



AGENDA

RĀRANGI TAKE

NOTICE OF AN ORDINARY MEETING OF

COUNCIL

to be held on **Thursday 12 December 2019** commencing at **1.00 pm**
in the Council Chambers, 36 Weld Street, Hokitika

Chairperson: His Worship the Mayor

Members: Cr Carruthers (Deputy)
Cr Hart
Cr Kennedy
Cr Martin
Kw Tumahai

Cr Davidson
Cr Hartshorne
Cr Keogan
Cr Neale
Kw Madgwick



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

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. NGĀ MENETI O TE HUI KAUNIHĒRA MINUTES OF MEETINGS

Minutes circulated separately

5. NGĀ TĀPAETANGA PRESENTATIONS

1.30pm – Fire and Emergency New Zealand

2.00pm – West Coast Wilderness Trail

3.00pm – Presentations - Citizenship Ceremony

6. ACTION LIST

Pages 4-7

7. PŪRONGO KAIMAHI STAFF REPORTS

• Reviewed Significance and Engagement Policy

Pages 8-20

• West Coast Triennial Agreement

Pages 21-26

• Westland Racing Club - Purchase of land. Documents circulated prior to the meeting (work in progress).

9. ADMINISTRATIVE RESOLUTIONS

Nil

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

Nil

**DATE OF NEXT ORDINARY COUNCIL MEETING – 23 JANUARY 2020
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

Council Meetings - Action List

Date of Meeting	Item	Action	Completion Date/Target Date	Officer	Status
28.06.18	Kaniere School Students – Cycle trail	Council staff to get back to the Kaniere School Students regarding the proposal.	April 2020	DA	Council Engineers are working on a solution for road crossing near the Kaniere School. Scoping underway with Transportation Manager and plan to have concept completed to present to Kaniere School in the New Year
04.04.19	Speed Limits	Extension of some limits and open conversation with road users on suitable speed limits.	June 2020	DA	Council agreed to carry out a formal review on speed limits within the Westland District road network. This will involve full formal public consultation (in accordance with the timelines set in item 5.3 of the Report to Council) and the receipt and hearing of submissions prior to formally adopting any speed limit changes into the revised bylaw. Consultation to start in January 2020.
18.04.19	Transfer of Pensioner Housing to Destination Westland	Strategy Document to be developed with a working group.	May 2020	CE	Working with CE of DW on future pensioner housing strategy. Working group to be established under the Economic Development Committee in the new year. If assets are transferred, it would require an LTP amendment.
27.06.19	Manatu Whakaaetanga Partnership Agreement	Agreement has been signed by Te Rūnanga o Ngati Waewae.	Feb 2020	Mayor	Agreement to be signed by the Chair of Te Rūnanga o Makaawhio. Plans to sign the agreement yet to be confirmed
27.06.19	Cass Square	Working Group have met and overall concept discussed. District Assets to provide layout concept for further consideration with the Working Group.	June 2020	DA	An overarching plan is required for Cass Square. Sits within the Community work programme.
25.07.19	Haast Civil Defence and	Council resolved to release funds from the Marks Road Reserve Fund for Stage One –	May 2020	CE	Sale and purchase agreement to be resolved and working through with the party concerned.

Date of Meeting	Item	Action	Completion Date/Target Date	Officer	Status
	Community Development	Purchase of Civil Defence Equipment for the Haast Community.			
25.07.19	Carnegie Building Project	<p>Council resolved to underwrite the Carnegie Building upgrade to \$392,391 plus a total project contingency of 10%.</p> <p>The CE to seek additional external funding to minimise or eliminate the Council additional funding commitment.</p>	<p>Completed</p> <p>On going</p>	CE	Packaging of the collection has been undertaken and is in storage. Council resolved to underwrite the funding at Nov 19 council meeting.
22.08.19	Fox Landfill	<p>Council signed off on a staged approach and approved the short-term option to mitigate potential reputational risks to Council and environmental risks.</p> <p>Council support staff in progressing their investigations into the engineering methodology, financial implications and funding mechanisms of the long-term options.</p>	<p>Completed</p> <p>March 2020</p>	OM	Work has been completed under budget.
26.09.19	Sunset Point Hardfill	Council had proceeded with increasing rock protection works, raising the level of Sunset Point and accepted donated fill to elevate the base levels. The works to date and design developments had been outlined in the Report to Council.	Completed	OM	Council approved rock armory. There will be an ongoing log of where any fill is sourced from.

