



# A G E N D A

## Council

### Council Chambers

Thursday

31 October 2013

commencing at 9.00 am

His Worship the Mayor, M.T. Havill (**Chairperson**)  
Cr. J.H. Butzbach, Cr. P.M. Cox, Cr. M.S. Dawson, Cr. D.G. Hope,  
Cr. A.R. Keenan, Cr. L.J. Martin, Cr. M.D. Montagu, Cr. C.A. van Beek



## COUNCIL MEETING

NOTICE IS HEREBY GIVEN THAT AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 31 OCTOBER 2013 COMMENCING AT 9.00 AM

*Tanya Winter*  
*Chief Executive*

*31 October 2013*

### **Council Vision**

*"Westland will, by 2030, be a world class tourist destination and have industries and businesses leading through innovation and service.*

*This will be achieved by:*

- *Involving the community and stakeholders*
- *Having inspirational leadership*
- *Having expanded development opportunities*
- *Having top class infrastructure for all communities*
- *Living the '100% Pure NZ' brand*

*"Westland, the last best place"*

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

## **1. MEMBERS PRESENT AND APOLOGIES:**

### **1.1 Apologies.**

### **1.2 Register of Conflicts of Interest.**

## **2. CONFIRMATION OF MINUTES:**

### **2.1 Confirmation of Minutes of Meetings of Council**

**2.1.1 Ordinary Meeting – 26 September 2013.** (Pages 5-40)

**2.1.2 Inaugural Council Meeting - 24 October 2013.** (Pages 41-43)

### **2.2 Minutes and Reports to be received**

**2.2.1 Minutes of the Public Excluded portion of the Westland District Council Meeting, held on Thursday 26 September 2013.**

*(Refer Public Excluded Minutes).*

## **3. PUBLIC FORUM**

## **4. REPORTS**

**4.1 Adoption of Standing Orders.** (Pages 44-51)

**4.2 Section 33 RMA: Transfer of Functions.** (Pages 52-68)

**4.3 The Triennial Elections.** (Pages 69-72)

*Break for morning tea at 10.00 am*

**4.4 2012-2013 Annual Report.** (Page 73)

*Lunch at 12.30 pm.*

## **5. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'**

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

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

**5.1 Confidential Minutes.**

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	<b>GENERAL SUBJECT OF THE MATTER TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO THE MATTER</b>	<b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</b>
1.	Confidential Minutes	To protect the privacy of individuals/organisations under Section 7(2) (a) and (i)	48(1)(a)(i) & (d)

**Date of Next Ordinary Council Meeting  
Thursday 28 November 2013 at 9.00 am  
at Franz Josef**



# Ordinary Council Minutes

## MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 26 SEPTEMBER 2013 COMMENCING AT 9.00 AM

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*The opening prayer was read by Her Worship the Mayor Maureen Pugh and Council's condolences were extended to Cr. Eggeling at the death of his mother, Betty Eggeling, the previous day.*

### 1. MEMBERS PRESENT

Her Worship the Mayor, M.H. Pugh (Chairperson)  
Deputy Mayor Councillor B.O. Thomson.  
Councillors J.G. Birchfield (until 12.53 pm), A.N. Bradley, J.H. Butzbach,  
K.J. Eggeling (until 2.10 pm), A.M. Hurley, M.D. Montagu, K.R. Scott, F.I.W.  
Stapleton, C.A. van Beek.

#### 1.1 APOLOGIES

Nil.

### ALSO IN ATTENDANCE

T.L. Winter, Chief Executive; P.G. Anderson, Team Leader – District Assets; Vivek Goel, Group Manager: District Assets; S.H. Halliwell, Acting Group Manager Corporate Services; D.M. Maitland, Executive Assistant; R.C. Simpson, Manager Planning and Regulatory.

The following staff were in attendance for part of the meeting:

Rebecca Beaumont, District Planner; Petrina Cannell, Supervisor 3 Waters; Lisa de Rooy, iSite Manager; Dave Oldman, Assistant Accountant; Peter Oliver, Supervisor IT Services.

## 1.2 Register of Conflicts of Interest

The Conflicts of Interest Register was circulated and no amendments were made.

## 2. CONFIRMATION OF MINUTES

### 2.1 Confirmation of Minutes of Meetings of Council

#### 2.1.1 Ordinary Council Meeting – 29 August 2013.

Moved Deputy Mayor Thomson, seconded Councillor Stapleton and **Resolved** that the Minutes of the Ordinary Council Meeting held on the 29 August 2013 be received as a true and correct record of the meeting.

### 2.2 Minutes and Reports to be received

#### 2.2.1 Safer Community Council Meeting – 30 August 2013.

Moved Councillor Scott, seconded Councillor Stapleton and **Resolved** that the Minutes of the Safer Community Council Meeting held on the 30 August 2013 be received.

#### 2.2.2 Performance Management Committee Meeting – 3 September 2013.

Moved Councillor Butzbach, seconded Councillor van Beek and **Resolved** that the Minutes of the Performance Management Committee held on the 3 September 2013 be received.

#### 2.2.3 Minutes of the Public Excluded portion of the Westland District Council Meeting, held on Thursday 29 August 2013.

*(Refer Public Excluded Minutes).*

## 3. PUBLIC FORUM

No members of the public attended the Public Forum Section of the meeting.

#### 4. **REPORTS**

##### 4.1 **Mayor**

Moved Councillor Montagu, seconded Councillor Bradley and **Resolved** that the Mayor's Report for August/September 2013 be received with thanks.

Councillors expressed their thanks to Mayor Maureen Pugh for her contribution to the Westland District and also her leadership skills on behalf of the Westland District Council.

##### 4.2 **Chief Executive**

*Tanya Winter, Chief Executive spoke to this report.*

*Mayor Pugh extended the congratulations of Council to the Planning and Regulatory team for remaining accredited and registered as a Building Consent Authority.*

Moved Councillor van Beek, seconded Councillor Butzbach and **Resolved** that the Chief Executive's Report dated 26 September 2013 be received.

#### 5. **GENERAL BUSINESS**

##### 5.1 **Sale of Land at Blue Spur to the adjoining owner.**

Moved Councillor Hurley, seconded Councillor van Beek and **Resolved** that the application to sell Part Lot 1 DP 2985 at Blue Spur to the adjoining landowner be declined.

Moved Councillor Hurley, seconded Councillor van Beek and **Resolved** that a policy be developed that all land identified for sale must be referred to Council for a decision.

##### 5.2 **Kaniere School Environs Group – Fish Painting Project.**

*Petrina Cannell, Supervisor 3 Waters, spoke to this report.*

Moved Councillor Butzbach, seconded Councillor Scott and **Resolved** that:

- a) Council support the Kaniere School Environs Group fish painting project for up to 5 hours of staff time in assistance.

- b) The painting of fish, using stencils, is limited within the Kanieri area.

**5.3 Westland District Council Freedom Camping Control Bylaw 2012 – Revocation.**

Moved Councillor Scott, seconded Deputy Mayor Thomson and **Resolved** that:

- a) The proposed Statement of Proposal is confirmed and the Westland District Council Freedom Camping Control Bylaw 2012 be revoked and a review be referred to the 2014-2015 Annual Plan process.
- b) The reviewed Freedom Camping Policy be adopted subject to the following amendment:

“Vehicles provided by companies such as (but not limited to) Wicked Campervans, Spaceships Campervan Rentals, Maui Campervan Rentals, Kiwi Kombi Campervan Rentals, Jucy Campervan Rentals, Britz Campervans, Escape Campervan Rentals Limited, Backpacker Campervan Rentals that are without toilets and grey-water storage facilities are not designed to be used at any place where there is no **immediate** access to toilet facilities. Such vehicles must use camping ground facilities.”

*The meeting adjourned for morning tea at 10.37 am and reconvened at 10.57 am.*

*The following items were taken out of order to the agenda paper.*

**5.5 Ross Rates.**

*Stephen Halliwell, Acting Group Manager – Corporate Services spoke to this report and subsequently noted that the total cost of the error in the Ross Rates amounted to \$39,929.29 as the figures for 2008/2009 had been left off the report to Council as follows:*

	2013/14	2012/13	2011/12	2010/11	2009/10	2008/09
<b>General Rate</b>	4,382.24	6,234.21	5,308.19	5,894.34	3,904.59	<b>2,330.27</b>
<b>Waste Management</b>	-282.37	-171.85	52.05	31.36	20.89	<b>-70.41</b>
<b>Ross Pool Rate</b>	4,163.59	1,294.37	2,146.95	2,485.02	2,275.83	<b>0</b>
<b>TOTAL</b>	8,263.46	7,356.72	7,507.20	8,410.73	6,201.32	<b>2,259.86</b>

*Dave Oldman, Assistant Accountant was in attendance at the meeting.*

Moved Councillor Scott, seconded Councillor Butzbach and **Resolved** that Council refund the incorrectly collected rates to the 37 residents on small holdings



adjacent to the Ross Township; that have been incorrectly rated Rural Township rates, amounting to \$39,929.29 including GST; and that this be noted as unbudgeted expenditure.

#### **5.4 Westland District Council NZTA Procurement Strategy Review.**

*Vivek Goel, Group Manager District Assets spoke to this report.*

Moved Deputy Mayor Thomson, seconded Councillor Scott and **Resolved** that Council approve the revised version of the Westland District Council Procurement Strategy, as it applies to NZTA and Infrastructure Projects, subject to the following amendments:

Page 92 – Remove 5.1.5 Council Controlled Organisations.

Page 93 – Amend “Westland Regional Council” to West Coast Regional Council.

#### **5.6 Westland District Council Traffic and Parking Bylaw 2013.**

*Richard Simpson, Manager Planning and Regulatory spoke to this report.*

Moved Councillor Eggeling, seconded Councillor Bradley and **Resolved** that the Statement of Proposal, including the Westland District Council Traffic and Parking Bylaw 2013, be adopted and the Special Consultative Procedure commence forthwith subject to the following amendment:

Page 125 – Amend “Traffic Warden” to “Parking Warden”.

