

REMUNERATION AUTHORITY - FUNDING FORMULAE AND FACTORS - SUMMARY

| District / City Council | Population | Expenses | Assets | Change Factor | Total Points | Indicative Pool | Mayor's Salary |
|----------------------------|------------------|------------------|------------------|---------------|------------------|-------------------|------------------|
| Auckland City | 438,100 | 340,727 | 164,729 | 100.00% | 943,556 | 1,804,753 | 170,269 |
| Christchurch City | 368,900 | 211,195 | 109,852 | 100.00% | 689,947 | 1,635,235 | 163,113 |
| Manukau City | 362,000 | 153,492 | 101,710 | 107.40% | 662,890 | 1,612,561 | 162,193 |
| Wellington City | 192,800 | 173,452 | 102,318 | 101.04% | 473,424 | 1,383,479 | 153,660 |
| North Shore City | 223,000 | 125,273 | 69,703 | 102.17% | 427,034 | 1,310,694 | 151,016 |
| Waikare City | 201,400 | 126,771 | 36,738 | 101.90% | 371,840 | 1,205,127 | 145,477 |
| Dunedin City | 122,900 | 96,094 | 45,064 | 100.00% | 264,059 | 962,453 | 128,091 |
| Hamilton City | 138,500 | 83,546 | 50,979 | 104.19% | 284,455 | 1,014,770 | 132,660 |
| Hutt City | 101,600 | 56,628 | 16,706 | 100.00% | 174,933 | 716,331 | 107,211 |
| Tauranga City | 110,500 | 60,305 | 42,424 | 105.57% | 225,104 | 862,536 | 119,366 |
| New Plymouth District | 71,800 | 53,058 | 36,979 | 100.00% | 161,837 | 675,734 | 103,910 |
| Palmerston North City | 79,300 | 46,511 | 20,375 | 100.00% | 146,186 | 627,215 | 99,966 |
| Rodney District | 96,400 | 66,282 | 22,989 | 108.01% | 200,547 | 795,734 | 113,665 |
| Haslings District | 73,800 | 41,917 | 21,523 | 100.00% | 137,240 | 599,481 | 97,712 |
| Whangarei District | 78,200 | 61,253 | 19,254 | 102.91% | 163,326 | 680,348 | 104,285 |
| Rotorua District | 68,000 | 46,846 | 13,258 | 100.00% | 128,104 | 571,161 | 95,410 |
| Far North District | 57,900 | 51,305 | 26,361 | 100.00% | 135,566 | 594,293 | 97,290 |
| Napier City | 56,900 | 39,162 | 21,642 | 100.00% | 117,704 | 538,921 | 92,789 |
| Southland District | 29,100 | 29,202 | 21,108 | 101.02% | 80,221 | 412,498 | 81,359 |
| Franklin District | 63,200 | 32,174 | 18,813 | 107.26% | 122,478 | 553,719 | 93,992 |
| Invercargill City | 51,600 | 32,328 | 10,930 | 100.39% | 95,224 | 465,505 | 86,401 |
| Ponrua City | 51,000 | 29,750 | 18,422 | 100.00% | 99,173 | 479,455 | 87,727 |
| Kapiti Coast District | 48,400 | 22,204 | 11,440 | 100.47% | 82,427 | 420,290 | 82,100 |
| Wanganui District | 43,400 | 28,524 | 12,849 | 101.14% | 85,739 | 431,992 | 83,213 |
| Timaru District | 43,900 | 29,473 | 13,224 | 100.00% | 86,597 | 435,024 | 83,502 |
| Waipa District | 44,700 | 25,371 | 16,022 | 100.00% | 86,094 | 433,247 | 83,333 |
| Waikato District | 46,800 | 27,463 | 15,377 | 104.55% | 93,719 | 460,187 | 85,895 |
| Taupo District | 33,500 | 30,576 | 18,699 | 100.00% | 82,775 | 421,523 | 82,218 |
| Thames-Coromandel District | 26,800 | 32,179 | 16,363 | 100.00% | 75,342 | 395,262 | 79,720 |
| Western Bay of Plenty | 44,400 | 28,005 | 14,964 | 102.48% | 89,533 | 445,398 | 84,488 |
| Queenstown-Lakes District | 26,400 | 37,087 | 12,593 | 120.92% | 91,998 | 454,106 | 85,316 |
| Waimakiri District | 46,100 | 23,793 | 15,933 | 109.22% | 93,736 | 460,247 | 85,900 |
| Waiatapu District | 34,400 | 25,340 | 9,355 | 100.00% | 69,095 | 373,189 | 77,621 |
| South Taranaki District | 26,700 | 21,374 | 12,180 | 104.30% | 62,845 | 351,109 | 75,521 |
| Selwyn District | 37,500 | 24,858 | 15,011 | 118.39% | 91,594 | 452,679 | 85,181 |
| Papakura District | 48,300 | 18,156 | 8,742 | 105.45% | 79,298 | 409,237 | 81,049 |
| Matamata - Piako District | 31,400 | 18,669 | 8,639 | 100.00% | 58,708 | 336,494 | 74,131 |
| Upper Hutt City | 40,200 | 19,128 | 8,637 | 100.00% | 67,965 | 369,198 | 77,241 |
| Manawatu District | 29,300 | 16,207 | 9,007 | 100.00% | 54,514 | 321,676 | 72,722 |
| Tararua District | 17,750 | 13,823 | 13,199 | 101.11% | 45,271 | 287,662 | 68,637 |
| Ashburton District | 28,700 | 17,213 | 9,069 | 101.69% | 55,910 | 326,606 | 73,191 |
| Waiake District | 20,700 | 20,062 | 10,795 | 100.00% | 51,557 | 311,230 | 71,728 |
| Horowhenua District | 30,600 | 16,134 | 6,202 | 100.00% | 52,936 | 316,100 | 72,192 |
| Masterion District | 23,100 | 13,755 | 9,781 | 100.86% | 47,036 | 294,315 | 69,531 |
| Central Otago District | 17,700 | 15,358 | 8,580 | 111.78% | 46,545 | 292,463 | 69,282 |
| Hauraki District | 17,750 | 16,233 | 7,383 | 100.00% | 41,366 | 272,941 | 66,657 |
| Rangitikei District | 14,950 | 12,524 | 8,034 | 100.99% | 35,861 | 252,186 | 63,866 |
| Clutha District | 17,350 | 16,626 | 13,442 | 100.29% | 47,554 | 296,270 | 69,794 |
| Ruapehu District | 13,650 | 13,619 | 5,203 | 103.87% | 33,730 | 244,151 | 62,785 |
| Kaipara District | 18,600 | 17,253 | 6,996 | 100.00% | 42,849 | 278,530 | 67,408 |
| South Waikato District | 22,800 | 12,665 | 5,756 | 103.39% | 42,618 | 277,662 | 67,292 |
| Central Hawkes Bay | 13,300 | 11,194 | 11,363 | 100.00% | 35,857 | 252,171 | 63,864 |
| Westland District | 8,760 | 7,172 | 5,945 | 103.85% | 22,720 | 202,644 | 57,203 |
| Hurunui District | 10,850 | 13,099 | 4,653 | 100.00% | 28,602 | 224,819 | 60,185 |
| Waitema District | 9,600 | 9,989 | 4,027 | 101.03% | 23,860 | 206,942 | 57,781 |
| Buller District | 9,950 | 10,025 | 4,872 | 100.00% | 24,846 | 210,661 | 58,281 |
| Grey District | 13,650 | 10,768 | 5,155 | 100.00% | 29,573 | 228,480 | 60,678 |
| Gore District | 12,250 | 7,766 | 5,187 | 102.78% | 25,903 | 214,645 | 58,817 |
| Waimate District | 7,450 | 5,426 | 5,548 | 100.00% | 18,424 | 186,449 | 55,025 |
| Waioa District | 8,480 | 9,735 | 3,272 | 104.50% | 22,455 | 201,645 | 57,069 |
| | - | - | - | 0.00% | - | - | - |
| South Wairarapa District | 9,190 | 7,050 | 5,795 | 100.00% | 22,035 | 200,061 | 56,856 |
| Otago District | 9,220 | 6,386 | 3,190 | 103.35% | 19,426 | 190,226 | 55,533 |
| Opotiki District | 9,060 | 4,608 | 2,863 | 105.43% | 17,428 | 181,985 | 54,318 |
| Stratford District | 9,100 | 5,696 | 4,524 | 100.00% | 19,320 | 189,827 | 55,479 |
| Mackenzie District | 3,950 | 5,063 | 2,909 | 100.00% | 11,922 | 157,030 | 50,332 |
| Carterton District | 7,360 | 4,900 | 2,337 | 100.00% | 14,597 | 169,156 | 52,269 |
| Kawerau District | 7,050 | 4,279 | 879 | 100.00% | 12,208 | 158,325 | 50,538 |
| TOTALS | 4,081,970 | 2,694,100 | 1,387,870 | | 8,349,235 | 33,098,042 | 5,693,303 |