Date of Meeting	Item	Action	Completion Date/Target Date	Officer	Status
28.11.19	Local Governance Statement	Local Governance Statement was adopted with some minor amendments.	Dec 2020	Underway	To be uploaded to the Council Website.
28.11.19	Delegations Manual	Delegations Manual was updated with some minor amendments.	Dec 2020	EA	Circulate to All Staff and upload to the Council's Website.
28.11.19	Approval of Unbudgeted Expenditure	Recruitment of additional staff member to support Council Committees.	Jan 2020	EA	Recruitment process to be started.
28.11.19	Code of Conduct	Appointment of Independent Investigator	Dec 2020	EA	Letter to EQUIP confirming their appointment.
28.11.19	Confirmation of Appointments to Outside Organisations	Confirmation of Appointments required	Dec 2020	Community Development Advisor	Letter to Community Groups advising of appointments/liason roles.
28.11.19	Audit Management Report	Public release of the document	Dec 2020	EA	Updated on Council's Website.
28.11.19	Marks Road – Sale of Land for FENZ	Special Consultative Procedure.	Feb 2020	Strategy & Communications Advisor	Undertake consultation.
28.11.19	Hari Hari Complex Reserve Fund	Letter to Hari Hari Community Association.	Dec 2020	Community Development Advisor	Letter required.
28.11.19	Tohu Whenua Pou	MOU for installation and maintenance required.	March 2020	Community Development Advisor	Letter and MOU required.
28.11.19	Iwi representation around the Council table	Mayor to write to the Minister of Local Government seeking advice.	In progress	Mayor & CE	Letter required.

Date of Meeting	Item	Action	Completion Date/Target Date	Officer	Status
28.11.19	Warrant of Appointments	Warrant Cards required for Hailey Miller, Elaine Direen, Deborah Patterson.	Completed	EA	Warrant cards have been ordered.

Report



DATE: 12 December 2019

TO: Mayor and Councillors

FROM: Strategy and Communications Advisor

REVIEW OF THE SIGNIFICANCE AND ENGAGEMENT POLICY

1 SUMMARY

- 1.1 The purpose of this report is to provide comment and propose an amendment to the Significance and Engagement Policy adopted on 18 December 2014.
- 1.2 This issue arises from the amendments to the Local Government Act 2002 (LGA 2002) by the Local Government (Community Well-beings) Amendment Act 2019 and the requirement under Schedule 10, cl 11 to include a summary (or other description) of the Policy in Council's Long Term Plan document.
- 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 draft Significance and Engagement Policy (Appendix 1).

2 BACKGROUND

- 2.1 Council's Significance and Engagement Policy was developed with direct reference to and use of text taken from the relevant sections of the LGA 2002, including section 5 Interpretation of 'significant'.
- 2.2 Clause 1.3 of the Policy states:

"Significance, in respect to this policy, is the degree of importance of an issue, proposal or decision as assessed by the local authority, in terms of its likely impact on and likely consequences for –

- The district or region..."

2.3 The Local Government (Community Well-beings) Amendment Act (the Act) came into force on 14 May 2019. The Act made amendments to a number of sections of the LGA 2002, including section 5 Interpretation of ‘Significance’. The interpretation of significance was amended (italicised) to read:

“**significance**, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

(a) *the current and future social, economic, environmental, or cultural well-being of the district or region.*”

2.4 The LGA requires the Significance and Engagement Policy to contain a list of the assets the local authority considers to be Strategic Assets, being the asset or group of assets held (owned) by the Council that it needs to retain if it is to maintain the capacity to achieve or promote an outcome that it determines to be important to the current or future well-being of the community.

3 CURRENT SITUATION

3.1 The current Policy was reviewed as part of the preparations for the 2021 – 31 LTP. This review was intended to ensure that the Policy was still fit for purpose and to give effect to the requirement to include a summary or other description of the Policy in the LTP.