#### **5.7 Local Government Official Information and Meetings Act (LGOIMA) Fees and Charges.**

*Stephen Halliwell, Acting Group Manager Corporate Services spoke to this report.*

Moved Councillor Hurley, seconded Councillor van Beek and **Resolved** that Council set the following additional fees and charges for LGOIMA requests (except as otherwise provided in the Fees and Charges Schedule):

- a) First hour free staff costs.
- b) First 20 black and white copies free.
- c) Additional time charged at \$38 per half hour.
- d) Other charges as per the fees and charges schedule or at cost.
- e) That the Chief Executive be authorised to use discretion in this regard.

## 5.8 Approval to commence projects in Annual Plan 2013-2014.

Moved Councillor Eggeling, seconded Councillor Birchfield and **Resolved** that:

- a) Project 4704-581-06 Hokitika Watermains Upgrade commences with a completion estimate of \$120,000.
- b) Project 4610-581-10 improvements to Franz Josef Wastewater Treatment Plant commences with a completion estimate of \$175,000.
- c) Project 4612-581-03 improvements to Haast Wastewater Treatment Plant commences with a completion estimate of \$375,000.
- d) Project 4604-581-11 upgrade of Fitzherbert Street Pumping commences with a completion estimate of \$325,000.
- e) The proposed Harihari Community Facility project proceeds with a completion estimate of \$985,000.

## 5.9 Funding Request to replace Cass Square Hot Water Cylinder.

Moved Councillor Hurley, seconded Councillor Scott and **Resolved** that Council approve a budget of \$3,000 (GST excl.) to replace the damaged hot water cylinder at Cass Square to maintain the current level of service, funded from the Reserves Development Fund.

## 5.10 Annual Report 2012/13 Performance Measures.

*Lisa de Rooy, iSite Manager and Stephen Halliwell, Acting Group Manager – Corporate Services spoke to this report.*

Moved Councillor Butzbach, seconded Councillor Stapleton and **Resolved** that Council approve the modified list of KPI's to report in the Annual Report 2012/13 as listed in Appendix 1 attached to the Minutes.

*The following presentations were then made to Her Worship the Mayor Maureen Pugh, Councillor John Birchfield, Councillor Allen Hurley and Councillor Kerry Eggeling for service to Westland District Council:*

	<i>Councillor</i>	<i>Mayor</i>
<i>Her Worship the Mayor Maureen Pugh</i>	<i>1998-2004</i>	<i>2004-2013</i>
<i>Councillor John Birchfield</i>	<i>2007-2013</i>	
<i>Councillor Allen Hurley</i>	<i>1992-2001</i>	
	<i>2007-2013</i>	

Councillor Birchfield left the meeting at 12.53 pm.

The meeting adjourned for lunch at 12.53 pm and reconvened at 1.50 pm.

#### **5.11 Section 33 RMA: Transfer of Functions**

*Rebecca Beaumont, District Planner spoke to this report and went through with Councillors, the updated copy of the “Deed to Transfer Functions under Section 33 of the Resource Management Act 1991”.*

Moved Councillor Montagu, seconded Councillor Eggeling and **Resolved** that:

- a) The proposed Deed of Transfer as amended, be agreed to.
- b) Council proceeds to the next stage of the transfer by preparing a statement of proposal for a special consultative procedure.

#### **6. MATTERS TO BE CONSIDERED IN THE ‘PUBLIC EXCLUDED SECTION’**

Moved Councillor van Beek, seconded Councillor Bradley and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 2.10 pm.

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

##### **6.1 Public Excluded Minutes of Meetings of Council and Committees.**

##### **6.2 Performance Review.**

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes of Meetings of Council and Committee	Confirmation of Public Excluded Council and Committee Minutes.	Good reasons to withhold exists under Section 7.	Section 48(1)(a)
2.	Report to Council	Performance Review	Good reasons to withhold exists under Section 7	Section 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

No.	Item	Section
1. & 2.	Protection of privacy of natural persons/organisations	Section 7(2)(a)

*Councillor Eggeling left the meeting at 2.10 pm.*

Moved Councillor Scott, seconded Councillor Butzbach and **Resolved** that the business conducted in the "Public Excluded Section" be confirmed and the public be readmitted at 2.35 pm.

**INAUGURAL COUNCIL MEETING – THURSDAY 24 OCTOBER 2013  
COMMENCING AT 9.00 AM**

**ORDINARY COUNCIL MEETING – 31 OCTOBER 2013  
COMMENCING AT 9.00 AM**

Confirmed by:

\_\_\_\_\_  
Maureen Pugh  
Mayor

\_\_\_\_\_  
Tanya Winter  
Chief Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# APPENDIX 1

## Service Levels and Performance Measures for the i-SITE

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
1-Increase number of activities and accommodation booked and purchased.	Increase sales of Westland activities and accommodation by 3%	Recorded information from the IBIS booking and sales system used by i-SITE.	Can be measured	See comment (3)
2-Provide excellent customer service.	Maintain customer satisfaction levels at 90%	Annual mystery shopper assessment. Annual Qualmark Assessment	Change to Bi annual mystery shopper (2014)  Bi annual Qualmark assessment (2013)	Minor change to reflect actual practices.
3-Provide business efficiency.	Grow revenue by at least 3%.	End of financial year information.	Add to measure to number 1	X <sup>1</sup> Re-describe 1 and 2 as a single performance measure with a note saying so. They effectively measure the same thing (an attempt to reflect the Council decisions in the LTP to grow revenue to reduce rates contributions.
4-Increase visitor numbers to Westland.	The number of Visitors handled by Hokitika i-SITE Visitor Centre maintained.	Recorded information from i-SITE.	Can be measured	

Note in 2013/14 as the I-site and Council front office functions are merged, while service levels won't change systems will need to change to identify i-SITE v's Council custom.

<sup>1</sup> Indicates it will not be measured or deleted.

## Service Levels and Performance Measures for the Museum

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Users of the Museum visitor service are satisfied with their experience.	% of visitors satisfied with the museum displays and exhibitions.	Resident Satisfaction Survey	Not Measured	X
The Museum environment is comfortable and user friendly.	% satisfied with the museum environment, availability, opening hours and remote access.	Resident Satisfaction Survey	Not Measured	X
The Museum provides a good quality experience.	. Maintain visitor numbers	Museum visitor records.	Can be measured	
The Museum reflects the history and character of the people of Westland.	Maintain number of exhibitions and programmes per annum.	Number of exhibitions or programmes that relate to Westland.	Can be measured	This is a new measure with no previous benchmark. A comparative will need to be assessed.
Research and heritage advisory or related information services are easily accessible.	Requests for service are responded to within 5 working days	Service Request system.	Modify to Museum register shows that the initial response to enquiries is currently within 5 working days – Can be measured	Museum not currently on the Service Request system
Collection objects, archives and photographs are cared for to industry standard	Museum Collection is maintained and preserved	Museum Collection is maintained and preserved .	Can be measured	
Collection objects, archives and photographs are cared for to industry standard.	Museum Collection is maintained and accessible	Number of objects catalogued per annum.	Can be measured	
The Museum knows who their visitors are and will develop to meet their needs.	Analyse visitor profiles	Visitor survey.	Can be measured	
The Museum will develop to reflect its stakeholders and the wider community	Strategic review within first year of plan	Plan tabled and recorded in Council minutes	Can be measured	

## Service Levels and Performance Measures for the Library

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
1-Opening hours are convenient for users of District Library services	% of customers satisfied with opening hours	Resident Satisfaction Survey and Internal Survey	No internal survey No resident satisfaction Not Measured	X
2-Library services are utilised	Number of physical visits to Library	Recorded visitor numbers	Can be measured	
3-Library services are utilised	Increased use of Library facilities	Membership Issues	Can be measured	
4-The Library environment is comfortable and user friendly	% of customers satisfied with library environment	Resident Satisfaction Survey	Not Measured	X
5-A wide range of up to date material is available in a variety of formats and relevant to the community	% of customers satisfied with the selection of material available in print, E-format, audio/visual and IT services	Resident Satisfaction Survey	Not Measured	X
6-A wide range of up to date material is available in a variety of formats and relevant to the community	Increased awareness in the community of availability of material	Hits on website	Can be measured	
6a- A wide range of up to date material is available in a variety of formats and relevant to the community	Increased awareness in the community of availability of material	Downloads from E-Service 'Overdrive'	Can be measured	
7-The Library meets National Public Library Standards	The Library lending collection is up to date and relevant for the community	Library meets NZ Public Library Standard D 3.1 for issues per capita	Modify 7,8 and 9 to meets NZ Public Library Standard D 3.1	Simplify disclosure by removing repetition of technical measures.
8-The Library meets National Public	The Library lending collection is up to date	Library meets NZ Public Library Standard	As above	

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Library Standards	and relevant for the community	D.3.1 for turnover of lending collections		
9-The Library meets National Public Library Standards	The Library lending collection is up to date and relevant for the community	Library meets New Zealand Public Library Standard D.1.3 for % of operating budget allocated for purchase of collection material	As above	



## Service Levels and Performance Measures for Events

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Increase visitor numbers to Westland.	Grow the estimated economic impact to the District of major events.	BERL Impact report will not be undertaken in the 2014 year.	Not measured in 2013 as per performance measure.	X  The Berl Impact Report will not be undertaken in the 2013 year
Increase visitor numbers to Westland.	The number of events and the estimated attendance.	Crowd expectation based on ticket sales and crowd visuals.	Can be measured	
Provide excellent and well attended events.	% of residents satisfied with events and festivals.	Resident Satisfaction Survey	Not Measured	X

The above measures as adopted in the LTP reflect the overall rationale for undertaking the activity but do a poor job for assessing the performance of the events activity. The financials will reflect a significant loss due to the failed whitebait festival and a loss on the Wildfoods festival. In the preamble we have suggested adding an overall assessment.

### Example of Overall Assessment of Performance

2012/13 saw the return of the events department from the WBU. Council specifically tasked the unit to ensure “the Wildfoods Festival continues to flourish and prosper our focus will turn to developing at least one other new and iconic event experience by the close of 2013.”

