



AGENDA

RĀRANGI TAKE

NOTICE OF THE INAUGURAL MEETING OF THE

WEST COAST WILDERNESS TRAIL SUBCOMMITTEE

to be held on **Thursday 11 June 2020** commencing at **3.00 pm** via Zoom

Chairperson: Cr Davidson

Members: His Worship the Mayor

Kw Tumahai

Geoff Gabites, WCWT Chair

Cr Peter Haddock, Grey District Council

Nicole Kunzmann, Operations Manager Department of Conservation

Kw Madgwick

Tim Brownlee, Trustpower



In accordance with clause 25B of Schedule 7 of the Local Government Act 2002, members will attend the meeting by audio or audiovisual link

Council Vision:

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

Purpose:

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

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

1. **NGĀ WHAKAPAAHA APOLOGIES**

(includes leave of absence notification)
Kw Madgwick, Kw Tumahai

2. **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.

3. **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.

4. ADOPT TERMS OF REFERENCE

- Report from Chief Executive

(Pages 4-10)

5. NGĀ TĀPAETANGA PRESENTATIONS

- West Coast Wilderness Trust Chair
 - Verbal update from Geoff Gabites
- West Coast Wilderness Trust Manager
 - Verbal update from Jackie Gurden
- Projects and Draft Asset (Activity) Management Plan
 - Powerpoint presentation from David Inwood, Contractor

6. REPORTS

- Memorandum of Understanding – WDC, GDC & WCWTT (Pages 11-21)
 - Report from Chief Executive
- Safety Update
 - Verbal update from Group Manager: District Assets
- Maintenance Update
 - Verbal update from Chief Executive, Destination Westland

**DATE OF NEXT WEST COAST WILDERNESS TRAIL SUBCOMMITTEE MEETING, TBC
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

Report



DATE: 11 June 2020

TO: West Coast Wilderness Trail Subcommittee

FROM: Chief Executive

ADOPTION OF TERMS OF REFERENCE – WEST COAST WILDERNESS TRAIL SUBCOMMITTEE

1 SUMMARY

- 1.1 The purpose of this report is for the Committee to adopt the Terms of Reference (ToR) and appointment of members for the West Coast Wilderness Trail Subcommittee.
- 1.2 This issue arises from Council establishing Committees at the start of the Triennium.
- 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 the Committee adopt the Terms of Reference for the West Coast Wilderness Trail Subcommittee.

2 BACKGROUND

- 2.1 At the Inaugural Council meeting, it was determined that a Committee structure would be more relevant and effective than a portfolio system.
- 2.2 On the 11 February 2020, the CE presented a report to the Capital Projects and Tenders Committee (CPTC) outlining the Governance Structure of the WCWT and the requirement to add a level of governance that brings all the key stakeholders around the table to determine to future aspirations of the WCWT and report back to the CPTC. Based on this the CPTC resolved to establish a WCWT subcommittee.
- 2.3 On the 12 May the CPTC approved the ToR for the Subcommittee.

3 CURRENT SITUATION

- 3.1 A Subcommittee is required to be established to oversee the governance of the West Coast Wilderness Trail and to ensure that stakeholders are represented, and are able to provide guidance on the strategy of the trail.

4 OPTIONS

- 4.1 **Option 1:** Adopt the Terms of Reference for the West Coast Wilderness Trail Subcommittee and appoint the following to the Committee:

- Chairperson (WDC appointed representative and appointed by the Chair of the Capital Projects and Tenders Committee)
- Iwi Representatives
- Ex-Officio – Mayor
- Grey District Council Representative
- Chair - West Coast Wilderness Trail Trust
- Trail Manager - West Coast Wilderness Trail Trust
- Trustpower Representative
- Department of Conservation – Hokitika Operations Manager (or representative).

- 4.2 **Option 2:** Request changes to the Terms of Reference and Committee appointments.

- 4.3 **Option 3:** Not adopt the Terms of Reference.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The adoption of the Terms of Reference for the West Coast Wilderness Trail Subcommittee is deemed to be administrative in nature and is therefore assessed as being of low significance.

- 5.2 Wider community engagement in adopting the Terms of Reference is not considered necessary.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: Adopt the Terms of Reference for the West Coast Wilderness Trail Subcommittee is considered the preferred option.

- 6.2 Option 2: Request changes to the Terms of Reference and Committee appointments.