REMUNERATION AUTHORITY - FUNDING FORMULAE AND FACTORS

| District / City Council | ---Population Calc--- | | ---Expenses Calc--- | | ---Net Assets Calc--- | | ---Rate of Change Calcs--- | | |
|----------------------------|-----------------------|----------------------|-----------------------------------|----------------------|---------------------------------|----------------------|----------------------------|----------------|------------------|
| | Population 2007/08 | Funding Weighting | Expenses (000)'s data entry | Funding Weighting | Assets (000)'s data entry | Funding Weighting | Population 2002/03 | % of Change | Change Factor |
| | 14 | | | | | | 9 | | |
| Auckland City | 438,100 | 10.73% | 616,121 | 12.65% | 9,594,517 | 11.87% | 415,300 | 5.49% | 100.0% |
| Christchurch City | 368,900 | 9.04% | 381,894 | 7.84% | 6,398,264 | 7.92% | 347,000 | 6.31% | 100.0% |
| Manukau City | 362,000 | 8.87% | 277,553 | 5.70% | 5,924,015 | 7.33% | 317,500 | 14.02% | 107.4% |
| Wellington City | 192,800 | 4.72% | 313,645 | 6.44% | 5,959,421 | 7.37% | 179,100 | 7.65% | 101.0% |
| North Shore City | 223,000 | 5.46% | 226,525 | 4.65% | 4,059,829 | 5.02% | 205,000 | 8.78% | 102.2% |
| Waikare City | 201,400 | 4.93% | 229,234 | 4.71% | 2,139,757 | 2.65% | 185,600 | 8.51% | 101.9% |
| Dunedin City | 122,900 | 3.01% | 173,763 | 3.57% | 2,624,739 | 3.25% | 121,200 | 1.40% | 100.0% |
| Hamilton City | 138,500 | 3.39% | 151,072 | 3.10% | 2,969,230 | 3.67% | 125,000 | 10.80% | 104.2% |
| Hutt City | 101,600 | 2.49% | 102,397 | 2.10% | 973,010 | 1.20% | 99,900 | 1.70% | 100.0% |
| Tauranga City | 110,500 | 2.71% | 109,046 | 2.24% | 2,470,974 | 3.06% | 98,500 | 12.18% | 105.6% |
| New Plymouth District | 71,800 | 1.76% | 95,943 | 1.97% | 2,153,818 | 2.66% | 69,100 | 3.91% | 100.0% |
| Palmerston North City | 79,300 | 1.94% | 84,103 | 1.73% | 1,186,751 | 1.47% | 77,100 | 2.85% | 100.0% |
| Rodney District | 96,400 | 2.36% | 119,854 | 2.46% | 1,338,996 | 1.66% | 84,100 | 14.63% | 108.0% |
| Hastings District | 73,800 | 1.81% | 75,796 | 1.56% | 1,253,586 | 1.55% | 70,600 | 4.53% | 100.0% |
| Whangarei District | 78,200 | 1.92% | 110,761 | 2.27% | 1,121,413 | 1.39% | 71,400 | 9.52% | 102.9% |
| Rotorua District | 68,000 | 1.67% | 84,710 | 1.74% | 772,188 | 0.96% | 67,600 | 0.59% | 100.0% |
| Far North District | 57,900 | 1.42% | 92,772 | 1.90% | 1,535,389 | 1.90% | 57,100 | 1.40% | 100.0% |
| Napier City | 56,900 | 1.39% | 70,814 | 1.45% | 1,260,549 | 1.56% | 55,800 | 1.97% | 100.0% |
| Southland District | 29,100 | 0.71% | 52,805 | 1.08% | 1,229,440 | 1.52% | 29,400 | -1.02% | 101.0% |
| Franklin District | 63,200 | 1.55% | 63,179 | 1.19% | 1,095,740 | 1.36% | 55,500 | 13.87% | 107.3% |
| Invercargill City | 51,600 | 1.26% | 58,458 | 1.20% | 636,595 | 0.79% | 51,800 | -0.39% | 100.4% |
| Porirua City | 51,000 | 1.25% | 53,796 | 1.10% | 1,073,005 | 1.33% | 50,300 | 1.39% | 100.0% |
| Kapiti Coast District | 48,400 | 1.19% | 40,151 | 0.82% | 666,300 | 0.82% | 45,200 | 7.08% | 100.5% |
| Wanganui District | 43,400 | 1.06% | 51,579 | 1.06% | 748,377 | 0.93% | 43,900 | -1.14% | 101.1% |
| Timaru District | 43,900 | 1.08% | 53,294 | 1.09% | 770,243 | 0.95% | 42,900 | 2.33% | 100.0% |
| Waipa District | 44,700 | 1.10% | 45,878 | 0.94% | 933,214 | 1.15% | 42,400 | 5.42% | 100.0% |
| Waikato District | 46,800 | 1.15% | 49,660 | 1.02% | 895,628 | 1.11% | 42,100 | 11.16% | 104.6% |
| Taupo District | 33,500 | 0.82% | 55,289 | 1.13% | 1,089,140 | 1.35% | 33,300 | 0.60% | 100.0% |
| Thames-Coromandel District | 26,800 | 0.66% | 56,188 | 1.19% | 953,062 | 1.18% | 26,300 | 1.90% | 100.0% |
| Western Bay of Plenty | 44,400 | 1.09% | 50,640 | 1.04% | 871,540 | 1.08% | 40,700 | 9.09% | 102.5% |
| Queenstown-Lakes District | 26,400 | 0.65% | 67,062 | 1.38% | 733,483 | 0.91% | 20,700 | 27.54% | 120.9% |
| Waimakariri District | 46,100 | 1.13% | 43,024 | 0.88% | 928,036 | 1.15% | 39,800 | 15.83% | 109.2% |
| Whakatane District | 34,400 | 0.84% | 45,821 | 0.94% | 544,865 | 0.67% | 34,000 | 1.18% | 100.0% |
| South Taranaki District | 26,700 | 0.65% | 39,649 | 0.79% | 709,410 | 0.88% | 27,900 | -4.30% | 104.3% |
| Selwyn District | 37,500 | 0.92% | 44,949 | 0.92% | 874,295 | 1.08% | 30,000 | 25.00% | 118.4% |
| Papakura District | 48,300 | 1.18% | 32,831 | 0.67% | 509,179 | 0.63% | 43,100 | 12.06% | 105.5% |
| Matamata - Piako District | 31,400 | 0.77% | 33,759 | 0.69% | 503,166 | 0.62% | 30,300 | 3.63% | 100.0% |
| Upper Hutt City | 40,200 | 0.98% | 34,589 | 0.71% | 503,044 | 0.62% | 37,800 | 6.35% | 100.0% |
| Manawatu District | 29,300 | 0.72% | 29,307 | 0.60% | 524,594 | 0.65% | 28,300 | 3.53% | 100.0% |
| Taranaki District | 17,750 | 0.43% | 24,995 | 0.51% | 788,791 | 0.95% | 17,950 | -1.11% | 101.1% |
| Ashburton District | 28,700 | 0.70% | 31,125 | 0.64% | 528,195 | 0.65% | 26,500 | 8.30% | 101.7% |
| Waitaki District | 20,700 | 0.51% | 36,277 | 0.74% | 628,777 | 0.78% | 20,200 | 2.48% | 100.0% |
| Horowhenua District | 30,600 | 0.75% | 29,174 | 0.60% | 361,236 | 0.45% | 30,600 | 0.00% | 100.0% |