Council’s overall assessment of the services levels achieved is that while undertaking a successful Wildfoods event and a new Whitebait festival the activity failed to meet its financial objectives making a financial loss on both events.

**Service Levels and Performance Measures for Community Development – Assistance/Funding**

<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
Funding is available for community projects.	Advertising of grants occurs 4 times year.	Newspaper ads, advertising in Words on Westland.	Can be measured	
Funding is available for community projects.	Number of groups/individual applying.	Number of applications received.	Can be measured	
Funding is available for community projects.	Funding is made available to all members/groups of the community.	Number of applications approved.	Can be measured	
Build capacity in the community to create community projects.	Referrals to external agencies.	Number of referrals recorded.	Can be measured	
Consult the community on issues of importance.	Number of consultations per year.	Summary of consultation results over year tabled to Council.	Can be measured	

**Service Levels and Performance Measures for Community Development – Safer Community Council:**

<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
Build capacity in the community to reduce reported crime.	Maintain low level of family violence, vandalism, and burglary.	Number of reported crimes in Family Violence, vandalism and burglary from NZ Police reports.	Can be measured	
Build capacity in the community to reduce reported crime.	At least three programmes are delivered throughout the year that meet the requirements of the funder.	Number of programmes that meet the requirements of the funder.	Can be measured	
Create opportunities for the community through building relationships with outside groups and agencies.	Meetings with the Police and other government agencies regarding prevention and programming.	Number of meetings per annum.	Can be measured	
Protect the environment from littering.	Monitor freedom campers	Number of infringements issued	Can be measured	

## Service Levels and Performance Measures for Animal Control

Level of service	Performance measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Requests for service are dealt with promptly.	All service requests are responded to within 1 working day.	Customer complaint form.	Can be measured	
The public are safe from dogs.	That the public are satisfied with the service.	Resident Satisfaction Survey	Not Measured	X
The public are safe from dogs.	Records will be kept relating to dog numbers, location, sex and breed and in conformity with the National Dog Database (NDDB).	NDDB.	Can be measured	

## Service Levels and Performance Measures for Inspections and Compliance

Level of service	Performance measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Process all applications lodged under section 44A of the Local Government Official Information and Meetings Act 1987 within the timeframes specified in the Act.	% of Building Consents processed within 20 working days	Monthly Reports.	Can be measured	
Process all applications lodged under section 44A of the Local Government Official Information and Meetings Act 1987 within the timeframes specified in the Act.	% of PIMs processed within 20 working days.	Monthly Reports	Can be measured	
Users of the service receive appropriate advice regarding their enquiry.	% of users of the service are satisfied with advice.	Resident Satisfaction Survey	Not Measured	X
Encourage compliance with health standards by undertaking inspections so that all food, liquor and other licensed premises comply with the relevant legislation.	All licensed and registered premises are inspected at least annually.	Monthly Reports/	Can be measured	
Encourage compliance with health standards by undertaking inspections so that all food, liquor and other licensed premises comply with the relevant legislation.	Work with Police and Community Public Health to reduce the negative impacts of alcohol abuse through collaborative meetings.	Quarterly Report	Modify to 1 meeting held annually with Police and Community Public Health	

## Service Levels and Performance Measures for Resource Management

Level of service	Performance measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
To ensure customers can get on with their project or business opportunities we process Resource Consents within statutory timeframes as specified in Resource Management Act.	100% of Resource Consent processed within the timeframes of the Act.	Monthly Report.	Can be measured	
Public complaints relating to environment are investigated and responded to in a timely manner.	Council respond to within 10 days.	Monthly Report.	Can be measured	
Provide and maintain a District Plan which is reflective of the community.	Work Plan is developed on changes required to the District Plan and these are effected.	Work plan developed and updated annually.	Can be measured	
Process all applications lodged under section 44A of the Local Government Official Information and Meetings Act 1987 within the timeframes specified in the Act.	100% of LIMS processed within 10 working days.	Monthly Reports.	Can be measured	
Process all applications lodged under section 44A of the Local Government Official Information and Meetings Act 1987 within the timeframes specified in the Act.	% of fast-track LIMS processed within 3 days.		Can be measured	

## Service Levels and Performance Measures for Civil Defence

Level of service	Performance measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
An excellent response to all disasters and emergencies across the District.	Number of exercises held each year.	Monitoring of these measures will be achieved through the management reports at Council's monthly meetings. Two exercises per annum.	Can be measured	
	Maintain community awareness.	Management reports at council monthly meetings of school visits.	Can be measured	
	Standard Operating Procedures (SOP's) documents are reviewed annually and signed off.	Latest signed documents held on file.	Delete	X Management practice not a measure of service performance
	Plans updated annually and on Council website.	Reports to Regional Civil Defence Emergency Management group.	Can be measured	
	% of residents that believe they are prepared for a civil defence emergency.	Resident Satisfaction Survey	Not Measured	X

**Service Levels and Performance Measures for Rural Fire**

<b>Level of service</b>	<b>Performance measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
The public is aware of fire permits and understands how to maintain a controlled fire.	Number of permitted fires that become out of control.	West Coast Rural Fire Authority reports.	Can be measured	
	Number of permits issued.	Number per year.	Can be measured	
Fires can be fought and extinguished efficiently and effectively.	Equipment complies with NRFA audits.	Compliance.	Can be measured	
	Number of training sessions is at least two per year.	Number of training sessions recorded.	Can be measured	



<b>Service Levels and Performance Measures for Transportation</b>				
<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
1-The transportation network is constructed and maintained so that it is safe and good to use.	Number of Police reported vehicle crashes per year on Council maintained roads involving injury where the contributing factor is "road factor".	NZTA Crash Analysis System.	Can be measured	
2-The transportation network is constructed and maintained in a prompt manner.	Contractors respond to and repair faults within timeframes that are specified within the maintenance contract.	Reporting from Contractors.	Can be measured	
3-Transportation activities are managed at a standard that satisfies the community.	% satisfied with Council's roading network.	Resident Satisfaction Survey	Not Measured	X
4-Transportation activities are managed at a standard that satisfies the community.	The number of service requests received regarding roading and transportation assets.	Service Request System.	Can be measured	
5-Transportation activities are managed at a standard that satisfies the community and legislation.	Consents are applied for held and monitored.	Compliance with West Coast Regional Council resource consent conditions.	Can be measured	

<b>Service Levels and Performance Measures for Transportation cont.</b>				
<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
6-Roads are comfortable to drive on.	Roads in Westland meet the national average according to the Smooth Travel Index Guide. This is the comparison of the condition of roads across New Zealand, measuring smoothness relative to traffic volume and whether the road is rural or urban.	Road Assessment and Maintenance Management system as a requirement by the New Zealand Transport Agency.	Can be measured	
7-The surface condition of roads in Westland is good quality.	Road surfaces meet the national average according to the surface condition index. This represents surface condition of roads and demonstrates Council is maximising the life of road surfaces.	Road Assessment and Maintenance Management system as required by the New Zealand Transport Agency.	Can be measured	
8-The transportation network is constructed and maintained so that it is safe and good to use.	The road network is accessible subject to planned or emergency works closure.	Service Request System.	Can be measured	
9-The transportation network is maintained so that failures are prevented as much as possible.	A customer service system is managed for handling emergency calls after hours promptly and efficiently.	Service Request System.	Can be measured	
10-Footpaths are maintained and in good condition.	Service requests regarding the state of footpaths.	Service Request System.	Can be measured	

## Service Levels and Performance Measures for Water Supply

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Requests for service are dealt with promptly.	% of disruptions to water supply are responded to within 4 hours of reporting.	Monthly reports from contractors.	Can be measured	
Council supplied potable water is safe to drink.	The number of illnesses confirmed to be attributed to consuming from Council treated water supplies.	Information provided to Council from the Health Protection Officer, Community Public Health.	Can be measured	
Council supplied potable water is safe to drink and tastes good.	% satisfied with water supply and quality.	Resident Satisfaction Survey	Not Measured	X
All Council water supply sources are managed in an environmentally sensitive manner.	All necessary consents for maintenance and capital projects are applied for, held and monitored accordingly.	Monthly reports.	Can be measured	

## Service Levels and Performance Measures for Wastewater

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Requests for service are dealt with promptly.	% of disruptions to the wastewater system are responded to within 2 hours.	Monthly reports from contractors.	Can be measured	
Properties that are within the wastewater reticulation system are able to connect to it.	% of properties within urban areas where a reticulated wastewater system is provided by Council have the ability to connect to the system at their boundary.	Number of properties with service laterals to boundary providing the building is no more than 60m away.	Can be measured	
Council wastewater systems are managed in an environmentally sensitive manner and are reliable.	No service requests received with regard to odours from Councils wastewater reticulation.	Service Request System.	Can be measured	
Council wastewater systems are managed affordably and appropriately.	All necessary consents for maintenance and capital projects are applied for, held and monitored accordingly.	Monthly reports.	Can be measured	

**Service Levels and Performance Measures for Stormwater**

<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
Stormwater systems have the capacity to resist major storms and flooding events.	No flooding of properties will occur in events with a return period of 1 in 20 years.  No reports of flooding of properties.	Service Request System.	Can be measured	
Requests for service are dealt with promptly.	% of problems with the Council stormwater system investigated within 24 hours of reporting, prioritised and a remedial plan prepared within 48 hours.	Service Request System.	Can be measured	
Council stormwater systems are managed affordably and appropriately.	All necessary consents for maintenance and capital projects are applied for, held and monitored accordingly.	Monthly reports.	Can be measured	

### Service Levels and Performance Measures for Solid Waste

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
1. A reliable refuse and recycling collection service is provided to customers.	% of customers satisfied – Collection.	Resident Satisfaction Survey	Not Measured	X
2. A reliable refuse and recycling collection service is provided to customers.	% of customers satisfied – Recycling.	Resident Satisfaction Survey	Not Measured	X
3. A reliable Transfer Station service is provided to customers.	% of customers satisfied – Opening hours at sites.	Resident Satisfaction Survey	Not Measured	X
4. Solid waste is managed affordably and appropriately.	All necessary consents for the solid waste activities and capital projects are applied for, held and monitored accordingly.	Monthly reports.	Can be measured	
5. Waste diversion increases.	Waste diverted from landfill from recycling.	Tonnes recycled.	Can be measured	
6. Recycling and diversion of waste increases.	Increased use of recycling and reuse services.	Calculate diversion rate for all waste through Hokitika Transfer Station based on tonnages reported.	Can be measured	
7. Education about waste minimisation is provided to the Community.	Number of visits to schools and community groups.	Monthly reports to Council.	Can be measured	
8. Solid waste is managed affordably and appropriately.	The Solid Waste Management Plan is available on website and for circulation to the public on request.	Plan Available.	Delete	Availability of a plan doesn't measure affordability.