3.2 The review assessed the Policy to be fit for purpose. However, the legislative amendment to the interpretation of ‘Significant’ was identified. To maintain consistency with the legislation the draft Significance and Engagement Policy has been amended to include the amended interpretation of significance in clause 1.3:

Significance, in respect to this policy, is the degree of importance of an issue, proposal or decision as assessed by the local authority, in terms of its likely impact on and likely consequences for –

- *the current and future social, economic, environmental, or cultural well-being of the district or region.*

3.3 The review also identified that ‘Active Landfills’ should be included in the list of strategic assets in Part II, section 2, clause 2.2. Council needs to retain landfills as it is important that waste from the district can be managed in a strategic manner.

4 OPTIONS

- 4.1 Adopt the draft Significance and Engagement Policy without public consultation.
- 4.2 Conduct public consultation on the draft Significance and Engagement Policy.
- 4.3 Do not amend the Significance and Engagement Policy.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Section 76AA(5) of the LGA 2002 requires Council to consult on the amendment to the Significance and Engagement Policy in accordance with section 82 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.
- 5.2 During public consultation on the current Policy in 2014, Council received three submissions. One submission was from a member of the public, one was from a Council advisor and one was a letter to the Editor of the Grey Star. The submissions resulted in amendments to the draft policy to clarify what parts of the legislation were relevant and avoid confusion from summarised clauses.
- 5.3 Parliament received three submissions on the Local Government (Community Well-beings) Amendment Bill identified to be relevant to the Westland District and the interpretation of 'significance':
 - Community & Public Health West Coast: Supported the Bill and the inclusion of the well-beings and noted: "Involving the community in making these decisions for themselves can strengthen community networks, build resilience and influence positive social change." They also commented: "CPH WC is encouraged that this Bill will facilitate further opportunities to work collaboratively with local authorities in the promotion of community health and wellbeing."
 - Canterbury/West Coast Branch of the Public Health Association of New Zealand: Supported the Bill and noted: "We express our particular support for enshrining community well-being in local government legislation given that it appears in other legislation that affects us locally."
 - Te Rūnanga O Ngāi Tahu: Supported the Bill and noted: "Te Rūnanga supports the proposed amendments related to the purpose of the Act, incorporating reference to the four well-beings and sustainable development alongside core functions."

These submissions show support from organisations representing the community for the inclusion of the well-beings into the LGA 2002, including the interpretation of significance.

- 5.4 The amendments to the draft Policy are administrative and minor changes. One amendment reflects current legislation that has recently been through a consultation process. Taking into account the submissions noted above, Council has reasonable grounds to consider there is sufficient information about community interests and preferences to enable the purpose of the policy to be achieved. The other amendment clarifies the status of a Council asset that is required for Council needs to retain if it is to maintain the capacity to achieve or promote an outcome that it determines to be important to the current or future well-being of the community.

There will opportunity for public feedback during the Long Term Plan 2021 – 31 consultation process. In this case, Council may choose not to consult on the amended Policy.

- 5.5 If Council does consult on the amended Policy under Section 82, the consultation could take place as part of the consultation on the Annual Plan 2021, which will take place in early 2020.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: Adopt the draft Significance and Engagement Policy.

Adopting the draft Policy will ensure that it is consistent with the legislation it refers to. This will assist Council to meet its obligations under the LGA 2002.

If the draft Policy is not adopted it will be inconsistent with the legislation it refers to.

Council can still meet its obligations under the LGA 2002 by including a summary or other description of the current Policy in the 2021-31 LTP. There are no financial implications to adopting the draft Policy.

- 6.2 Option 2: Conduct public consultation on the draft Significance and Engagement Policy.

The LGA 2002 requires public consultation on amendments to the Significance and Engagement Policy unless Council considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

If the consultation was held as part of consultation on the Annual Plan 2021 this would allow the public to give their opinion on the proposed amendment and any other matters relating to the draft Significance and Engagement Policy, while reducing the likelihood of consultation fatigue.

