

Council Members

Chair Allan Birchfield
Cr Stuart Challenger (Deputy)
Cr Brett Cummings
Cr Peter Ewen

Cr Debra Magner
Cr Laura Coll McLaughlin
Cr John Hill



PUBLIC COPY

Meeting of Council
(Te Huinga Tu)

Tuesday, 13 September 2022

West Coast Regional Council Chambers, 388 Main South Road, Greymouth

and

Live Streamed via Council's Facebook Page:

<https://www.facebook.com/WestCoastRegionalCouncil>

Following the completion of the Resource Management Committee Meeting

COUNCIL MEETING

AGENDA *(Rarangi Take)*

1. Welcome *(Haere mai)*
2. Apologies *(Ngā Pa Pouri)*
3. Declarations of Interest
4. Public Forum, Petitions and Deputations *(He Huinga tuku korero)*
5. Confirmation of Minutes *(Whakau korero)* - Council Meeting 9 August 2022
Matters Arising

6. **Chairman's Report**

7. **Chief Executive's Report**
 - 7.1 Monthly Report
 - 7.2 Interim delegation to Chief Executive
 - 7.3 Continuation of Greymouth Floodwall Joint Committee
 - 7.4 Continuation of Westport Rating District Joint Committee
 - 7.5 Continuation of Franz Josef Rating District and Hokitika Seawall Joint Committees

8. **Reports**
 - 8.1 Operations Group Report

9. **General Business**
 - 9.1 Joint Committee meetings (verbal)
 - 9.1.1 Hokitika
 - 9.1.2 Franz Josef
 - 9.2 Valedictory Speeches and Reflections (verbal)

10. **Public Excluded Items**
 - 10.1 Confirmation of Confidential Minutes *(Whakau korero)* - Council 9 August 2022
Matters Arising
 - 10.2 Contractual Matters
 - 10.3 Contractual Amendments
 - 10.4 Commercial activity

H. Mabin
Chief Executive

Purpose of Local Government

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option promotes the social, economic, environmental and cultural well-being of communities in the present and for the future.

Health and Safety Emergency Procedure

In the event of an emergency, please exit through the emergency door in the Council Chambers.

If you require assistance to exit, please see a staff member. Once you reach the bottom of the stairs make your way to the assembly point at the grassed area at the front of the building. Staff will guide you to an alternative route if necessary.

Please note that due to Covid restrictions there are limits to the number of people permitted within the Council Chambers.

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE COUNCIL MEETING HELD ON 9 AUGUST 2022
AT THE NGATI WAEWAE ARAHURA MARAE COMMENCING AT 11:20 AM.**

PRESENT:

A. Birchfield (Chair), S Challenger, P. Ewen, D. Magner, B. Cummings, L. Coll McLaughlin.

IN ATTENDANCE:

H Mabin (Chief Executive), M Ferguson (Corporate Services Manager), N Costley (Manager Strategy & Communications) via Zoom, R Vaughan (Acting Planning & Resource Science Manager) via Zoom, Keri Harrison (WCRC Consultant) via Zoom, Amie Drnasin (Minute taker).

Also present: Brendon McMahon (Grey Star)

1. WELCOME

Cr Birchfield read the prayer.

2. APOLOGIES

The Chair called for apologies. Cr J Hill was an apology for the meeting.

Moved (S Challenger/B Cummings) *that the apology from J Hill was accepted.*

Carried

3. DECLARATION OF INTEREST

The Chair called for declarations of interest. H Mabin declared she was board member of RSHL.

4. PUBLIC FORUM

There was no public forum.

PRESENTATION

There was no presentation.

5. CONFIRMATION OF MINUTES

5.1 Council Meeting 12 July 2022

The Chair asked the meeting if there were any changes to the public minutes of the previous Council meeting held on 12 July 2022 2022.

Moved (L Coll McLaughlin/S Challenger) *that the minutes of the Council meeting dated 12 July 2022 be confirmed as correct.*

Carried

Matters arising

Cr Ewen asked if there had been update on the river situation, H Mabin advised C Helem had met with a representative of the Rating District onsite.

Cr Coll McLaughlin asked R Vaughan about an email she had sent regarding coastal erosion at Granity and whether a special rating district would work, R Vaughan advised she would follow this up.

REPORTS

6. CHAIRMAN'S REPORT

The Chair took his report as read.

Moved (S Challenger/B Cummings) *That this report is received.*

Carried

7. CHIEF EXECUTIVE'S REPORTS

7.1 Monthly Report

H Mabin took her report as read and invited any questions. Cr Challenger asked if the peer review completed by Gary Williams for Franz Josef Stage 1 was a legal requirement. H Mabin responded stating it was in relation to the MBD contract and renegotiation further adding Council will be advised once Scott Hoare has finished the renegotiations.

Moved (S Challenger/P Ewen) *That this report is received.*

Carried

7.2 Risk & Assurance Meeting Minutes 24 May 2022

H Mabin spoke to the report stating the minutes were tabled as a matter of procedure for council to note and invited questions. No questions were asked.

Moved (D Magner/L Coll McLaughlin) *that the minutes of the Risk and Assurance Meeting Minutes of 24 May 2022 be noted*

Carried

Matters arising

Cr Coll McLaughlin raised a question regarding the membership of the Risk and Assurance Committee whereby all members of council were appointed on the R&A Committee and since appointment Cr Ewen has resigned from the committee, Cr Coll McLaughlin asked if the resignation impacts council attendance percentages. H Mabin deferred to her Executive Assistant A Drnasin to confirm whether the KPI for attendance relates only

to Resource Management Committee and Council meetings, and therefore the resignation does not have an impact. A Drnasin confirmed this as correct.

7.3 IGC Draft Terms of Reference

H Mabin spoke to the report and advised the terms of reference for the Infrastructure Governance Committee are tabled for feedback, comment and approval from council.

Cr Coll McLaughlin noted the IGC Risk Register did not yet exist and asked if the monitoring of the register would occur at a later date. H Mabin advised the Risk Register will be compiled by the Programme Manager, confirming the register would then be owned by the committee.

H Mabin noted there had been discussion for the right of authority to approve contracts to be delegated to the Committee. The Committee decided that the authority should not sit with the Committee and must remain with Council.

Discussion was held regarding naming an alternate for Committee membership, Cr Birchfield felt it would be best dealt with by the new Council. H Mabin advised access to Council systems and information are turned off midnight on the Friday before elections and then reinstated once elected members are sworn in . Cr Coll McLaughlin agreed to wait until after elections for the alternative members to be appointed.

Cr Coll McLaughlin advised of a small typo on page 2 under the heading Quorum to remove the word “an”.

Moved (L Coll McLaughlin/S Challenger) *That the council;*

1. *Approve the Infrastructure Governance Committee’s draft Terms of Reference.*

Carried

8. REPORTS

8.1 Operations Group Report

R Vaughan took the report as read and highlighted the drone photos taken noting the areas of Rata Knoll and Waiho loop as being prioritised by INOVO as part of their investigation work. Cr Challenger asked if Rata Knoll was part of Stage1 Franz Josef works. H Mabin replied confirmed it is part of Stage 2. Cr Challenger further asked if the inclusion of Rata Knoll would have an impact on the long term decision from Government. H Mabin advised she met with MBIE in May, it was intimated the decision was pending. Scott Hoare has also met with MBD, WSP and residents. H Mabin advised she is meeting with the Kanoa Board on Friday in person and will report back to Council after the meeting.

Cr Coll McLaughlin referred to Westport Flood protection noting the local community had been excited to see works underway. R Vaughan confirmed the works are progressing as anticipated. Cr Coll McLaughlin further queried what was the rationale behind a weighted tender as opposed to a lowest price tender for the O’Connor home erosion protection works. R Vaughan advised a firm decision had not been made, the engineers were still exploring the pros and cons of a fixed cost or weighted attribute. The weighted tender considers the methodology and attributes rather than cost.

Cr Ewen asked for clarification about the spurs referred to on page 22 of the Agenda. Cr Challenger offered an explanation of spurs and the impact flooding has on them. Cr Magner advised she and Cr Challenger were scheduled to visit the site.

Moved (S Challenger/P Ewen) *that Council receive the report.*

Carried

8.2 Office of Auditor General Report

M Ferguson took the report as read and invited any questions. Chair Birchfield mentioned he did not agree with the comment relating to climate change. H Mabin noted the Office of the Auditor General had circulated a draft report to Council as matter of course.

Moved (B Cummings/D Magner) *that Council receive the report and the attachment.*

Carried

8.3 Geotechnical Report – Blackball Quarry

M Ferguson took the report as read; he highlighted the purpose was to outline recommendations to mitigate risk factors. Discussion was held relating to the removal of the overhanging prow above the road. K Harrison confirmed the prow was the responsibility of Council and if not addressed it could fail.

Cr Ewen raised a concern relating to the creation of the great Paparoa walk and if Grey District Council had advised Regional Council the accessway would be encroached. K Harrison advised she had been unable to locate documentation to support this. H Mabin advised she was to meet with Mark Davies from DOC to discuss the issue. Chair Birchfield suggested a site inspection.

Cr Cummings asked who the landowners were and K Harrison stated GDC and DOC are also landowners. Cr Cummings further asked if the proposed bund extension referred to on page 69 of the Agenda could be built using the rock from the quarry. K Harrison confirmed existing material can be used.

Moved (P Ewen/S Challenger) *that Council receive the report and note the attachments.*

Carried

9. GENERAL BUSINESS

The Chair called for any General Business. Cr Ewen advised he would like a professional audit of the Rolleston lease owner. M Ferguson took this as an action.

H Mabin advised Council of the Westport meeting of Snodgrass residents which she was to attend the following day. This was a direct follow up meeting from one held earlier in the year when residents were informed there was no protection design in the Westport Business Case for Snodgrass Residents. H Mabin confirmed Council's Technical advisors, Matt Gardner, Gary Williams and John Hutchings, were to be present for the meeting and afterwards would speak with residents one on one followed by a closed meeting hosted by Buller District Council.

Cr Coll McLaughlin offered her apology for the Snodgrass Westport meeting. H Mabin noted this and confirmed it would be recorded.

10. PUBLIC EXCLUDED ITEMS

Moved (S Challenger/B Cummings) *that the public be excluded from the following parts of the proceedings of the meeting, namely, - Items 10.1 – 10.7 inclusive*

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution
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10.1	<i>Confirmation of Confidential Minutes – Public excluded Meeting minutes of General Council Meeting 12 July 2022</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.2	<i>Confidential Risk & Assurance meeting minutes of 24 May 2022</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.3	<i>Contractual Matters</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.4	<i>Contractual Matters</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.5	<i>RSHL SOI</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.6	<i>RSHL Transition</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.7	<i>IRIS Next Generation Partnership</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>

(S Challenger/B Cummings) also **moved** that:

- *Heather Mabin, Marc Ferguson and Keri Harrison be permitted to remain at this meeting after the public has been excluded, because of their knowledge on these subjects. This knowledge will be of assistance in relation to the matters to be discussed; and*
- *The Minutes Clerk also be permitted to remain at the meeting.*

Carried

The meeting moved into a public-excluded session at 12:09pm.

.....
Chair

.....
Date

UNCONFIRMED

Report to: Council	Meeting Date: 13 September 2022
Title of Item: Chair's Report	
Report by: Amie Drnasin, EA to CEO and Chair	
Reviewed by: Chairman Allan Birchfield	
Public excluded? No	

Purpose

For Council to be kept informed of meetings and to provide an overview of current matters.

Summary

This is the Chairman's Report for the period: 30 July – 5 September 2022.

As Chair, I attended the following meetings:

- 9 August 2022 Resource Management Committee Meeting
- 9 August 2022 West Coast Regional Council Meeting
- 5 September 2022 Extraordinary Greymouth Floodwall Joint Committee Meeting

Recommendation

It is recommended that Council resolve to:

1. *Receive this report.*

Attachments

None.

Report to: Council	Meeting Date: 13 September 2022
Title of Item: CEO's report	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to provide Council with a summary of activities undertaken by the Chief Executive and draw to Council's attention the requirement for Council to establish a Pecuniary Interests register.

Report Summary

This paper details the interactions, appointments, significant contracts executed, and meetings attended by the Chief Executive for the month of August 2022.

Draft Recommendations

It is recommended that Council resolve to:

1. *Receive this report and note the attachments.*

Activities Undertaken

Activities undertaken during August 2022 by Heather Mabin were:

- August 4
 - Attended via Zoom the WC CEO's Forum
- August 8
 - Signed the Supplementary Staff submission for the Emissions Reduction Plan to the Select Committee Hearing.
 - Attended via Zoom the TTPP Workshop.
- August 9
 - Attended the August RMC & Council meetings held at Arahura marae.
- August 10
 - Attended meeting with Snodgrass Rd residents in Westport.
 - Attended via Zoom from BDC Chambers Mayors, Chair & Iwi meeting
 - Attended public meeting in Westport on the Westport Business Case seeking Co-investment funding.
- August 11
 - Met with representatives of the Wanganui Rating District on the banks of the Wanganui River.
 - Along with elected members and ELT met with Hon. Kieran McAnulty and government representatives.
- August 14
 - Appointed Anthony Phillips as Operations Manager, VCS.
- August 16
 - Met with Robert Pigou, Deputy CEO MBIE and Head of Kanoa, and Kanoa representative.
- August 18
 - Attended via Zoom the Regional and Unitary CEOs meeting.
- August 19

- Attended via Zoom the Regional Sector meeting held by LGNZ.
 - Appointed Blair Kelly as IT Systems Manager
- August 23
 - Signed the Submission on Decisions on Stewardship Land Reclassification

Considerations

Implications/Risks

Transparency around the activities undertaken by the Chief Executive is intended to mitigate risks associated with Council's reputation.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Attachments

Attachment 1: Dr Stefanie Rixecker, CEO ECAN, letter to DIA, re: *Remote Declaration by Elected Members of Local Authorities – Extended the Notice*, dated 2 September 2022

Attachment 2: Prepared by Simpson Grierson for Taituara, *Guidance for councils on registers of members' pecuniary interests*, dated July 2022

2 September 2022

Paul James
Secretary for Internal Affairs
Department of Internal Affairs/Te Tari Taiwhenua

By email to: : paul.james@dia.govt.nz

Dear Paul

REMOTE DECLARATIONS BY ELECTED MEMBERS OF LOCAL AUTHORITIES – EXTENDING THE NOTICE

Modifications to local government legislation under the COVID-19 Response (Urgent Management Measures) Legislation Act 2020 have enabled local authorities to conduct their meetings remotely and make their statutory declaration (oath of office) via audio or audio-visual link.