**Service Levels and Performance Measures for Community Township Development**

<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
The community contributes to decision making.	Consultation occurs with each plan and projects completed to schedule.	Management reports to council.	Can be measured	
Community township development is understood and the community contributes to the process.	% satisfied with town planning services.	Resident Satisfaction Survey	Not Measured	X

## Service Levels and Performance Measures for Land and Buildings

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Maintain buildings so they are safe for the people who work and visit them.	Buildings get current Warrant of Fitness where required.	Warrant of Fitness issued.	Can be measured	
Requests for service are dealt with promptly.	Service requests are responded to within 3 working days.	Services request support system.	Can be measured	
Leased buildings or spaces are managed commercially.	Obtain market rental for offices leased.	Market review gained.	Can be measured	



**Service Levels and Performance Measures for Public Toilets**

<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
Requests for service are dealt with promptly.	Service requests are investigated and responded to within one day.	Service Request System.	Can be measured	
Public toilets are clean and safe to use.	% residents satisfied with toilet facilities.	Resident Satisfaction Survey	Not Measured	X

## Service Levels and Performance Measures for Governance

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
The community contributes to decision making.	Public notification of council meetings must be at least 10 working days before each meeting.	Adverts placed in local newspaper.	Can be measured	
Council decision making is open and transparent.	At least 90% of items on the agenda are conducted in open meetings.	Review agendas for council.	Can be measured	
Council decision making is open and transparent.	Local Government official information and Meetings Act 1987 (LGOIMA) requests are complied within the 20 working days.	Review of requests and written replies.	Can be measured	
Council decision making is open and transparent and promotes accountability.	Elected representatives attend 90% of all meetings and workshops.	Number of meetings attended.	Can be measured	
The community understands what Council does.	% of residents who understand how Council makes decisions.	Resident Satisfaction Survey	Not Measured	X
The community contributes to decision making.	At least 80% of residents feel they have some influence on decision making.	Resident Satisfaction Survey	Not Measured	X

## Service Levels and Performance Measures for Swimming Pools

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report	Comment
Users have the maximum usage if the pool during the year	Minimum season October to April	Opening times	Can be measured	
The water is a comfortable temperature for swimming	Water temperature to be maintained at between 27.5 and 28.5 Celsius	Monthly Report	Can be measured	
Pool use is maximised by the community	Increase pool usage by 1% pa	Annual Report	Can be measured	
Learn to swim courses are available for the community to utilise	A minimum of 5 courses to be held each year in either swim or exercise programme	Annual Report	Can be measured	
Pool water is safe for swimming	Tests compliant with NZS5826:2000	Monthly report for Hokitika Pool Monthly report for Ross Pool	Can be measured	
The pool environment is safe	Lifeguard supervision provided in accordance with Swimming Pool Guidelines published by New Zealand Recreation Association	NZRA Accreditation	Can be measured	
The future of the pool facility is planned for	Strategic review within first year of plan	Pool revitalisation plan in place	Can be measured	

**Service Levels and Performance Measures for Parks and Reserves**

<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report.</b>	<b>Comment</b>
Reserves are pleasant, enjoyable and safe places	% of residents satisfied with parks and reserves	Resident Satisfaction Survey	Not Measured	X
Reserves are pleasant, enjoyable and safe places	Reported injuries	Number of reported injuries	Can be measured	
Reserves are pleasant, enjoyable and safe places	Playground equipment and furniture meet Health and Safety standards	Playground warrant of fitness	Can be measured	
Requests for service are dealt with promptly	Service requests are responded to within 1 day	Service Request System	Can be measured	
We want to keep the community safe so parks and reserves are maintained to a good standard and in an environmentally sensitive manner	All necessary consents for maintenance and capital projects are applied for, held and monitored accordingly	Monthly management reports	Can be measured	

### Service Levels and Performance Measures for Elderly Housing

<b>Level of Service</b>	<b>Performance Measure</b>	<b>Information we will use to measure success</b>	<b>Approach for 2012/13 Annual Report</b>	<b>Comment</b>
The units are safe to live in.	Maintenance program is completed each year.	Monitoring against Maintenance Programme	Not measured	X
The units are clean and comfortable.	% of satisfaction of tenants with living conditions.	Annual tenant survey	Not measured	X
Tenants receive prompt response to their requests for service.	% of requests for maintenance or complaints actioned within 7 working days.	Record is kept of service requests	Not measured	X

### Service Levels and Performance Measures for Cemeteries

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report.	Comment
Cemeteries are accessible and safe for the community	% of customers feel safe in cemetery grounds	Resident Satisfaction Survey	Not measured	X
Requests for service are dealt with promptly	Service requests are responded to within 5 working days	Monthly meeting and audit report from contractor	Can be measured	
The Cemetery grounds are clean and tidy	% of customers satisfaction with state of all cemetery grounds	Resident Satisfaction Survey	Not measured	X
Burials adhere to relevant legislation	Standards for burial are adherence to Cemeteries & Cremations Act 1964	Cemetery records	Can be measured	
Cemeteries are accessible and safe for the community	Opening hours are well advertised and adhered to	Cemetery opening hours	Can be measured	

## Service Levels and Performance Measures for Corporate Services

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report.	Comment
The community contributes to decision making.	The Annual Plan and LTP must be adopted using the special consultative process, within statutory requirements.	Date of council meeting for adoption.	Can be measured	
Council decision making is open and transparent.	The Annual report must be adopted within statutory requirements 31st October.	Date of council meeting for adoption.	Can be measured	
Service and information is provided to the Community.	% satisfied with service at front-line of Council.	Resident Satisfaction Survey	Not measured	X
To provide value for money for residents and businesses who pay rates.	% reduction in rates arrears per annum.	Quarterly reports.	Can be measured	
To provide value for money for residents and businesses who pay rates and to conduct business in an environmentally sensitive manner.	The number of litres of fuel used per 100 kilometres travelled by all vehicles within the fleet per annum.	Quarterly reports. This information was obtained from the fuel card bill.	Delete	X
To provide value for money for residents and businesses who pay rates and to conduct business in an environmentally sensitive manner.	The number of kilowatt hours of electricity used per full time equivalent (fte) per annum.	Quarterly reports. This information was obtained from the electricity bill.	Delete	X
To provide value for money for residents and businesses who pay rates and to conduct business in an environmentally sensitive manner.	The kilograms of waste sent to landfill from the main Council office per full time equivalent (fte) in that office, per annum.	Quarterly reports	Delete	X
To provide value for money for residents and businesses who pay rates and to conduct business in an environmentally sensitive manner.	The number of kilograms of paper used in the main Council office per fulltime equivalent (fte) in that office, per annum.	Quarterly reports	Delete	

## Service Levels and Performance Measures for Community Halls

Level of Service	Performance Measure	Information we will use to measure success	Approach for 2012/13 Annual Report.	Comment
Buildings and halls provide a safe and useful resource for the local community	Buildings have current WOF where required	WOF issued	Can be measured	
Buildings and halls provide a safe and useful resource for the local community	% of residents satisfied with the standard of their hall or community building	Resident Satisfaction Survey	Not measured	X
Requests for service are dealt with promptly	Service requests are requested to within 3 working days	Service Request support system	Can be measured	



## MINUTES OF THE INAUGURAL COUNCIL MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 24 OCTOBER 2013 COMMENCING AT 9.00 AM

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### 1. STATUTORY BUSINESS:

The Chief Executive chaired the welcome section of the meeting.

#### 1.1 Present

His Worship the Mayor, M.T. Havill (**Chairperson for the rest of the meeting, after the Declaration**)

Cr. J.H. Butzbach, Cr. P.M. Cox, Cr. M.S. Dawson, Cr. D.G. Hope,  
Cr. A.R. Keenan, Cr. L.J. Martin, Cr. M.D. Montagu, Cr. C.A. van Beek.

#### Apologies

Nil.

#### Also in Attendance

T.L. Winter, Chief Executive (Chair for the welcome part of the meeting);  
Vivek Goel, Group Manager: District Assets; D.M. Maitland, Executive Assistant; R.C. Simpson, Manager Planning and Regulatory.

#### 1.2 Declaration by His Worship The Mayor

Mayor Havill completed his statutory declaration, witnessed by the Chief Executive.

#### 1.3 Welcome from Mayor Havill

Mayor Havill welcomed Councillors to the meeting and congratulated them on their election and re-election. He went on to thank the previous

Councillors and emphasised the importance of working collectively and mutual respect.

#### **1.4 Declaration by Councillors**

All Councillors completed their statutory declaration, witnessed by His Worship the Mayor and provided a short address to the group present.

Students from the Kapa Haka Group at Westland High School gave a performance for Cr. Martin's declaration.

*The meeting adjourned for morning tea at 9.30 am and reconvened at 10.00 am.*

#### **1.5 Short Address by Mayor**

Mayor Havill then gave a short address to the Councillors highlighting the important of mutual respect for each other and the requirement to respect the confidentiality of the various information that will be provided to the Councillors.

#### **1.6 Appointment of Deputy Mayor**

Under the new Mayoral Powers, as provided for in the amended Local Government Act 2002, Mayor Havill appointed Cr. Pauline Cox as Deputy Mayor of Westland District Council.

