCE AND CONSULTATION

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

5.2 No consultation is required, however once adopted by Council the Local Governance Statement will be published on Council's Website www.westlanddc.govt.nz.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 Adopt the amended Local Governance Statement.

6.2 Not adopt the Local Governance Statement.

6.3 There are no financial implications in regards to this decision.

7.0 PREFERRED OPTION AND REASONS

7.1 That Council adopt the amended Local Governance Statement in accordance with the Local Government Act 2002.

8.0 RECOMMENDATION

A) **THAT** Council adopt the amended Local Government Statement and publish it on Council's Website www.westland.govt.nz.

Simon Bastion
Chief Executive

Appendix 1: Amended Local Governance Statement

WESTLAND
DISTRICT COUNCIL



Local Governance Statement

Amended by Council - 2019

Version 2019.01

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.		Various Pages

Table of Contents

Section	Page No.
1. Introducing the Local Governance Statement	4
1.1 What is the Purpose of the Local Governance Statement.....	5
1.2 What Information Does the Statement Contain.....	5
1.3 The Legal Requirement for Council to have a Local Governance Statement..	6
1.4 Updating of the Manual	6
2. How to Contact Us	6
2.1 Initial Contact.....	6
2.2 Council Office and Council Contacts.....	7
3. Functions, Responsibilities and Activities of the Council	9
3.1 Functions.....	9
3.2 Responsibilities.....	9
3.3 General and Local Legislation.....	10
3.4 Activities.....	10
4. Electoral Systems and Representation Arrangements	11
4.1 Electoral System.....	11
4.2 Wards and Constituencies.....	11
4.3 Representation Options.....	12
4.3.1 Maori Wards.....	12
4.3.2 Community Boards.....	12
4.4 Changing Representative Arrangements.....	12
5. Reorganisation Processes	13
5.1 Changing the District's Boundaries or Functions.....	13
6. Roles and Conduct	14
6.1 Mayor and Councillors Role.....	14
6.2 Role and Powers of the Mayor.....	15
6.3 Deputy Mayor's Role.....	16
6.4 Committee Chairperson's Role.....	16
6.5 Chief Executive's Role.....	16
6.6 Code of Conduct.....	17

7.	Governance and Management Structure	18
7.1	Governance Structure.....	18
7.2	Council Committees.....	20
7.3	Management Structure.....	23
7.4	Delegations.....	25
8.	Meeting Processes	25
8.1	The Rules for Meetings and Standing Orders.....	25
9.	Consultation Policies	26
9.1	Consultation Policy.....	26
9.2	Special Consultation Procedure under Local Government Act 2002.....	26
9.3	Liaising with Māori – Te Tangata Whenua O Te Tai Poutini	28
10.	Equal Employment Opportunity Policy	28
10.1	Equal Employment Opportunity Policy.....	28
11.	Key Planning and Policy Documents	29
11.1	Long Term Plan (LTP).....	29
11.2	The Annual Plan.....	30
11.3	The Policy Manual.....	31
11.4	The Westland District Plan.....	31
11.5	Bylaws.....	31
12.	Requests for Official Information	32
12.1	Requests for Official Information.....	32

COUNCIL VISION

We work with the people of Westland to grow and protect our communities, our economy 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 2002 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.

1.2 What Information Does the 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.

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

Section 40 of the Local Government Act 2002 (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

Street Address: 36 Weld Street, Hokitika 7810

Email: council@westlanddc.govt.nz

Monday to Friday 8.30 am to 4.30 pm

Telephone (03) 756 9010

Fax (03) 756 9045

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
David Inwood	Group Manager: District Assets	03 756 9010	david.inwood@westlanddc.govt.nz
Te Aroha Cook	Regulatory Services Manager	03 756 9010	tearoha.cook@westlanddc.govt.nz
Fiona Scadden	Planning & Customer Services Manager	03 756 9010	fiona.scadden@westlanddc.govt.nz
Kim Hibbs	People and Capability Manager	03 756 9010	kim.hibbs@westlanddc.govt.nz
Diane Maitland	Executive Assistant	03 756 9010	diane.maitland@westlanddc.govt.nz

Mayor, Councillors and Runanga Kaitaki

Mayor		Email Address
Mayor Bruce Smith		<u>Mayor.Smith@Westlanddc.Govt.Nz</u>
Northern Ward		
Cr Graeme Olson		<u>Cr.Olson@Westlanddc.Govt.Nz</u>
Cr Jane Neale		<u>Cr.Neale@Westlanddc.Govt.Nz</u>
Cr Durham Havill		<u>Cr.Havill@Westlanddc.Govt.Nz</u>
Hokitika Ward		
Cr Desmond Routhan		<u>Cr.Routhan@Westlanddc.Govt.Nz</u>
Cr David Carruthers		<u>Cr.Carruthers@Westlanddc.Govt.Nz</u>
Deputy Mayor Cr Latham Martin		<u>Cr.Martin@Westlanddc.Govt.Nz</u>
Southern Ward		
Deputy Mayor Cr Helen Lash		<u>Cr.Lash@Westlanddc.Govt.Nz</u>
Cr Gray Eatwell		<u>Cr.Eatwell@Westlanddc.Govt.Nz</u>
Te Rūnanga O Ngāti Waewae And Te Rūnanga O Makaawhio Kaitaki		
Ngāti Waewae Kaitaki Francois Tumahai		<u>Ch.Tumahai@Westlanddc.Govt.Nz</u>
Te Rūnanga O Makaawhio Kaitaki Tim Rochford		<u>Ch.Rochford@Westlanddc.Govt.Nz</u>

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 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 eight Activity Groups.