These modifications will automatically be repealed on 16 September 2022 if the Epidemic Preparedness (COVID-19) Notice 2020 (**Notice**) is not renewed. Their repeal could significantly interrupt local authority business, particularly the swearing in of new members and appointment of a Chairperson and deputy Chairperson following local body elections in October 2022.

If the Government does not renew the Notice, elected members who may be isolating as a result of COVID-19 might not be able to give their oath of office remotely. That will preclude those members from voting at the first meeting, including on the issue of the appointment of a Chairperson and deputy Chairperson – a crucial step in the formation of a local authority. (I am aware that some Councils take a different view of the law and consider that the oath may be taken remotely, but given the importance of the issue would prefer that the matter is settled conclusively.)

Given the continuing interruption that COVID-19 presents to the conduct of meetings, even with the fall in case numbers, Canterbury Regional Council requests that the Notice is renewed at least one further time, say for three months, to allow for prospective council members to be sworn in remotely, should the need arise.

I have liaised with the chief executives of the other regional councils, unitary authorities and of the Canterbury territorial authorities. The councils listed in the following page share the views expressed in this letter and support this Council's request for a renewal of the Notice.

Yours sincerely

A handwritten signature in blue ink that reads "Stefanie Rixecker". The signature is written in a cursive, flowing style.

Dr Stefanie Rixecker
Chief Executive

Encl: List of Councils in support of this letter

CC: LGCGcovid19response@dia.govt.nz

List of regional councils, unitary authorities and Canterbury territorial authorities who support this request.

Kaikoura District Council

Waimakariri District Council

Christchurch City Council

Selwyn District Council

Ashburton District Council

Timaru District Council

Waimate District Council

Mackenzie District Council

Waitaki District Council

Northland Regional Council

Gisborne District Council

Hawke's Bay Regional Council

Greater Wellington Regional Council

Tasman District Council

West Coast Regional Council

Canterbury Regional Council

Otago Regional Council

Guidance for councils on registers of members' pecuniary interests

Prepared by Simpson Grierson for Taituarā

July 2022



Foreword

The Local Government (Pecuniary Interests Register) Amendment Act 2022 passed on 20 May 2022, and will come into force on 20 November 2022. It inserts a new set of requirements and obligations into the Local Government Act 2002 (LGA 02), all of which relate to members' pecuniary interests.

The purpose of the new provisions is to increase transparency, trust and confidence in local government by keeping and making publicly available, information about members' pecuniary interests. It is largely modelled on the regime that applies to members of Parliament, but has been tailored to reflect particular aspects of local government.

Moving forward, every council (including all territorial authorities, unitary authorities, and regional councils) will be required to keep a register of its members' pecuniary interests, and to make a summary of it publicly available. Each council must appoint a Registrar to maintain the register, and provide advice and guidance to members.

Members are obliged to provide annual returns, which are to be included on the registers, and to subsequently advise of any errors or omissions in those returns. Any failure to comply with the new obligations amounts to an offence, and so it is important that members understand and comply with these new provisions, and that they are provided with necessary guidance (including from council staff).

The purpose of this guidance is to help councils understand the new requirements and obligations. Given the Registrar's role of providing advice and guidance to members, this guidance also discusses members' obligations. The guidance also discusses the relationship between the new provisions and other legislation, including the Local Authorities (Members' Interests) Act 1968, the Privacy Act 2020, and the Local Government Official Information and Meetings Act 1987. Finally, this guidance provides a checklist designed to help councils identify and satisfy the new requirements and obligations.

This guidance is not intended as legal advice. If and when particular issues arise, councils should consider obtaining specific legal advice that addresses their particular circumstances.



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Part A: Councils and Registrars' Obligations

A1 Summary of councils' obligations

1. There are four main obligations for Councils. They must:
 - (a) keep a register of members' pecuniary interests (the Register);¹
 - (b) appoint a Registrar, who will compile and maintain the Register for the council² – the appointment is discussed at A2, and the Registrar's role is discussed at A3 and A4;
 - (c) make a summary of the information contained in the Register publicly available³ – discussed at A5; and
 - (d) ensure that information contained in the Register is:
 - (i) only used or disclosed in accordance with the purpose of the Register,⁴ and
 - (ii) retained for 7 years after the date on which a member provides the information, and is then removed from the Register.⁵
2. The obligations in paragraph (1)(d) will help guide councils' compliance with the Privacy Act 2020 in terms of handling personal information contained on the Register. They will also be relevant to councils' handling of requests for information included on any Register, which could be made under section 10 of the Local Government Official Information and Meetings Act 1987. The relationship between the new pecuniary interests provisions and these other Acts is discussed at C2 (Privacy Act) and C3 (LGOIMA).

A2 Appointment of Registrar

3. Each council must appoint a Registrar. The person appointed will need to be suited to engaging directly with members, and be well placed to make judgements about the advice to be given to members.
4. The power to appoint the Registrar sits with the full council, but is capable of being delegated.⁶ Councils should check if existing delegations to chief executives are sufficient to capture this power, or if a specific delegation might be required from the full Council (assuming that the chief executive is to make the appointment).
5. The LGA 02 makes clear that the council's chief executive may be appointed as the Registrar.⁷ This is not a requirement – some councils might consider it more appropriate for the Registrar to be a general manager or senior governance advisor.
6. Given the Registrar may need be involved in potential offending by members (due to any failure to comply with the new obligations), it may be considered preferable for the members themselves not to be closely involved in that decision, so as to avoid any potential suggestion of the Registrar being seen as favourable to members.

1 Section 54A(1) of the LGA 02.

2 Section 54G(1) of the LGA 02.

3 Section 54A(3)(a) of the LGA 02.

4 Section 54A(3)(b)(i) of the LGA 02.

5 Section 54A(3)(b)(ii) of the LGA 02.

6 Under clause 32(1), Schedule 7 of the LGA 02.

7 Section 54G(2) of the LGA 02.

Part A: Councils and Registrars' Obligations

A3 Registrars' obligation to compile and maintain the Register

7. Registrars are tasked with the compilation and maintenance of the Register.⁸ In practice, Registrars will look after the Register on a day-to-day basis, thereby helping to ensure the council satisfies its obligation to keep a register.
8. The Registrar will need to ensure that a Register is complete. Under the LGA 02, the Register is to be comprise all pecuniary interest returns filed by members **and** any corrections made by members.⁹ "Corrections" are the notifications given to the Registrar advising of an error or omission in a return.¹⁰
9. Registrars are specifically obliged to "correct" the Register when advised of an error or omission.¹¹ This suggests that any correction received must be somehow linked to the original return in question, so that anyone accessing the original return will be made aware of the correction.
10. In compiling and maintaining the Register, Registrars will need to ensure there is compliance with the Privacy Act 2020 – which is discussed at C2.
11. The LGA 02 provides some boundaries for Registrars when compiling and maintaining the Register. It states that a Registrar is **not** required to:¹²
 - (a) obtain a return from a member;
 - (b) notify a member if they fail to make a return by the due date; or
 - (c) notify a member if there is any error or omission in their return.
12. The lack of any proactive role for the Registrar makes it clear that the intention of these new provisions is that members must take personal responsibility for ensuring that they satisfy their obligations. It is not for the Registrars to make sure they do so.
13. Despite this, it would be good practice for Registrars to remind members, and provide appropriate guidance, about the need to provide a return, the due dates for returns, and the ongoing obligation to notify the Registrar of any error or omission with their returns. Assisting members to understand how to fulfil their obligations will ultimately make Registrars' jobs easier.

A4 Registrars' obligation to provide guidance and advice

14. Registrars are also tasked with providing advice and guidance to members in connection with their obligations.¹³
15. While Registrars should endeavour to help members who seek advice, but there may be some practical limits to how much a Registrar can help. A Registrar cannot be expected to provide definitive advice on the application of the new provisions for every situation. There will be some areas of uncertainty, although this should lessen over time (likely through auditing processes, and potentially case law).
16. If Registrars are unsure about any compliance related or interpretation issues, legal advice can be sought. If that is not feasible for whatever reason, the Registrar could recommend to the member that they obtain their own legal advice.

8 Section 54G(1)(a) of the LGA 02.

9 Section 54A(2) of the LGA 02.

10 Made under section 54D of the LGA 02.

11 Section 54D.

12 Section 54H(2).

13 Section 54G(1)(b) of the LGA 02.

Part A: Councils and Registrars' Obligations

17. Practically, when in doubt, a Registrar would be sensible to always advise a member to err on the side of disclosure – an over-disclosure of interests will not trigger any of the new offences, but an under-disclosure might.

A5 How to make a summary of the Register publicly available

18. Each council must make “a summary of the information contained in the Register publicly available”.¹⁴
19. The term “publicly available” is defined in the LGA 02.¹⁵ It requires a council to take reasonable steps to:
- (a) ensure that the summary is accessible to the general public in a manner appropriate to its purpose, including, where practicable, on the council’s Internet site; and
 - (b) publicise, in a manner appropriate to the purpose and significance of the summary, both the fact that the summary is available and the manner in which it may be accessed.
20. Good practice would be for councils to put a copy of the summary on their website (eg on the same page as where elected members bios are available), and to also have a copy (electronic or hard-copy) available at the front counter in appropriate council offices.
21. The LGA 02 does not provide any detail about what should be included in a “summary” of the register. As a result, councils will need to make a judgement call about how much to include. In doing so, they should look to strike an appropriate balance between members’ privacy and the purpose of the Register. The purpose of the Register is described as:¹⁶
- to record members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.
22. This statutory purpose suggests that the public should be given enough information about a pecuniary interest so that they can understand how it could impact any Council process or decision-making, and why it ought to have been disclosed, but no more than that.
23. For example, a summary should reference the name of a relevant entity and the general nature of the member’s interest in that entity, such as “XYZ Trust (beneficial interest)”. This should provide sufficient information for people to identify relevant interests, but without providing excessive details about a member’s personal affairs.
24. The pecuniary interests’ regime for members of Parliament (on which the new LGA 02 provisions are largely based) provides a helpful example. That regime also requires that a summary of the MPs’ register be published (both online and in a hardcopy booklet form).¹⁷ While the interests required for disclosure vary somewhat between MPs and council members, the online version of the MPs’ register provides a useful indication of the level of information that should be included in a summary. The current Parliamentary register is available at: <https://www.parliament.nz/en/mps-and-electoralates/members-financial-interests/mps-financial-interests/2022-current-register-of-members-pecuniary-and-other-specified-interests/>
25. In the event of uncertainty as to how much should be disclosed in a summary, it would be good practice for the Registrar to consult the member concerned, but it will ultimately need to be the Registrar (for the Council) that decides how it will satisfy the requirement to publish a summary. Councils could seek legal advice in problematic situations.
26. If a member of the public is unhappy with the level of disclosure in any summary, it will be open to them to request the additional information held on the Register under the Local Government Official Information and Meetings Act 1987. The relationship with that Act is discussed further at C3.
-

14 Section 54A(3)(a) of the LGA 02.

15 See section 5(3) of the LGA 02.

16 Section 54B.

17 Parliamentary Standing Orders, Appendix B, clauses 18 and 19.

Part B: Members' Obligations

B1 New regime applies to elected, not appointed, members

27. The new requirements and obligations will apply to the following members:¹⁸
- (a) members of the council;
 - (b) members who have been elected under the Local Electoral Act 2011 to a community board that is part of the council; and
 - (c) members who have been elected under the Local Electoral Act 2011 to a local board that is part of the council.
28. Appointed members will **not** be subject to these requirements and obligations. For example, individuals who have been appointed as a member of a council committee due to their skills, attributes, or knowledge will not need to provide annual returns to the Registrar.

B2 Summary of members' obligations

29. The key obligations for members are to:
- (a) make annual returns that contain information on certain pecuniary interests to the Registrar, within the statutory timeframe;¹⁹
 - (b) ensure that the information contained in their returns is accurate;²⁰ and
 - (c) in the event of becoming aware of an error or omission in their returns, advise the Registrar of that as soon as practicable.²¹
30. If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000. Offences and prosecutions are discussed at B7.

B3 Members are responsible for fulfilling their obligations, but can seek advice

31. The LGA 02 explicitly states that it is the responsibility of each member to ensure that they fulfil their obligations.²²
32. It also makes clear that the Registrar is not required to obtain returns from members, or to notify members about any failure to make a return by the due date or of any error or omission in a return.²³ So while a Registrar might choose to provide helpful notification to members, they are not obliged to do so.
33. It is implicit that members are expected to take personal responsibility for making sure that they satisfy their own obligations.
34. Where members have any questions about making returns, or their obligations more generally, they can seek advice from the Registrar. It will also be open to members to obtain their own legal advice, if they consider that would be helpful.

18 Section 54A(1) of the LGA 02.

19 Section 54C of the LGA 02.

20 Section 54D(1) of the LGA 02.

21 Section 54D(2) of the LGA 02.

22 Section 54H(1) of the LGA 02.

23 Section 54H(2) of the LGA 02.

Part B: Members' Obligations

B4 Due dates for returns

35. In each triennium, the due dates for a return are:²⁴
- (a) **Year 1:** the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
 - (b) **Year 2:** the last day of February in the second year of the triennium; and
 - (c) **Year 3:** the last day of February in the third year of the triennium.
36. Calculating the due date for Years 2 and 3 should be straight-forward – it will typically be 28 February of the relevant year. However, in any leap year, the due date will typically be 29 February.
37. If 28 February (or 29 February in a leap year) falls on a weekend, then the due date will be the next working day.²⁵ For example, if 28 February (in a non-leap year) is a Saturday, then the due date will be Monday, 2 March.
38. Calculating the Year 1 due date is more complicated. Under section 115 of the LEA, a member comes into office the day after public notice of the final election result is given under section 86 of the LEA. So the 120 day period should be calculated from the date that is one day after the public notice.
39. Note that the date that is one day after the public notice should not be counted in calculating the 120 day period – rather the day that is two days after the public notice is 'day 1' of the 120 days.²⁶ The date that is 'day 120' should be the due date for members' returns.
40. Weekends and public holidays should be included in the 120 days – but if the 120th day falls on a weekend (or public holiday), then the due date will be the next working day.²⁷
41. The following example may assist:

Date	Event
8 October 2022	Polling day
15 October 2022	Public notice of the final election result is given, under section 86 of the LEA (note that this date can vary ²⁸)
16 October 2022	Members come into office
17 October 2022	'Day 1' of the 120 day period
13 February 2023 ²⁹	Due date for members' returns ('day 120')

42. Due dates will likely vary between councils, as final election results may be publicly notified on different days. Due dates could even vary between members on the same council in some situations. For instance, a member whose election was dependent on a recount, or who is elected in a by-election within the first year of the triennium, could have a significantly later due date for their Year 1 return.