REMUNERATION AUTHORITY - FUNDING FORMULAE AND FACTORS

| District / City Council | ---Population Calc--- | | ---Expenses Calc--- | | --Net Assets Calc-- | | ---Rate of Change Calcs--- | | |
|--------------------------|-----------------------|----------------------|---------------------|----------------------|---------------------|----------------------|----------------------------|----------------|------------------|
| | Population 2007/08 | Funding Weighting | Expenses (000)'s | Funding Weighting | Assets (000)'s | Funding Weighting | Population 2002/03 | % of Change | Change Factor |
| | 14 | | | | | | 9 | | |
| District / City Council | | | | | | | | | |
| Masiteron District | 23,100 | 0.57% | 24,872 | 0.51% | 569,672 | 0.70% | 23,300 | -0.86% | 100.9% |
| Central Otago District | 17,700 | 0.43% | 27,772 | 0.57% | 499,764 | 0.62% | 14,950 | 18.39% | 111.8% |
| Hauraki District | 17,750 | 0.43% | 29,353 | 0.60% | 430,041 | 0.53% | 17,000 | 4.41% | 100.0% |
| Rangitikei District | 14,950 | 0.37% | 22,647 | 0.46% | 467,934 | 0.58% | 15,100 | -0.99% | 101.0% |
| Clutha District | 17,350 | 0.43% | 30,064 | 0.62% | 782,927 | 0.97% | 17,400 | -0.29% | 100.3% |
| Ruapehu District | 13,650 | 0.33% | 24,627 | 0.51% | 303,025 | 0.37% | 14,200 | -3.87% | 103.9% |
| Kaipara District | 18,600 | 0.46% | 31,198 | 0.64% | 407,462 | 0.50% | 18,050 | 3.05% | 100.0% |
| South Waikato District | 22,800 | 0.56% | 22,902 | 0.47% | 335,243 | 0.41% | 23,600 | -3.39% | 103.4% |
| Central Hawkes Bay | 13,300 | 0.35% | 20,241 | 0.42% | 661,851 | 0.82% | 13,150 | 1.14% | 100.0% |
| Westland District | 8,760 | 0.21% | 12,968 | 0.27% | 346,286 | 0.43% | 7,930 | 10.47% | 103.9% |
| Hurunui District | 10,850 | 0.27% | 23,686 | 0.49% | 271,007 | 0.34% | 10,450 | 3.83% | 100.0% |
| Waitomo District | 9,600 | 0.24% | 18,063 | 0.37% | 234,557 | 0.29% | 9,700 | -1.03% | 101.0% |
| Buller District | 9,950 | 0.24% | 18,127 | 0.37% | 283,758 | 0.35% | 9,720 | 2.37% | 100.0% |
| Grey District | 13,650 | 0.33% | 19,471 | 0.40% | 300,253 | 0.37% | 13,100 | 4.20% | 100.0% |
| Gore District | 12,250 | 0.30% | 14,043 | 0.29% | 302,114 | 0.37% | 12,600 | -2.78% | 102.8% |
| Waimate District | 7,450 | 0.18% | 9,812 | 0.20% | 323,131 | 0.40% | 7,120 | 4.63% | 100.0% |
| Wairoa District | 8,480 | 0.21% | 17,604 | 0.36% | 190,549 | 0.24% | 8,880 | -4.50% | 104.5% |
| Banks Peninsula District | - | - | - | - | - | 0.00% | - | - | - |
| South Wairarapa District | 9,190 | 0.23% | 12,748 | 0.26% | 337,508 | 0.42% | 8,860 | 3.72% | 100.0% |
| Otorohanga District | 9,220 | 0.23% | 11,547 | 0.24% | 185,782 | 0.23% | 9,540 | -3.35% | 103.4% |
| Opotiki District | 9,060 | 0.22% | 8,333 | 0.17% | 166,731 | 0.21% | 9,580 | -5.43% | 105.4% |
| Stratford District | 9,100 | 0.22% | 10,300 | 0.21% | 263,496 | 0.33% | 8,820 | 3.17% | 100.0% |
| Mackenzie District | 3,950 | 0.10% | 9,156 | 0.19% | 169,405 | 0.21% | 3,760 | 5.05% | 100.0% |
| Cairnton District | 7,360 | 0.18% | 8,861 | 0.18% | 136,127 | 0.17% | 7,100 | 3.66% | 100.0% |
| Kawerau District | 7,050 | 0.17% | 7,737 | 0.16% | 51,188 | 0.06% | 7,000 | 0.71% | 100.0% |
| TOTALS | 4,081,970 | 100.00% | 4,871,614 | 100.00% | 80,835,612 | 100.00% | 3,828,760 | 6.61% | |

DISTRICT/CITY COUNCILS

Variables

| Weightings | Points |
|--------------|-----------|
| Population | 4,081,970 |
| Expenses | 2,694,100 |
| Assets Gross | 1,387,870 |
| | 8,163,940 |

X and Y for Change Factor

| | |
|---|------|
| Change factor weighting for larger than | 100% |
| Change factor weighting for negatives | 100% |

Indicative Pool - Points to remuneration

| Points | Rate | Max |
|-----------|-------|-----------|
| Flat Base | | 103,000 |
| 18,360 | 4.532 | 83,208 |
| 51,000 | 3.770 | 192,270 |
| 103,836 | 3.533 | 378,940 |
| 207,672 | 3.100 | 700,831 |
| 311,508 | 2.565 | 967,171 |
| 415,344 | 2.005 | 1,175,362 |
| 519,180 | 1.569 | 1,338,280 |
| 623,016 | 1.193 | 1,462,157 |
| 726,852 | 0.838 | 1,549,171 |
| 830,688 | 0.726 | 1,624,556 |
| 934,524 | 0.560 | 1,682,704 |
| 1,038,360 | 0.560 | 1,740,853 |

Mayor's Salary - Points to remuneration

| Points | Rate | Max |
|-----------|-------|---------|
| Flat Base | | 41,700 |
| 18,360 | 0.724 | 13,293 |
| 51,000 | 0.507 | 25,857 |
| 103,836 | 0.336 | 43,610 |
| 207,672 | 0.252 | 69,777 |
| 311,508 | 0.224 | 93,036 |
| 415,344 | 0.112 | 104,665 |
| 519,180 | 0.057 | 110,584 |
| 623,016 | 0.044 | 115,153 |
| 726,852 | 0.034 | 118,683 |
| 830,688 | 0.033 | 122,110 |
| 934,524 | 0.022 | 124,394 |
| 1,038,360 | 0.021 | 126,587 |

AGENDA

ROB DANIEL

MEMORANDUM

DATE: 14 January, 2009
TO: Council
FROM: Manager Operations

FRANZ JOSEF PLAYGROUND:

The Franz Josef Community constructed a high quality playground in association with a Play Centre Group based at the Community Centre. This playground is open to the travelling public with access from the main road.