The proposed amendment to the draft Policy is administrative to provide consistency with the LGA 2002 and for Council to update the Strategic Asset list. Council has information about community interests and preferences as noted above. If Council does not conduct public consultation the community may consider they have not been involved in the democratic process.

Financial implications for conducting public consultation would be minimal if the hearing and decision making process took place as part of the consultation process for the Annual Plan 2021. The financial implications would be greater if an Extraordinary meeting was held. There would be no financial implications if public consultation was not conducted.

6.3 Do not amend the Significance and Engagement Policy.

The current Significance and Engagement Policy was reviewed and updated in 2014 and meets legislative requirements and New Zealand Society of Local Government Managers guidance. This policy is not overly prescriptive and gives staff good guidance to consider significance and engagement. It is still fit for purpose.

Since the current Significance and Engagement Policy was adopted the interpretation in section 5 of the LGA 2002 has been amended to include the four well-beings: social, economic, environmental, or cultural. The section 5 interpretation in the current Significance and Engagement Policy is inconsistent with the current legislation. If the Strategic Asset list is not updated to include landfills, Council cannot guarantee that it is protecting important assets.

There are no financial implications to maintaining the current Significance and Engagement Policy.

7 PREFERRED OPTION(S) AND REASONS

7.1 The preferred option is option 1. The amendment to the draft Policy is administrative to ensure consistency with the LGA 2002. Consultation has recently been undertaken that supports the inclusion of the four well-beings in the interpretation of 'significance' and Council needs to protect important assets. The amendments are minor and there was a low level of engagement in previous consultation on the Policy.

8 RECOMMENDATION(S)

A) THAT Council receive the report.

B) **THAT** Council adopt the draft Significance and Engagement Policy.

Emma Rae
Strategy and Communications Advisor

Appendix 1: Draft Significance and Engagement Policy

Westland District Council**SIGNIFICANCE & ENGAGEMENT POLICY adopted 12 December 2019****Part I****1. PURPOSE** [LGA s76AA (2)]

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

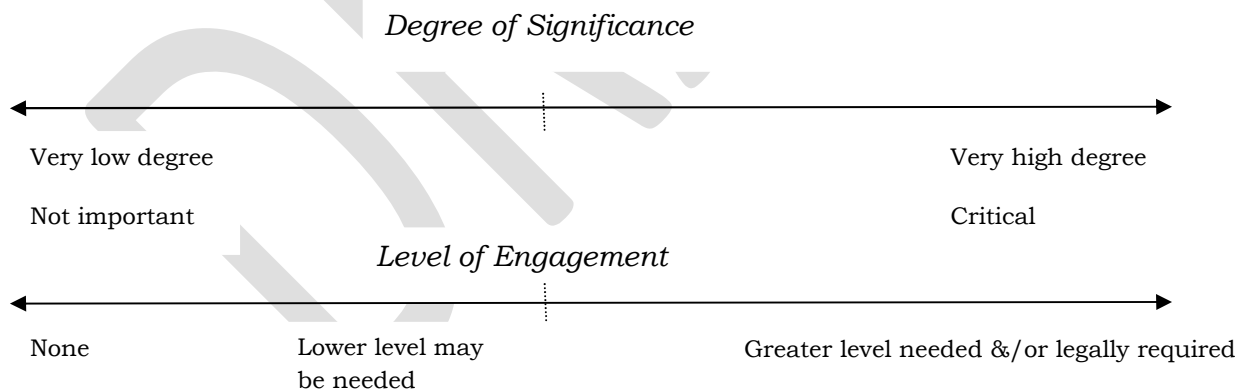
To enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

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.

1.2 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.

Figure 1.2 determining significance and engagement



1.3 **Significance**, in respect to this policy, is the degree of importance of an issue, proposal or decision as assessed by the local authority, in terms of its likely impact on and likely consequences for –

- The current and future social, economic, environmental, or cultural well-being of the district or region.
- Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter.
- The capacity of the local authority to perform its role, and the financial and other costs of doing so.

A matter will be determined “*Significant*” if it has a “*high degree of significance*”. This is in accordance with the Local Government Act 2002 (LGA), section 5.