24 Section 54C(2) of the LGA 02.

25 See section 55 of the Legislation Act 2019, and the definition of "working day" in section 13 of that Act.

26 Section 54 of the Legislation Act 2019, see Item 2 in that section.

27 Section 55 of the Legislation Act 2019.

28 Typically, public notice of the final result for the 2022 election will be given perhaps a week or so after polling day. With the change to the "public notice" definition applying to the 2022 triennial elections, it is possible that the public notice might be given even sooner, perhaps just a matter of days after polling day. The change to the "public notice" definition results from the Local Electoral Act 2002 not including any definition for "public notice". As a result, councils have previously relied on the definition of "public notice" that was in the Interpretation Act 1999 (which required publication of notices in local newspapers). However, the Interpretation Act was repealed in late 2021, and replaced by the Legislation Act 2019. The definition of "public notice" in that Act provides for either publication in local newspapers, or simply through a council's website. Obviously, publication through a website can be achieved more quickly than publication through newspapers, meaning that section 86 public notices may potentially be made sooner than the usual one week or so.

29 13 February 2023 happens to be a Monday, thus a working day.

Part B: Members' Obligations

43. The due date will end at midnight on the relevant day (ie members will have the entire day in which to provide their returns). So, assuming Registrars allow for return via email, members will be able to send in a return after business hours on the due date, but before midnight, and still satisfy the statutory deadline. Returns emailed after midnight on the due date will fall outside the deadline.
44. Although the return obligations are a member's responsibility, it would be good practice for a Registrar to advise members well in advance of the due date for a return (and specify the final return date), and to send a reminder a few weeks beforehand. This will be especially important for Year 1 returns, given the calculation of the due dates in Year 1 is more complicated.

B5 The time period that a return must cover

45. Returns are made in respect of a 12 month period.³⁰ This means that any relevant pecuniary interests that existed at any point during this 12 month period must be disclosed in the member's return. It is not necessary for an interest to have existed for the full 12 month period.
46. The exact dates of the 12 month period will depend on the due date for the particular return. Specifically, the period will be the 12 months that ended on the day that is one month before the due date.³¹
47. So the practical steps involved in identifying the 12 month period are:
 - (a) What is the due date for the return? This is your starting point for calculating the 12 month period.
 - (b) What is the date that is one calendar month before that due date? That date is the final day in the relevant 12 month period.
 - (c) What is the date that is one calendar year before that 'final day'? The day after that date is the first date in the relevant 12 month period.
48. Taking the upcoming triennium as an example (building on the example given for calculating a Year 1 due date in the section above), the dates are:

Year of triennium	Due date for return	12 month time period covered by return
Year 1 – 2023	13 February 2023 ³²	14 January 2022 to 13 January 2023
Year 2 – 2024 (leap year)	29 February 2024 ³³	30 January 2023 to 29 January 2024
Year 3 – 2025	28 February 2025 ³⁴	29 January 2024 to 28 January 2025

49. This example illustrates that the 12 month periods for returns will not always align. There is the potential for reporting on some of the same days in two returns, eg both the Year 2 and 3 returns will need to report on 29 January 2024.
50. There is also the potential for some short periods not to be covered by any return, eg no return will report on the period from 14 January 2023 to 29 January 2023. Gifts or payments received during such windows of time will not need to be disclosed in any return made under the LGA 02. Councils may, however, choose to address such potential 'loopholes' through non-statutory reporting. This is further discussed at C1.

30 Section 54C(1) of the LGA 02.

31 Section 54C(1) of the LGA 02.

32 This date is based on the example set out in the due date section of this guidance. It assumes the public notice of the final election result (given under section 86 of the Local Electoral Act 2001) was given on 15 October 2023.

33 29 February 2024 will be a Thursday, thus a working day.

34 28 February 2025 will be a Friday, thus a working day.

Part B: Members' Obligations

51. Reporting on the right 12 month period is a member's responsibility. However, as with the due date, it would be good practice for a Registrar to advise members of the 12 month period that a return must cover (specifying the relevant dates).

B6 Information to be disclosed in members' returns

52. There are two broad categories of information that members need to disclose in their returns:
- (a) information relating to the member's position (covered in section 54E of the LGA 02); and
 - (b) information relating to the members' activities (covered in section 54F of the LGA 02).
53. Within these two broad categories are numerous specific types of interests that need to be disclosed.
54. Appendix A sets out each of the specific types of interests that need to be disclosed, and includes a brief explanation of, and examples for, each type.
55. Appendix B sets out a series of flow charts, which members can work through when completing their returns to ensure they have addressed all relevant interests.
56. Note that it is only the members' interests that need be disclosed – interests of spouses, partners, and other close family members do not need to be disclosed under the LGA 02.³⁵

B7 Prosecutions against members and councils' potential role

57. New offences have been created that will apply where members fail to comply with their obligations. Specifically, a member will commit an offence if they:³⁶
- (a) fail to file a return that includes all relevant information by the due date;
 - (b) file an inaccurate return; or
 - (c) do not advise the Registrar of any error or omission in a return as soon as practicable after they become aware of it.
58. Each offence is punishable by a fine of up to \$5,000.³⁷
59. Prosecution for these offences will follow the procedure for existing offences under section 235 of the LGA 02, which relate to a member acting while disqualified or unqualified.³⁸ It will typically be up to the Secretary for Local Government to file a charging document and prosecute members who have committed an offence.³⁹ The Secretary for Local Government is the Chief Executive of the Department of Internal Affairs. (Note that parties other than the Secretary are not prevented from bringing a private prosecution.⁴⁰)
60. For offences where members have acted while disqualified or unqualified, the Secretary is obliged to bring proceedings.⁴¹ However, no equivalent obligation exists for the offences relating to the members' returns, which

35 The fact that the LGA 02 provisions do not capture any interests of a member's whanau creates issues with using the register for helping to ensure compliance with the Local Authorities (Members' Interests) Act 1968. The potential to supplement the register with additional disclosure requirements is discussed at C1.

36 See sections 54C and 54D(1) and (2), and section 235, of the LGA 02.

37 Section 242(2) of the LGA 02.

38 See section 235 of the LGA 02, which has previously provided for offences for acting while disqualified or unqualified, and now also applies to breaches of sections 54C and 54D(1) and (2).

39 It is evident that this is the role of the Secretary from section 235(2) and also from clause 3(1), Schedule 7 of the LGA 02.

40 Clause 3(2), Schedule 7 of the LGA 02.

41 Clause 3(1), Schedule 7 of the LGA 02.

Part B: Members' Obligations

suggests the Secretary for Local Government should have some discretion in deciding whether or not to bring proceedings against members for these offences.

61. The LGA 02 is silent on whether councils are required to report possible offences to the Secretary for Local Government, although it is difficult to see how else the Secretary would identify potential offences. There is the potential for the Secretary to issue guidance or an indication about when and how they would expect to be notified of any potential offences by councils.
62. In the absence of such guidance, it would be good practice for councils to develop their own policies about when they will refer potential offences to the Secretary for Local Government. If a strict approach were adopted, councils may decide to refer every potential offence identified to the Secretary, with members notified of the referral as soon as possible afterwards.
63. Alternatively, councils may decide that discretion is appropriate, eg providing that potential offences will be referred to the Secretary unless there is good reason not to do so. Council policies could provide a disputes process first, and if no resolution is reached, a member will then be notified of an intention to make a referral to the Secretary, and be given a reasonable opportunity to put forward information that would be relevant to there being 'a good reason' not to make the referral.
64. It would be unlawful to adopt a policy that precludes referral of any potential offences to the Secretary.
65. The most likely officers to make referrals would be the Chief Executive and/or the Registrar. The council should ensure that appropriate delegations are in place for any officers who may need to make referrals to the Secretary.
66. It would be good practice for elected members to have some involvement in the development of any internal policy, and for them to formally adopt it via resolution. Copies of the policy should be given to members in advance of returns being due (or form part of a fuller set of guidance material), so that they understand the consequences of failing to meet their obligations.

Part C: Relationship with Other Legislation

C1 Relationship with LAMIA and supplementing the new statutory framework

67. The Local Authorities (Members' Interests) Act 1968 (**LAMIA**) governs some conflict of interest issues for members, notably those involving pecuniary interests. In particular:
- (a) the **contracting rule** prohibits members from being interested in any contracts (eg being a director of a company who is party to the contract, being a sub-contractor of an entity who is party to the contract) with the council that have a combined value of more than \$25,000 in a financial year – unless the Auditor-General approves the arrangement; and⁴²
 - (b) the **participation rule** prohibits members from participating in any council decision-making in which the member has a pecuniary interest that is not one held in common with the public – unless the Auditor-General has pre-approved such participation.⁴³
68. The LGA 02 sets out two specific clarifications about the relationship with LAMIA.⁴⁴ It provides:
- (a) a member's obligations under the LGA 02 in relation to the Register are in addition to any obligations under LAMIA, and do not affect the application of LAMIA; and
 - (b) a pecuniary interest that a member has declared under the LGA 02 regime is not necessarily an interest for the purposes of LAMIA.
69. These clarifications suggest that LAMIA and the new LGA 02 provisions will, in practice, need to operate separately from one another.
70. Despite this, there is some potential for overlap between the relevant requirements – in that the Register may help to identify interests that might be relevant to triggering either of the contracting or participation rules under LAMIA. For example, before entering into a contract with a party, it would be sensible for the council to check that that party is not mentioned on the Register.
71. That said, the Register will not provide a comprehensive approach to identifying interests relevant to LAMIA compliance. There are two main reasons for this.
72. First, the pecuniary interests reported under the LGA 02 are unlikely to capture the full range of interests that can sometimes create problems under LAMIA. For instance, LGA 02 returns do not need to cover:
- (a) a member's spouse's or dependents' pecuniary interests;
 - (b) details of a member's debtors and creditors;
 - (c) any contracts with the council in which the member is interested; or
 - (d) any non-financial interests that the member may have.
73. Second, the LGA 02 does not require any ongoing reporting of new interests as they arise between annual returns.
74. The practical result of these differences is that the Register will be of some, but limited, use to councils in managing conflicts of interest under LAMIA.
75. As a result, councils may want to consider if and how they might supplement the LGA 02 in a manner that assists with on-going compliance with LAMIA. For instance, councils could choose to request additional disclosures by

42 See section 3 of LAMIA.

43 See section 6 of LAMIA.

44 Section 54H(3) of the LGA 02.

Part C: Relationship with Other Legislation

members, capturing the types of interests listed above. They might also want to impose an ongoing obligation on members to notify interests as they arise (eg 4 or 6 monthly updates to returns), and perhaps extend some or all of this system to their appointed members. Such a supplementary regime could address any periods of time that are not already covered by returns under the LGA 02 (see the 'loophole' issue discussed at B5).

76. Councils who are minded to supplement the statutory regime will need to carefully consider the best way for them to do this (eg will they add questions to the statutory return form, or adopt a separate process). They will also need to consider what, if anything, about these additional interests they will proactively make publicly available.
77. Any supplementary disclosure regime should be incorporated into a council's code of conduct for its elected members. This will allow the regime to be enforced through code of conduct complaints.
78. Many councils already have existing disclosure regimes. These councils will need to consider whether to retain these regimes once the new LGA 02 provisions are engaged and, if so, how they might need to be modified to accommodate the LGA 02 requirements.

C2 Privacy compliance needed

79. The Register will contain members' personal information.⁴⁵ As a result, the information privacy principles (IPPs) in the Privacy Act 2020 will apply to this information.⁴⁶
80. To help ensure compliance with the Privacy Act, a council should consider how it will comply with each of the IPPs in relation to the Register. This could be done by way of a privacy impact assessment.⁴⁷
81. In carrying out a privacy impact assessment, there are some matters the council should bear in mind:
 - (a) IPP 3 requires members to be informed of certain matters at the time of collection of their personal information. For this purpose, a draft privacy statement is included in the template return form set out in Appendix C.
 - (b) The LGA 02 states that council must ensure information contained in the Register is retained for 7 years from when the member provides the information, after which it is to be removed from the Register.⁴⁸ This will be relevant to IPP 9, which addresses how long a council may keep personal information for.
 - (c) The LGA 02 also requires councils to ensure that the information in the Register is only used or disclosed in accordance with the purpose of the Register.⁴⁹ This will be relevant to compliance with IPPs 10, 11 and 12.

C3 LGOIMA requests can still be made

82. The Register will constitute "official information" in terms of the Local Government Official Information and Meetings Act 1987 (LGOIMA).⁵⁰ As a result, members of the public will be able to request information held on the Register. Practically, the publication of the summary of the Register should significantly reduce the likelihood of such LGOIMA requests being made, but they remain a possibility if someone considers that the summary does not provide sufficient detail.

45 See the definition of "personal information" in section 7 of the Privacy Act 2020.

46 The information privacy principles are set out in section 22 of the Privacy Act 2020.

47 Information about privacy impact assessments is available on the Privacy Commissioner's website, here: <https://www.privacy.org.nz/publications/guidance-resources/privacy-impact-assessment/>

48 Section 54A(3)(b)(ii) of the LGA 02.

49 Section 54A(3)(b)(i) of the LGA 02.

50 "Official information" is defined in section 2 of LGOIMA as meaning "any information held by a local authority", which would clearly capture the Register.