The playground uses bark chip for soft fall safety which requires high maintenance. Bark chip has to be carted from Nelson. The Community Development Officer has requested that the bark chip be replaced with soft fall matting. Preliminary estimates of cost are \$50,000 - \$60,000.

Recommendation:

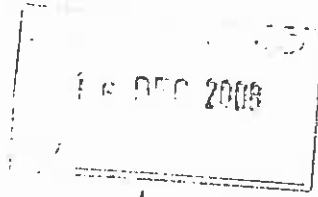
That replacement of the bark chip with matting be included in the Draft LTCCP under Township Development.

RJ Daniel
Manager Operations

RJD/VM



12th December 2008



Robin Reeves
 Chief Executive Officer
 Westland District Council
 Private Bag 704
 Hokitika

WCO 1

| | | | | | | | | | |
|----|-----|-----|----|-----|----|-----|-----|-----|--|
| GM | HWM | MPR | MO | MAC | MF | MPA | CSO | ENG | |
| ✓ | | | | | | ✓ | | | |

agenda.

Dear Robin

West Coast Tourism Major Regional Initiative (MRI).

On behalf of the MRI Steering Committee and the Project Management Team I wish to convey our appreciation to the Council for their support and commitment to the range of MRI projects and in particular the time and contribution from Rebecca for her work on the Project Management Team.

This contribution has been particularly relevant in respect to the work around consultation and progressing the Destination Management Plans for our key tourist attractions.

I am confident that your Council will see the benefits and value in maintaining this relationship around centralised decision making on regional tourism development.

Development West Coast looks forward to working with your Council representatives through the next phases as we look to successfully implement the recommendations that arise from the destination planning process.

Yours faithfully

Warren Gilbertson
 Regional Development Manager.

10 DEC 2008

KOKATAHI KOWHITIRANGI COMMUNITY COMMITTEE

C/- Kay Godfrey
1809 Kaniere Kowhitirangi Road
R.D. 1
Hokitika 7881

ph: 03 755 7938
email: k.godfrey@xtra.co.nz

11 December 2008

Westland District Council
Weld Street
Hokitika

| | | | | | | | | |
|-------------------------------------|-------------------------------------|-----|----|-----|----|-------------------------------------|-----|-----|
| GM | HWM | MPR | MO | MAC | MF | MPA | CSC | ENG |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | <input checked="" type="checkbox"/> | | |

ack + Cl agenda.

Dear Mayor and Councillors

Thankyou Maureen for your letter dated 30th October 2008 in response to our community letter of the 8th October 2008 concerning the bridge signage erected in the district together with other issues. Our community meeting on 10th December 2008 were concerned that to date we have not had the courtesy of a written reply to the matters raised from neither Rob Daniels nor Peter Oliver as indicated in your letter. Both Graham Monk and myself have spoken informally with Peter and/or Rob on seperate occassions whilst doing personal business at the council office and both of us indicated that we required a written response to our letter to enable us to report back to the community.

Fire Force members have had discussions with your staff concerning the Fire Station and the supply of Rapid Numbers to enable them to complete the update of the local information panel located at the Fire Station at the Kokatahi Kowhitirangi intersection.

Our meeting discussed the design and the positioning of the traffic control islands installed by Westroads staff earlier this year at the Kokatahi Kowhitirangi T interesection. We have resisted writing before now, preferring to wait for the seal to be laid and road markings in place to get the full final effect. Sadly the completed article only confirms the opinions formed at the outset and in hindsight perhaps we should have protested long and hard earlier to get a structure that satisfies the needs of everyone involved.

A number of informal approaches were made by locals to your engineering and construction teams before and during construction but your staff were steadfast in their resolve to complete the structure as designed. Before the cement was even dry the concrete centre island was damaged and replaced without alteration, and the subsequent layers of black tyre marks on the white painted curbing confirm there is indeed a problem with the design. We understand that it is an Opus plan, however from the moment the initial paint markings were placed on the road it was more than obvious to locals that it fell well short of the mark of what you would expect for a safe and adequate carriageway to allow all roadusers to complete their turning manouvres safely.

Little or no consideration appears to have been given to the needs of the two residences and Fire Station located on the southern side of the "T". With the initial long, wide, unobstructed "blank canvas" from the northern approach it is difficult to understand why the design and engineering team have "squeezed" the corner and positioned the entire structure so far "south" that it has created more problems than it has resolved. Formerly there was a wide "offroad" parking area on the south side of the "T" between the Payne family residence and the Fire Station to their west.

Due to the positioning of the traffic islands this parking area has now been absorbed into the road carriageway creating "an accident waiting to happen" for fire party volunteers and anyone else who parks in this area. The Payne's have now erected at their expense, a high front fence to try to minimise the traffic effects that they now experience on their front boundary. We're sure the engineering department staff and councillors would be most unhappy with this state of affairs at their front door.

Large vehicles, particularly campervans, towing vehicles, and truck and trailer units are forced towards the Payne residence front fence to complete a right turn from the north to Kowhitirangi, and likewise, left turning traffic to Kokatahi cross the centre line. A few hours with a concrete cutter to shorten and redesign the centre island would be a vast improvement upon the present situation.

They say "seeing is believing" so may we suggest that the Mayor and Councillors take an hour or so out from their next meeting, or better still, conduct your next council meeting in our Fire Station to observe and experience the traffic flow and the situation which the Payne's now endure 24/7. We are only too happy to have representatives from the community available to meet with you on site to participate in discussions to see the situation resolved.

We thank you in anticipation of your prompt reply.

Yours truly

A handwritten signature in black ink that reads "Kay Godfrey". The signature is written in a cursive, flowing style.

Kay Godfrey
p. Kokatahi Kowhitirangi Community Committee

we 1/6

17 December 2008

The General Manager
Westland District Council
Private Bag 704
HOKTIKA

| | | | | | | | | |
|--------------------|-----|-----|----|-----|----|--------------------|-----|-----|
| GM | HWM | MPR | MO | MAC | M. | WPA | CSC | ENG |
| <i>[Signature]</i> | | | | | | <i>[Signature]</i> | | |

cl agenda.

Dear Robin

I am pleased to inform you that our Society has co-opted John Grey onto our management committee, as requested by Council as part of the MDI funding arrangements.