#### **1.7 Short Address by Individual Councillors**

Mayor Havill asked the Councillors to briefly highlight their aspirations and vision for the new Council. All Councillors then provided a short address to Council.

#### **1.8 Executive Committee**

Mayor Havill appointed Cr. Mark Dawson as Chairman of the Executive Committee, which will comprise of Mayor Havill, Deputy Mayor, and Chairman of the Committee, with the proviso to co-opt one other Councillor.

Mayor Havill noted that Terms of Reference and Delegated Authority for the Executive Committee will be developed.

### 1.9 Council Meeting Schedule for the remainder of 2013.

*The Chief Executive spoke to this item.*

Mayor Havill suggested that every second Council meeting be rotated and held throughout the townships in the Westland District. All Councillors supported this suggestion.

Moved Cr. Montagu, seconded Cr. Butzbach and **Resolved** that the schedule of meetings for the remainder of 2013 be adopted as follows:

31 October	Ordinary Council Meeting	9.00 am
28 November	Council Meeting at Franz Josef Glacier/Waiau, including the opening of the new upgraded Franz Josef Water Treatment Plant.	9.00 am
19 December	Council Meeting	9.00 am

### 1.10 Legislative Advice to the incoming Council

*The Chief Executive spoke to this report.*

Moved Cr. Montagu, seconded Cr. Martin and **Resolved** that the report "Legislative Advice to the Incoming Council" including the Summary of Legislation be received.

**MEETING CLOSED AT 10.57 AM**  
**NEXT MEETING: THURSDAY 31 OCTOBER 2013**  
**COMMENCING AT 9.00 AM**

**Confirmed by:**

# Report



**DATE:** 31 October 2013  
**TO:** Mayor and Councillors  
**FROM:** Acting Corporate Services GM

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## ADOPTION OF STANDING ORDERS

### 1.0 SUMMARY

- 1.1 The purpose of this report is to adopt a set of standing orders for the conduct of Council and Committee meetings.
- 1.2 This issue arises from the requirements of the Local Government Act 2002 ([Schedule 7, Part 1 Sec 27](#)).
- 1.3 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:
- (b) To enable democratic local decision-making and action, by and on behalf of, communities; and
  - (c) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

<b>Vision's Objectives</b>	<b>Achieved By</b>
Involving the community and stakeholders Having inspirational leadership	Standing orders provides for the efficient operation of Council meetings and decision making in an open and transparent way and includes the process for which the community can participate in

- 1.5 This report concludes by recommending that Council adopt the Amended Standing orders.

## 2.0 BACKGROUND

- 2.1 Councillors have been provided with a copy of the Standards NZ Model Standing Orders NZ 9202:2003.
- 2.2 While the Model Standing Orders comply with the legislative requirements (and provides such references) it is recommended that Council amends these and adopts a set of standing orders specific to its requirements.
- 2.3 Attention is drawn to clause 1.2 on page 7 of the standing orders which makes it clear that appendices that are labelled “informative” do not form part of the Standing Orders.
- 2.4 Once adopted, an amendment to standing orders requires a 75% majority of the members present (e.g. 7/9)

## 3.0 CURRENT SITUATION

### 3.1 Proposed amendments:

- a) P8. The definition of Publically notified be amended to allow for the opportunities the internet provides: *“Publically notified means notified to members of the public by notice contained in some newspaper circulating in the district of the local authority and/or transmitted on some radio or television station broadcasting in the district of the local authority, or on Council’s website, or by notice published on a signboard affixed to public places in the district to which the notice relates.”*
- b) P11 2.2.2 (e) be amended to reflect the current legislation to read: *“The appointment of the deputy mayor by the mayor under section 41A (3) (a) of the Local Government Act 2002 OR if the Mayor declines to use these powers, the election of the deputy mayor or deputy chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act]. Note that nothing limits or prevents a territorial authority from removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under section 41A (3)(a).”*

To avoid doubt Clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power to appoint (section 41A(7))

- c) P11 2.2.3 be amended to enforce the need for email communication:  
*“Every member of a local authority must give to the chief executive a residential address or business address and an email address together with, if desired, a facsimile or other address within the district or region of the local authority to which notices and material relating to meetings and local authority business may be sent or delivered.”*
- d) P13 2.2.1(2)(b) be amended to determine the Mayor or a chairpersons voting rights to either:  
*“That in the case of an equality of votes the Chairperson does have a casting vote.” Or*  
*“That in the case of an equality of votes the Chairperson does not have a casting vote.”*
- e) P13/14 2.6.1 be amended to select a voting system from either:  
System A; or  
System B
- f) P14 2.7.1 be amended for recent legislative changes to read:” *The Mayor has the following powers under section 41A (3)*  
*(b) to establish committees of the territorial authority*  
*(c) to appoint the chairperson of each committee established under paragraph (b) and for that purpose, a mayor may make the appointment before other members of the committee are determined and may appoint himself or herself.*  
*However nothing in subsection (3) limits or prevents a territorial authority from discharging or reconstituting in accordance with Clause 30 of Schedule 7, a committee established by the mayor under subsection (3) (b) or appointing in accordance with Clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b) or discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).*  
*[section 41A, cl. (3) and (4)]*  
*The Mayor may decline to use the powers in section 41A or the territorial authority may discharge or reconstitute a committee established by the mayor in accordance with clause 30 of schedule 7 as follows:*  
*A local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority.”*

[cl. 30(1) & (2), Schedule 7, LGA]"

- g) P16 2.9.5 be amended to remove any doubt to read: *"The Mayor or chairperson of the local authority is appointed an ex-officio member of any committee other than a community board or quasi-judicial committee."*
- h) P16 2.10.1 be amended for recent legislative changes by adding: *"(h)the power to adopt remuneration and employment policy."*
- i) P21 2.15.12 be amended for simplicity to read: *"The members of each committee are not to be named on the relevant agenda but will be listed on Council's website."*
- j) P24 3.3.4 be amended for the efficient operation of the meeting to read: *"Members granted the right to speak at meetings are to address the Chairman, and may not leave their place without the leave of the Chairman. Members may remain seated when speaking at ordinary and extraordinary meetings of the local authority and at committee meetings."*
- k) P24 3.3.8(c) be amended for clarity to read: *"Any recording of meetings must be approved by the Chairperson at the commencement of the meeting and members advised of such recording."*
- l) P27 3.7.2.1 be added for the efficient preparation and operation of meetings: ***"Councillor Reports:*** *The Chief Executive shall include Councillor Reports in the Council agenda, when received in writing seven days prior to the meeting. Councillor Reports should record activities, such as meetings and training attended by Councillors, for the purpose of recording major matters of interest to Council."*
- m) P35 3.14.2 be amended to reflect the decision for clause 2.2.1(2)(b) to either:
  - "In the case of an equality of votes, does have a casting vote." Or*
  - "In the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved)."*
- n) P39 3.19.7 be added to provide clear instruction on the conduct of public forum:  
3.19.7 ***Public Forum:*** *A public forum will be conducted at the commencement of each meeting of Council. The following procedure shall apply to every public forum:*

- (a) A period of not more than 30 minutes be provided for the public forum.
- (b) Each speaker (or groups of speakers) must advise the Committee Secretary of their desire to speak.
- (c) Standing Orders 3.19.2, 3.19.4, 3.19.5 and 3.19.6 apply to the public forum.
- (d) Each speaker (or group of speakers) has a maximum of five minutes to speak to the meeting, unless otherwise agreed by prior arrangement.
- (e) Standing Order 3.19.7(d) does not apply where there are more than six separate presentations. In those circumstances, the available time shall be allocated equitably amongst the presenters at the discretion of the Chairperson.
- (f) with the permission of the Chairperson, members may ask questions of clarification to the speaker.
- (g) In the event that no speakers appear, the meeting will proceed to the next agenda item."

- o) P39 3.21.1 be amended to allow for efficient meetings to read: "At the discretion of the Chairperson any person authorised by the Chairperson, including any officer of the Council, may address a meeting to provide assistance and advice to the Chairperson and members. The Chairperson would normally ask an officer to address there report on the agenda prior to seeking a resolution for debate from meeting."

## OPTIONS, SIGNIFICANCE AND CONSULTATION

- 3.2 Council must adopt a Set of Standing orders.
- 3.3 The decision to adopt a set of Standings Orders is administrative and of low significance.
- 3.4 No consultation is required.

## 4.0 RECOMMENDATIONS

- A. THAT Council amends Standards NZ Model Standing Orders NZS 9202:2003 as follows:

- a) P8. The definition of Publically notified be amended to: "Publically notified means notified to members of the public by notice contained in some newspaper circulating in the district of the local authority and/or transmitted on some radio or television station broadcasting in the district of the local authority, or on Council's website, or by notice published on a signboard affixed to public places in the district to which the notice relates."