Part C: Relationship with Other Legislation

83. Any LGOIMA requests for information relating to the Register (which is not already available in the summary of the Register) will need to be considered on a case-by-case basis.
84. The LGA 02 states that councils are required to ensure the information in the Register is only disclosed in accordance with the purpose of the Register.⁵¹ The purpose of the Register is described in the LGA 02 as:⁵²
- to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making.
85. Accordingly, if a LGOIMA request were to be made that was not in accordance with the purpose of the Register, it would be open to the council to refuse the request on the basis that making the information available would be contrary to the LGA 02.⁵³ It seems very unlikely, however, that this will occur in practice, given the very wide scope of the purpose of the Register.
86. Another possible withholding ground that a council would need to consider is protection of privacy.⁵⁴ Almost all the information in the Register will be personal information, so this ground is likely to be relevant.
87. Members' privacy will, however, need to be balanced against public interest considerations favouring disclosure.⁵⁵ Whether such public interest considerations exist, and the weight that should be afforded to them, is likely to depend on the circumstances of the particular LGOIMA request (eg who has made the request? Why do they want the information? What is the information in question? Is there a particular council process or decision that the information requested is relevant to?).
88. Depending on the particular request, there might possibly be other potential withholding grounds to consider. For example, a possible ground is where withholding the information is necessary to protect people (including members) from improper pressure or harassment, so that the effective conduct of public affairs can be maintained.⁵⁶

51 Section 54A(3)(b)(i) of the LGA 02.

52 Section 54B of the LGA 02.

53 See section 17(c)(i) of LGOIMA.

54 See section 7(2)(a) of LGOIMA.

55 See section 7(1) of LGOIMA.

56 Section 7(2)(f)(ii) of LGOIMA.

Part D: Pecuniary Interests Checklist for Councils

Being ready for the new LGA 02 provisions will require:

- ✓ Officers to prepare advisory materials to be given to members following the 2022 elections, which provide practical guidance on how to file a return, the due dates for the triennium and the applicable 12 month periods for the returns
- ✓ Officers to prepare a return form (hard-copy and/or electronic), which members can use to complete their annual returns (a template form is included in Appendix C)
- ✓ Officers to undertake some form of privacy impact assessment in relation to the personal information to be held on the Register, to ensure compliance with the information privacy principles in the Privacy Act 2020
- ✓ Council (or anyone with the requisite delegated authority) must appoint a Registrar (this can be done before 20 November 2022 if necessary, due to section 43(1)(c) of the Legislation Act 2019)
- ✓ Council to consider whether to adopt policies that address and clarify when referrals of potential prosecutions should be made to the Secretary for Local Government
- ✓ Council to determine whether to supplement the LGA 02 with additional disclosure requirements and, if so, what that supplementary regime will involve, plus ensure the code of conduct provides for this regime

It would be good practice to inform members before the 2022 elections about these new requirements and obligations, and the preparatory work that is being undertaken.

It is up to councils to determine how to package these matters. But one approach could be to develop a 'one-stop-shop' guidance document for members, which captures their obligations under the LGA 02, information about due dates and 12 month periods, and also the council's approach to dealing with the referral of potential offences to the Secretary for Local Government or any potential disagreements between members and the council or Registrar.

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
Section 54E(1)(a)	<p>Members must disclose the name of any company in which they are a director, or in which they hold or control more than 10% of the voting rights.</p> <p>Members are required to provide a description of the main business activities of the company. This could be relatively brief, but must accurately represent what activities or services the company undertakes or provides.</p>	<p>Matthew is a director of his family business, being a company that owns and leases commercial property. He is also elected to the local council. Matthew will need to declare his directorship, by providing both the name of the company and a description of its main business activities in his return. He describes the business activities as “developer and landlord of commercial properties”.</p> <p>Caitlin is a shareholder in her sister's ice cream company. She holds 10 voting shares out of the total 80 voting shares the company has issued. As a result she owns 12.5% of the voting shares in the company and will need to declare her shareholding by providing both the name of the company and its main business activities in her return. She describes the business activities as “sells ice-cream through retail shops in Auckland and Wellington”.</p>
Section 54E(1)(b)	<p>Members must disclose the name, and describe the main business activities, of any other company or business entity in which they hold a pecuniary interest.</p> <p>‘Business entities’ mean any separate body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacturing, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor, but does not include any blind trust. Such entities can include joint ventures, partnerships, sole proprietors or other arrangements that are not companies.</p> <p>There is a clear exception for any managed investment scheme, such as Kiwisaver or an index fund, which do not need to be disclosed. A</p>	<p>Emiria is a partner at a law firm. She must disclose the name of the law firm and give a description of its main activities (eg “provider of legal services”).</p>

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	<p>"managed investment scheme" has the same meaning as in section 9(1), (2) and (4) of the Financial Markets Conduct Act 2013.</p> <p>A member will not have a pecuniary interest in a company merely because they have an interest in that company's 'parent' company or its subsidiary.</p>	
Section 54E(1)(c)	<p>Members must disclose the name of any employer, and describe the main business activities of that employer(s). This could include permanent, fixed term or casual employment under an employment agreement (or contract of service).</p> <p>It will not include services provided as a freelancer or contractor under a contract for service (which is likely to be captured by section 54E(1)(ca) or (b) if the member is acting through some form of business entity, or perhaps through section 54F(1)(c) if acting personally). It will also not include holding the position of elected member of a council, local board, or community board, or any other position for which the member concerned would not be qualified unless he or she held their role as an elected member.</p>	Meilin has a part time job as a lecturer in environmental studies at City University. She must disclose that she is employed at City University and that their main activities are providing higher education and research.
Section 54E(1)(d)	Members must disclose any beneficial interest they have in a trust and the name of the trust. Having a beneficial interest means that they are a "beneficiary" of the trust (and are typically listed as such in the trust deed). There is no cap or requirement on the amount or type of beneficial interest, so members will need to disclose any beneficiary interest that they have in a trust.	Melanie is a beneficiary of her parents' family trust: the Jack and Jill trust. She is also aware that she is an uri (descendant) of a local iwi. The iwi's settlement assets are held in a trust and the trust's beneficiaries are all uri (descendants) of the iwi's tupuna (ancestors). Melanie will need to disclose the name of both trusts.
Section 54E(1)(e)	Members must disclose if:	Frank is on the board of a charitable cycling organisation Bikes4U. Bikes4U applied for a council grant to run cycle repair workshops, as

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	<p>(a) they are a member of an organisation, or a member of the governing body of an organisation, or a trustee of a trust; and</p> <p>(b) that organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected.⁵⁷</p> <p>For this interest, the member must disclose the organisation or trust's name and a description of its main activities.</p> <p>If the organisation concerned is a council-controlled organisation (CCO), then the member does not need to provide a description of the CCO's main activities. The member could instead simply give the CCO's name and note it is a CCO.</p>	<p>part of encouraging active transport. Frank will therefore need to disclose that he is on the board of Bikes4U and provide a description of Bikes4U's main activities.</p>
Section 54E(1)(f)	<p>Members must disclose the title and description of any organisation to which they are appointed by virtue of being an elected member.</p> <p>The statutory language used is somewhat confusing. All other interests in section 54E require disclosure of the "name" of a company/entity/employer etc. It is arguable that the reference to "title" is meant to require a member to disclose the title of the role they hold.</p>	<p>Emily is the mayor of a large city council, and as part of that role serves as the chair of a network of Mayors that is called the Council Employment Advocacy Group (CEAD). Emily should disclose that she is the chair of CEAD, and that CEAD aims to encourage youth employment in council jobs.</p>

⁵⁷ If a member has an interest to disclose under section 54E(1)(e), this is an interest that is likely to constitute a pecuniary interest under section 6 of the Local Authorities (Members' Interests) Act 1968, and possibly prevent them participating in any decision-making relevant to the organisation concerned.

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
	<p>Given this uncertainty (and in light of the purpose of the new provisions), it will be prudent to disclose the title of the role that the member has been appointed to and the name of the organisation concerned, as well as providing a description of that organisation's activities.</p>	
Section 54E(1)(g)	<p>Members must disclose the location of any real property that they have any legal interest in, outside of an interest as a trustee. "Real property" is property that consists of land and/or buildings.</p> <p>A member will have a legal interest in land if they own or lease it.</p> <p>A licence to occupy, or having a caveat or encumbrance, will not constitute having a legal interest in property. Also, being a director or shareholder in a company that owns land will not constitute having a legal interest in that land.</p> <p>Members are required to disclose the location of the property. This requires disclosure of the general location (eg suburb and city), but does not require disclosure of the street address.</p> <p>Members must also provide a description of the nature of the property. For instance, it might be "family home", "holiday home", "investment property", or "commercial property".</p>	<p>Mariama leases her family home, jointly with her husband, at 123 Main Road in a small town called Fairtown. Her disclosure is: "Family home – Fairtown (leasehold interest)". Miriama is not obliged to disclose that her interest in the property is a leasehold one, but chooses to provide this for clarity.</p>

APPENDIX A: Table of Interests and Examples

Interests relating to the Member's position		
Section reference	Explanation of interest and required disclosure	Example
Section 54E(1)(h)	<p>If a member is a beneficiary of a trust (and they ought reasonably to know that they are a beneficiary), they must disclose the location and description of any real property held by the trust. "Real property" is property that consists of land and/or buildings.</p> <p>There are two exceptions. A member does not need to make any disclosure if the trust is:</p> <ul style="list-style-type: none"> • a unit trust for which the member has already made a disclosure under section 54E(1)(d); or • a retirement scheme whose membership is open to the public. <p>Members are required to disclose the location of the property. This requires disclosure of the general location (eg suburb and city), but does not require disclosure of the street address.</p> <p>Members must also provide a description of the nature of the property. For instance, it might be "residential property", "investment property", or "commercial property".</p>	<p>James is a beneficiary of a trust established by his aunt and uncle. The home James lives in, which is in Karori in Wellington, is owned by the trust. James leases the house from the trust. James' disclosure in relation to this trust will be "Residential property – Karori, Wellington". (James will already have disclosed the name of the trust under section 54E(1)(d) of the LGA 02, and disclosed his leasehold interest in the property as a "family home" under section 54E(1)(g) of the LGA 02.)</p> <p>Evan is a longstanding member of his local Church in Small Town. The Church runs a charitable trust to provide financial support to Church members for living costs or education costs. All members of the Church are beneficiaries. The Church building is held by the trust. Evan will need to disclose in relation to the trust: "Church property and building – Small Town". (Evan will have already disclosed the name of the trust under section 54E(1)(d) of the LGA 02.)</p>

Interests relating to the Member's activities		
Section Reference	Explanation of interest and required disclosure	Example

APPENDIX A: Table of Interests and Examples

<p>Section 54F(1)(a) and section 54F(2)</p>	<p>Members must disclose if:</p> <ul style="list-style-type: none"> (a) they have travelled to a country other than New Zealand; and (b) their travel costs and/or accommodation costs were not paid in full by the member and/or a member of their family. <p>“Member of their family” includes only the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild or sibling. It does not include a member’s wider family or whānau.</p> <p>In particular, the member must disclose:</p> <ul style="list-style-type: none"> (a) the name of the country; (b) the purpose of travelling to the country; and (c) the name of each person who contributed fully or partially to travel costs to/from the country; and (d) the name of each person who contributed fully or partially to the member’s accommodation costs while in the country. 	<p>Hemi was sponsored by the Rotary Club to go on a trip to Japan to promote New Zealand as a great place to study and work. The Rotary Club paid for his flights and half of his accommodation. Hemi will therefore need to disclose that he went to Japan, that the purpose of the trip was to promote New Zealand as a location for business and study, and that the Rotary Club contributed to both his travel and accommodation costs.</p>
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APPENDIX A: Table of Interests and Examples

<p>Section 54F(1)(b) and section 54F(3)</p>	<p>Members must disclose gifts received if a gift is worth more than \$500, or if all gifts from one donor have a combined value of more than \$500.</p> <p>The value of gifts is the “estimated market value in New Zealand”.</p> <p>Gifts will include hospitality and donations of cash or in kind.</p> <p>There are two exceptions. No disclosure is needed if:</p> <ul style="list-style-type: none"> • the gift is a donation made to cover expenses in an electoral campaign;⁵⁸ or • the gift was from a member of the member’s family and the member does not consider that information about the gift should be included in the return taking the purpose of the register into account. <p>In terms of the second exception, “family” includes only the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild or sibling. It does not include a member’s wider family or whānau.</p> <p>Also, according to section 54B of the LGA 02, the purpose of the register “is to record members’ interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making”.</p> <p>Where disclosure is required, the member must provide:</p>	<p>Claire’s cousin Alfred is a hairdresser. He gifts her a \$600 voucher to his salon to celebrate her being elected to the council. Claire must disclose the gift, and includes the following in her return: “Hair salon voucher – Alfred Smith”.</p> <p>Claire also receives a congratulatory gift from her brother Antoni. Antoni is a wine-seller and gives Claire seven boxes of wine. The wine would be worth \$800 if bought from a retail shop. Antoni lives in the council’s district, and is likely to be significantly impacted by some proposed changes to the council’s district plan. While Antoni is her brother (and so comes within the definition of “family”), Claire decides that it is prudent to disclose the gift and Antoni’s identity, taking the purpose of the register into account.</p>
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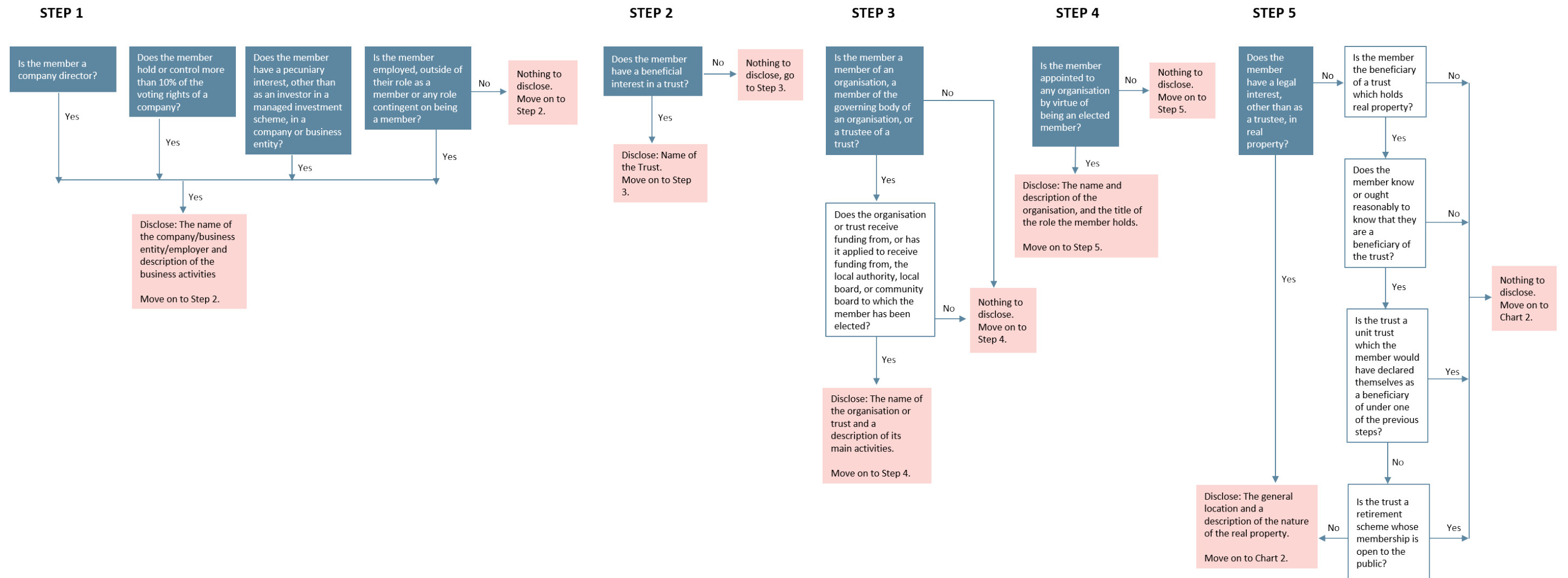
58 Members will of course need to make appropriate disclosures about their election donations as part of returns that they submit under the Local Electoral Act 2001.