Yours sincerely

Don Neale

Don Neale
Secretary

Comments

17 DEC 2008



16 December 2008

58 Kilmore Street, PO Box 345, Christchurch

RMA 1.1

General enquiries: 03 365 3828

Customer services 03 353 9007

Fax: 03 365 3194

or 0800 EC INFO (0800 324 636)

Email: ecinfo@ecan.govt.nz

Website: www.ecan.govt.nz

Mr Robin Reeves
Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842

| | | | | | | | | | |
|----|-----|-----|----|-----|----|-----|-----|-----|--|
| GM | HWM | MPA | MO | MAG | MF | MPA | CSO | ENG | |
| | | | | | | | | | |

Dear Robin

APPLICATION FOR DECLARATORY JUDGMENT CANTERBURY REGIONAL COUNCIL

I am writing to let you know that Canterbury Regional Council (CRC) has brought proceedings in the High Court under the Declaratory Judgments Act 1908. These proceedings seek to establish the right of local authorities to appoint councillors to hear submissions on plans and policy statements under the RMA, against the background of consultation and collaboration with other local authorities under the Local Government Act 2002.

This action has been taken following the notification by Canterbury Regional Council of proposed change 1 (PC1) to our Regional Policy Statement (RPS). This change to the RPS is required to partially implement the Greater Christchurch Urban Development Strategy (UDS) which will provide for urban growth and development in the Greater Christchurch area over the next 35 years by methods such as the inclusion of urban limits. The UDS, developed through processes that sit outside of the RMA, was initiated by the local authorities in the Greater Christchurch area (CRC, Christchurch City Council, Selwyn District Council and Waimakariri District Council) and Transit NZ, in consultation with other interested parties and the wider public.

PC1 was publicly notified last year. Submissions were lodged, and Canterbury Regional Council appointed a hearing panel comprised of councillors to hear and recommend decisions on those submissions. Since that time, judicial review proceedings have been brought by a submitter, National Investment Trust Limited (NITL).

NITL state that, by participating in the process which resulted in the UDS, CRC effectively replaced the statutory process for determining the content of the RPS and unlawfully predetermined what the outcome of the statutory procedures for amendment to the RPS will be. They also challenged the ability of CRC to appoint councillors to the hearing panel, on the basis that, with them in place, the outcome of the hearings process was predetermined. NITL sought a direction that the CRC should appoint independent hearing commissioners to the panel instead of councillors.

The issue of whether or not councillors may be appointed is of significant importance to CRC and other councils. It is our view that hearing submissions on planning documents is a core part of councillors' functions. It is a fundamental aspect of local government and resource management law that the Council proposes planning documents and then hears and decides the submissions on those documents.

Our Ref: PE4C
Your Ref:
Contact: Dr Bryan Jenkins

Our defence of the judicial review proceedings was supported by Local Government New Zealand, who confirmed that local authorities would be very concerned about a ruling that prevented councillors from sitting on planning document hearing panels by virtue of the council consulting and collaborating with interested parties including other local authorities. Our defence was also supported by expert opinion which confirmed that our decision to appoint councillors to the hearing panel was legally correct and justified. That opinion is available on our website at www.ecan.govt.nz/rpsChange1.

Despite this, as a matter of timing and practicality, we have made the decision that taking the defence of the proceedings through a defended hearing and then potentially to appeal is not an option. It will cause delays to the process which will have significant ramifications on the effectiveness of PC1.

As a result we have settled the judicial review proceedings by agreeing to appoint independent commissioners to the hearing panel instead of councillors. Having made that decision we still assert that our earlier decision to appoint councillors to the hearing panel was legally correct and justified. We will now seek confirmation of that position through the Declaratory Judgment proceedings which are about to be issued. A copy of the declaration is attached.

This is an important process that will have ramifications for all councils. It is essential to establish the correct interpretation so that, in the future, CRC and other councils will not be put in the position of being forced to appoint independent commissioners.

In bringing these proceedings, CRC has sought an order from the Court as to which other persons should be served with a copy of the action. It is our view at this time that all local authorities in New Zealand should be served. This will not require any other local authority to be involved in the proceedings, but if the orders we are seeking are made, then other local authorities will be entitled to be involved.

CRC is happy for any other local authority who has a view on this matter similar to CRC's, and who wishes to join the proceedings, to be represented by our legal team of Dr Gerard McCoy QC and Professor Philip Joseph. CRC will continue to bear the cost of their services (except to the extent that their attendances are materially increased by representing other parties).

We recognise that you may choose not to join proceedings but may still be prepared to send a letter of support for our position or alternatively pass a motion of support at a council meeting. This would certainly be helpful in ensuring understanding of the potential impact this decision will have on local body decision making and we would welcome that support. If you choose to do that it would be required by 28 February 2009.

If you wish to discuss this matter further, please do not hesitate to contact me (telephone: 03 372 7223 or email: bryan.jenkins@ecan.govt.nz).

Yours sincerely



Dr Bryan Jenkins
CHIEF EXECUTIVE

Encs

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

CIV

UNDER

the Declaratory Judgments Act
1908

BETWEEN

**CANTERBURY REGIONAL
COUNCIL** a Local Authority
established under the Local
Government Act 2002 having its
office at 58 Kilmore Street,
Christchurch

Applicant

AND

**THE ATTORNEY-GENERAL OF
NEW ZEALAND** being the officer
to be served on behalf of the
Crown, C/- Solicitor-General,
Crown Law Office, Unisys House,
56 The Terrace, Wellington

Respondent

**STATEMENT OF CLAIM
Friday the 28th day of November 2008**

Next Event Date:
Judicial Officer:

**WYNN WILLIAMS & CO
SOLICITORS
CHRISTCHURCH**

Solicitor: Margo Perpick

Level 7, BNZ House, 129
Hereford Street,
P O Box 4341, DX WP21518,
CHRISTCHURCH
Tel 0064 3 3797622
Fax 0064 3 3792467

THE APPLICANT by its Solicitor says:

Applicant

1. The Applicant is a regional council established by the Local Government (Canterbury Region) Reorganisation Order 1989, and Schedule 2 of the Local Government Act 2002 ("the LGA"). It has statutory duties as defined by that Act, and by other Acts including the Resource Management Act 1991 ("the RMA"), for the Canterbury Region.

Defendant

2. The Defendant is the Attorney-General of New Zealand against whom these proceedings are brought on behalf of the Minister of Local Government and the Minister for the Environment.

Need for declarations

3. These proceedings for declarations are a direct consequence of proceedings initiated against the Applicant and four of its councillors (who had been appointed to a hearing panel) in an application under the Judicature Amendment Act 1972 for judicial review. The application for review was filed in the High Court at Christchurch on 17 June 2008 (*National Investment Trust Ltd v Canterbury Regional Council*, CIV 2008-409-1280).
4. National Investment Trust Ltd ("NITL") challenged the steps the Applicant had taken to implement changes to the Canterbury Regional Policy Statement ("the RPS"). The changes proposed to the RPS were in the exercise of the Applicant's statutory functions under the LGA and RMA, and were undertaken in consultation with the stakeholders in the Christchurch region, including: the Christchurch City Council, the Selwyn District Council, the Waimakariri District Council, and Transit New Zealand (now the New Zealand Transport Agency).
5. The Applicant instructed its solicitors to oppose the application for judicial review. However, it was advised that, through litigation delays, stays and timing issues, it could not simultaneously defend the application *and* properly and efficiently discharge its statutory functions under the LGA and RMA. In a Memorandum to the High Court dated 18 September 2008, counsel for NITL had addressed the Applicant's application for a Full Court hearing and advised that, whatever the

decision of the High Court, "an appeal to the Court of Appeal may become relevant" (para 11). It followed that, in view of the length of time plainly required for the Courts to hear and determine the proceedings and appeals (and possibly a further appeal to the Supreme Court), that the Applicant would be unable to meet its statutory obligation to issue a decision on submissions within 2 years of notifying the change to the Regional Policy Statement ("RPS") – such change having been notified on 28 July 2007 (submissions closing 31 October 2007 and further submissions 18 April 2008) with variations notified 23 August 2008 (submissions closing 19 September 2008 and further submissions closing 19 November 2008).