These groups are:

- **Elected Representatives**

Governance, Meetings and Committees, Council Support, Council Consultation and Reporting.

- **Planning, Customer Service & Regulatory Services**

Animal Control, Building Control, Customer Service, District Plan, Environmental Health, Inspection and Compliance, Resource Management Act, Liquor Licensing.

- **Roading**

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.
- **Solid Waste Management**
Transfer stations, Open landfills, Closed landfills, Urban Refuse Collection, Waste Minimisation and Recycling.
- **Community Activities**
Cemeteries, Elderly Housing, Community Halls, Libraries, Parks and Reserves, Community Development and Assistance, iSite, Events, Museum, Swimming Pools.
- **Other Operational Activities**
Stormwater, Commercial Buildings, Land and Buildings, Jackson Bay Wharf, Street Furniture, Monuments, Public Toilets, Civil Defence and Emergency Management.

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 to be held on 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 will be 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 and Kaniere.
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, Brickfield, Kaniere Township and the extension of Kaniere onto the Lake Kaniere Road.
Southern Ward	All that area of Westland south of the Mikonui River.

The population that each member will represent 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 Maori Wards

The Local Electoral Act 2001 also gives the Council the ability to establish separate wards for Maori electors. The Council may resolve to create separate Maori wards or conduct a poll on the matter, or the community may demand a poll. A petition of five percent of electors can require the Council to conduct a poll.

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

4.3.2 Community Boards

Westland District Council has no 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:

- The number of Elected Members (between six and 30 including the Mayor);
- Whether the Elected Members (other than the Mayor) shall be elected by the entire district, or continue to be elected by their Ward (or a mix of both systems);
- The boundaries and names of those wards and the number of members that will represent each ward (if election by wards is preferred);
- Whether or not to have separate Maori wards;
- Whether to have Community Boards and if so how many, their boundaries and membership and whether to subdivide a community 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:

- (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 of a statutory obligation from one local authority to another:
- (f)** the assumption by a territorial authority of the powers of a regional council:
- (g)** the establishment of a local board area, including the establishment of a local board for that local board area:
- (h)** 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:
- (i)** the abolition of a local board area:
- (j)** the alteration of the boundaries of a local board area:
- (k)** 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’ Roles

- 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. Westland District Council has two Deputy Mayors. 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 one Standing Committee of Council. 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 Code of Conduct

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

The code of conduct sets out—

(a) 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—

(i) behaviour toward one another, staff, and the public; and

(ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—

(A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and

(B) relates to the ability of the local authority to give effect to any provision of this Act; and

(b) a general explanation of—

(i) the [Local Government Official Information and Meetings Act 1987](#); and

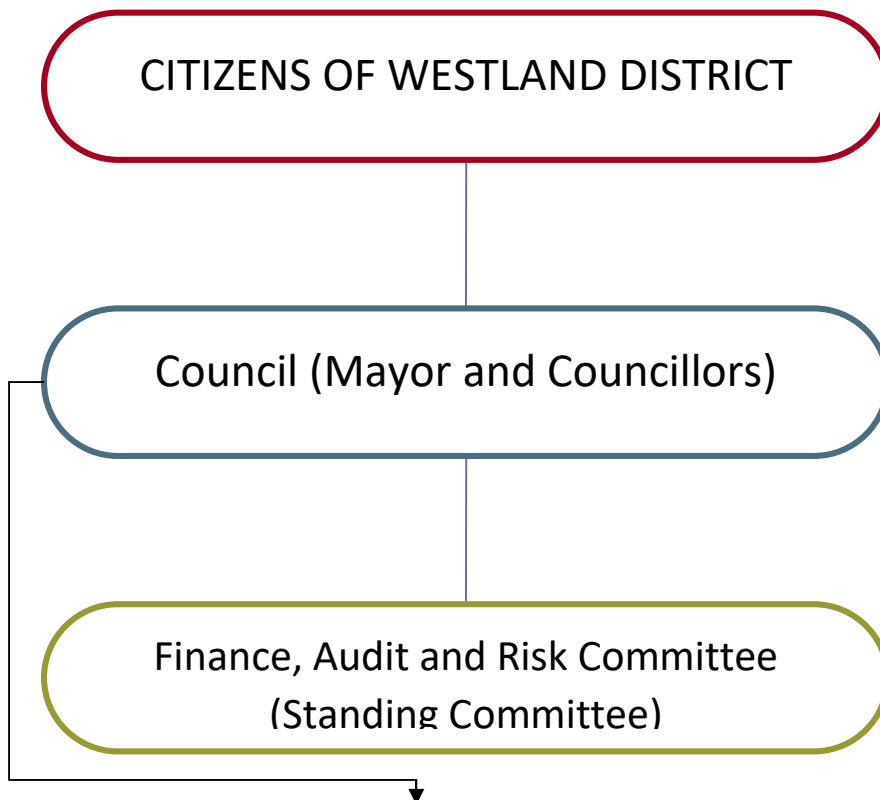
(ii) any other enactment or rule of law applicable to members.

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



Council Controlled Organisations



A key to the efficient running of local government is that there is a clear 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 concerned with implementing Council policy and strategy.

Council Controlled Organisations

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:

- Albert Brantley (Chair)
- Joanne Conroy
- Chris Gourley
- Chris Rae

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 Trenching Dynamix Ltd, a specialist buried horizontal infrastructure installation company.