APPENDIX A: Table of Interests and Examples

	<ul style="list-style-type: none"> • a description of each gift; and • the name of the donor of each gift, if known or reasonably ascertainable by the member. 	
Section 54F(1)(c)	<p>Members must describe each payment they have received for activities in which the member is involved.</p> <p>There are several important exceptions to this. No disclosure is needed for:</p> <ul style="list-style-type: none"> • salary or allowances paid to the member under the Remuneration Authority Act 1977 or the LGA 02; • payment received from an interest already required to be disclosed under section 54E of the LGA 02; or • payment in respect of any activity that the member ceased to be involved in before becoming a member. 	<p>Chantelle occasionally gives speeches at conferences about her life experiences, and usually receives a speaker’s fee for doing so. Her speaking roles are on a freelance one-off basis. Chantelle does this in her own name, without using any business entity or company. Chantelle will need to disclose the payment, and includes the following in her return: “\$300 fee for speaking at <i>Life 2022 Conference</i>.”</p> <p>Amy is a member of the city council and also a novelist. She recently wrote a popular book. Amy receives annual royalties under her contract with the book’s publisher, which she entered into in her own name, without using any business entity or company. Amy will need to include the following in her return: “\$1,234 annual royalties for novel <i>Flying to the Moon</i>”.</p>

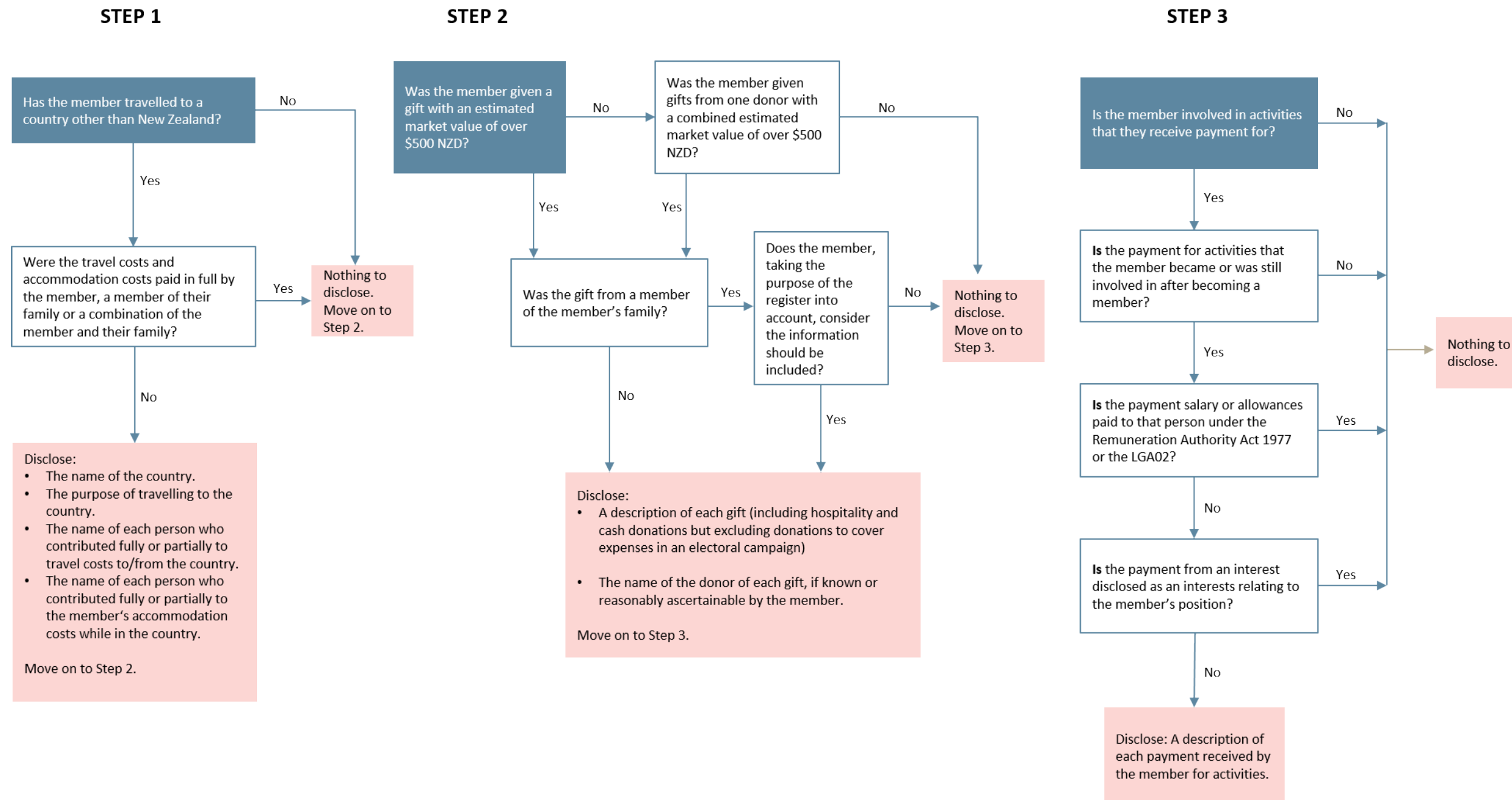
APPENDIX B: Flowcharts of Members' Interests

Chart 1: Information relating to a member's position



APPENDIX B: Flowcharts of Members' Interests

Chart 2: Information relating to a members' activities



APPENDIX C: Template Pecuniary Interest Return Form

Pecuniary Interests Return Form

Information for members:

Sections 54A to 54I of the Local Government Act 2002 (**LGA**) requires members to provide annual returns of certain pecuniary interests. You can use this form to provide your return.

You are responsible for complying with your obligations under the LGA relating to this return.

You can, however, seek advice and guidance from the Registrar of the members' pecuniary interests register on how to complete your return.

How to file this return:

You can file your completed return form with the Registrar by *[insert details of possible means for filing that are available, eg give email address, online portal information, postal, or information about how to file in person]*.

The due date for the return is *[insert date]*.

Privacy statement:

Your personal information is being collected so that the Council and the Registrar can comply with their obligations under the LGA, particularly those in sections 54A and 54G.

You are required to provide this information under sections 54C to 54H of the LGA. Failure to do so will constitute an offence under section 235 of the LGA.

Your personal information will be used and disclosed in accordance with the purpose of the register set out in section 54B of the LGA, which is to record members' interests so as to provide transparency and to strengthen public trust and confidence in local government processes and decision-making. The information will be retained for 7 years from the date on which you provide it, and will then be removed from the register.

A summary of your personal information will be made publicly available by the Council, in accordance with section 54A of the LGA. In addition, your personal information will constitute official information, and so is subject to the Local Government Official Information and Meetings Act 1987.

You have the right to access and seek correction of your personal information under the Privacy Act 2020. This can be done by contacting *[insert contact details]*.

APPENDIX C: Template Pecuniary Interest Return Form

Return:

This return is made under section 54C of the Local Government Act 2002, providing information required under sections 54E and 54F of that Act.

Member's name:

12 month period covered by this return:

1. Are you the director of a company?
(section 54E(1)(a))

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

If yes, please provide the name of the company (or companies) and a description of their main business activities:

2. Do you hold or control more than 10% of the voting rights in a company?
(section 54E(1)(a))

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

If yes, please provide the name of the company (or companies) and a description of their main business activities:

APPENDIX C: Template Pecuniary Interest Return Form

3. Do you have a pecuniary interest in any other company or business entity (except as an investor in a managed investment scheme)?
(section 54E(1)(b))

Yes	No

If yes, please provide the name of the company (or companies) or business entity (or entities) and a description of their main business activities:

4. Are you employed?
(section 54E(1)(c))

Yes	No

If yes, please provide the name of your employer(s) and a description of their main business activities:

5. Do you have a beneficial interest in a trust?
(section 54E(1)(d))

Yes	No

If yes, please provide the name of the trust(s):

APPENDIX C: Template Pecuniary Interest Return Form

6. Are you a member of an organisation, a member of the governing body of the organisation, or a trustee of the trust **and** that organisation or trust receives, or has applied to receive, funding from the Council, local board or community board to which you are elected?
(section 54E(1)(e))

Yes No

--	--

If yes, please provide the name of the organisation(s) or trust(s) and a description of their main business activities:

7. Are you appointed to any organisation by virtue of being an elected member?
(section 54E(1)(f))

Yes No

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If yes, please provide the title for your appointed role(s), the name of the organisation(s), and a description of them:

8. Do you have a legal interest, other than as a trustee, in any real property?
(section 54E(1)(g))

Yes No

--	--

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

APPENDIX C: Template Pecuniary Interest Return Form

9. Are you the beneficiary of a trust that holds real property (but excluding a trust that is a unit trust you have already disclosed under question 5 or a trust that is a retirement scheme whose membership is open to the public)?
(section 54E(1)(h))

Yes	No

If yes, please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):

10. Have you travelled to any country (other than New Zealand) where your travel and accommodation costs were not paid in full by you and/or a member of your family?
(section 54F(1)(a))

Yes	No

(In this question, "family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)

If yes, please provide the name of the country, the purpose of travelling to the country, the name of each person who contributed (in whole or in part) to the costs of travel to or from the country to or any accommodation costs incurred by the member while in the country (if more than one country was travelled to, provide all of this information for each country):

APPENDIX C: Template Pecuniary Interest Return Form

11. Have you received any gift (other than a gift from a family member, unless you consider that gift should be disclosed taking into account the purpose of the members' pecuniary interests register) that:

Yes No

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- has an estimated market value in New Zealand of over \$500; or
- when combined with all other gifts from the same donor, have a total estimated market value in New Zealand of over \$500?

(section 54F(1)(b))

(In this question:

"gift" includes hospitality and donations in cash or kind, but excludes electoral expenses, and

"family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)

If yes, please provide a description of the gift(s) and the name of the donor of the gift(s) (if known or reasonably ascertainable by you):

12. Have you received any payment for an activity in which you are involved, excluding:

Yes No

--	--

- any salary or allowance paid to you under the Remuneration Authority Act 1977 or the Local Government Act 2002
- any payment received from an interest that has already been disclosed in this return; or
- any payment made in respect of an activity that you ceased to be involved in before becoming a member?

(section 54F(1)(c))

If yes, please provide a description of the payment(s) received by you:

AUCKLAND

Level 27, 88 Shortland Street,
Private Bag 92518,
Auckland 1141, New Zealand
+64 9 358 2222

WELLINGTON

Level 24, HSBC Tower,
195 Lambton Quay, PO Box 2402,
Wellington 6140, New Zealand
+64 4 499 4599

CHRISTCHURCH

Level 1, 151 Cambridge Terrace,
West End, PO Box 874,
Christchurch 8140, New Zealand
+64 3 365 9914

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Report to: Council	Meeting Date: 13 September 2022
Title of Item: Delegations to the Chief Executive During the Election Period	
Report by: Toni Morrison, Policy Advisor	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Report Purpose

The purpose of this report is to provide the appropriate delegations to the Chief Executive during the period following the election, prior to the inaugural meeting of the new Council.

Report Summary

Following the election, newly elected members come into office the day following the official public declaration of the result, which is likely to be a date between 13-19 October 2022.

The current elected members' term of office expires when new members come into office, the day after the official declaration of results. Elected members cannot act as members until they have made their statutory declarations at the inaugural meeting, which is scheduled for 25 October 2022. Interim delegations to the Chief Executive are therefore appropriate to cover the intervening period.

Recommendations

It is recommended that Council resolve:

1. *To receive this report; and*
2. *To delegate all of its responsibilities, duties and powers to the Chief Executive, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, for the period from the day following the Electoral Officer's declaration of election results until the new Council is sworn in, and subject to the requirement that the Chief Executive may only exercise this delegation:*
 - a) *By only attending to those matters that cannot reasonably wait until the first meeting of the new Council, and*
 - b) *By reporting any decisions made during the election period to the first ordinary meeting of Council.*

Issues and Discussion

Council is required to consider arrangements that need to be put in place to ensure the effective and efficient conduct of the Council's business during the election period. This period is from the day following the declaration of the electoral results, until a new Council is sworn in at an Inaugural Meeting.