6. The Applicant had no realistic option but to compromise the judicial review by agreeing to appoint independent commissioners. The Applicant further could not delay the proposed changes to the RPS without jeopardising the integrity of the long term growth strategy that the Applicant had proposed in consultation with the regional stakeholders. Another consequence of the timing of the judicial review was that privately proposed changes to the Christchurch District Plan had been lodged, and if accepted, would have enabled several hundred hectares of urban growth outside the Urban Limits identified in PC1.
7. Local Government New Zealand (the representative body of all local regional and territorial authorities in New Zealand), viewed NITL's challenge as a test case. Its challenge went to the heart of a regional or territorial authority's statutory functions and democratic mandate. NITL claimed that councillors must stand aside in local government planning matters and appoint independent hearing commissioners to hear submissions on or objections to their planning proposals. The decision forced on the Applicant to capitulate to the challenge is capable of being seen as establishing an unfortunate precedent that must be addressed in the interests of local government throughout New Zealand.
8. Other local government authorities across New Zealand are using the same broad model as the Applicant. Therefore, the legality of their local planning processes too are equally in issue.
9. The Applicant itself is, as required by the RMA, currently engaged in a review of the entire RPS utilising the same broad model that was

challenged in the judicial review. This raises a real issue as to the lawfulness of the Applicant's review of its RPS.

10. These proceedings for declarations under the Declaratory Judgment Act 1908 seek to allay the uncertainties resulting from NITL's challenge. The Applicant settled under protest without resiling from its position and now seeks a decision of the High Court as to the legitimacy of its approach to its statutory roles under the LGA and RMA.

Applicant's Involvement in Greater Christchurch Urban Development Strategy

11. Commencing in July 2003, the Applicant together with other regional stakeholders, including the Christchurch City Council, the Selwyn District Council, the Waimakariri District Council and Transit New Zealand (collectively known as "the UDS Partners"), entered into a process which produced a document known as the Greater Christchurch Urban Development Strategy ("the UDS").
12. The purpose of the UDS is to provide a clear direction for the urban development of the Greater Christchurch region over the next 35 years, including:
 - where new housing is to be located,
 - where social and retail centres of activity are to be developed or enhanced,
 - where areas of new employment are to be located, and
 - how transport networks are to be integrated to service these areas.
13. The Strategy also provides guidelines for how the Strategic Partners, communities, business, central government and non-government agencies can work collaboratively to manage growth of the Greater Christchurch area in a way that conserves or enhances resources and environments, while allowing growth to build vibrant and prosperous towns and suburbs that help support a healthy city.
14. A Draft UDS was prepared and notified for public submission in November/December 2006.
15. Submissions on the Draft UDS were heard before a Joint Committee of the Canterbury Regional Council, the Christchurch City Council, the

Selwyn District Council and the Waimakariri District Council in February 2007.

16. Following those hearing, the Draft UDS was modified, finalised and adopted by the UDS Partners.

Memorandum of Agreement

17. Contained within the UDS is a Memorandum of Agreement ("the MoA") between the UDS Partners, which establishes the broad principles and approach to the implementation of the UDS.
18. The MoA formally acknowledges the co-operative and collaborative manner in which the UDS Partners had worked together to produce the UDS and expresses a commitment to see that approach continue throughout implementation of the UDS.

UDS Implementation Committee

19. The UDS also set up a UDS Implementation Committee ("the UDSIC") as a joint committee of the Councils.
20. On the UDSIC, each Council is represented by its mayor/chair and two representatives, which to date have been councillors.
21. The purpose of UDSIC is to co-ordinate and progress, at a political level, the implementation of the UDS by the UDS Partners and provide political leadership and advocacy.
22. The UDSIC has powers to make recommendations to and advise the UDS Partners but it does not take over or assume the statutory role of any Partner Council. It operates as a discussion forum and source of knowledge of potential agreement or disagreement on issues between the UDS Partners.

Proposed Change 1 to the Canterbury Regional Policy Statement

23. Under sections 60, 64, 65, 73 and Schedule 1 of the RMA, the Applicant is required to establish a Regional Policy Statement with the purpose of establishing policies to achieve the sustainable management of natural and physical resources in the Canterbury Region.
24. The Canterbury Regional Policy Statement ("the RPS") was notified on 1 October 1993 and became operative in June 1998.

25. It is envisaged by the UDS Partners that the principal method by which the UDS will be implemented is by way of a change to the RPS.
26. In July 2006 a Scoping Paper was prepared by officers of the Applicant on a proposed change to the RPS to implement part of the UDS. The contents of the Scoping Paper was discussed with officers of the UDS Partners, after which initial drafts of the proposed change were produced by the Applicant.
27. The aim of those discussions was for the Applicant to consult with and obtain from the other UDS Partners the information which only they could provide. This information included those areas the Councils were planning, funding and actively providing urban services for (including water, sewer, storm water treatment and disposal, and transport), and those areas that the UDS Partners were seeking for urban development which were to be considered by the Applicant.
28. One issue that was the subject of considerable discussion at officer level was the use of maps within Proposed Change 1 ("PC1") for implementing the proposed UDS, and whether the UDS Partners should use urban limits at cadastral scale showing new greenfields areas for the next 35 years. In the end, this was the approach adopted.
29. Proposed Change 1 ("PC1") to the RPS was publicly notified by the Applicant on 28 July 2007. It contains objectives, policies and methods to provide for and manage urban development and growth in the Greater Christchurch area over the next 35 years.
30. PC1 includes the following:
 - a. Urban Limits providing for 35 years of residential and business growth, outside which urban development may not occur. The Urban Limits are set with regard to key constraints such as floodplains, the Port Hills, the aquifer recharge zone for Christchurch's water supply, and the Ldn 50 dBA noise contour surrounding Christchurch International Airport;
 - b. Areas within central Christchurch where Intensification is to occur;
 - c. Policies which provide for sequencing of development, showing which land is to be open for development within specified ten year periods;

- d. Policies on achieving increased densities within new greenfield developments and improved urban design;
- e. Policies on Outline Development Plans, recording how densities are to be achieved, and the provision of key infrastructure and improved urban design leading to Changes in District Plans for new greenfield areas;
- f. Identification of Key Activity Centres (nodes of commerce, employment and transport intersections) such as Riccarton, Northlands, Rolleston and Rangiora;
- g. Policies relating to altered circumstances and review of the provisions of PC1.