Destination Westland

From 30 June 2018, the merger of Council's current CCOs of Hokitika Airport Limited and Westland District Property Limited took effect. The merged CCO is known as Destination Westland and has a commercial focus, continuing to manage the portfolios that were previously under Hokitika Airport Limited and Westland District Property Limited.

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

In addition, Destination Westland 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, West Coast Wilderness Trail, Hokitika Museum and Council's events portfolio including the Hokitika Wildfoods Festival.

7. Governance and Management Structure cont.

7.2 Council Committees

The Council reviews its committee structures after each triennial election. The Council has established the following committees:

Standing Committee:

Finance Audit and Risk Committee

Purpose:

To:

Advise Council in its management and execution of its obligations in relation to its overall financial performance and prudence, on the robustness of its Administration's internal and external control systems and provide reasonable assurance in relation to the integrity and reliability of financial and non-financial reporting processes used. In particular advice is to be provided on:

1. The robustness of the internal control framework and governance practices in place;
2. The integrity and appropriateness of internal and external reporting;
3. The robustness of risk management systems, processes and practices;
4. The independence and adequacy of internal and external audit functions;
5. The measure of compliance with applicable laws, regulations, standards and best practice guidelines;
6. The robustness of controls to safeguard the Council's financial and non-financial assets; and
7. The level of certainty that any obligations under the Treaty of Waitangi are considered when consulting on financial, audit and risk decisions.
8. Undertake the functions delegated to it.

Other Committees:

Tenders Committee

Reporting To: Council

Constitution: Deputy Mayor Martin
Cr Carruthers
Cr Olson

Meeting Frequency: The Committee Will Meet As Required

Reporting To: Council

Quorum: Two.

Objective:

1. To approve conforming tenders with value in excess of \$100,000 with preference to lowest conforming tender.
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 attractive rates/outputs.
3. Overhead review of contractor performance.

Dog Control Hearing Committee

1. Reporting To

The Committee reports to Council.

2. Constitution

The Committee will comprise of the following:

Chair: Cr Carruthers

Deputy Chair: Cr Olson

Member(s): His Worship the Mayor

3. Meeting Frequency

The Committee will meet as required.

4. Quorum

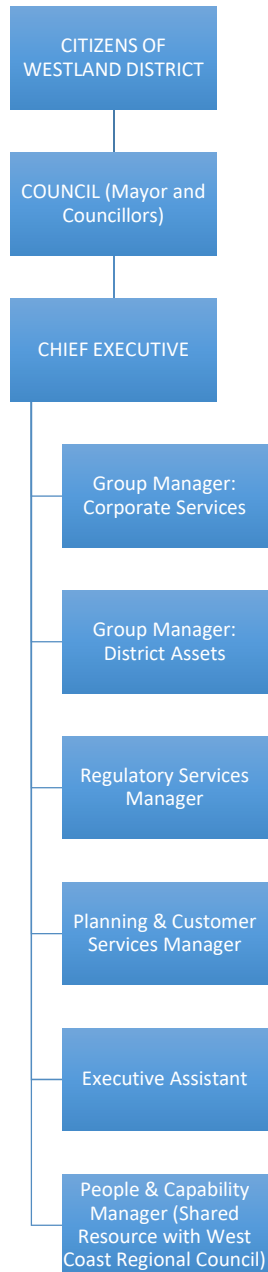
The quorum is a majority of members.

5. Responsibility

Hearing and adjudicating objections from dog owners to classifications of dog owners and/or dogs under the Dog Control Act 1996 as per the following sections:

- Objection to classification as probationary owner (s22)
- Objection to disqualification (s26)
- Objection to classification of dangerous dog (s31(3))
- Objection to classification of menacing dog (by nature) (s33B)
- Objection to classification of menacing dog (by breed) (s33D)
- Barking dog abatement notice (s55(2))
- Retention of dog threatening public safety (s71(4))

7.3 Management Structure



Groups:

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

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 and Customer Service

- Frontline Customer Service
- 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.

People and Capability

- Recruitment
- Talent development
- Pay and benefits
- Employment Relations
- Health and Safety

Corporate Services

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

Regulatory Services

The management and delivery of regulatory functions of Council. This includes Building Control, Animal Control, Environmental Health, Liquor Licencing, Compliance, and associated Bylaws. Maori Liaison Officer, with an oversight of Council's statutory obligations to strengthen the capacity of Maori 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 copies of which may be obtained from Council's Office.

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 item 'in committee'.

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 his 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 has adopted the NZS 9202 model standing orders for territorial authorities.

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 Council Code of Conduct sets out the expectations of the behaviour, which elected members expect of each other at meetings.

9. Consultation Policies

9.1 Consultation Policy

The Council has a Consultation Policy in place (adopted in 2005 and reviewed in 2012). A copy of the Consultation Policy is 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.

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 are able to participate in Council Meetings.

A Memorandum of Understanding 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.

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 Maori 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.

This Annual Plan will focus on the budgets for the current financial year and the setting of rates. This document will not be able to significantly deviate from the LTP.

11.3 The Policy Manual

All policies adopted by the Westland District Council are contained in a policy manual. This is available on request from the Executive Assistant.

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.

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 (ie, mayors 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

Report



DATE: 23 May 2019
TO: Mayor and Councillors
FROM: Chief Executive

OFFICIAL COMPLAINT TO THE COUNCIL

1 SUMMARY

- 1.1 The purpose of this report is to advise the outcome of the investigation of a complaint that has been received from a member of the public with regard to an allegation of a frivolous statement about a local organisation and the associated misleading of Councillors.
- 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 May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.3 This report concludes by recommending that Councillor Lash apologises for the comments made in regards to Destination Hokitika (DH) due to the fact she was misinformed of the status of DH activity and they are definitely not a dysfunctional entity.