6.3 Option 3: This option is not the preferred option.

6.4 There is no financial implication.

7 PREFERRED OPTION(S) AND REASONS

7.1 Option 1 is the preferred option due to the formalisation of the Subcommittee Structure and to ensure that the governance of the trail is continued.

8 RECOMMENDATION

A) **THAT** the West Coast Wilderness Trail Subcommittee adopt the draft Terms of Reference and appoint the following to the Committee:


- Chairperson (WDC appointed representative and appointed by the Chair of the Capital Projects and Tenders Committee)
- Iwi Representatives
- Ex-Officio – Mayor
- Grey District Council Representative
- Chair - West Coast Wilderness Trail Trust
- Trail Manager - West Coast Wilderness Trail Trust
- Trustpower Representative
- Department of Conservation – Hokitika Operations Manager (or representative)

Simon Bastion
Chief Executive

Appendix 1: Terms of Reference: West Coast Wilderness Trail Subcommittee

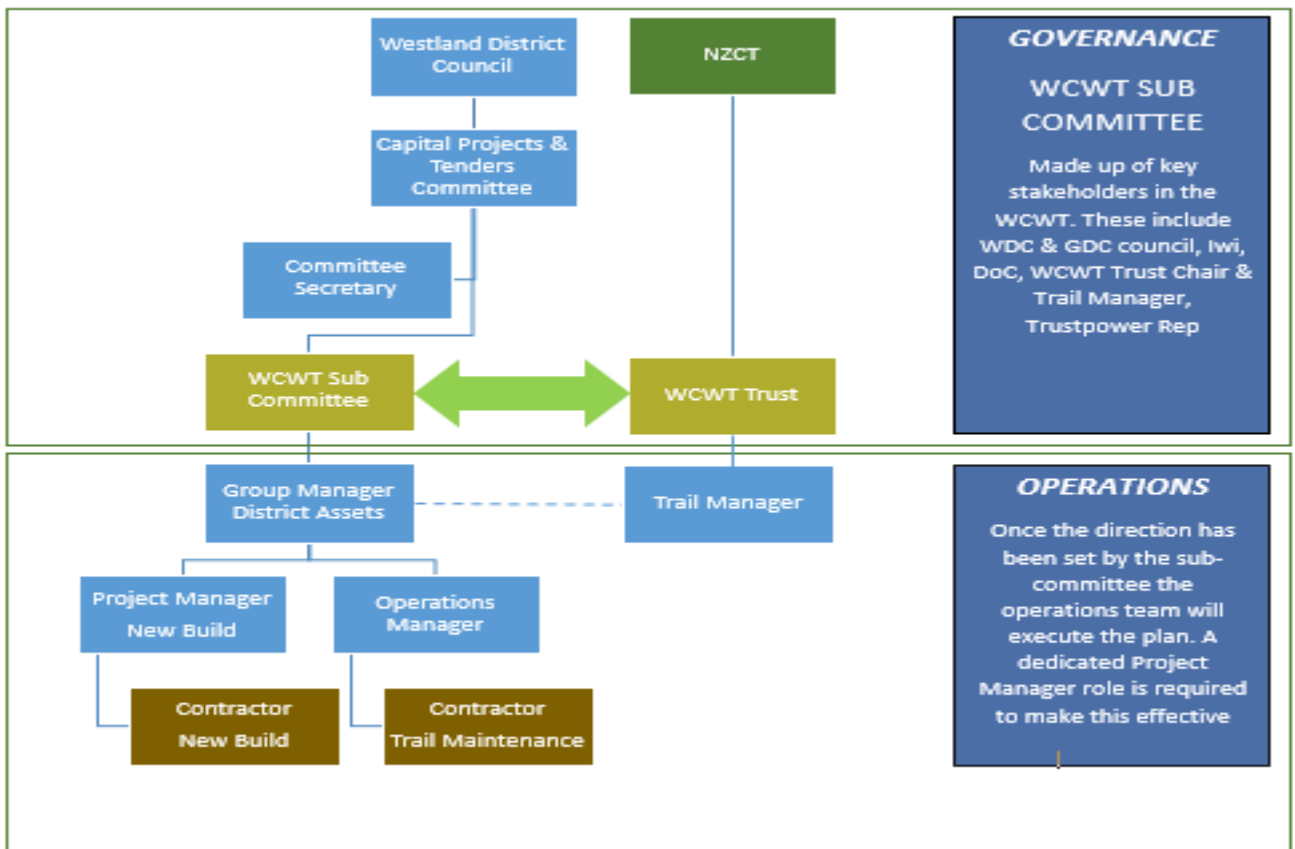
TERMS OF REFERENCE

West Coast Wilderness Trail Subcommittee

	Authorising Body	Mayor / Council
	Status	Subcommittee of Capital Project and Tenders Committee
	Title	West Coast Wilderness Trail Subcommittee
	Approval Date	
	Administrative Support	Chief Executive Office

Purpose

The purpose of the West Coast Wilderness Trail Subcommittee is to oversee the Governance of the West Coast Wilderness Trail. The makeup of the Subcommittee is to ensure stakeholders are represented to provide guidance on the strategy of the trail.