Memorandum of Understanding No 1

- 31. By mid-2007 prior to notification of PC1, the towns of Kaiapoi and Woodend were still engaged in local community planning processes. In addition, an Environment Court case concerning the noise contours for Christchurch International Airport had a significant impact on the development of the town of Rolleston. For these reasons, Urban Limits were not shown for these three towns when PC1 was notified. The UDS Partners anticipated that a variation to PC1 would follow to provide for Urban Limits for these towns.
- 32. The UDS Partners entered into Memorandum of Understanding No 1 ("MoU No 1") to ensure that Waimakariri and Selwyn District Councils would, in due course, provide the Applicant with the information required for PC1, recording the Urban Limits for Rolleston, Kaiapoi and Woodend. Under section 5 of the MoU No 1, the memorandum is to run only until the public notification of the variations to define Urban Limits for Kaiapoi, Woodend and Rolleston.

Memorandum of Understanding No 2

- 33. The effect of aircraft noise produced at the Christchurch International Airport ("the Airport") is one of the issues to be dealt with in providing for urban growth in the Greater Christchurch area.
- 34. The process of locating the Urban Limits contained in PC1 took into account the effects of aircraft noise by endeavouring to locate new noise sensitive activities (such as residential use of land) in places outside of the projected Ldn 50 dBA noise contour for the Airport.

35. Prior to notification of PC1, the Airport Noise Contours available to the Applicant were the contours contained in the Christchurch City Plan ("the old contours").
36. The old contours had been modelled and produced in 1994, and had been criticised by a number of interested persons as not incorporating the most recent data and assumptions relating to the modelling of airport noise contours.
37. At the time PC1 was notified, a more up-to-date set of noise contours ("the remodelled contours") was in the process of being finalised. This was in the context of Environment Court proceedings regarding urban growth in the town of Rolleston.
38. The UDS Partners considered it likely that, when the remodelled contours became available, it would be more appropriate to locate the Urban Limits having regard to the remodelled contours in preference to the old contours.
39. For that reason, a memorandum titled, "Achieving an Integrated Policy and Planning Response to Remodelled Airport Noise Contours" ("Memorandum No 2"), was drafted and circulated among the UDS Partners. However, Memorandum No 2 was never finalised or executed.

Variations 1 - 4

40. On 23 August 2008, the Applicant notified Variations 1 to 4 to PC1. These variations provided for:
 - a. Urban Limits and New Total Household Projection for the town of Rolleston (Variation 1);
 - b. Urban Limits for the town of Kaiapoi (Variation 2);
 - c. Urban Limits for the town of Woodend (Variation 3);
 - d. Revised LdN 50 dBA Air Noise Contour for Christchurch International Airport, Deletion of Greenfield Outline Development Plan Areas - Residential in North and Western Christchurch and Identification of a New Greenfields Outline Development Plan Area - Residential in Southwest Christchurch (Variation 4).

Relationship between UDS and PC1

41. PC1 provides for the urban development of Greater Christchurch over the next 35 years. It seeks to implement an overall land use pattern for residential and business land in the Greater Christchurch area, and the manner in which that land is to be developed. These are important objectives of the UDS, although they are not its only objectives.
42. The UDS is essentially an information source to assist in effecting the changes to the RPS. In utilising the information it contained, the Applicant is not: (a) predetermining or closing its mind to submissions received on PC1; (b) passing or delegating any powers to the UDS Partners; (c) abdicating its statutory functions and/or decision-making under the LGA or RMA; or (d) derogating from RMA procedures for changing the RPS. Rather, it is seeking to obtain an appropriately comprehensive and engaged input from the City and District Councils and other regional stakeholders and interested persons.
43. The UDS provides a rational starting point for the RMA decision-making process in relation to PC1. PC1 must represent a land use pattern that can be serviced by infrastructure in order that land use and development achieves sustainable management of resources.

Composition of Hearing Panel for Hearing Submissions on PC1

44. The RMA provides that a local authority which has notified a proposed plan or policy statement, or a proposed change to such a document, must call for submissions on the proposed document, hear those submissions, and make decisions on them.
45. On 7 February 2008, the Applicant resolved:

"That pursuant to Section 34A of the Resource Management Act 1991 that COuncillors Kane, Neill (Chairperson), Sage and Sutherland be appointed to hear and recommend decisions on submissions to Proposed Change No 1 to the Regional Policy Statement".
46. Pursuant to that resolution the final decision on submissions received remained with the Applicant.
47. The hearing of submissions was scheduled to begin in July 2008, and to continue throughout July and August 2008.

48. On 17 June 2008, judicial review proceedings were lodged by National Investment Trust Limited ("NITL") against the Applicant and the four councillors who had been appointed to the Hearing Panel.
49. The judicial review proceedings alleged that, as a consequence of the agreements reached by the Applicant and the UDS Partners (being the MoA and the MoU No 1), the Applicant:
 - a. had effectively and unlawfully replaced the statutory process for determining the content of the RPS by the steps taken to establish the agreements; and
 - b. had unlawfully predetermined the outcome of the statutory procedures for amendment to the RPS; and
 - c. had appointed the councillors as the Hearing Panel in order to give effect to the agreements.
50. The judicial review proceedings sought:
 - a. a declaration that the Applicant's decision to enter into the agreements was unlawful; and
 - b. an order setting aside the Applicant's decision to appoint its own councillors as the Hearing Panel; and
 - c. a direction that the Applicant should appoint to the Hearing Panel independent hearing commissioners.
51. Interim orders were also sought to prevent the commencement of the hearing of submissions before the Hearing Panel comprised of councillors.
52. The Applicant denied the allegations contained in the Statement of Claim in the judicial review proceedings, and resisted the making of the orders that were sought.
53. However, the Applicant subsequently resolved that the delays which would be incurred in defending the judicial review proceedings and dealing with any appeals would cause unacceptable delays with irreparable consequences in the commencement of the hearing of submissions on PC1.
54. The Applicant considered that, in order to provide for and manage urban growth and development in the Greater Christchurch area over

the next 35 years, it was vital that PC1 became operative as soon as possible.

55. The Applicant resolved to appoint independent commissioners rather than councillors to the Hearing Panel, so that the hearing of submissions on PC1 could commence without the unacceptable delay that would be involved in awaiting a final determination of the judicial review proceedings.
56. The Applicant's involvement in the UDS, and the way in which PC1 has been and continues to be developed (including the Applicant's entering into the MoA and MoU No 1), do not create any reason why the Applicant (including any committee comprising two or more members of the Applicant) may not hear and decide upon submissions on PC1.

Statutory Scheme

57. The statutory scheme for the development and adoption of PC1 dovetails procedures from the LGA and RMA. Under the RMA, the Council must formulate any changes to its regional policy statement, call for and consider submissions on its proposal, and make decisions on the submissions received.
58. A regional council may from time to time change its regional policy statement in the manner set out in Schedule 1 of the RMA, in accordance with the requirements of section 32 and Part 2 ("Purposes and principles") of the RMA. Councils must carry out an "evaluation", which entails examining the most appropriate means of achieving the Act's purposes (see sections 5-8) and undertaking cost-benefit assessments of proposed policies.
59. Schedule 1 of the Act governs the hearing process entailed in changing a regional policy statement. Schedule 1 establishes a prescriptive process for ensuring due consultation through incorporation of the provisions of section 82 of the LGA. This provision requires local authorities to engage in meaningful consultations with "persons who will or may be affected by, or have an interest in, the decision or matter". Section 78 augments the duty of consultation by identifying the appropriate stage at which consultation must occur.
60. Section 82(1)(e) identifies the standard that applies to consultation under the RMA. This establishes that local authorities must receive

submissions with an "open mind" and give submissions "due consideration".