- 1.4 **Engagement**, in respect to this policy, is a process that can be undertaken at the outset, throughout, or at points during a decision-making process in order to inform the Council and to allow potentially affected parties to identify options for addressing the matter.

The LGA definition and/or use of the terms “significant”, “significance” and “engagement” apply in regard to this policy. Unless otherwise stated, common dictionary definitions apply for other terms in this policy.

- 1.5 The Council has a Consultation Policy in place (adopted in 2005 and reviewed in 2012). Consultation is a process that generally occurs after a proposal has been formed i.e. the Council shares the formed proposal with parties and receives final feedback. A decision can then be made. Consultation is an additional requirement under legislation, including the Local Government Act, Resource Management Act, Reserves Act, Rating Act and Land Transport Management Act. This SEP does not replace the Council’s legal responsibility to consult.

2. GENERAL APPROACH [LGA s76AA (1)(a)]

- 2.1 Council’s decision-making about the degree of significance of an issue, proposal or decision will be guided by Part II of this Policy.
- 2.2 Council’s engagement practices will be guided by Part III of this Policy.
- 2.3 The Council will use the Special Consultative Procedure (SCP) whenever it is specifically required to by the LGA or other legislation.
- 2.4 Whenever a matter is identified by the Council as being of high significance, it will use the SCP procedure as a minimum procedure for consultation. It will undertake what it considers to be a corresponding high level of engagement about the proposal.
- 2.5 The Council will apply the principles of LGA section 82 in other instances of consultation.
- 2.6 The Council may choose to undertake engagement and/or consultation on occasions other than when a matter has been determined to be of high significance. In this instance it will justify why it is choosing to do so.

Part II

1. DETERMINING SIGNIFICANCE [LGA s76AA (1)(b)]

- 1.1 As per the LGA, section 5; a matter is “significant” if it has been determined to have a high degree of significance. The following list provides key questions that will help assess the overall degree of significance of a matter:
- a. Does it involve a Council strategic asset? The LGA states that it is a significant decision to transfer ownership or control, or to construct, replace or abandon a strategic asset.
[The Council’s *Strategic Assets* are listed below].
 - b. What is the impact on Council’s levels of service, rates and/or Council debt?
 - c. How will the action or decision promote the Council’s Vision or other priorities of Council, and to what degree?
 - d. What is the degree of impact on the community, individuals or groups?
 - e. Is there a likely impact on Maori cultural values and their relationship to land and water?
 - f. Is there a high degree of public interest?
 - g. Could the action or decision have significant consequences? The action itself may be minor but what will the outcome be.
 - h. Is it a reversible decision? The more difficult an action or decision is to reverse, generally the higher the significance is.

2. COUNCIL’S STRATEGIC ASSETS [LGA s76AA (3)]

- 2.1 The LGA, section 76 AA (3) requires that the SEP must list the assets considered by the local authority to be Strategic Assets. These assets must be considered to be of high significance and as such corresponding engagement and consultation practices followed by the Council if transfer ownership or control of a strategic asset, or a decision to construct, replace or abandon a strategic asset is proposed.
- 2.2 The LGA, section 5, defines Strategic Assets as being the asset or group of assets held (owned) by the Council that it needs to retain if it is to maintain the capacity to achieve or promote an outcome that it determines to be important to the current or future well-being of the community.
- Westland Holdings Limited
 - Hokitika Airport

- Urban roads, rural roads, bridges, footpaths
- Water, treatment, storage and reticulation network
- Wastewater reticulation and treatment facilities
- Stormwater reticulation
- Elderly person housing units
- Cass Square
- Community Reserves
- Community Halls
- Community Domains
- Hokitika Cemetery
- Kumara Cemetery
- Ross Cemetery
- Hokitika Museum/Carnegie Building
- Public Toilets
- Jackson Bay Wharf
- Westland District Library
- Council Headquarters
- Hokitika Swimming Pool
- Ross Swimming Pool
- West Coast Wilderness Trail
- Active Landfills