Responsibility

The West Coast Wilderness Trail Subcommittee is responsible for the following:

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

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

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

Report to the Capital Projects and Tenders Committee on a regular basis to provide updates as required.

DELEGATIONS TO THE COMMITTEE:

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

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

The West Coast Wilderness Trail Subcommittee shall have delegated authority to:

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

Power to Delegate

The West Coast Wilderness Trail Subcommittee may not delegate any of its responsibilities, duties or powers.

Membership

The West Coast Wilderness Trail Subcommittee will comprise the following, one of which will be the chairperson:

- Chairperson (WDC appointed representative and appointed by the Chair of the Capital Projects and Tenders Committee)
- Iwi Representatives
- Ex-Officio – Mayor
- Grey District Council Representative
- Chair - West Coast Wilderness Trail Trust
- Trail Manager - West Coast Wilderness Trail Trust
- Trustpower Representative
- Department of Conservation – Hokitika Operations Manager (or representative)

Chairperson

The Chairperson is responsible for:

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

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

Quorum

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

Frequency of Meetings

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

Relationships with Other Parties

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

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

The Subcommittee acknowledges that NZTA are a major stakeholder in the outcomes of the WCWT and plays an important part in aspects of the trail that impact on NZTA assets and rider safety. Whilst they do not form part of the membership of the Subcommittee that will be consulted on any aspect of the committees work that they will be impacted on.

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

Contacts with Media and Outside Agencies

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

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

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

Conduct of Affairs

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

Public Access and Reporting

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

- Workshop meetings solely for information and discussions and at which no resolutions or decisions are made may be held in accordance with Standing Orders.
- Extraordinary meetings of the Subcommittee must be held in accordance with Standing Orders.

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

The Subcommittee shall record minutes of all its proceedings.

**The Terms of Reference were adopted by the
West Coast Wilderness Trail Subcommittee on the XX XXX 2020.**

Report



DATE: 11 June 2020

TO: West Coast Wilderness Trail Subcommittee

FROM: Chief Executive

INCLUDE AMENDMENTS AND RE-ADOPT THE MEMORANDUM OF UNDERSTANDING – WESTLAND DISTRICT COUNCIL, GREY DISTRICT COUNCIL, WEST COAST WILDERNESS TRAIL TRUST

1 SUMMARY

- 1.1 The purpose of this report is for the Committee to include some minor amendments and re-adopt the Memorandum of Understanding between Westland District Council, Grey District Council and the West Coast Wilderness Trail Trust.
- 1.2 This issue arises from the need to include some minor amendments to the existing Memorandum of Understanding.
- 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 the Committee include the minor amendments and re-adopt the Memorandum of Understanding for the Westland District Council, Grey District Council and also the West Coast Wilderness Trail Trust.

2 BACKGROUND

- 2.1 The Memorandum of Understanding was developed and signed by all parties 26 April 2017.

3 CURRENT SITUATION

- 3.1 A Memorandum of Understanding (MoU) between the two Councils and the West Coast Wilderness Trail Trust is already in place. The MoU needs some

additional clauses added which will confirm the latest thinking and clarify funding opportunities. It also highlights that WDC is the holder of the membership with NZCT in regards to voting rights for positions.

4 OPTIONS

4.1 **Option 1:** Include the additional clauses and re-adopt the MoU:

1.2 (c) the Trustees will undertake their best endeavours to create income to manage the Trail and enable long term sustainability and to minimise OPEX.

1.8 The Parties acknowledge that current and future MBIE OPEX 2020 Trail Manager Grants be passed on to the Trust.

1.9 The GDC and WDC will endeavour to include the WCWTT in their LTP plans to enable ongoing annual funding for the Trust.