61. A regional council that proposes to change its policy statement must publicly notify it and call for submissions (RMA, Schedule 1). The council must also publicly notify a summary of all decisions requested by persons making submissions on changes to a policy statement (including notification of where the submissions can be inspected), and invite further submissions on the submissions.
62. A regional council must hold hearings into the submissions it receives by giving not less than 10 working days notice of the hearing (RMA, Schedule 1). Every submitter who requests to be heard has a right to a hearing.
63. Clause 10 of Schedule 1 confers a local authority's power of decision on a policy statement or proposed changes to such statement. An authority's decision may include consequential alterations arising out of submissions received and must include reasons for accepting or rejecting submissions (grouped by subject-matter or individually). Under subclause (3), a local authority has a maximum period of two years to issue its decision, running from the time that it publicly notified its proposed policy statement or changes to such statement. The policy statement (or changes thereto) take effect from the date of public notification of the authority's decision.
64. Local authorities enjoy wide powers of delegation. They may delegate any of their statutory functions, powers or duties to "any committee of the local authority established under the [LGA]" (RMA, section 34). A council committee appointed under section 34 is the council's alter ego. It stands in the shoes of the council and exercises such powers and functions as council delegates as though it were council so acting. Under section 34, a committee may "exercise or perform the function, power, or duty in like manner and with the same effect as the local authority could itself have exercised or performed it" (section 34(8)).
65. Section 34A confers a lesser power of delegation. A local authority may delegate any of its functions, powers or duties to an employee, a hearings commissioner or "any other person", including the power to decide on submissions, but it may not delegate the "approval of a policy statement or plan" (section 34A(1)(a)). Section 34, in contrast,

authorises delegation of inter alia the power of decision on submissions and approval of a policy statement or changes to it.

Declarations

66. As a matter of discretion, there is no impediment to the Court issuing the declarations sought. The declarations do not seek to: answer hypothetical questions, interpret statutory powers in the abstract, or grant relief that would serve no useful purpose. The issues that these proceedings seek to clarify: arise out of actual judicial proceedings instituted against the Applicant; affect the statutory and democratic functions of local government throughout New Zealand; and are of utmost importance to the integrity of democratic decision-making in local government.
67. The public interest commends the removal of the uncertainties raised by the proceedings brought by NITL.

WHEREFORE the Applicant seeks the following declarations:

- a. On a proper construction of the consultation provisions of the LGA, the Applicant or a committee of its members may validly hear submissions under the RMA on Proposed Change 1 to the Canterbury Regional Policy Statement and make decisions thereon;
- b. That the Applicant may validly appoint two or more of its members as a Hearing Panel under the RMA to hear submissions on PC1 and make decisions on behalf of or recommendations to the Applicant;
- c. That two or more members of the Applicant, having been appointed as a Hearing Panel under the RMA to hear submissions on PC1 and make recommendations to the Applicant, are not disqualified from subsequently participating in the Applicant's decision(s) thereon;
- d. That the Applicant bears no legal obligation or expectation under the RMA to appoint independent commissioners to the Hearing Panel for hearing submissions on PC1 and making recommendations thereon to the Applicant;

THIS Statement of Claim is filed by **MARGO PERPICK** of Wynn Williams & Co as solicitor for the above named Applicant. Its address for service is at the

MP-101442-608-1216-V1-JCS

offices of Wynn Williams & Co, 7th Floor, BNZ House, 129 Hereford Street, Christchurch. Documents for service may be:

- a. Left at that address; or
- b. Posted to the solicitor at PO Box 4341, Christchurch; or
- c. Left for the solicitor at a Document Exchange for direction to WP21518, Christchurch.

REF 7.

180 Sale St.

Hokitika.

9-1-09.

Robin Reeves

Hokitika Westland District Council

36 Weld St.

Hokitika

| GM | HWM | MPP | MO | MAG | MF | MFA | CSO | ENG |
|----|-----|-----|----|-----|----|-----|-----|-----|
| 6 | | | ✓ | | | | | |

Dear Sir

a agenda.

I am writing to you regarding Hokitika's fortnightly rubbish collection.

Would you please give it serious thought about changing back to weekly rubbish bag collections.

Since the new system has been put in place. I have really felt it to be putting our rubbish bags out which have been crawling with maggots.

Each fortnight I hose and scrub our rubbish bins out only to find the next time the maggots are crawling in it again.

Personally, I can't stand it and find it a health problem.

This problem never ever

existed when the rubbish bags²
were collected weekly.

The recycling system is good
but 2 weeks is far too long
for rubbish bags as you will
I have read about in the Hokitika
Guardian January 6th.

My complaints are not isolated
with so many people I know
having the same problem.

If we could revert back to
weekly and the recycling bins
could still remain fortnightly
as the problem doesn't exist
with them.

Let's keep Hokitika clean and
not destroy our lovely town.

Awaiting your reply.
Thanking you.

Yours faithfully
Carolyn Bradley.

07 January 2009

General Manager
Westland District Council
Private Bag
HOKITIKA



| Geo | MPR | MO | MAC | MF | MPA | CSO | ENG |
|-----|-----|----|-----|----|-----|-----|-----|
| | | ✓ | | | | | |

KJ170.00

ATTENTION: Rob Daniel

Dear Sir

AGENDA JAN'09
COUNCIL

WORKS ON STATE HIGHWAY

For your information, please find attached a list of significant works underway or programmed for the next three months in the New Zealand Transport Agency West Coast Network Maintenance Area.

Yours faithfully

Tony Bowe
Assets Manager
West Coast

Encl.

LOCAL AUTHORITY REPORT – STATE HIGHWAY WORKS JANUARY TO MARCH 2009

| Location | Contract | Contractor | Status |
|------------|-----------------------------------|--------------------------|---|
| West Coast | Vegetation Control, Weed spraying | Speirs Contracting | Spraying in all areas |
| West Coast | Resurfacing | Fulton Hogan | Watercutting complete. Resealing as weather permits |
| West Coast | Pavement Marking | Spraymarks | Remark underway |
| West Coast | Rut Filling | Downer Edi Works | 2008 – 2009 programme complete |
| Buller | Highway Maintenance | Fulton Hogan | Pavement maintenance, preseal and drainage repairs |
| Buller | Traffic Services | Fulton Hogan | Routine maintenance |
| Buller | Vegetation Control Mowing | WestReef Services | Mowing in all areas |
| Buller | Waimangaroa Intersection | Downer Edi Works | Intersection improvements, Tenders called |
| Buller | Rahu Saddle | Ferguson Bros | Road realignment, let to Fergusons |
| Buller | Waiuta | Ferguson Bros | Area Wide Treatment, let to Fergusons |
| Grey | Highway Maintenance | Ferguson Bros | Pavement maintenance, preseal and drainage repairs |
| Grey | Traffic Services | Fulton Hogan | Routine maintenance |
| Grey | Vegetation Control Mowing | Glen Monk | Mowing in all areas |
| Westland | Highway Maintenance | Ferguson Bros | Pavement maintenance, preseal and drainage repairs |
| Westland | Traffic Services | Fulton Hogan | Routine maintenance |
| Westland | Vegetation Control Mowing | Tom Williams / Glen Monk | Mowing in all areas |
| Westland | Jacks Hut to Summit Arthurs Pass | Ferguson Bros | Area Wide Treatment, let to Fergusons |
| Westland | Kiwi Jacks to Cedar Creek | Fulton Hogan | Area Wide Treatment , in progress |
| Westland | Ship Creek to Waita | Ferguson Bros | Area Wide Treatment, Complete. |