- b) P11 2.2.2 (e) be amended to: *“The appointment of the deputy mayor by the mayor under section 41A (3) (a) of the Local Government Act 2002 OR if the Mayor declines to use these powers, the election of the deputy mayor or deputy chairperson in accordance with clause 17 [of Schedule 7 of the Local Government Act]. Note that nothing limits or prevents a territorial authority from removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under section 41A (3)(a).*

*To avoid doubt Clause 17(1) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power to appoint (section 41A(7))*

- c) P11 2.2.3 be amended to: *“Every member of a local authority must give to the chief executive a residential address or business address and an email address together with, if desired, a facsimile or other address within the district or region of the local authority to which notices and material relating to meetings and local authority business may be sent or delivered.”*

- d) P13 2.2.1(2)(b) be amended to either:  
*“That in the case of an equality of votes the Chairperson does have a casting vote.” Or*  
*“That in the case of an equality of votes the Chairperson does not have a casting vote.”*

- e) P13/14 2.6.1 be amended to either:  
System A; or  
System B

- f) P14 2.7.1 be amended to: *“ The Mayor has the following powers under section 41A (3)*

*(b) to establish committees of the territorial authority*

*(c) to appoint the chairperson of each committee established under paragraph (b) and for that purpose, a mayor may make the appointment before other members of the committee are determined and may appoint himself or herself.*

*However nothing in subsection (3) limits or prevents a territorial authority from discharging or reconstituting in accordance with Clause 30 of Schedule 7, a committee established by the mayor under subsection (3) (b) or appointing in accordance with Clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b) or discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).*

[section 41A, cl. (3) and (4)]

*The Mayor may decline to use the powers in section 41A or the territorial authority may discharge or reconstitute a committee established by the mayor in accordance with clause 30 of schedule 7 as follows:*

*A local authority may appoint – the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate and ... a committee may appoint the subcommittees that it considers appropriate unless it is prohibited from doing so by the local authority."*

*[cl. 30(1) & (2), Schedule 7, LGA]"*

- g) P16 2.9.5 be amended to: *"The Mayor or chairperson of the local authority is appointed an ex-officio member of any committee other than a community board or quasi-judicial committee."*
- h) P16 2.10.1(h) be added: *"the power to adopt remuneration and employment policy."*
- i) P21 2.15.12 be amended to: *"The members of each committee are not to be named on the relevant agenda but will be listed on Council's website."*
- j) P24 3.3.4 be amended to: *"Members granted the right to speak at meetings are to address the Chairman, and may not leave their place without the leave of the Chairman. Members may remain seated when speaking at ordinary and extraordinary meetings of the local authority and at committee meetings."*
- k) P24 3.3.8(c) be amended to: *"Any recording of meetings must be approved by the Chairperson at the commencement of the meeting and members advised of such recording."*
- l) P27 3.7.2.1 be added to: *"**Councillor Reports:** The Chief Executive shall include Councillor Reports in the Council agenda, when received in writing seven days prior to the meeting. Councillor Reports should record activities, such as meetings and training attended by Councillors, for the purpose of recording major matters of interest to Council."*
- m) P35 3.14.2 be amended to either:
  - "In the case of an equality of votes, does have a casting vote." Or*
  - "In the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved)."*

- n) P39 3.19.7 be added:
- 3.19.7 **Public Forum:** A public forum will be conducted at the commencement of each meeting of Council. The following procedure shall apply to every public forum:*
- (a) A period of not more than 30 minutes be provided for the public forum.*
- (b) Each speaker (or groups of speakers) must advise the Committee Secretary of their desire to speak.*
- (c) Standing Orders 3.19.2, 3.19.4, 3.19.5 and 3.19.6 apply to the public forum.*
- (d) Each speaker (or group of speakers) has a maximum of five minutes to speak to the meeting, unless otherwise agreed by prior arrangement.*
- (e) Standing Order 3.19.7(d) does not apply where there are more than six separate presentations. In those circumstances, the available time shall be allocated equitably amongst the presenters at the discretion of the Chairperson.*
- (f) with the permission of the Chairperson, members may ask questions of clarification to the speaker.*
- (g) In the event that no speakers appear, the meeting will proceed to the next agenda item."*
- o) P39 3.21.1 be amended to: *"At the discretion of the Chairperson any person authorised by the Chairperson, including any officer of the Council, may address a meeting to provide assistance and advice to the Chairperson and members. The Chairperson would normally ask an officer to address there report on the agenda prior to seeking a resolution for debate from meeting."*

- B. **THAT** Council adopt the "Westland District Council Standing Orders" as being the Standards NZ Model Standing Orders NZS 9202:2003 as amended by resolution A (above).

**Appendix 1: Standards NZ Model Standing Orders NZS 9202:2003 (separately distributed)**

**Stephen Halliwell**  
**Acting Corporate Service GM**

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**Mike Havill**  
**Mayor**

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**Date**

# Report



**DATE:** 31 October 2013  
**TO:** Mayor and Councillors  
**FROM:** Manager: Planning and Regulatory

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## **SECTION 33 RMA: TRANSFER OF FUNCTIONS**

### **1.0 SUMMARY**

- 1.1** The purpose of this report is to continue to assist the Council in the process of transferring certain resource management and District Plan functions from the Council to the West Coast Regional Council (WCRC).
- 1.2** This issue arises from Council's decisions (September 2013) that adopted a proposed Deed of Transfer and agreed to proceed to the next stage of the transfer by preparing a Statement of Proposal for a special consultative procedure.
- 1.3** The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002 Amendment Act 2012. That purpose is:
  - (d) To enable democratic local decision-making and action, by and on behalf of, communities; and
  - (e) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4** Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

<b>Vision's Objectives</b>	<b>Achieved By</b>
Involving the community and stakeholders	Consulting with and having regard for the views of important stakeholders and the community.

1.5 This report concludes by recommending that Council adopts a Statement of Proposal and proceeds with a special consultative procedure for the transfer of mining functions to the West Coast Regional Council.

## 2.0 BACKGROUND

2.1 Applicants for resource consents for mineral activities generally deal with both authorities as a case of statutory necessity. In addition, applicants need to deal with land owners, and other statutory bodies such as DoC and NZHPT.

2.2 Section 30 of the Resource Management Act provides that the function of a regional council is the integrated management of the natural and physical resources of the region. Essentially, the WCRC's regulatory influence is restricted to matters of water and soil conservation.

2.3 Section 31 of the Resource Management Act provides that the function of a territorial authority is the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District. A District Council's regulatory requirements extend across the environment to encompass the management of noise, heritage, amenity effects, visual effects and the consideration of significant terrestrial ecosystems.

2.4 Council considered a proposal to transfer some or all mining resource management functions to the WCRC and consulted with the industry and others.

2.5 As anticipated, the question of "duplication" was seen to be important for the industry. The industry saw favour in the option of a "single application". Other comments related to the need to obtain consent at all and the fundamental statutory roles of the two Councils.

2.6 At its meeting on 29 August 2013 Council resolved to commence the transfer of mining functions to the WCRC.

2.7 Both Councils, as a precursor to the proposed transfer, negotiated a proposed Deed of Transfer. The need for an agreement was seen as an essential component of a Statement of Proposal in order to give clarity as to the intention.

2.8 At its meeting on 26 September Council resolved to adopt a proposed deed of transfer with the WCRC and commence the Special Consultative Procedure.

### **3.0 CURRENT SITUATION**

3.1 Council has considered the arrangements under which a transfer could proceed. The Act now requires that a Statement of Proposal be prepared and that the requirements of the special consultative procedure specified in the LGA now commence.

3.2 Staff have prepared a draft Statement of Proposal attached as Appendix 1.

### **4.0 OPTIONS**

4.1 Adopt the draft Statement of Proposal as attached.

4.2 Amend the draft Statement of Proposal as attached.

4.3 Reject the draft Statement of Proposal as attached.

4.4 Not proceed with the transfer of functions at this time.

### **5.0 SIGNIFICANCE AND CONSULTATION**

5.1 The transfer of functions under the provisions of the RMA is considered to be a significant action by virtue of the statutory requirement for consultation.

5.2 The special consultative procedure is specifically provided to ensure that consultation with the public occurs.

### **6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 This current part of the process is essential to make progress. Council's clear intention is to proceed with the transfer subject to the outcomes of the special consultative procedure.
- 6.2 The proposed deed is acceptable to both Councils.
- 6.3 Financial implications are a reduction in overall income to the Council by way of resource consent fees and the loss of monitoring and enforcement income.

## 7.0 PREFERRED OPTION AND REASONS

- 7.1 That the Statement of Proposal is adopted and the special consultative procedure commence.

## 8.0 RECOMMENDATION

- C. That the proposed Statement of Proposal be adopted and the special consultative procedure commence.

**Richard Simpson**  
**Manager: Planning and Regulatory**

**Appendix 1: Draft Statement of Proposal**



**STATEMENT OF**  
**PROPOSAL: SECTION 33**  
**RESOURCE**  
**MANAGEMENT ACT 1991:**  
**TRANSFER OF**  
**FUNCTIONS**



## **1. INTRODUCTION**

At its meeting on 29 August 2013 the Westland District Council resolved that Council transfer the processing, monitoring and compliance functions relating to mining consents to the West Coast Regional Council.

The Council had been considering the concept of transferring minerals functions to the West Coast Regional Council for over 12 months. Council had been engaging informally with representatives of the minerals industry and the Council learned that “duplication” was a major issue for the industry in that it had to deal with both the Regional and District Councils.

The Council consulted with a wide cross section of people and organisations associated with the minerals industry and requested feedback as to how the concept of the transfer of mineral functions would be received by the industry at large. The feedback was such that the Council chose to draft a proposal to transfer mining functions to the West Coast Regional Council.

## **2. LEGISLATIVE FRAMEWORK**

### **2.1 Section 33 of the Resource Management Act 1991 (RMA)**

Section 33 provides that a local authority may transfer any one or more of its functions, powers, or duties under the Act to another public authority.

Where a Council sees a benefit in the transfer of a function, power or duty, Section 33 also requires that the special consultative procedure (Section 83 of the Local Government Act 2002) is to be utilised and the authorities that are agreeable to the transfer must agree that the transfer is desirable on the grounds of community of interest, efficiency and technical or special capability or expertise. The Minister for the Environment must also be advised of the transfer prior to the commencement of the special consultative procedure.

### **2.2 Section 83 of the Local Government Act 2002 (LGA)**

The purpose of this Statement of Proposal is to state the Council’s intention in terms of its compliance with Section 83 of the Local Government Act (LGA). The Minister for the Environment has been advised of the intention and the Westland District Council and the West Coast Regional Council have drafted a proposed agreement relating to the transfer of mining functions. The Councils considered that an agreement be proposed prior to the special consultative procedure commencing so that the public could have some degree of certainty of outcome during the submission stage.



### **3. REASONS FOR THE PROPOSAL**

Council has formed the view that the transfer of mining functions to the West Coast Regional Council is an efficient mechanism for dealing with mining applications and mining operations. The Council is of the view that, because applicants for resource consents for mining activities generally have to deal with both the Regional and District Council as a case of statutory necessity, there is an unnecessary duplication. Additionally, applicants often have to deal with landowners and other statutory bodies such as the Department of Conservation and the New Zealand Historic Places Trust.