Part III

1. ENGAGEMENT EXPECTATIONS [LGA s82 (3) & (4)]

1.1 The Council will engage with parties *unless* it is unnecessary, inappropriate or impossible to do so. That is; a case must be proven in order to decide to not engage and it may be because of one or more of the following factors:

- a. The Council can demonstrate that it already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter
- b. There is a need for confidentiality or commercial sensitivity
- c. The costs of engagement or consultation outweigh the benefits of it
- d. The matter has clearly already been addressed by the Council's policies or plans, which have previously been consulted on
- e. An immediate or urgent response or decision is needed so that it is not reasonably practicable to engage
- f. Works are required unexpectedly, or following further investigations, on projects that have already been approved by the Council
- g. It is business as usual i.e. the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place.

1.2 In instances where active engagement with parties is not going to occur, Council officers still must give consideration to the views and preferences of persons likely to be affected by, or to have an interest in the matter.

2. APPROPRIATE FORMS OF ENGAGEMENT [LGA s76AA (1)(c)]

- 2.1 The Westland District encompasses a large geographic area; townships can be several hours drive from one another and there are many dispersed rural communities. This impacts on how the Council can effectively hold conversations with its citizens.
- 2.2 Ngai Tahu Iwi is an important identity to engage with over many matters as are the two Runanga within the Council District boundaries; Te Runanga o Ngati Waewae and Te Runanga o Makaawhio. The Council's relationship with Westland Iwi and Runanga should remain fluid and evolve in accordance with these organisations' preferences. Although all of the SEP processes do include the engagement of Iwi and Runanga, a separate and more specific policy or agreement should also be developed with Iwi and Runanga about different kinds of Council decision-making.
- 2.3 The Council must also be mindful of tangata whenua in the District and whether an issue could be of importance to Maori people.
- 2.4 The Council believes it is important that it has a presence across the District and in particular that elected representatives and staff are active in all of its communities. Successful engagement exercises have been achieved when they were structured around having the conversations in the community that the issue affected, rather than expecting the community to come to Hokitika. If it is a District wide issue then careful consideration is required about how best to distribute messages and be positioned to receive feedback.
- 2.5 Some communities in the Westland district do not have broadband internet coverage so this limits electronic communications.

3. IN DETERMINING APPROPRIATE FORMS OF ENGAGEMENT, THE COUNCIL WILL: [LGA s76AA (1)(d)]

- 3.1 Recognise the relationship between determining the significance of an issue and the level and type of engagement that will be required.
- 3.2 Select engagement processes and methods that are appropriate to the stakeholders that will be involved (including the public's time commitment and travel requirements, location of information and/or meetings).
- 3.3 Ask potentially interested parties if they consider themselves to be stakeholders and/or how they would like to provide input into the development of the proposal.

- 3.4 Be responsive to new methods identified by stakeholders for better engagement.
- 3.5 Bear in mind Council and other agency engagement initiatives that are underway, planned or likely to occur soon in the District. Combined initiatives will be utilised where appropriate so as to achieve efficiencies and avoid the public experiencing engagement / consultation fatigue.
- 3.6 Determine whether the Council already holds relevant information from the public or key stakeholders about the matter (from previous engagement or consultation efforts) and can utilise it instead of initiating another round of conversations.
- 3.7 Recognise the possible role of stakeholders and contacts Council already has a relationship with, including the Iwi, Runanga, resident and community associations, business and industry representative groups.
- 3.8 Provide reasonable access to free information and reasonable methods for the public and key stakeholders to be able to respond (timeframes and suitable forms of submission).
- 3.9 Consider the best use of Council money and other resources to achieve the chosen engagement plan.

Part IV

1. PROCEDURE [LGA 76AA (2)(b) & (c)]

- 1.1 The procedure for determining the level of significance and the corresponding engagement required:
 - 1.1.1 In the first instance Council Officers will be responsible for assessing a matter to determine its level of significance, in accordance with Part II of this Policy.

[To facilitate this operational process, the Council may choose to provide staff with a template, separate to but based upon Part II of this policy].
 - 1.1.2 Council Officers will then consider the corresponding extent and type of engagement that should occur, in accordance with Part III of this Policy. In general, the more significant an issue, the greater the need for community or stakeholder engagement.
 - 1.1.3 Any matter will be reported to the Council if it requires a Council decision to be made. The report will include –
 - a. An assessment of significance.
 - b. An assessment about the extent and type of community or stakeholder engagement that should occur.