2.1.1 The Parties acknowledge that the WDC is the holder of the membership and voting right for the WCWT.

4.2 **Option 2:** Request changes to the additional clauses and re-adopt.

4.3 **Option 3:** Not adopt the changes to the MoU.

5 SIGNIFICANCE AND ENGAGEMENT

5.1 The inclusion of the additional clauses and re-adoption of the MoU is deemed to be administrative in nature and is therefore assessed as being of low significance.

5.2 Wider community engagement in including the proposed changes and re-adoption of the MoU is not considered necessary.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 Option 1: Includes the additional clauses and re-adopt the Memorandum of Understanding is considered the preferred option.

6.2 Option 2: Request changes to the Memorandum of Understanding and re-adopt.

6.3 Option 3: This option is not the preferred option.

6.4 There is no financial implication in making the proposed amendments to the MoU.

7 PREFERRED OPTION(S) AND REASONS

7.1 Option 1 is the preferred option to ensure the continuation of the promotion, development and maintenance of use of the trail.

8 RECOMMENDATION(S)

A) **THAT** the West Coast Wilderness Trail Subcommittee adopt the amended Memorandum of Understanding with the following amendments:

- 1.2 (c) the Trustees will undertake their best endeavours to create income to manage the Trail and enable long term sustainability and to minimise OPEX.
- 1.8 The Parties acknowledge that the current and future MBIE OPEX 2020 Trail Manager Grant be passed on to the Trust.
- 1.9 The GDC and WDC will endeavour to include the WCWTT in their LTP plans to enable ongoing annual funding for the Trust.
- 2.1.1 The Parties acknowledge that the WDC is the holder of the membership and voting right for the WCWT.

Simon Bastion
Chief Executive

Appendix 1: Memorandum of Understanding

Westland District Council

Grey District Council

West Coast Wilderness Trail Trust

MEMORANDUM OF UNDERSTANDING

DATED

PARTIES **Westland District Council ("WDC")**
 Grey District Council ("GDC")
 West Coast Wilderness Trail Trust ("WCWTT")

BACKGROUND

- A. Westland District Council and Grey District Council are the Territorial Authorities for the areas of Westland and Grey, respectively.

- B. West Coast Wilderness Trail Trust is a charitable trust with the main purposes of:
 - a) actively promoting, developing and managing the use of trail in such a way that it can fulfil its potential as a strong and sustainable contributor to the social, environmental and educational well-being of the West Coast; and

 - b) assisting in the development of new enterprises and the expansion of existing enterprises directly related to the use of the West Coast Wilderness Trail.

- C. The West Coast Wilderness Trail Subcommittee of the Westland District Council is recognised as the overarching governance entity.

- D. All parties wish to formalise the relationship between Councils and the WCWTT and the roles of each party.

- E. Together, the parties wish to develop a relationship based on trust, mutual recognition and ongoing consultation about any matters that relate to the WCWTT.

1. PRINCIPLES GUIDING THE RELATIONSHIP BETWEEN THE PARTIES

- 1.1 WCWTT acknowledges the Councils as the owners of the West Coast Wilderness Trail (the Trail).

- 1.2 The Councils acknowledge that WCWTT is a Trust and recognises the WCWTT as the 'official' Trust for the Trail. They recognise that:

(a) the work of the Trustees is voluntary and is supporting the work of the Councils own the Trail;

(b) the Trustees work may be limited by the support provided by the Councils, other entities and funders; and

(c) the Trustees will undertake their best endeavours to create income to manage the Trail and enable long term sustainability and to minimise OPEX.

1.3 The Parties acknowledge that they wish to establish a relationship between themselves that establishes the continuity of the WCWTT aims and the desire on the part of the Councils for the West Coast Wilderness Trail to remain a member of the New Zealand Cycle Trail Nga Haerenga: Great Rides Network and to become one of the standout trails on this network.

1.4 The Parties intend to develop a management relationship through a partnering process to ensure the success of the trail.

1.5 The Parties acknowledge that the Council's, as owners of the Trail, are responsible for maintaining the Trail.

1.6 The Parties acknowledge that there is a ratepayer contribution to the fixed costs of owning and maintaining the trail and that any other costs that arise from the use of the trail, as a result of the activities of the WCWTT, would likely be met by the WCWTT. This could include but is not limited to trail inspection and maintenance associated with an event.

1.7 The Parties acknowledge that all income from trail fees, Official Partners Programme, donations and methods of fundraising to sustain the Trust's management and marketing of the trail will be retained by the Trust for these purposes and enable the sustainability of the Trust. Once the level of funding to achieve sustainability is achieved the Trust may assist the Council's with financial support for trail enhancement work.