The Council also holds the view that the West Coast Regional Council has specialist skills in the areas of water and soil conservation and that those skills would have benefit when dealing with mining applications and associated resource consents. This is particularly so in respect of monitoring functions.

In order that there is clarity to the general public as to how the transfer will work, the Councils have negotiated a draft deed that identifies how the transferred functions are proposed to be dealt with. A copy of the proposed deed is attached and forms part of this Statement of Proposal.

### **4. AVAILABILITY AND CONSULTATION**

The Council has now reached the stage where the special consultative procedure provided for within the LGA must be proceeded with. Copies of this Statement of Proposal together with copies of various reports considered by the Council are able to be obtained from the District Council office during usual office hours.

The Council now proposes that applications for resource consents for mining and the monitoring and the checking of compliance of resource consents be transferred to the West Coast Regional Council. Public notice of the proposal to transfer those activities will be given on 5 November 2013 and the notice will invite participation and feedback on the transfer proposal.

Any submission is required to be lodged at the Council building **prior to 5.00pm** on 4 December 2013. Any submissions received will be considered at the regular meeting of the Council to be held on 19 December 2013.

Submissions must be sent to the Westland District Council, Private Bag 704, Hokitika 7842 and the Officer for enquiries is Richard Simpson, (03) 756 9010.

Dated at Hokitika this 31<sup>st</sup> day of October 2013.

**Tanya Winter**

**Chief Executive**

## DEED TO TRANSFER FUNCTIONS UNDER SECTION 33 OF THE RESOURCE MANAGEMENT ACT 1991

**THIS DEED** is made on the                      day of    2013

**BETWEEN**                                      **THE WESTLAND DISTRICT COUNCIL**, a body corporate under the Local Government Act 2002 (“the District Council”)

**AND**    **THE WEST COAST REGIONAL COUNCIL**, a body corporate under the Local Government Act 2002 (“the WCRC”)

### **WHEREAS:**

- A. Under section 31(1) of the Resource Management Act 1991 (“the Act”), the District Council has the function of controlling any actual or potential effects of the use, development, or protection of land, including the effects of mining-related activities, within the Westland District.
- B. In accordance with the Act, the District Council has prepared the Westland District Plan, which includes objectives, policies, and rules for mining-related activities.
- C. Under section 30(1) of the Act the WCRC has the functions of controlling the use of land for the purpose of soil conservation, and managing effects of water use and discharges, including the effects of mining-related activities, within the West Coast Region.
- D. The District Council has agreed to transfer to the WCRC and the WCRC has agreed to accept transfer of its functions for mining-related activities in the Westland District.
- E. Both the WCRC and the District Council agree that the transfer is desirable on all of the following grounds required by section 33 of the Act:
  - (a) The authority to which the transfer is made represents the appropriate community of interest relating to performance of the function transferred; and
  - (b) Efficiency; and
  - (c) Technical or special capability or expertise.
- F. The proposed transfer was approved by the District Council and the WCRC, after the District Council undertook the special consultative procedure specified in the Local Government Act 2002.
- G. Before using the special consultative procedure, the District Council gave notice to the Minister for the Environment of its proposal to transfer its functions, powers and duties outlined in this Deed.

### **NOW THIS DEED RECORDS:**

#### **1. INTERPRETATION**

1.1 In this Deed, unless the context otherwise requires:

“exploration”, “mining” and “prospecting” have the same meanings as in the Westland District Plan;

“Government Agency” means any national, regional or local governmental or semi-governmental agency, administrative body, judicial body, tribunal, department, commission, public authority, agency, minister, statutory corporation or instrumentality;

“Law” means any legally binding law, legislation, statute, Act, rule, order or regulation which is enacted, issued or promulgated by the Parliament of New Zealand, the Governor General by Order-in-Council or a Government Agency;

“Mining-related activities” includes:

- a) exploration;
- b) mining;
- c) prospecting;
- d) operations which are ancillary to the exploration, mining, or prospecting for any mineral;
- e) the following activities when carried out on the same site as an exploration, mining or prospecting activity and where such activities are ancillary to the exploration, mining or prospecting activity:
  - i. the extraction, transport, treatment, processing and separation of any mineral or chemical substance from the mineral;
  - ii. the construction, maintenance, and operation of any works and other land improvements (but excluding any buildings and structures as defined in the Westland District Plan), and of any related machinery and equipment connected with the operation;
  - iii. the clearance of vegetation by any means;
  - iv. the removal of over-burden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any minerals;
  - v. the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations; and
  - vi. the doing of all lawful acts incidental or conducive to the operations; and
- f) includes any access or track formation for the purposes of exploration, mining or prospecting that does not occur on unformed legal road.

1.2 In this Deed, unless the context otherwise requires:

- a) references to clauses are to clauses in this Deed;
- b) headings appear as a matter of convenience and do not affect the construction of this Deed;
- c) including and similar words do not imply any limitation;
- d) a reference to a person includes a local authority, company, limited partnership, and also any body of persons, whether incorporated or unincorporated, and includes their representatives, executors and assigns;
- e) the singular includes the plural and vice versa, and words importing one gender include the other genders; and
- f) a reference to:
  - i. any Law is a reference to that Law as amended from time to time, or to any Law that has been substituted for that Law; and

- ii. any document is a reference to that document as amended from time to time, or to any document that has been substituted for that document.

## **2. COMMENCEMENT DATE**

2.1 The transfer effected by this Deed commences on 2013.

## **3. TRANSFER**

3.1 The District Council transfers under Section 33 of the Act to the WCRC the functions in Clause 4.

3.2 The WCRC accepts the transfer effected by this Deed.

3.3 This transfer is on the terms and conditions set out in this Deed, and the parties are at all times subject to the provisions of the Act and any other Law.

## **4. FUNCTIONS TRANSFERRED**

4.1 The functions transferred under this Deed are the functions, powers and duties of the District Council in relation to mining-related activities under Section 36, Part 6, Part 6AA and Part 12 of the Act.

## **5.1 WARRANTIES**

5.1 The WCRC warrants to the District Council that in performing the functions, powers and duties transferred and otherwise performing its obligations under this Deed it will:

- a) devote such time, resources (including engaging specialist staff where necessary), care, diligence, attention and skill as is reasonably necessary for the proper and efficient provision of the Functions;
- b) exercise the degree of skill, care, prudence, foresight and diligence which would reasonably and ordinarily be expected from a skilled and competent professional engaged in the same type of undertaking under the same circumstances; and
- c) comply with all applicable Laws and the terms and conditions set out in this Deed.

## **5. COSTS**

5.1 The WCRC may charge and recover fees for mining-related activities in accordance with Section 36 of the Act.

## **6. LIAISON**

6.1 The WCRC may consult with the District Council where it considers that in performing the functions, powers and duties transferred, it would be assisted by the technical capability of the District Council.

6.2 Where any mining-related activity is immediately adjacent to, or will affect legal road, WCRC will seek comment from the District Assets staff of WDC. This consultation will occur over and above any assessment of affected parties to the consent application. This provision may be met through the agreement of standardised requirements, or consultation on a consent basis with an agreed response timeframe.

6.3 To the extent permissible by Law, the District Council shall provide to the WCRC as soon as practicable any information, advice or comment on any mining-related matter reasonably requested by the WCRC to assist the WCRC to carry out the functions, powers and duties transferred.

6.4 The parties will cooperate in good faith:

- a) to expedite the transfer to the WCRC of any such matters being handled by the District Council as at the commencement date in Clause 2, which relate to functions, powers or duties transferred to the WCRC pursuant to this Deed; and
- b) in the event that this Deed terminates in accordance with clause 11, to expedite the transfer to the District Council of any such matters which relate to functions, powers or duties transferred to the WCRC pursuant to this Deed.

## **7. REPORTING**

7.1 The WCRC shall report to the District Council information about any of the functions transferred as agreed with the District Council.

## **8. RELINQUISHMENT**

8.1 If the WCRC considers relinquishing the functions, powers and duties transferred, it shall first consult with the District Council as soon as practicably possible.

8.2 If, following such consultation, the WCRC decides to relinquish all or any of the functions, powers or duties transferred it shall give one months' written notice of its decision to the District Council.

## **9. CHANGE OF TRANSFER**

9.1 Pursuant to Section 33(8) of the Act, the District Council may change the transfer effected by this Deed at any time, by notice to the WCRC.

## **10. REVOCATION OF TRANSFER**

10.1 Pursuant to Section 33(8) of the Act, the District Council may revoke the transfer effected by this Deed at any time, by notice to the WCRC.

## **11. DURATION**

11.1 This Deed and the transfer made under it shall remain in full force and effect until revoked by the District Council or relinquished by the WCRC under Clauses 8 or 10 of this Deed.

## **12. DEALING WITH DISPUTES**

12.1 If any difference or dispute arises as to the interpretation of this Deed or as to any matter arising out of or in connection with this Deed, including any question regarding its existence, validity or termination ("Dispute") (other than a Dispute precluded by clause 13), then either party shall by notice in writing served on the other party inform the other party of the details of the Dispute.

12.2 Both parties undertake to use their best endeavours to resolve any Dispute by amicable and bona fide negotiation and discussion or by utilising appropriate alternative dispute resolution techniques.

12.3 Where a Dispute remains unresolved for more than four weeks, either party will be entitled to refer the Dispute to mediation by notice in writing to the other party.



- 12.4 The parties will agree on a suitable person to act as mediator. If the parties fail to reach agreement within five business days of the matter being referred to mediation in accordance with clause 12.3, either party may request the President for the time being of the New Zealand Law Society, or the nominee of such President, to appoint a mediator.
- 12.5 The mediation will be in accordance with the Mediation Protocol of the Arbitrators' and Mediators' Institute of New Zealand, Inc. The mediation shall be terminated by:
- a) the signing of a settlement agreement by the parties;
  - b) notice to the parties by the mediator, after consultation with the parties, to the effect that further efforts at mediation are no longer justified;
  - c) notice by one or more of the parties to the mediator to the effect that further efforts at mediation are no longer justified; or
  - d) the expiry of 40 days from the mediator's appointment, unless the parties expressly consent to an extension of this period.
- 12.6 If the mediation is terminated as provided in clauses 12.5(b), (c) or (d) the Dispute shall be referred to and finally resolved by arbitration in New Zealand in accordance with New Zealand law and the current Arbitration Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc. The arbitration shall be by one arbitrator to be agreed upon by the parties and if they should fail to agree within 21 days, then to be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Inc. Any such arbitration shall take place in Hokitika or Greymouth.