Clause 14 of Schedule 7 of the Local Government Act 2002 (LGA 2002) provides that a person newly elected to Council may not act until they have made the necessary declaration at the Inaugural Council meeting.

The delegation is only for the election period from the day following the declaration of the electoral results (likely to be a date between 13-19 October 2022), until a new Council is sworn in at the Inaugural Meeting scheduled for 25 October 2022.

This provides for appropriate delegations from Council to be put in place, to enable the Chief Executive to ensure the organisation can operate effectively and efficiently and respond to any unforeseen circumstances that may arise during the election period.

Considerations

Implications/Risks

The risks involved in delegating to the Chief Executive include the Council not agreeing with the decisions made, and over-turning decisions at a later date. However given the proposed condition that any delegation must only be exercised in situations of urgency, the importance of a timely decision in such a case (for example where there may be a fundamental impact on Council operations), is considered to outweigh the risk that Council may not agree with the decision. The very limited time period of the proposed delegation also minimises this risk.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Tangata whenua views

Not applicable.

Financial implications

Not applicable.

Legal implications

This is in line with the requirements of the Local Government Act 2002.

Matters that cannot be delegated (clause 32(1) of Schedule 7 LGA) are as follows:

32 Delegations

(1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority’s business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—

- (a) the power to make a rate; or*
- (b) the power to make a bylaw; or*
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
- (d) the power to adopt a long-term plan, annual plan, or annual report; or*
- (e) the power to appoint a chief executive; or*
- (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
- (g) [Repealed]*
- (h) the power to adopt a remuneration and employment policy.*

Report to: Council	Meeting Date: 13 September 2022
Title of Item: Continuation of Greymouth Floodwalls Joint Committee	
Report by: Toni Morrison, Policy Advisor	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Report Purpose

The purpose of this report is to provide for the continuation of the Greymouth Floodwalls Joint Committee following the 2022 triennial election. Without a resolution to this effect, the Joint Committee would be automatically discharged following the election in October.

Report Summary

The Local Government Act 2002 (LGA) provides that unless the Council resolves otherwise, all committees and subcommittees are deemed to be discharged on the coming in to office of the members of the local authority elected at the triennial election.

The Committee was initially formed under a Joint Agreement between the West Coast Regional Council and the Grey District Council dated March 2015, and is involved in important and ongoing areas of work in relation to Greymouth flood protection measures. Unless Council resolves otherwise, the LGA deems that that committee would be discharged, which would impede its ongoing function.

Recommendations

It is recommended that Council resolve:

1. *To receive this report; and*
2. *That the Greymouth Floodwalls Joint Committee shall not be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election.*

Issues and Discussion

Clause 30(7) of Schedule 7 to the LGA states that:

“A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision making body.”

In accordance with this clause, the Council can resolve that a committee is not to be discharged following the election. If such a resolution is not passed, then the Greymouth Floodwalls Joint Committee is deemed discharged and would have to be formally reconstituted by the new Council.

The Joint Committee deals with important matters requiring ongoing and often time-sensitive decisions. It is considered that this work will need to continue beyond the election date, and it would therefore be prudent for Council to resolve that the committee is not discharged following the election. This would mean that it would continue to operate under the terms of the existing Agreement and delegations that have been previously agreed between the Councils. Each Council would simply then need to appoint members to the Joint Committee following the election. For the Regional Council this is proposed to be done at the inaugural meeting of the new Council, scheduled for 25 October 2022.

As it is a Joint Committee, staff have undertaken liaison with the Chief Executive of the Grey District Council in relation to providing for the continuation of the committee. The Chief Executive has advised that he supports the proposal and will seek a similar resolution at GDC's Council meeting on 26 September.

Previous managers from both Councils had earlier jointly initiated a review of the Joint Committee Agreement with a view to updating the terms of reference of the committee. However this was not finalised. It is intended to continue the review after the upcoming election period is finished and membership of the committee is settled. Further consultation will be undertaken with Grey District Council staff before recommended changes are finalised. These will then be tabled to each Council for approval and adoption.

Considerations

Implications/Risks

There are no risks associated with this decision. The Joint Committee would continue to carry out its business on the terms and delegations already approved by both Grey District Council and the West Coast Regional Council.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Tangata whenua views

Not applicable.

Financial implications

There are no financial implications. The committee's activities are provided for in existing budgets.

Legal implications

The recommended course of action is provided for the LGA.

Attachments

Attachment 1: Greymouth Floodwalls Joint Agreement, March 2015

THE GREY DISTRICT COUNCIL

THE WEST COAST REGIONAL COUNCIL

Greymouth Floodwalls Joint Agreement

THIS DEED is made the 18th day of March 2015

PARTIES

THE GREY DISTRICT COUNCIL

("GDC")

THE WEST COAST REGIONAL COUNCIL

("WCRC")

BACKGROUND

- A. The GDC is empowered by Sections 12 and 130 of the local Government Act 2002 to manage stormwater and amenity issues within its district; and
- B. The WCRC is empowered by Section 126 of the Soil Conservation and Rivers Control Act 1941 to take such steps as are necessary for the prevention of damage by floods; and
- C. Both Councils are empowered by the Local Government (Rating) Act 2002 to raise the funds necessary to carry out their respective functions; and
- D. Both Councils are empowered by Sections 12 and 137 of the Local Government Act 2002 (also clause 30 and 30A of schedule 7) to enter into joint agreements and form a joint committee in order to co-ordinate the management of overlapping functions; and
- E. The Greymouth Floodwalls (the floodwalls) require ongoing maintenance. The Regional Council maintains an asset management Plan for the floodwalls, which were designed to protect against a 1 in 50 year flood; and
- F. The Greymouth Floodwall structures are owned by the GDC. The land the floodwalls are on are under various ownership; and
- G. Both Councils wish to record the terms of their agreement to jointly manage the maintenance of the Greymouth Floodwalls, via a joint committee of the two councils; and
- H. Both Councils have extended the joint committee's mandate to also include oversight of the management of the mouth of New River/Saltwater Creek at Paroa, which is currently being managed by both Councils.

DEED/AGREEMENT

1. The Greymouth Floodwalls Joint Committee (the committee) comprises of three Persons representing each of the two Councils with the function of co-ordinating the WCRC Greymouth floodwall maintenance activities with GDC activities, and the Saltwater Creek/New River rivermouth activities of each council.
2. The committee shall have its membership appointed from time to time as each parent Council may determine, and shall meet and regulate the conduct of its own business as it sees fit.
3. The committee shall not have any funding or rate setting authority. Such decisions shall be the responsibility of the two Councils.

4. The Chair shall alternate one year to the next being a GDC elected representative one year and a WCRC elected representative the next.
5. The Committee shall use the current standing orders of the West Coast Regional Council, noting that the committee wishes to achieve consensus decisions wherever possible.
6. This agreement may be amended at any time, at the request of either council, but such amendment will only take effect once both parent councils have formally received and adopted those changes sought.
7. Each year the Committee shall ascertain what the work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
8. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, in relation to the Greymouth floodwalls the GDC shall be responsible for all works and funding relating to:
 - 8.1 Amenity management, including grass mowing, gardening, beautification, and public access management;
 - 8.2 Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance (but excluding the Cobden cut);
 - 8.3 Flood emergency management, including the maintenance and operation of concrete flood barriers over road and rail, any sandbagging requirements, and all and any Civil Defence evacuation planning and execution;
 - 8.4 Ownership of the floodwalls and the land occupied by them, including ownership of all infrastructural assets comprised by the floodwalls and their associated structures;
9. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, in relation to the Greymouth floodwalls the WCRC shall be responsible for all works and funding relating to:
 - 9.1 The maintenance and repair of the structural integrity of the floodwalls;
 - 9.2 The provision of flood warning advice to GDC for the Grey River in accordance with the Grey River Flood Management Plan;
 - 9.3 Management of the Cobden cut outlet to the sea, to prevent backup of water from the lagoon causing surface flooding.
10. The WCRC has constituted a "Greymouth Floodwalls Separate Rating District" and reserves the right to raise such funds as it may need to carry out its functions under clause 6 above from this source.
11. The GDC will fund the performance of its functions under clause 5 above from such sources that are available that it may determine.
12. The WCRC has constituted a "New River/Saltwater Creek Rating District" and will use funding from this source for managing the New River/Saltwater Creek rivermouth.




13. The GDC will fund its New River/Saltwater Creek rivermouth activities from such sources that are available that it may determine.

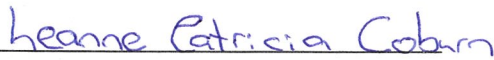
SIGNATURES

SIGNED by
THE GREY DISTRICT COUNCIL
by its authorised signatory
in the presence of:

) 
) _____
) Authorised Signatory
)



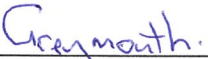
Witness signature



Witness name



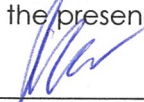
Witness Occupation



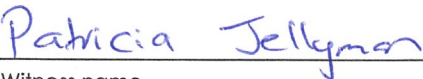
Witness Town of Residence

SIGNED by
THE WEST COAST REGIONAL COUNCIL
by its authorised signatory
in the presence of:

) 
) _____
) Authorised Signatory
)



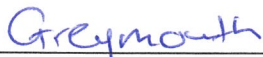
Witness signature



Witness name



Witness Occupation



Witness Town of Residence

Report to: Council	Meeting Date: 13 September 2022
Title of Item: Continuation of Westport Rating District Joint Committee	
Report by: Toni Morrison, Policy Advisor	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Report Purpose

The purpose of this report is to provide for the continuation of the Westport Rating District Joint Committee following the 2022 triennial election. Without a resolution to this effect, the Joint Committee would be automatically discharged following the election in October.

Report Summary

The Local Government Act 2002 (LGA) provides that, unless the Council resolves otherwise, all committees and subcommittees are deemed to be discharged on the coming in to office of the members of the local authority elected at the triennial election.

Over 2021- 2022 the Council has worked closely with Buller District Council on the establishment and operation of the Westport Rating District Joint Committee. The Joint Committee is now involved in important and ongoing areas of work in relation to Westport flood protection measures. Many of the areas of focus are time-sensitive. Unless Council resolves otherwise, the LGA deems that that committee would be discharged, which would impede its ongoing function.

Recommendations

It is recommended that Council resolve:

1. *To receive this report; and*
2. *That the Westport Rating District Joint Committee shall not be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election, and*
3. *That the individuals currently appointed to the Westport Rating District Joint Committee by Council continue until the date the new Council resolves to make any new appointments.*

Issues and Discussion

Clause 30(7) of Schedule 7 to the LGA states that:

“A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decisionmaking body.”

In accordance with this clause, the Council can resolve that a committee is not to be discharged following the election. If such a resolution is not passed, then the Westport Rating District Joint Committee is deemed discharged and would have to be reappointed by the new Council.

The Joint Committee is currently dealing with significant matters requiring ongoing and time-sensitive decisions. It is considered that this work will need to continue beyond the election date. The Joint Agreement is relatively recent, having been signed by all parties in February 2022. The Councils have also made various appointments to the committee in accordance with the Agreement, following a selection process. For continuity purposes and to allow the committee to keep working, it would therefore be

prudent for Council to resolve that the committee is not discharged following the election, and further that the individuals who have been appointed to the committee remain appointed until the date the new Council resolves to make any new appointments. The process for this is set out in the Agreement and Terms of Reference attached.

As it is a Joint Committee, staff have undertaken liaison with the Chief Executive of the Buller District Council in relation to providing for the continuation of the committee. The Chief Executive has advised that she supports the proposal and will seek a similar resolution at BDC's Council meeting on 28 September.

Considerations

Implications/Risks

There are no risks associated with this decision. The Joint Committee would continue to carry out its business on the terms and delegations already approved by both Buller District Council and the West Coast Regional Council.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Tangata whenua views

Not applicable.

Financial implications

There are no financial implications. The committee's activities are provided for in existing budgets.

Legal implications

The recommended course of action is provided for the LGA.

Attachments

Attachment 1: Westport Rating District Joint Agreement – February 2022

Westport Rating District Joint Committee Agreement

February 2022

DOCUMENT CONTROL

Reason for Submission	Revision Number	Revision Date	Approved By
New Document	1	1 July, 2021	West Coast Regional Council Buller District Council
Version 1 - draft	2	September 1, 2021	Initial review by West Coast Regional Council and Buller District Council
Version 2 - draft	3	September 22 2021	Final review by West Coast Regional Council and Buller District Council
Final		September 29 2021	Endorsed by Buller District Council

This Deed is made this 10th day of February 2022

PARTIES

THE BULLER DISTRICT COUNCIL (“BDC”)

THE WEST COAST REGIONAL COUNCIL (“WCRC”)

TE RŪNANGA O NGĀTI WAEWAE (“NGĀTI WAEWAE”)

NEW ZEALAND TRANSPORT AGENCY (“WAKA KOTAHĪ”)

BACKGROUND

- A. The BDC is empowered by Sections 12 and 130 of the Local Government Act 2002 to manage stormwater and amenity issues within its district; and
- B. The WCRC is empowered by Section 126 of the Soil Conservation and Rivers Control Act 1941 to take such steps as are necessary for the prevention of damage by floods; and
- C. Both Councils are empowered by the Local Government (Rating) Act 2002 to raise the funds necessary to carry out their respective functions; and
- D. Both Councils are empowered by Sections 12 and 137 and clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 to enter into joint agreements and form a joint committee to co-ordinate the management of overlapping functions; and
- E. Any Westport flood protection structure built as a result of this agreement will be owned by the WCRC. The land the floodwalls are on is under various ownership; and
- F. Both Councils wish to record their agreement to jointly manage the maintenance of the Westport Floodwalls, via a Joint Committee of the two Councils, Te Rūnanga O Ngāti Waewae, Waka Kotahi and community members.
- G. A map of the Westport Rating District area is attached as Appendix I to this Agreement.