2 BACKGROUND

- 2.1 A complaint was received by Council from a member of the public.
- 2.2 A report to council on the complaint and the process for reviewing the complaint was tabled at the April 19 council meeting.
- 2.3 Council resolved to receive the report and appoint the CE to investigate.

3 CURRENT SITUATION

- 3.1 The councillors were advised that Deputy Mayor Helen Lash was the councillor concerned in the complaint and a copy of the compliant was provided to Deputy Mayor Lash for her response.
- 3.2 The Central Retailers Group (CEG) is a subcommittee of DH. The CE sought information from DH on the activity of the CEG and has been advised that the group has not called for a meeting for some time and no meeting minutes have been presented back to DH. The letter tabled at the March 2019 council meeting was not endorsed or ratified by DH.
- 3.3 A response to the complaint was received from Deputy Mayor Lash to the CE.
- 3.4 An interview was conducted with the CE and Deputy Mayor Lash and the content of the response was discussed.
- 3.5 Destination Hokitika (formally Enterprise Hokitika) is clearly functioning well and have subsequently presented to council at the April 2019 council meeting.

4 OPTIONS

- 4.1 **Option 1** is to receive the report and request an apology from Deputy Mayor Lash towards Destination Hokitika.
- 4.2 **Option 2** is to not receive the report.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The matter is administrative in nature and accordingly is considered of low significance.
- 5.2 Deputy Mayor Lash is deemed to have mislead the public on the functioning of Destination Hokitika through ignorance rather than malice hence only an apology is required.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1 is considered the preferred option which is to receive the report and request an apology from Deputy Mayor Lash. There was no intended malice in the comments.
- 6.2 Not to receive the report is rejecting the compliant which is not recommended.

7 PREFERRED OPTION(S) AND REASONS

7.1 Option 1 is considered the preferred option as it achieves an outcome that suites the complaint.

8 RECOMMENDATION

A) THAT Council receive the report and Councillor Lash apologises for the comments made in regards to Destination Hokitika (DH).

Simon Bastion
Chief Executive

Report



DATE: 23 May 2019
TO: Mayor and Councillors
FROM: Chief Executive

LOCAL GOVERNMENT LEADERS' CLIMATE CHANGE DECLARATION

1.0 SUMMARY

- 1.1 The purpose of this report is to provide an update on the Local Government Leaders' Climate Change Declaration.
- 1.2 This issue arises from Local Government New Zealand advising that 61/78 Councils have signed the Climate Change Declaration.
- 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 May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receive the information and a decision be made on whether the document is signed.

2.0 BACKGROUND

- 2.1 In 2015, Mayors and Chairs of New Zealand declared an urgent need for responsive leadership and a holistic approach to climate change. Accordingly in 2017, various Mayors and Chairs representing local government supported that call for action and signed the Climate Change Declaration.

The group of Mayors and Chairs representing local government from across New Zealand came together to:

1. Acknowledge the importance and urgent need to address climate change for the benefit of current and future generations.
2. Give their support to the New Zealand Government for developing and implementing, in collaboration with councils, communities and

businesses, an ambitious transition plan towards a low carbon and resilient New Zealand.

3. Encourage Government to be more ambitious with climate change mitigation measures.
4. Outline key commitments the Councils will take in responding to the opportunities and risks posted by climate change.
5. Recommend important guiding principles for responding to climate change.

3.0 CURRENT SITUATION

- 3.1 The Mayors have asked the New Zealand Government to make it a priority to develop and implement an ambitious transition plan for a low carbon and resilient New Zealand.

Council Commitments:

By signing the agreement, Council will be committing to:

1. Developing and implementing ambitious action plans that reduce greenhouse gas emissions and support resilience within our own Council and for our local communities. These plans will:
 - a) promote walking, cycling, public transport and other low carbon transport options;
 - b) work to improve the resource efficiency and health of homes, businesses and infrastructure in our district; and
 - c) support the use of renewal energy and update of electric vehicles.
2. Work with our communities to understand, prepare for and respond to the physical impacts of climate change.
3. Work with central government to deliver on natural emission reduction targets and support resilience in our community.

- 3.2 A copy of the Climate Change Declaration is attached as **Appendix 1**.

4.0 OPTIONS

- 4.1 Option 1 – receive the information and the document be signed.
- 4.2 Option 2 – receive the information and the document not be signed.

5.0 SIGNIFICANCE AND CONSULTATION

5.1 The level of significance is deemed of low significance as the matter is administrative in nature.

5.2 No consultation has been undertaken.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 The Climate Change Declaration be signed.

6.2 The Climate Change Declaration not be signed.

6.3 The financial implications in regard to this matter have not been assessed.

7.0 PREFERRED OPTION AND REASONS

7.1 That Council receive the information and a decision be made on whether the document is signed.

8.0 RECOMMENDATION

A) THAT Council receive the information.

B) THAT a decision be made on whether the document be signed.

Simon Bastion
Chief Executive

Appendix 1: Local Government Leaders' Climate Change Declaration.

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

Local Government Leaders' Climate Change Declaration

In 2015, Mayors and Chairs of New Zealand declared an urgent need for responsive leadership and a holistic approach to climate change. We, the Mayors and Chairs of 2017, wholeheartedly support that call for action.

Climate change presents significant opportunities, challenges and risks to communities throughout the world and in New Zealand. Local and regional government undertakes a wide range of activities that will be impacted by climate change and provides infrastructure and services useful in reducing greenhouse gas emissions and enhancing resilience.