### **13. ALTERNATIVE DISPUTE RESOLUTION BY EXPERT**

- 13.1 As an alternative to the dispute resolution procedures in clause 12 the parties may by written agreement elect to engage an Expert in accordance with the following provisions to resolve any Dispute. This procedure, if adopted, is in substitution of the procedure set out in clause 12 and once an election under this clause has been made the parties may not commence the procedures provided for under clause 12 in relation to the Dispute the subject of the election. The parties shall agree on the manner in which the Expert will conduct the Dispute.
- 13.2 If the parties elect by written agreement to engage an Expert to determine a Dispute, then the following provisions apply:
- a) the Expert is to be appointed by agreement between the parties. Failing agreement within 5 business days after the agreement to use an Expert, either party may request the President for the time being of the New Zealand Law Society, or the nominee of such President, to appoint an Expert;
  - b) upon the Expert being appointed, each party will provide the Expert with a written description of the subject matter and details of the Dispute;
  - c) the Expert:
    - i. shall act as an expert and not an arbitrator;
    - ii. may inspect any records kept by a party in relation to the matter being considered by the Expert at any reasonable time;

- iii. is to consider and take into account material, representations and other relevant matters submitted to him or her by a party in accordance with clause 12.2(b); and
  - iv. shall give the parties, within 30 days after his or her appointment, or such other period as the parties may agree, written notice of his or her decision and that decision shall be final and binding on the parties;
- d) if, at any time, it becomes apparent that the Expert will not perform his or her duties under this clause 12 (whether by relinquishing his or her appointment, by failing to provide written notice of his or her decision in accordance with subclause (c)(iv), or by death), a new person may be appointed as Expert in his or her place and the provision of this clause 12.2 shall operate in relation to that appointment;
- e) the parties and the Expert shall keep confidential and shall not disclose to any one not involved in the determination any information contained in the decision unless such disclosure is made in any subsequent proceedings to enforce the Expert's decision; and
- f) the parties' own costs and the costs and expenses of the Expert shall be borne and shared by both parties in the manner determined by the Expert and in the absence of any such determination, each party shall bear its own costs and an equal share of the costs and expenses of the Expert.

#### **14. MISCELLANEOUS**

14.1 Notices under this Deed must be in writing and sent to the following contact addresses (or alternative addresses notified in writing by the relevant party):

Westland District Council:

The Chief Executive  
 Westland District Council  
 Private Bag 704  
 Hokitika 7842  
 Fax: 03 756 9046  
 Email: ce@westlanddc.govt.nz

West Coast Regional Council:

The Chief Executive  
 West Coast Regional Council  
 PO Box 66, Greymouth  
 Fax: 03 768 7133  
 Email: ci@wcrc.govt.nz

14.2 Notices:

- a) delivered or sent by facsimile shall be deemed given when correctly sent provided that notices given after 5.00pm on a business day or at any time on a non business day shall be deemed given on the next business day;
- b) sent by mail shall be deemed given on the date which is three (3) business days following posting;  
or
- c) sent by email, shall be deemed to have been received at the time of transmission provided that:

- i. a delivery receipt has been received by the sender; and
- ii. any email sent after 5.00pm on a business day or at any time on a non business day shall be deemed delivered on the next business day.

14.3 This Deed is the entire agreement between the parties about its subject matter and replaces all previous agreements, understandings, representations and warranties about that subject matter.

14.4 No delay, neglect or forbearance by any party in enforcing against the other party any right or remedy under this Deed shall be deemed to be a waiver of or in any way prejudice the right or remedy nor shall any single or partial exercise of any right or remedy preclude any other or further exercise thereof or the exercise of any other right or remedy.

14.5 No amendment to this Deed will be effective unless it is in writing and signed by both parties.

14.6 Except as expressly provided in this Deed:

- a) nothing in this Deed is intended to constitute a fiduciary relationship or an agency, partnership or trust; and
- b) neither party has authority to bind the other party.

14.7 Any term of this Deed which is wholly or partially void or unenforceable is severed to the extent that it is void or unenforceable. The validity or enforceability of the remainder of this Deed is not affected.

14.8 Except as expressly provided in this Deed, the rights of a party under this Deed are in addition to and do not exclude or limit any other rights or remedies provided by Law.

14.9 Each party will do all things reasonably required by the other party to effectively carry out and give effect to the terms and intentions of this Deed. This clause is a continuing obligation separate from each party's other obligations under this Deed and survives termination of this Deed.

14.10 Except as expressly provided in this Deed, each party must pay its own costs and expenses of negotiating, preparing and executing this Deed.

14.11 This Deed is governed by the laws of New Zealand. Each party irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of New Zealand.

14.12 This Deed may be executed on the basis of an exchange of scanned copies of this Deed and execution of this Deed by such means is to be a valid and sufficient execution.

14.13 If this Deed consists of a number of signed counterparts, each is an original and all of the counterparts together constitute the same document.

This Deed was executed on the date appearing at its head.

THE COMMON SEAL of )  
THE WESTLAND DISTRICT COUNCIL )  
Was affixed )  
In the presence of: )

Mayor

Tanya Winter  
Chief Executive

THE COMMON SEAL of )  
THE WEST COAST REGIONAL COUNCIL )  
Was affixed )  
In the presence of: )

Chairman

Chris Ingle  
Chief Executive Officer

# Report



**DATE:** 31 October 2013  
**TO:** Mayor and Councillors  
**FROM:** Electoral Officer

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## THE TRIENNIAL ELECTIONS

### 1.0 SUMMARY

- 1.1 The purpose of this report is to advise Council that the Triennial Elections have been undertaken in accordance with the requirements of the Local Electoral Act 2001, the Society of Local Government Managers Code of Practice and the Service Level Agreements put in place.
- 1.2 This issue arises from the completion of the triennial electoral process.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002 Amendment Act 2012. That purpose is:
- (f) To enable democratic local decision-making and action, by and on behalf of, communities; and
  - (g) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the district vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

<b>Vision's Objectives</b>	<b>Achieved By</b>
Involving the community and stakeholders Having inspirational leadership	Ensuring that there is effective representation for individuals and communities and allowing all

	<p>qualified persons to have a reasonable and equal opportunity to cast an informed vote and nominate one or more candidates or to be nominated as a candidate. Ensuring that there is public confidence in, and public understanding of, local electoral processes.</p>
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1.5 This report concludes by recommending that Council receives the information in this report.

## 2.0 BACKGROUND

2.1 Elections are held every three years. Processes and procedures are set by statute and regulations (Local Electoral Act and Regulations) as well as memoranda of understanding between the various agencies involved.

## 3.0 CURRENT SITUATION

3.1 The election has been concluded and the statutory declaration has been made. All documents have been lodged with the District Court.

3.2 There was a total of 5,899 registered electors and 3,721 voting documents were lodged which was 63.1% of eligible electors. A preliminary result was available to the public on 12 October 2013, by 12.35 pm for the constituency issues, and at 4.30 pm the same day for the District Health Board.

3.3 By Wards, there was a 63.8% turnout in the Northern Ward, 66.9% in the Hokitika Ward and 51.8% in the Southern Ward.

3.4 In addition to the constituent issues, (Mayoralty, Wards, Regional Council and Development West Coast) the Westland Electoral Officer acted as the Electoral Officer for the West Coast District Health Board.

3.5 Only 43 electors registered on the non-resident roll. This is marginally down on the last two elections. It is a surprisingly low number given that nearly 30% of Westland's ratepayers are non-resident. Westland was again a party

to the national campaign for re-enrolment of non-resident ratepayers. Given the publicity at a national level and the publicity through the rates newsletter the number of non-resident ratepayers registered for the election was somewhat disappointing.

- 3.6 The election proceeded smoothly with no local issues or surprises. This is largely due to the preparation procedures through the software made available by Datacom which is the company that provided the voting document printing and packaging. New Zealand Post ensured that all the envelopes were delivered within the timeframes required.
- 3.7 Costs associated with the election have to be finalised and there are some accounts still not received. Costs will be pro-rated to the Regional Council, Development West Coast and the West Coast District Health Board in accordance with a Memoranda of Understanding.
- 3.8 All candidates polled sufficiently to have their deposit returned.
- 3.9 The only two matters now required to be attended to relate to the finalisation of the costs and the receipt of statements of electoral income and expenditure from the various candidates. Statements of Electoral Expense and Income are due to be received from all candidates by 8 December 2013.
- 3.10 Early processing was used throughout the election period. The early processing was carried out in accordance with good practice and the Act. The process was supervised and certified by appointed Justices of the Peace. The processing was not able to be undertaken with existing staff and two temporary staff were employed on a part time basis to undertake the early processing.

#### **4.0 OPTIONS**

- 4.1 There are no options as this report is being provided for information purposes only.

#### **5.0 SIGNIFICANCE AND CONSULTATION**

- 5.1 This matter is administrative and, therefore in accordance with Council's policy on significance, is assessed as being of low significance.

5.2 The election is a full public participatory process.

**6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

6.1 This report is being provided for information purposes only.

**7.0 PREFERRED OPTION(S) AND REASONS**

7.1 This report is being provided for information purposes only.

**8.0 RECOMMENDATION**

D. That this report be received.

**Richard Simpson**  
**Electoral Officer**



# Report

**WESTLAND**  
DISTRICT COUNCIL



**DATE:** 31 October 2013  
**TO:** Mayor and Councillors  
**FROM:** Acting Corporate Services GM

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## **2012-2013 ANNUAL REPORT**

This item will be tabled at the Council Meeting.

**Stephen Halliwell**  
**Acting Corporate Services GM**