STRUCTURE AND ROLE OF COMMITTEE

- A. The Joint Committee shall be formed initially, with its membership reappointed at or after the first meeting of WCRC and BDC following each triennial general election.
- B. WCRC shall appoint three elected Councillors to the Joint Committee, being two Councillors from the Buller constituency and the Chair of WCRC. If the Chair of WCRC is from the Buller constituency, then the third Councillor will be appointed from another constituency.
- C. BDC shall appoint the Mayor for Buller, plus two elected Councillors, to the Joint Committee.
- D. Te Rūnanga O Ngāti Waewae shall be represented on the Joint Committee by the Chair of Te

Rūnanga O Ngāti Waewae or a representative delegated by the Chair.

- E. Waka Kotahi will appoint a member to the Joint Committee.
- F. Two community members will be appointed to the Joint Committee by the WCRC and BDC, following a call for nominations. The initial community members shall be from the Westport 2100 group. New community members will be appointed as vacancies arise and the term of the appointments will match the local government constituents' appointments. The nomination process shall be administered by the WCRC, in consultation with BDC.
- G. The Committee shall not have any funding or rate setting authority.
- H. WCRC as the Rating Body for the Westport Rating District is the final decision maker on the annual work plan and setting the appropriate rate to fund the agreed works.
- I. The Joint Committee's role is to review the annual work plan provided to it by the WCRC, receive and consider any independent expert advice, and make informed recommendations to WCRC for the final decision. The Committee may also make recommendations to the WCRC regarding:
- Commissioning independent expert reports; and
 - Undertaking public consultation on boundary changes, major capital works and other areas of significant public interest.
- WCRC will consider any recommendations of the Committee in making any decisions on the above.
- J. Where Committee recommendations relate to the functions of the BDC, BDC shall consider and make decisions on any recommendations accordingly.
- K. A quorum of the Committee shall be not less than five members, and must include one or more members from each of the two Councils (one or more from WCRC and one or more from BDC).
- L. Minutes of all Joint Committee meetings shall be provided to the next meeting of the respective Councils.
- M. Meetings shall be held annually or as otherwise agreed by the Joint Committee.

DEED/AGREEMENT

1. An Independent Chair shall be appointed by agreement between BDC and WCRC immediately following the triennial election, for a period of three years. The Chair must have relevant expertise, technical knowledge, or experience, and an ability to lead the work of the Committee in a collaborative and consensus-seeking manner. The appointment process shall be administered by the WCRC, in consultation with BDC.
2. WCRC shall act as secretariat.
3. Unless otherwise specified in this Agreement, the Committee shall use the current

standing orders of the WCRC, noting that the committee wishes to achieve consensus decisions wherever possible.

4. This agreement may be amended at any time, at the request of either Council, but such amendment will only take effect once both parent Councils have formally received and adopted those changes sought.
5. Each year the Joint Committee shall consider any staff and/or expert reports, ascertain what work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
6. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Westport floodwalls the BDC shall be responsible for all works and funding relating to:
 - 6.1 Amenity management, including grass mowing, gardening, beautification, and public access management; and
 - 6.2 Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance.
7. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Westport floodwalls the WCRC shall be responsible for all works and funding relating to:
 - 7.1 The maintenance and repair of the structural integrity of the floodwalls;
 - 7.2 The provision of flood warning advice to BDC for the Buller River; and
 - 7.3 Ownership of the floodwalls, including ownership of all infrastructural assets comprised by the floodwalls and their associated structures.
8. The WCRC has constituted a "Westport Rating District" and reserves the right to raise such funds as it may need to carry out its functions under clause 7 above from this source.
9. The BDC will fund the performance of its functions under clause 6 above from such sources that are available that it may determine.

SIGNATURES

SIGNED by

THE BULLER DISTRICT COUNCIL



by its authorised signatory

In the presence of:



Witness signature

Kirstin McKee

Witness name

Executive Assistant

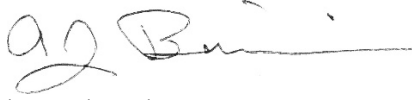
Witness Occupation

Westport

Witness Town of Residence

SIGNED by

THE WEST COAST REGIONAL COUNCIL



by its authorised signatory

In the presence of:



Witness signature

Toni Morrison

Witness name

Policy Consultant

Witness Occupation

Geraldine

Witness Town of Residence

SIGNED by

TE RŪNANGA O NGĀTI WAEWAE



by its authorised signatory

In the presence of:



Witness signature

Toni Morrison

Witness name

Policy Consultant

Witness Occupation

Geraldine

Witness Town of Residence

SIGNED by

WAKA KOTAHI NZ TRANSPORT AGENCY



by its authorised signatory

In the presence of:

Chrystal Orr

Witness signature

Chrystal Orr

Witness name

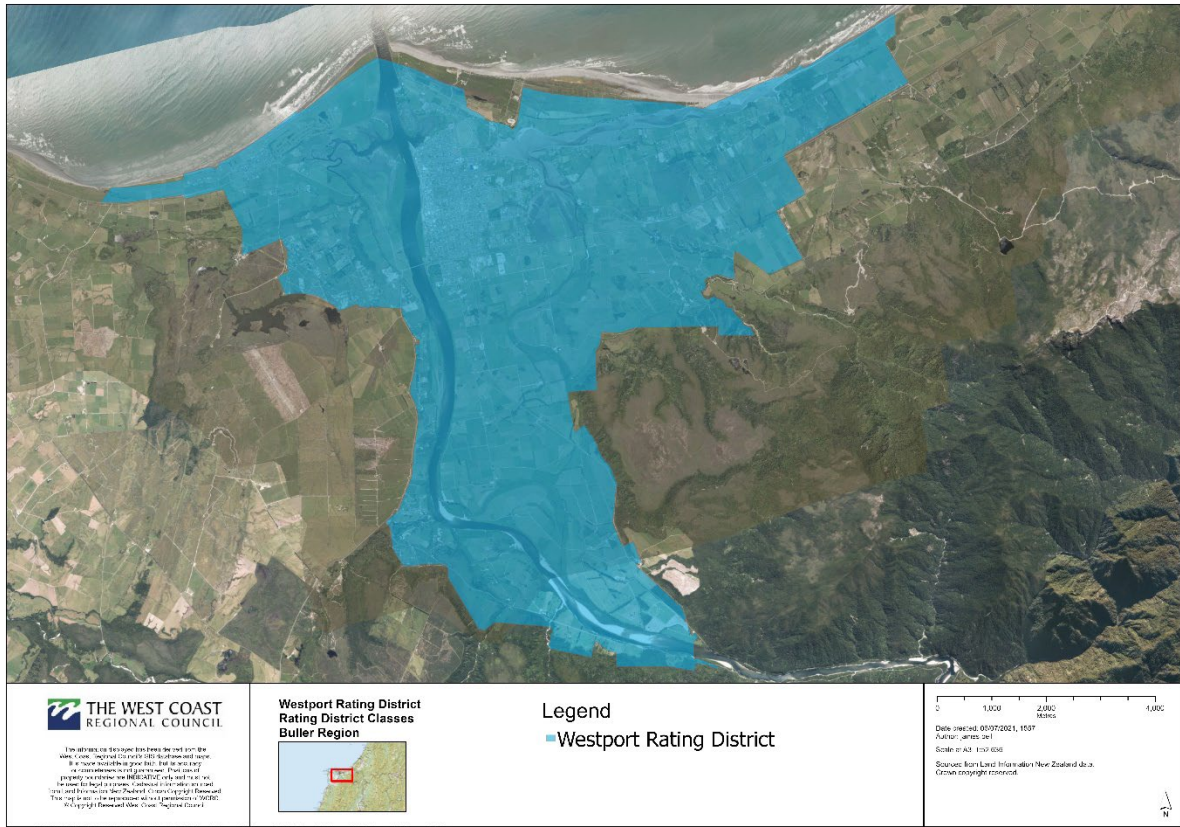
Executive Assistant

Witness Occupation

Auckland

Witness Town of Residence

APPENDIX I – WESTPORT RATING DISTRICT AREA



Report to: Council	Meeting Date: 13 September 2022
Title of Item: Continuation of Franz Josef Rating District and Hokitika Seawall Joint Committees	
Report by: Toni Morrison, Policy Advisor	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Report Purpose

The purpose of this report is to provide for the continuation of the Franz Josef Rating District Joint Committee and the Hokitika Seawall Joint Committee following the 2022 triennial election. Without a resolution to this effect, these Joint Committees would be automatically discharged following the election in October.

Report Summary

The Local Government Act 2002 (LGA) provides that, unless the Council resolves otherwise, all committees and subcommittees are deemed to be discharged on the coming in to office of the members of the local authority elected at the triennial election.

Over 2021- 2022 the Council has worked with Westland District Council on the establishment of the Franz Josef Rating District Joint Committee. The Franz Josef Joint Agreement is relatively recent, having been signed by all parties in June/July 2022. The Hokitika Seawall Joint Committee was formed through an Agreement dated December 2017 between the Councils. This committee is involved in important and ongoing areas of work in relation to Hokitika flood protection measures. Many of the areas of focus are time-sensitive. Unless Council resolves otherwise, the LGA deems that these committees would be discharged, which would then require that they be fully reconstituted following the election.

Recommendations

It is recommended that Council resolve:

1. *To receive this report; and*
2. *That the Hokitika Seawall Joint Committee shall not be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election, and*
3. *That the Franz Josef Rating District Joint Committee shall not be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election.*

Issues and Discussion

Clause 30(7) of Schedule 7 to the LGA states that:

“A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.”

In accordance with this clause, the Council can resolve that a committee is not to be discharged following the election. If such a resolution is not passed, then both of these committees are deemed discharged and would have to be fully reconstituted by the new Councils.

The Joint Committees were formed to deal with important hazard and flood protection matters, which often require time-sensitive decisions. It is considered that the work to be done by each committee will need to continue beyond the election date.

The Agreement to form the Franz Josef Rating District Joint Committee and provide it with the specified delegations and processes was adopted by both Councils earlier this year, so it is relatively recent. If Council resolves that the Committee remain in place, the next steps are to make appointments to the committee as per the attached Agreement. This would be done after the election period has been completed.

The Hokitika Seawall Joint Committee deals with important matters that are ongoing and may be time-sensitive. It is considered that this work will need to continue beyond the election date, and it would therefore be prudent for Council to resolve that this committee is also not discharged following the election. This would mean that it would continue to operate under the terms of the existing Agreement and delegations that have been previously agreed between the Councils. Each Council would simply then need to appoint members to the Joint Committee following the election. For the Regional Council this is proposed to be done at the inaugural meeting of the new Council, scheduled for 25 October 2022. It is usual to appoint the two Westland constituency members and the Chair of Council to this committee.

As these are Joint Committees, staff have undertaken liaison with the Chief Executive of the Westland District Council in relation to providing for the continuation of the committee. The Chief Executive has advised that he supports the proposal and will seek a similar resolution at WDC's Council meeting in late September.

Considerations

Implications/Risks

There are no risks associated with this decision. The Joint Committees would continue to carry out their business on the terms and delegations already approved by both Westland District Council and the West Coast Regional Council.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Tangata whenua views

Not applicable.

Financial implications

There are no financial implications. The committees' activities are provided for in existing budgets.

Legal implications

The recommended course of action is provided for the LGA.

Attachments

Attachment 1: Franz Josef Rating District Joint Agreement, June 2022

Attachment 2: Hokitika Seawall Joint Agreement, December 2017



Franz Josef Rating District Joint Committee Agreement

June 2022

Reason for Submission	Revision Number	Revision Date	Approval
New Document	1	1 July 2021	
Version 1 - draft		November 2021	Initial review by West Coast Regional Council and Westland District Council
		December 2021	Review by Department of Conservation and Waka Kotahi
	Final	14 December 2021	Adoption by West Coast Regional Council
	Final	24 March 2022	Adoption by Westland District Council

This Deed is made this **26th** day of **July 2022**

PARTIES

WESTLAND DISTRICT COUNCIL (“WDC”)

WEST COAST REGIONAL COUNCIL (“WCRC”)

TE RŪNANGA O MAKAAWHIO (“MAKAAWHIO”)

NEW ZEALAND TRANSPORT AGENCY (“WAKA KOTAHĪ”)

DIRECTOR-GENERAL OF CONSERVATION (“DOC”)

AGREEMENT

BACKGROUND

- A. The WDC is empowered by Sections 12 and 130 of the Local Government Act 2002 to manage stormwater and amenity issues within its district; and
- B. The WCRC is empowered by Section 126 of the Soil Conservation and Rivers Control Act 1941 to take such steps as are necessary for the prevention of damage by floods; and
- C. Both Councils are empowered by the Local Government (Rating) Act 2002 to raise the funds necessary to carry out their respective functions; and
- D. Both Councils are empowered by Sections 12 and 137 and clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 to enter into joint agreements and form a joint committee to co-ordinate the management of overlapping functions; and
- E. Any Franz Josef flood protection structure built as a result of this agreement will be owned by the WCRC. The land the floodwalls are on is under various ownership; and
- F. Both Councils wish to record their agreement to jointly manage the maintenance of the Franz Josef Floodwalls, via a Joint Committee of the two Councils, Makaawhio, Waka Kotahi, DOC and community members.

STRUCTURE AND OPERATION OF THE COMMITTEE

1. The Joint Committee shall be formed initially, with its membership reappointed at or after the first meeting of WCRC and WDC following each triennial general election.
2. WCRC shall appoint three elected Councillors to the Joint Committee, being two Councillors from the Westland constituency and the Chair of WCRC. If the Chair of WCRC is from the Westland constituency, then the third Councillor will be appointed from another constituency.