We have come together, as a group of Mayors and Chairs representing local government from across New Zealand to:

1. acknowledge the importance and urgent need to address climate change for the benefit of current and future generations;
2. give our support to the New Zealand Government for developing and implementing, in collaboration with councils, communities and businesses, an ambitious transition plan toward a low carbon and resilient New Zealand;
3. encourage Government to be more ambitious with climate change mitigation measures;
4. outline key commitments our councils will take in responding to the opportunities and risks posed by climate change; and
5. recommend important guiding principles for responding to climate change.

We ask that the New Zealand Government make it a priority to develop and implement an ambitious transition plan for a low carbon and resilient New Zealand. We stress the benefits of early action to moderate the costs of adaptation to our communities. We are all too aware of challenges we face shoring up infrastructure and managing insurance costs. These are serious financial considerations for councils and their communities.

To underpin this plan, we ask that a holistic economic assessment is undertaken of New Zealand's vulnerability to the impacts of climate change and of the opportunities and benefits for responding. We believe that New Zealand has much at stake and much to gain by adopting strong leadership on climate change emission reduction targets.

We know that New Zealanders are highly inventive, capable and passionate about the environment. New Zealanders are proud of our green landscapes, healthy environment and our unique kiwi identity and way of life. Central and local government, working together with communities and business, can develop and implement ambitious strategies based on sound science, to protect our national inheritance and security.

Council Commitments

For our part we commit to:

1. Develop and implement ambitious action plans that reduce greenhouse gas emissions and support resilience within our own councils and for our local communities. These plans will:
 - a. promote walking, cycling, public transport and other low carbon transport options;
 - b. work to improve the resource efficiency and health of homes, businesses and infrastructure in our district; and
 - c. support the use of renewable energy and uptake of electric vehicles.
2. Work with our communities to understand, prepare for and respond to the physical impacts of climate change.
3. Work with central government to deliver on national emission reduction targets and support resilience in our communities.

We believe these actions will result in widespread and substantial benefits for our communities such as; creating new jobs and business opportunities, creating a more competitive and future-proof economy, more efficient delivery of council services, improved public health, creating stronger more connected communities, supporting life-long learning, reducing air pollution and supporting local biodiversity. In short, it will help to make our communities great places to live, work, learn and visit for generations to come.

Guiding Principles

The following principles provide guidance for decision making on climate change. These principles are based on established legal¹ and moral obligations placed on Government when considering the current and future social, economic and environmental well-being of the communities they represent.

1. Precaution

There is clear and compelling evidence for the need to act now on climate change and to adopt a precautionary approach because of the irreversible nature and scale of risks involved. Together with the global community, we must eliminate the possibility of planetary warming beyond two degrees from pre-industrial levels. This could potentially threaten life on Earth (Article 2 of the UNFCCC). Actions need to be based on sound scientific evidence and resourced to deliver the necessary advances. Acting now will reduce future risks and costs associated with climate change.

2. Stewardship/Kaitiakitanga

Each person and organisation has a duty of care to safeguard the life-supporting capacity of our environment on which we all depend and to care for each other. Broad-based climate policies should enable all organisations and individuals to do all they feasibly can to reduce emissions and enhance resilience. Policies should be flexible to allow for locally and culturally appropriate responses.

¹ These Guiding Principles are established within the: Treaty of Waitangi, Resource Management Act 1991, Local Government Act 2002, Civil Defence and Emergency Management Act 2002, Oslo Principles 2014, Principles of Fundamental Justice and Human Rights.

3. Equity/Justice

It is a fundamental human right to inherit a habitable planet and live in a just society. The most vulnerable in our community are often disproportionately affected by change and natural hazards. Approaches need to consider those most affected and without a voice, including vulnerable members in our community, our Pacific neighbours and future generations.

4. Anticipation (thinking and acting long-term)

Long-term thinking, policies and actions are needed to ensure the reasonably foreseeable needs of current and future generations are met. A clear and consistent pathway toward a low carbon and resilient future needs to provide certainty for successive governments, businesses and communities to enable transformative decisions and investments to be made over time.

5. Understanding

Sound knowledge is the basis of informed decision making and participatory democracy. Using the best available information in education, community consultation, planning and decision making is vital. Growing understanding about the potential impacts of climate change, and the need for, and ways to respond, along with understanding the costs and benefits for acting, will be crucial to gain community support for the transformational approaches needed.

6. Co-operation

The nature and scale of climate change requires a global response and human solidarity. We have a shared responsibility and can not effectively respond alone. Building strong relationships between countries and across communities, organisations and scientific disciplines will be vital to share knowledge, drive innovation, and support social and economic progress in addressing climate change.

7. Resilience

Some of the impacts of climate change are now unavoidable. Enhancing the resilience and readiness of communities and businesses is needed so they can thrive in the face of changes. Protecting the safety of people and property is supported by sound planning and a good understanding of the risks and potential responses to avoid and mitigate risk.

