



SOUTH WAIRARAPA DISTRICT COUNCIL

Kia Reretahi Tātau

Agenda

**ORDER PAPER FOR THE FIRST MEETING OF THE TRIENNIUM
TO BE HELD IN
Pāpāwai Marae, Pā Road, Greytown
ON
26 October 2022**

**MEMBERSHIP OF COUNCIL
THE MAYOR
Mr Martin Connelly**

Cr M Bosley
Cr R Gray
Cr A Plimmer
Cr C Olds
Cr A Woodcock

Cr M Sadler-Futter
Cr K McAulay
Cr P Maynard
Cr A Ellims

**RECOMMENDATIONS IN REPORTS ARE NOT COUNCIL POLICY
UNTIL THEY ARE AGREED TO BY THE COUNCIL.**



**SOUTH WAIRARAPA DISTRICT COUNCIL
FIRST MEETING OF THE TRIENNIUM 2022-2025**

NOTICE OF MEETING

The first meeting of the triennium will be held at Pāpāwai Marae, Pā Road (previously Pah Road), Greytown on Wednesday 26 October 2022 from 9.00am. The meeting will be held in public.

Please note, in the event of any changes to these arrangements, notices will be posted on our website, and on our Facebook and Instagram accounts at least 24 hours in advance of this meeting.

The format and business of this meeting is prescribed in Clause 21 of Part I of Schedule 7 of the Local Government Act 2002.

Elected members and members of the public to assemble outside Pāpāwai Marae

A. Pōwhiri

Morning Tea

Elected members to sit in first three rows of the public gallery

Chief Executive Officer, Harry Wilson, assumes the Chair

B. Apologies

C. Briefing on Laws Affecting Elected Members Pages 1-35

D. Declarations by the Mayor and councillors - (Samples Attached) Pages 36-37

The Mayor assumes the Council Chair

Councillors to take a seat at the table

E. Business in Accordance with Part 1 of Schedule 7 of the Local Government Act 2002

E1. Mayoral Appointments Pages 40-52

E2. Fixing of date and time for first ordinary meetings (Adoption of the 2022 Schedule of Ordinary Meetings) Pages 53-56

E3. Members Remuneration 2022/23 Pages 57-79

Councillors return to the public gallery

Chief Executive Officer, Harry Wilson, assumes the Chair

F. Declarations by the Martinborough community board members
- (Samples Attached) Pages 38-39

Martinborough Community Board members take a seat at the table

- G. Business in Accordance with Part 1 of Schedule 7 of the Local Government Act 2002
 - G1. Election of Chairperson and Deputy Chairperson Pages 80-83
 - G2. Fixing of date and time for first ordinary meetings (Adoption of the 2022 Schedule of Ordinary Meetings) Pages 53-56

Martinborough Community Board members return to the public gallery

Chief Executive Officer, Harry Wilson, assumes the Chair

- H. Declarations by the Featherston community board members - (Samples Attached) Pages 38-39

Featherston Community Board members take a seat at the table

- I. Business in Accordance with Part 1 of Schedule 7 of the Local Government Act 2002
 - I1. Election of Chairperson and Deputy Chairperson Pages 80-83
 - I2. Fixing of date and time for first ordinary meetings (Adoption of the 2022 Schedule of Ordinary Meetings) Pages 53-56

Featherston Community Board members return to the public gallery

Chief Executive Officer, Harry Wilson, assumes the Chair

- J. Declarations by the Greytown community board members - (Samples Attached) Pages 38-39

Greytown Community Board members take a seat at the table

- K. Business in Accordance with Part 1 of Schedule 7 of the Local Government Act 2002
 - K1. Election of Chairperson and Deputy Chairperson Pages 80-83
 - K2. Fixing of date and time for first ordinary meetings (Adoption of the 2022 Schedule of Ordinary Meetings) Pages 53-56

Greytown Community Board members return to the public gallery

The Mayor assumes the Council Chair

- L. Decision Reports from the Chief Executive for Council
 - L1. Hinekura Farm Track – additional budget request Pages 84-104

Marae kōrero with mana whenua

At this point in the meeting, there will be an opportunity for mana whenua to hold discussion with the Council.

Lunch

Laws Affecting Elected Members Briefing

1. Purpose

To provide a general explanation of some of the laws that regulate the conduct of elected members.

2. Significance

The matters for decision in this briefing is not considered to be of significance under the Council's (kaunihera's) Significance and Engagement Policy.

3. Background

The Local Government Act 2002 requires that, at the first meeting of the kaunihera following a triennial general election, the chief executive must give or arrange for a general explanation of certain laws affecting elected members.

Below is a summary of the key legislation that is relevant to the conduct of councillors in relation to legal liability. Summarised are also the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987 where they address with the role and function of the kaunihera and councillors, and with the conduct of meetings.

The governance and management provisions of the Local Government Act, relevant to members' conduct, are in Appendix 2.