3. WDC shall appoint the Mayor for Westland, plus the two elected South Westland Councillors to the Joint Committee.
4. Makaawhio shall be represented on the Joint Committee by the Chair of Te Rūnanga O Makaawhio or a representative delegated by the Chair.
5. Waka Kotahi will appoint a member to the Joint Committee.
6. The Director-General of Conservation will appoint a member to the Joint Committee.
7. Two community members will be appointed to the Joint Committee by the WCRC and WDC, following a call for nominations. The initial community members shall be the spokespersons from the previous rating districts. New community members will be appointed as vacancies arise and the term of the appointments will match the local government constituent's appointments. The nomination process shall be administered by the WCRC, in consultation with WDC.
8. In relation to DOC, membership of the Joint Committee does not:
 - affect any of its rights, powers or duties, in particular as they relate to river and flood management at Franz Josef (such as under the Resource Management Act 1991); or
 - bind it to any funding commitments or decisions relating to transfer of assets.
9. The Chair shall alternate one year to the next being a WDC elected representative one year and a WCRC elected representative the next, with the term of the chairpersonship being 12 months from 31 October each year except in years where the triennial election is held, where the term ends at the date of the election. The appointment of the Chair shall be made by the relevant Council who has responsibility for the Chair.
10. The function of the secretariat will alternate as per the term of chairpersonship.
11. The Council not exercising the role of Chair in any year shall appoint a Deputy Chair. The term of the deputy chairpersonship shall be 12 months from 31 October each year except in years where the triennial election is held, where the term ends at the date of the election.
12. Unless otherwise specified in this Agreement, the Committee shall use the current standing orders of the WCRC, noting that the committee wishes to achieve consensus decisions wherever possible.
13. A quorum of the Committee shall be not less than five members, and must include one or more members from each of the two Councils (one or more from WCRC and one or more from WDC).
14. Meetings shall be held annually or as otherwise agreed by the Joint Committee.
15. Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987, and will be undertaken by the secretariat.
16. Minutes of all Joint Committee meetings shall be provided to the next meeting of the respective Councils.

TERMS OF REFERENCE & DELEGATIONS

17. Each year the Joint Committee shall consider any staff and/or expert reports, ascertain what work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
18. The Committee shall not have any funding or rate setting authority.
19. WCRC as the Rating Body for the Franz Josef Rating District is the final decision maker on the annual work plan and setting the appropriate rate to fund the agreed works.
20. The Joint Committee's role is to review the annual work plan provided to it by the WCRC, receive and consider any independent expert advice, and make informed recommendations to WCRC for the final decision. The Committee may also make recommendations to the WCRC regarding:
 - Commissioning independent expert reports; and
 - Undertaking public consultation on boundary changes, major capital works and other areas of significant public interest.

WCRC will consider any recommendations of the Committee in making any decisions on the above.

21. Where Committee recommendations relate to the functions of the WDC, WDC shall consider and make decisions on any recommendations accordingly.
22. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Franz Josef floodwalls the WDC shall be responsible for all works and funding relating to:
 - Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance.
23. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Franz Josef floodwalls the WCRC shall be responsible for all works and funding relating to:
 - The maintenance and repair of the structural integrity of the floodwalls managed under WCRC Asset Management Plans;
 - The provision of flood warning advice to WDC for the Waiho River; and
 - Ownership of the floodwalls as identified in WCRC Asset Management Plans.
24. The WCRC has constituted a "Franz Josef Rating District" and reserves the right to raise such funds as it may need to carry out its functions under clause 8 above from this source.
25. The WDC will fund the performance of its functions under clause 22 above from such sources that are available that it may determine.

Variation of this Agreement

26. This agreement may be amended at any time, at the request of either Council, but such amendment will only take effect once both parent Councils have formally received and adopted those changes sought.

SIGNATURES

SIGNED by

WESTLAND DISTRICT COUNCIL



by its authorised signatory

Acting Mayor David Carruthers



Witness signature

Diane Maitland

Witness name

Executive Assistant

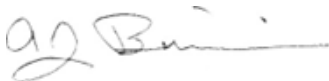
Witness Occupation

Hokitika

Witness Town of Residence

SIGNED by

WEST COAST REGIONAL COUNCIL



by its authorised signatory

In the presence of:



Witness signature

Toni Morrison

Witness name

Policy Consultant

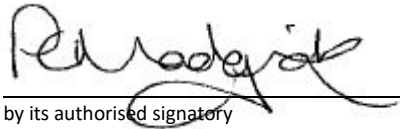
Witness Occupation

Geraldine

Witness Town of Residence

SIGNED by

TE RŪNANGA O MAKAAWHIO



by its authorised signatory

In the presence of:



Witness signature

Nichola Costley

Witness name

Strategy and Communications Manager

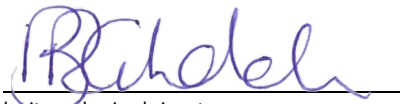
Witness Occupation

Greymouth

Witness Town of Residence

SIGNED by

NEW ZEALAND TRANSPORT AGENCY



by its authorised signatory

In the presence of:



Witness signature

Chrystal Orr

Witness name

Executive Assistant

Witness Occupation

Auckland

Witness Town of Residence

SIGNED by

DIRECTOR-GENERAL OF CONSERVATION



by its authorised signatory

In the presence of:



Witness signature

Diane Molloy

Witness name

Personal Assistant

Witness Occupation

Greymouth

Witness Town of Residence

THE WESTLAND DISTRICT COUNCIL

THE WEST COAST REGIONAL COUNCIL

Hokitika Seawall Joint Agreement



THIS DEED is made this 8 day of December 2017

PARTIES

THE WESTLAND DISTRICT COUNCIL ("WDC")

THE WEST COAST REGIONAL COUNCIL ("WCRC")

BACKGROUND

- A. The WDC is empowered by Sections 12 and 130 of the local Government Act 2002 to manage stormwater and amenity issues within its district; and
- B. The WCRC is empowered by Section 126 of the Soil Conservation and Rivers Control Act 1941 to take such steps as are necessary for the prevention of damage by floods; and
- C. Both Councils are empowered by the Local Government (Rating) Act 2002 to raise the funds necessary to carry out their respective functions; and
- D. Both Councils are empowered by Section 12 and Section 30 of Schedule 7 of the Local Government Act 2002 (also clause 30 and 30A of schedule 7) to enter into joint agreements and form a joint committee in order to co-ordinate the management of overlapping functions.
- E. The 650m Hokitika Seawall, constructed in 2013, will require ongoing maintenance. The WCRC has prepared an asset management plan to maintain the seawall structure and groynes.
- F. The Seawall structure is located on legal road, being land administered by WDC.
- G. The groynes north of the seawall are being transferred by the District Council to the Regional Council. Their ongoing maintenance from 2015 will be managed by the regional council.
- H. Both Councils wish to record the terms of this agreement to jointly manage the maintenance of the Hokitika foreshore area and its sea protection works.

DEED/AGREEMENT

- 1. The Hokitika Seawall Joint Committee (the committee) comprises of three Persons representing each of the two Councils, with the function of co-ordinating the WCRC seawall maintenance and groyne maintenance activities, with WDC activities.
- 2. The committee shall have its membership appointed from time to time as each parent Council may determine, and shall meet and regulate the conduct of its own business as it sees fit.
- 3. The Chair shall be the most senior WCRC elected representative present.
- 4. The committee shall use the current standing orders of the West Coast Regional Council, noting that the committee wishes to achieve consensus decisions, wherever possible.

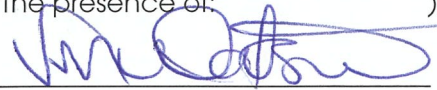
5. This agreement may be amended at any time, on request by either council, but such amendments will only take effect once both parent councils have formally received and adopted those changes sought.
6. The committee shall not have any funding or rate setting authority. Such decisions shall be the responsibility of the two parent Councils.
7. Each year the committee shall ascertain what the work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
8. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, the WDC shall be responsible for all works and funding relating to:
 - 8.1 Amenity management, including grass sowing & mowing, any gardening, beautification, and public access management;
 - 8.2 Stormwater management, including maintenance of drainpipes and their operation.
9. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, the WCRC shall be responsible for all works and funding relating to:
 - 9.1 The maintenance and repair of the structural integrity of the 650m seawall;
 - 9.2 Management of the groyne field to the north of the seawall.
10. If new erosion were to occur between the river mouth and the seawall, the management of the foreshore between the seawall and the Hokitika River will be a joint responsibility of the two councils.
11. The WCRC has constituted a Hokitika Seawall Rating District and reserves the right to raise such funds as it may need to carry out its functions under clause 9 and 10 above from this source.
12. The WDC will fund the performance of its functions under clause 8 above from such sources that are available that it may determine.

SIGNATURES

SIGNED by)
THE WESTLAND DISTRICT COUNCIL)
by its authorised signatory)
in the presence of:)



Authorised Signatory



Witness signature

VANESSA WATSON
Witness name

BUSINESS SUPPORT OFFICER
Witness Occupation

HOKITIKA
Witness Town of Residence

SIGNED by)
THE WEST COAST REGIONAL COUNCIL)
by its authorised signatory)
in the presence of:)



Authorised Signatory



Witness signature

Patricia Jellyman
Witness name

Executive Assistant
Witness Occupation

Greymouth
Witness Town of Residence

Report to: Council	Meeting Date: 13 th September 2022
Title of Item: Operations Monthly Works Report	
Report by: James Bell – Engineering Officer, Paulette Birchfield – Area Engineer, Lillian Crozier - BSO	
Reviewed by: Rachel Vaughan	
Public excluded? No	

Purpose

The purpose of this report is to provide Council with an overview of the works undertaken during the months of August 2022, as well as an update on the Westport Flood Protection Project.

Report Summary

Council Engineers have undertaken River Protection works on behalf of the Greymouth Rating Districts.

Recommendation

It is recommended that council resolve to:

1. *Receive this report.*

Issues and Discussion

Current Situation:

Monthly Works Report – September 2022

River Observations

The team were busy responding to the weather event on the week of 15 August 2022. After the warning issued by MetService, the Flood Response Team were deployed to monitor river levels for risk of stop bank failure.

River Engineers were requested from Otago and Canterbury Regional Councils to assist the WCRC team due to flood risk to both Westport, Franz Josef and Hokitika townships.

James Bell from Engineering with Sam Gibbens from Hydrology monitored the Waiho, fortunately the river never reached the full capacity of the bed. This meant the flow was restricted to a braid which did not compromise any stopbanks.

The Hokitika reached alarm levels at the gorge and was monitored by Pete Mason from Hydrology and Otago Regional Council staff.

John Ellis was assisted by Canterbury Regional Council staff in Westport. The rainfall caused surface flooding and stopbank seepage, but the river levels did not reach sufficient heights to overtop banks.

Paulette Birchfield monitored the Grey River and surrounding waterbodies, including preparation of the slid gate at Cobden, as shown below.

The Wanganui River was observed by rating district landowners. As there was no risk to life, it was decided that no staff would be deployed to the river. The river did flow high and some damage was observed. See below.

The Haast River also received heavy rainfall. This was insufficient to cause flood levels in the river.

Thankfully, the rainfall event did not cause flood levels on our region. Our thoughts are with our Nelson, Tasman and Marlborough neighbours during their clean up and recovery.

Greymouth Rating District

On 17 August 2022 works were undertaken to uncover and test the slide gate on the Cobden Cut culvert. The beach gravel build-up in front of the gate was cleared in preparation for the forecast rainfall for that week.



Photo 1: Slide gate uncovered



Photo 2: Beach gravel cleared

Wanganui River Rating District



Photo 3: Wanganui showing breach at Raymonds bank

Previous damage to stopbanks were observed which prompted a meeting of councillors, council staff and Rating District members on the 11th of August.

The week of 15 August 2022 caused some high flows in the Wanganui with further flow behind the breached bank, with the breach widening. There was also some erosion at the State Highway bridge that was reported to *Waka Kotahi NZTA* for remediation.

The team is working with Chris Hoskins and Scott Hoare from Inovo to develop a strategy to address the bank erosion. This will be reported when a design is complete and allow with financial analysis.

Westport Flood Protection

Organs Island Raking

Work is practically complete prior to recent weather events and high river levels. A survey of the final levels has been carried out and data is currently being processed with the close out of this contract.

Organs Island training wall

The Construction Contract was executed 1st August 2022. All required pre-start plans have been submitted and reviewed. Progress to date has been delayed due to weather events, and river levels, with approximately 11000 m³ of river run placed to date behind the existing training wall. This work is approximately 3 weeks behind programme.

Kawatiri Farm (O'Conor Home Erosion)

Preparation of Tender Packages has been delayed slightly due to resources being reallocated to flood preparation during weather events. Discussion with landowners for access to undertake work is underway

and final tender documentation being prepared. We anticipate invitations to tender will be issued mid to late September.

The University of Waikato Research Program

Staff have been approached by Dr Yifan Yang, Lecturer in Civil (Hydraulic) Engineering, School of Engineering at Waikato University.

Dr Yang requested hydro-geomorphic data of the Waiho River, and to express an interest in developing research collaboration in future. The project is developing a research program focusing on the effect of flash flood formation and its effect on sediment transport, general river accretion/erosion, and scour at key infrastructure. The project involves Dr Zhonghou Xu from NIWA. The research is currently supported by internal funds and will go on a bid for the next round of Marsden and MBIE funds.

The work has build on previous reports from 2019 by Matthew Gardner and Prof James Brasington. The project will analyse data already held by WCRC and information collected by the Hydrology team. The proposed research will involve experimental (eg flume testing in flumes), numerical (eg using novel computer models) and field studies (eg more onsite sampling and measurement). It is hoped, the research will help to improve the understanding of flash floods and related sediment hazards, which are of interest to the West Coast.

National Emergency Management Agency (NEMA)

A visit from Jie Liu and Radha Gounder from NEMA was booked for 1 and 2nd September. Due to forecast bad weather, they brought their meeting forward to 31st August with site visits to the Wanganui and Taramakau on 1st September. The visit was favourable, with small pieces of additional information supplied in order to settle the claim from February 2022.

THE WEST COAST REGIONAL COUNCIL

To: Chair, West Coast Regional Council

I move that the public be excluded from the following parts of the proceedings of this meeting, namely, -

- Item 10.1 – 10.4 inclusive

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution
10.1	<i>Confirmation of Confidential Minutes – Public excluded Meeting minutes of General Council Meeting 9 August 2022</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.2	<i>Contractual Matters</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.3	<i>Contractual Amendment</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>
10.4	<i>Commercial Activity</i>	<i>The item contains information relating to commercial matters</i>	<i>To protect commercial information (s 7(2)(b)).</i>

I also move that:

- Heather Mabin, Marc Ferguson, Keri Harrison and Scott Hoare be permitted to remain at this meeting after the public has been excluded, because of their knowledge on these subjects. This knowledge will be of assistance in relation to the matters to be discussed; and
- The Minutes Clerk also be permitted to remain at the meeting.