THE FOLLOWING MAYORS AND CHAIRS SUPPORT THIS DECLARATION



Mayor Dave Cull
Dunedin City Council



Mayor Lianne Dalziel
Christchurch City Council



Mayor Grant Smith
Palmerston North City Council



Mayor Ray Wallace
Hutt City Council



Mayor Rachel Reese
Nelson City Council



Mayor Steve Chadwick
Rotorua Lakes Council



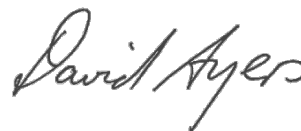
Mayor Wayne Guppy
Upper Hutt City Council



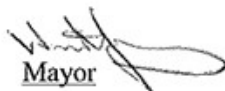
Mayor Don Cameron
Ruapehu District Council



Chris Laidlaw, Chair
Greater Wellington Regional Council



Mayor David Ayers
Waimakariri District Council



Mayor

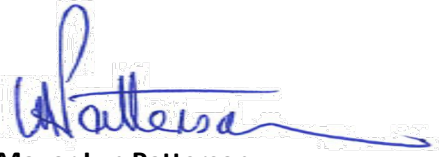
Mayor Winston Gray
Kaikoura District Council



Mayor Bill Dalton
Napier City Council



Mayor Gary Tong, JP
Southland District Council



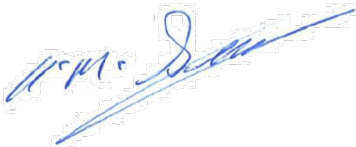
Mayor Lyn Patterson
Masterton District Council



Mayor Andy Watson
Rangitikei District Council



Stephen Woodhead, Chair
Otago Regional Council



Mayor Allan Sanson
Waikato District Council



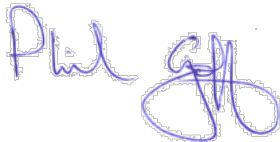
Mayor Tony Bonne
Whakatane District Council



Mayor Justin Lester
Wellington City Council



Mayor K (Guru) Gurunathan
Kāpiti Coast District Council



Mayor Phil Goff
Auckland Council



Mayor Bryan Cadogan
Clutha District Council



Mayor Sam Broughton
Selwyn District Council



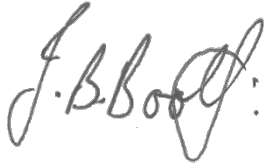
Mayor John Tregidga
Hauraki District Council



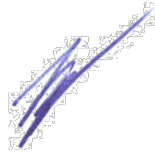
Rex Graham, Chair
Hawke's Bay Regional Council



Mayor Neil Holdom
New Plymouth District Council



Mayor John Booth
Carterton District Council



Mayor Viv Napier
South Wairarapa District Council



Mayor Alex Walker
Central Hawke's Bay District Council



David MacLeod, Chair
Taranaki Regional Council



Bill Shepherd, Chair
Northland Regional Council



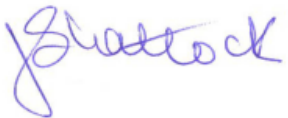
Mayor Tim Cadogan
Central Otago District Council



Mayor Tracy Hicks
Gore District Council



Mayor John Leggett
Marlborough District Council



Mayor Jenny Shattock
South Waikato District Council



Mayor Hamish McDouall
Whanganui District Council



Mayor Tim Shadbolt
Invercargill City Council




Mayor Sandra Hazlehurst
Hastings District Council



Mayor Brian Hanna
Waitomo District Council



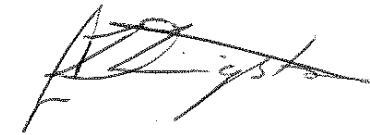
Steve Lowndes, Acting Chair
Environment Canterbury



Doug Leeder, Chair
Bay of Plenty Regional Council



Mayor Jan Barnes
Matamata-Piako District Council



Alan Livingston, Chair
Waikato Regional Council



Mayor Garry Webber
Western Bay of Plenty District Council



Mayor Greg Brownless
Tauranga City Council



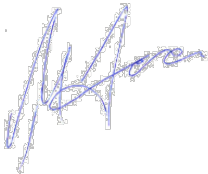
Bruce Gordon, Chair
Horizons Regional Council



Mayor Meng Foon
Gisborne District Council



Nicol Horrell, Chair
Environment Southland



Mayor Mike Tana
Porirua City Council



Mayor Richard Kempthorne
Tasman District Council



Mayor Alfred Preece
Chatham Islands Council



Mayor Malcolm Campbell
Kawerau District Council



Mayor Jim Mylchreest
Waipa District Council



Mayor Tony Kokshoorn
Grey District Council



Mayor Donna Favel
Ashburton District Council



Mayor Jim Boulton
Queenstown-Lakes District Council



Mayor John Carter
Far North District Council



Mayor Michael Feyen
Horowhenua District Council



Mayor Max Baxter
Otorohanga District Council



Mayor Ross Dunlop
South Taranaki District Council



Mayor Damon Odey
Timaru District Council



Mayor Dr Jason Smith
Kaipara District Council



Mayor Sheryl Mai
Whangarei District Council

Report



DATE: 23 May 2019

TO: Mayor and Councillors

FROM: Group Manager: Corporate Services

REMUNERATION AUTHORITY – CHILDCARE ALLOWANCE FOR ELECTED MEMBERS.

1 SUMMARY

- 1.1 The purpose of this report is for the Council to receive the Remuneration Authority Report on child care allowance for elected members.
- 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 May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes that the Council receive the Remuneration Authority Report on child care allowance for elected members.

2 BACKGROUND

- 2.1 Under Schedule 7, Section 6 of the Local Government Act 2002, the Authority must determine the remuneration, allowances, and expenses payable to all elected members of local authorities. At present, the Authority determines allowances for vehicle mileage, travel time and communications. Each individual council considers its approach to the expenses and allowances and writes its own policies within the upper limits set by the Authority.
- 2.2 In its major review of local government remuneration in 2016-2019, the Authority received numerous comments on the difficulties of being in local government, in particular for mothers, due to the lack of financial support for childcare.