1.8 The Parties acknowledge that current and future MBIE OPEX 2020 Trail Manager Grant be passed on to the Trust.

- 1.9 The GDC and WDC will endeavour to include the WCWTT in their LTP plans to enable ongoing annual funding for the Trust.
- 1.10 The Parties further acknowledge that in-kind support is provided by the Councils. This will be managed on a case by case manner, and could include but is not limited to administration, communication, office space, training or lending of equipment to support activity on the trail.
- 1.11 The Parties shall maintain a 'no surprises' policy that keeps one another informed of both potentially contentious issues and issues that may have a significant impact on the current and ongoing operations of the WCWTT.

2. EXISTING INTERACTIONS BETWEEN THE PARTIES

- 2.1 The Parties acknowledge the following interactions that already exist between them as a consequence of the purpose, functions, responsibilities, assets and interests of each of them:

2.1.1 Maintenance of the Trail

The Parties acknowledge that both Councils are currently maintaining their respective sections of the trail and expect to continue to do so into the future. This will be funded and managed by the Councils. The WCWTT may provide feedback to the Councils on maintenance, and/or the Councils may seek input from the WCWTT on this subject, but final decisions on priorities for trail maintenance to be funded by the Councils will be made by the Councils. The WCWTT might raise funds or mobilise volunteers to work on parts of the trail, but this will be by agreement with the respective Council.

2.1.1 Membership of the New Zealand Cycle Trust (NZCT)

Membership and Voting rights

The Councils, as the owners of the trail, will continue to pay for membership to NZCT. This allows the Councils to participate in the elections for the board of trustees, provides access to the network of trail owners throughout the country, the NZCT brand and quality assurance programme.

The Parties acknowledge that the WDC is the holder of the membership and voting right for the WCWT.

Meetings and NZCT Business

The Parties agree that the WCWTT will have access to the information, meetings and training opportunities provided by NZCT with any associated costs being met by the participating organisation.

NZCT Requirements

The Parties agree that the WCWTT will undertake the functions within the scope of its Deed and operations required by NZCT in relationship to management of the trails network that require no financial cost to the Trust. This includes assisting facilitate the WOF, ongoing market research and other reporting and information requirements.

2.1.2 Official Partners Programme

The Parties agree that the WCWT Trust will be responsible for the administration of the Official Partner Programme.

2.1.3 Marketing the Trail

The parties agree that one of the reasons the WCWTT was established is for the purpose of promoting the Trail, and that while both Councils may have mechanisms to assist with this, for example through i-SITES, newsletters, noticeboards at community facilities, etc., this will not be their main focus. Additionally, both parties recognise there is no current allocated Council budget for this activity.

3. REVIEW PROCESS

- 3.1 The relationship outlined in this agreement shall be formally reviewed by WCWTT and the Councils every three years. Meetings will be held annually or as required in order to raise any issues that may arise out of this agreement. Any amendments to this Memorandum shall occur with the consent of both parties and be recorded in writing. Such consent shall not be unreasonably withheld.

4. KEY CONTACTS

- 4.1 The individuals within each Party who will be responsible for managing the relationship between each of them to achieve the planned outcomes shall be advised by each Party to the other from time to time. The individuals so responsible on the date this Memorandum is signed are:

Westland District Council

Chief Executive
General Manager Assets

Grey District Council

Manager Corporate Planning & Community
Manager Assets & Engineering

West Coast Wilderness Trail Trust

Chair
Nominated Trustee

5. ENFORCEABILITY

5.1 The Parties acknowledge and agree that:

- (a) the purpose of this Memorandum is to record the relationship between the Parties and the principles that each intends to follow in its dealings with the other;
- (b) each will act towards the other in good faith and with regard to the matters set out in this Memorandum; and
- (c) this Memorandum shall not be enforceable in any court or other forum and any dispute between them as to any matter provided for in this Memorandum shall be resolved by mutual consultation between the Council Representative/Chair of each of the Parties in good faith.

EXECUTION

SIGNED for and on behalf of
West Coast Wilderness Trail Trust by: _____ Chair

_____ Trustee

Witness to Signature

Name of Witness

Westland District Council by: _____ Council Representative

Witness to Signature

Name of Witness

Grey District Council by: _____ Council Representative

Witness to Signature

Name of Witness