2. THIS POLICY MAY BE AMENDED FROM TIME TO TIME [LGA s76AA, 4&5]

2.1 If the Council wants to amend this policy, it will consult in accordance with the Local Government Act, section 82, unless a decision is recorded that it “considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.”

3. DEVIATION FROM THIS POLICY [LGA s76AA, 6]

3.1 If the Council wishes to deviate from this policy it will follow the requirements of the Local Government Act, section 80, clearly identifying the inconsistency and the reasons for not following this policy, and stating any intention to amend the policy to accommodate the decision.

END

DRAFT

Report



DATE: 12 December 2019
TO: Mayor and Councillors
FROM: Chief Executive

2019-2022 WEST COAST TRIENNIAL AGREEMENT

1 SUMMARY

- 1.1 The purpose of this report is to adopt the 2019-2022 West Coast Triennial Agreement.
- 1.2 This issue arises from section 15 of the Local Government Act 2002 which requires all Councils to adopt a triennial agreement by 1 March after each triennial general election of members. All local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- 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 adopts the 2019-2022 West Coast Triennial Agreement.

2 BACKGROUND

- 2.1 As part of the requirements of sections 14, 15 and 16 of the Local Government Act 2002, the four West Coast Councils have prepared a triennial agreement.
- 2.2 The triennial agreement is built on the principle of the four Councils agreeing to commit to working together for the good governance of their towns, districts and the region, by acting collaboratively and ensuring that issues in common are determined in a manner that is inclusive and avoids unnecessary duplication.

2.3 The agreement will also ensure appropriate levels of consultation and coordination are maintained between the local authorities of the West Coast.

3 CURRENT SITUATION

3.1 Each of the Mayors, and Chair of the Regional Council, are now seeking endorsement of the triennial agreement from their respective Councils. Once endorsement has been received the Mayors and Chair will sign the agreement at their next meeting.

4 OPTIONS

4.1 Option 1 is to adopt the triennial agreement as attached.

4.2 Option 2 is to not adopt the agreement.

4.3 Option 3 is to amend the agreement.

5 SIGNIFICANCE AND ENGAGEMENT

5.1 This matter is one of legislative compliance and as such is deemed to be of low significance.

5.2 Consultation is not required for this decision.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 A Triennial Agreement **must** be adopted. It is a legislative imperative under the LGA.

6.2 Adopting the proposed Triennial Agreement provides a formal indication to the other West Coast Councils that Westland District Council supports the regional co-operation signified by this document. This is a high level intention only and does not commit Council to anything more.

6.3 If Council chooses not to adopt the agreement, it would need to give a clear explanation to the other councils as to why it has decided not to.

6.4 If Council chooses to amend the agreement, the changes would need to be notified to the other councils and a process of discussion and negotiation with them would be required.

7 PREFERRED OPTION(S) AND REASONS

7.1 The preferred option is **Option 1**. This would ensure that Council meets the statutory deadline, and is ready to participate in discussion on regional issues.

8 RECOMMENDATION(S)

A) **THAT** Council adopts the 2019-2022 West Coast Triennial Agreement and endorse the Mayor signing the agreement on behalf of Westland District Council.

Simon Bastion
Chief Executive

Appendix 1: 2019-2022 West Coast Triennial Agreement

2019 – 2022 West Coast Triennial Agreement

Our purpose

This triennial agreement has been prepared in accordance with, and to satisfy, the requirements of sections 14, 15 and 16 of the Local Government Act 2002.

The parties to this agreement commit to working together for the good governance of their towns, districts and the region, by acting collaboratively and ensuring that issues in common are determined in a manner that is inclusive and avoids unnecessary duplication.

This agreement will ensure appropriate levels of consultation and coordination are maintained between the local authorities of the West Coast, and between individual local authorities as might be notified.