- 2.3 Of particular note was a submission from the Young Elected Members (YEM) Network. The YEM Network is an informal group comprising local government elected members aged under 40 years. This included representatives on city, district, regional and unitary councils, as well as on community boards and Auckland local boards. The submission said that its members struggle with balancing the challenges of local government commitments and raising children

2 CURRENT SITUATION

- 2.1 There were concerns that the lack of financial support for child care created a barrier for people, especially women, to enter into elected positions in Local Government.
- 2.2 The Remuneration Authority has carried out research in a number of Councils in similar jurisdiction and proposes to provide for Councils to pay a child care allowance if they wish.
- 2.3 Further background and information attached as **Appendix 1**.

3 OPTIONS

- 3.1 Option 1: Council can receive the report or not.

4 SIGNIFICANCE AND ENGAGEMENT

- 4.1 The report is for information only and is administrative in nature and therefore assessed as having low level of significance.
- 4.2 Wider community engagement is not necessary.

5 ASSESSMENT OF OPTIONS

- 5.1 Option 1: Council do not need to make a decision on whether to pay this now, this report is for information purposes only at this stage.

6 RECOMMENDATION

- A) **THAT** Council receive the Remuneration Authority Report on child care allowance for elected members.

Lesley Crichton
Group Manager: Corporate Services

Appendix 1: Remuneration Authority Report on child care allowance.



Policy Paper

Childcare Allowance for Elected Members of Local Government

April 2019

Executive Summary

1. Over the past few years, the Remuneration Authority has received submissions from councils, groups of elected members and individuals requesting that there be an allowance for childcare for elected members in local government while they attend to local authority business. There were concerns that a lack of financial support for childcare created a barrier for people, in particular women, to enter into elected positions in local government. Research shows that a number of councils in similar jurisdictions (Australia and the United Kingdom) provide their elected members with allowances to cover costs associated with child and dependent care whilst the elected member is on council business. The Authority has decided to provide for councils to pay a childcare allowance if they wish. This paper contains details of the proposed policy as well as some background information.

Background

2. Under Schedule 7, Section 6 of the Local Government Act 2002, the Authority must determine the remuneration, allowances, and expenses payable to all elected members of local authorities. At present, the Authority determines allowances for vehicle mileage, travel time and communications. Each individual council considers its approach to the expenses and allowances and writes its own policies within the upper limits set by the Authority.
3. In its major review of local government remuneration in 2016-2019, the Authority received numerous comments on the difficulties of being in local government, in particular for mothers, due to the lack of financial support for childcare.
4. Of particular note was a submission from the Young Elected Members (YEM) Network. The YEM Network is an informal group comprising local government elected members aged under 40 years. This included representatives on city, district, regional and unitary councils, as well as on community boards and Auckland local boards. The submission said that its members struggle with balancing the challenges of local government commitments and raising children. Their main concern was that because council commitments are not structured or fixed, parents are forced to pay for full-time care or take the risk of being unable to obtain childcare when they require it. The YEMs called on the Authority to “break down the barrier” for younger people wanting to enter into local government. They believe that if childcare were claimable expense it will make serving in local government a realistic option for parents who are currently prevented from considering the role because of the costs of childcare. The YEMs also believe that failing to do so would see the sector continuing to miss out on the ideas, talent, skills, insights, contacts and passion that young parents could bring to local government.
5. In its information paper following the consultation, the Authority said *“another issue that appears to be of growing concern in local government is that caring for dependents may limit options for some people, particularly younger women who may have child care responsibilities. This is seen by many as a barrier to participation. The Authority is looking at the carer issue and*

will make a decision prior to the 2019 election. We need to point out, however, that were we to approve councils providing reimbursement for carers, it would be up to each individual council to implement such a decision, as it is with all the allowances and reimbursements included in our local government determinations”.

Dependent care

- The Authority considered the issue of dependent care allowances. This broadened the scope of any potential allowances and after careful consideration the Authority decided that at this stage it would not take any further the issue of allowances for dependent care outside of child care. Allowances for dependent care raised complex issues that would have taken considerably more time in researching and which we felt would need to be the subject of an extended consultation. Also, and perhaps more importantly at this stage, the issue of a childcare allowance as a mechanism for encouraging more and younger women to enter local government politics was the main driver for this review and was cited more frequently than a general dependent care allowance in responses to our previous consultation. Many responses cited issues around childcare as a significant barrier to diversity on councils.

Childcare

- In considering the issue of childcare the Authority looked at similar schemes in other jurisdictions and also at the current law around and financial provision of childcare and childcare allowances in New Zealand.
- In New Zealand, from the age of 14 years, children are allowed to be left alone. They are also legally allowed to babysit other children from the age of 14 years.
- The cost of childcare and subsidies vary from centre to centre and are not regulated. The cost of care also depends on the type of care.

Care Type	Average Cost per Hour (source: Huggies.co.nz)
Nanny	\$18
Long Day Care	\$6
Home Based Care	\$7

Location	Average Cost per Hour for Nannies in the location (source: Care.com)
Auckland	\$17.71
Wellington	\$16.71
Christchurch	\$16.20
Napier	\$15.38
Te Kuiti	\$13.57

- Work and Income provide a Childcare Subsidy that helps families with the cost of pre-school childcare. To be eligible for the subsidy, a person must be the main carer of the dependent

child, a NZ citizen or permanent resident, and their family is on a low or middle income. The child must be under 5 years of age.

11. The subsidy payment is dependent on number of children and gross weekly income, however the maximum amount payable is \$5.13 per hour, per child (\$256.50 per week, per child for 50 hours).
12. The 20 Hour ECE subsidy was introduced in 2007 to reduce cost barriers in order to allow more children to participate in ECE. Under this subsidy, the government fully funds ECE for up to 6 hours a day and 20 hours per week for eligible children. It is not compulsory for childcare facilities to offer subsidy.
13. Children aged 3, 4 and 5 years old are eligible to the 20 Hours ECE if the facility offers it. This subsidy is regardless of family income, immigration status or any other reason.

Other jurisdictions

14. The following overseas council policies were analysed to look for comparisons and options:
 - a. Australia
 - i. City of Belmont, WA
 - ii. District Council of Robe, SA
 - iii. City of Burnside, SA
 - b. United Kingdom
 - i. Lambeth Council, London
 - ii. Bracknell Forest Borough Council, London
 - iii. Malvern Hills District Council
 - iv. Middlesbrough
 - v. Scotland
 - c. Ireland
 - i. Newry, Mourne and Down Council
15. The main themes that arose from these policy documents were:
 - a. Provisions of allowances and/or reimbursements for dependant care whilst councillors attended meetings of council, committees, or other council business
 - b. Costs covered actual and reasonable costs
 - c. Children aged 15 years or younger
 - d. Carers must not ordinarily reside with the councillors and must not be an immediate member of the family
 - e. Carers must be registered, either with the councils or to a recognised professional facility
 - f. It is up to the discretion of the council as to whether allowances are incorporated into their policy documents

Tax Consequences

16. We have sought advice from Inland Revenue on whether there are any tax consequences associated with the introduction of a childcare allowance. Inland Revenue are currently considering whether the proposed childcare allowance is tax-free or not. Childcare costs are usually seen as private or of a domestic nature and the proposed allowance could be taxable at source, if the allowance is viewed as employment income. Our view is that the proposed allowance is no different to the other allowances currently provided to local government elected members - that is, the childcare allowance is a contribution towards the expenses incurred by a member for childcare provided while the member is engaged on local authority business. We hope to receive Inland Revenue's advice towards the end of April.

Proposed Approach

17. The Remuneration Authority is proposing that the following be inserted in the next Local Government Determination:

x. ***Childcare allowance***

- (1) *A local authority may pay a childcare allowance, in accordance with subclauses (2) and (3), to an eligible member as a contribution towards expenses incurred by the member for childcare provided while the member is engaged on local authority business.*
- (2) *A member is eligible to be paid a childcare allowance in respect of childcare provided for a child only if-*
- (a) *the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and*
 - (b) *the child is aged under 14 years of age; and*
 - (c) *the childcare is provided by a person who-*
 - (i) *is not a family member of the member; and*
 - (ii) *does not ordinarily reside with the member; and*
 - (d) *the member provides evidence satisfactory to the local authority of the amount paid for childcare.*
- (3) *A local authority may not make childcare allowance payments to a member-*
- (a) *at a rate greater than \$15 per hour; or*
 - (b) *that exceed the amount that the member paid to the childcare provider; or*

- (c) *in respect of childcare provided for more than 8 hours in any 24-hour period;
or*
 - (d) *that total more than \$6,000 per annum.*
 - (4) *In this regulation, **family member of the member** means-*
 - (a) *a spouse, civil union partner, or de facto partner:*
 - (b) *a relative, that is, another person connected with the person within 2 degrees of a relationship, whether by blood relationship or by adoption.*
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Appendix A – Work and Income Childcare Subsidy

Extract from Work and Income Website: <https://www.workandincome.govt.nz/products/a-z-benefits/childcare-subsidy.html>

Who can get it:

You may get a Childcare Subsidy if:

- you're the main carer of a dependent child
- you're a New Zealand citizen or permanent resident
- your family is on a low or middle income.

You should also normally live in New Zealand and intend to stay here.

It also depends on how much you and your partner earn.

The child must be:

- aged either:
 - under 5, or
 - over 5 if the school has advised they can't start until the beginning of the term straight after their 5th birthday, or
 - under 6 if you get a Child Disability Allowance for them
- attending an approved early childhood programme for 3 or more hours a week.

Approved programmes include early childhood education and care services, eg:

- kindergartens and preschools
- childcare centres and creches
- playcentres and playgroups
- Kohanga Reo, Punanga Reo, Aoga and other programmes with a language and culture focus
- approved home-based care.

Childcare Subsidy (current)

Below are the [Childcare Subsidy](#) income thresholds and maximum rates at 1 April 2018.

Number of children	Gross weekly income	Childcare Subsidy (per hour, per child)	Childcare Subsidy (per week, per child for 50 hours)
1	Less than \$800.00	\$5.13	\$256.50
	\$800.00 to \$1,199.99	\$4.09	\$204.50
	\$1,200.00 to \$1,299.99	\$2.86	\$143.00
	\$1,300.00 to \$1,399.99	\$1.59	\$79.50
	\$1,400.00 or more	nil	nil
2	Less than \$920.00	\$5.13	\$256.50
	\$920.00 to \$1,379.99	\$4.09	\$204.50
	\$1,380.00 to \$1,489.99	\$2.86	\$143.00
	\$1,490.00 to \$1,599.99	\$1.59	\$79.50
	\$1,600.00 or more	nil	nil
3 or more	Less than \$1,030.00	\$5.13	\$256.50
	\$1,030.00 to \$1,539.99	\$4.09	\$204.50
	\$1,540.00 to \$1,669.99	\$2.86	\$143.00
	\$1,670.00 to \$1,799.99	\$1.59	\$79.50
	\$1,800.00 or more	nil	nil