The Agreement

The parties:

- Buller District Council;
- Grey District Council;
- Westland District Council; and
- West Coast Regional Council,

agree to work in good faith together for the good governance of their localities and the region.

As signatories to this agreement, each local authority will ensure:

- Early notification to affected local authorities, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision making authority;
- The application of a 'no surprises' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before key public announcements are made;
- The parties agree to refrain from expressing criticism of each other publicly, through the media or any other form. While it is accepted that disagreements will occur from time to time, it is preferable to deal with the issues by open discussion between the parties rather than via the media;
- Support opportunities for involvement by affected local authorities in the development of policies or plans that have inter-jurisdictional or cross boundary implications, including the identification of outcomes and priorities;
- That where practicable, processes for engaging with communities and agencies in order to identify community outcomes, and prioritise these outcomes, are undertaken jointly or in a collaborative manner which avoids unnecessary duplication; and
- Support opportunities for other local authorities, whether party to this agreement or not, to work jointly on the development of strategies and plans for the achievement of identified outcomes and priorities.

Scope and Issues

The parties agree that, in addition to the general obligations under this agreement to consult, the local authorities will meet together to develop common approaches on the following issues identified as priorities for the region:

- Economic development
- Windblown timber legislation
- Stewardship land review
- Energy opportunities
- Buller Plateau proposal

- Natural hazards
- Legislation reform
- Shared services

A commitment to working together collaboratively

The parties agree to work together collaboratively and cooperatively, through the Mayors and Chairs forum, as a means to improve effectiveness and efficiency, and to, in particular:

- Identify, deliver and fund facilities or services that benefit more than one district;
- Develop and implement joint governance arrangements and associated terms of reference;
- Maintain this commitment, and in the event of one of the parties making a decision that is inconsistent with this commitment, the party will advise the other parties of the inconsistent decision and the reasons for it.

This commitment to working together collaboratively reflects section 15 of the Local Government Act and all parties will, through the Mayors and Chairs forum, annually review their compliance with these provisions.

Significant new activities proposed by the West Coast Regional Council

The parties agree that should the West Coast Regional Council, or its Council Controlled Organisations, wish to undertake a significant new activity, or undertake an activity currently undertaken or proposed to be undertaken by one or more of the other parties, the West Coast Regional Council will consult with the other parties as required by section 16 of the Local Government Act.

Form of consultation

Consultation in relation to this agreement will take the following forms:

- A forum comprising the Mayors, Chair of the West Coast Regional Council, Chair of Development West Coast, Chair of Te Rūnanga o Ngāti Waewae and Chair of Te Rūnanga o Makaawhio, and their Chief Executives, will occur at least once every three months to review performance of the agreement and discuss any other topical issues where a collaborative approach may add value.
- Meetings between staff will occur as necessary to achieve communication and coordination on issues identified in the agreement.

Servicing

The parties agree that responsibility for servicing this agreement will be undertaken by the West Coast Regional Council. This includes providing those secretarial services as required, including but not limited to:

- Coordination of meeting dates, agendas and meeting papers;
- Drafting of communications material including media releases; and,
- Development of strategic documentation.

Chairing of the forum will pass from local authority to local authority following the triennial election.

Delegations

The meeting will act as a collective and no member will have the delegation to act on behalf of the Group unless specifically mandated to do so by the meeting on a case-by-case basis.

Submissions, or other correspondence, will be on the letterhead displaying the logos of the four Councils, and where appropriate, those of Development West Coast, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio. They are to be signed by the Mayors and Chairs.

Agreement to review

The parties agree to review the term of this agreement within four (4) weeks of a request by one of the parties made in writing to the local authority delegated responsibility to service this Agreement.

Resolving disagreement

In the event of a disagreement over the terms of this agreement, the parties agree to refer the issue to a mediator appointment by the President of Local Government New Zealand.

Authority

This agreement is signed on this day of 20....., by the following on behalf of their respective authorities.

Council

Signature

Buller District Council

.....
Jamie Cleine
Mayor

Grey District Council

.....
Tania Gibson
Mayor

Westland District Council

.....
Bruce Smith
Mayor

West Coast Regional Council

.....
Allan Birchfield
Chair