4. Laws and obligations relating to members' legal obligations

There are certain legal provisions that councillors must be aware of because breaching the rules can have the consequence of loss of office, fines, or imprisonment. These provisions are contained in the:

- [Local Authorities \(Members' Interests\) Act 1968](#);
- [Secret Commissions Act 1910](#);
- [Crimes Act 1961](#);
- [Financial Markets Conduct Act 2013](#);
- [Health and Safety at Work Act 2015](#); and
- [Public Records Act 2005](#).

The following is a summary of these enactments.

4.1 Local Authorities (Members' Interests) Act 1968

The Local Authorities (Members' Interests) Act 1968 is an important statute governing the conduct of councillors. It has two main aspects. The first is the prohibition of certain contracts between local authorities and their members. The second prevents voting on or discussing questions in which a member has a pecuniary interest.

As to the first aspect, the Act provides that no-one may be elected or appointed or be a member of a local authority or of any committee of it, if the total payments to be made by the kaunihera in respect of contracts made by it with that person exceeds \$25,000 (GST incl) in any year (section 3(1)).

The Act covers contracts made by the kaunihera directly with the person concerned, and also contracts made by the kaunihera in which the councillor is concerned or interested. Special provisions deal with companies in which a member or his or her spouse/partner is interested either as a shareholder, or as a member of the company, or by virtue of certain management positions.

There are a number of exceptions to this rule but, in case of any doubt, a councillor should refer the matter to the Office of the Auditor-General or seek independent legal advice. The penalty for breach of these provisions (which are contained in section 3 of the Act) is immediate loss of office (section 4) and there is also the possibility of a fine being imposed (section 5).

Section 6(1) of the Act prohibits a member of a local authority or of a committee of it from voting on, or taking part in the discussion of any matter before the governing body of that local authority or before that committee in which he or she has, directly or indirectly, any pecuniary interest, other than an interest in common with the public. Once again, there are special provisions dealing with a pecuniary interest in the context of the interests of the member or his or her spouse/partner in a company.

The Office of the Auditor-General is empowered to declare that the rule will not apply with respect to any specified matter or specified class of matter on particular occasions. In doing so, it must act in the interests of the electors or inhabitants of the district. The penalty for discussing or voting when there is a pecuniary interest is, once again, loss of office, but only upon conviction of an offence (section 7).

Related to these statutory provisions is the common law principle of natural justice, which includes obligations to listen to both sides and not to be a judge in one's own cause.

Following passage of the [Local Government \(Pecuniary Interests Register\) Amendment Bill](#) in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The Register of Interests (Appendix 3) will record elected members' declarations identifying potential financial and non-financial conflicts of interest.

4.2 Non-pecuniary conflicts of interest

While the Local Authority (Members' Interests) Act 1968 deals with pecuniary interests, there are also legal rules about conflicts of interest, more generally, which

apply to non-pecuniary conflicts of interest. Of key significance is the matter of bias – this is not limited to actual bias, but also relates to the appearance or possibility of bias. Situations of non-pecuniary bias commonly involve predetermination of a matter before hearing all relevant information or a close relationship or involvement with an individual or an organisation affected by the matter.

Detailed guidance on the laws on conflict of interest is contained in the Controller and Auditor-General's publication [*Managing conflicts of interest: A guide for the public sector.*](#)

At the commencement of each meeting councillors are expected to declare any conflicts of interest. A declaration may be in relation to a pecuniary interest (other than an interest in common with the public) or a non-pecuniary interest giving rise to a risk of bias. Councillors are advised to read Order Papers before a meeting to see whether they have an interest in any matters that are to be discussed or voted on. If there are, councillors should, if possible, advise the relevant chairperson before the meeting starts that they are going to declare an interest in a particular matter. Once a conflict is declared, the councillors will be required to abstain from discussion and voting and should leave the meeting for that item. In declaring a conflict of interest, a councillor is not required to inform the meeting about the nature of the interest or why it exists.

4.3 Secret Commissions Act 1910

The Secret Commissions Act 1910 deems every councillor to be an agent of the kaunihera (section 16(1)(b)). It creates offences in relation to accepting inducements or rewards for doing or forbearing to do something in relation to the kaunihera's affairs or showing or having shown favour or disfavour to any person in relation to the kaunihera's affairs or business (section 4(1)).

It is an offence, similarly, to divert, obstruct, or interfere with the proper course of the affairs or business of the kaunihera, or to fail to use due diligence in the prosecution of its affairs or business, with intent to obtain any gift or other consideration from any person interested in the affairs or business of the kaunihera (section 4(2)).

Section 5 of the Act makes it an offence for a member not to disclose to the kaunihera his or her pecuniary interest (which includes the pecuniary interest of a parent, spouse/partner, or child) in a contract when making a contract on behalf of the kaunihera (see also the discussion of the Local Authorities (Members' Interests) Act 1968 below). Section 9 of the Act makes it an offence to aid or abet, or to be in any way directly or indirectly concerned in, or privy to, the commission of any offence against the Act.

Conviction of an offence under the Act carries with it the possibility of imprisonment for up to two years, or a fine not exceeding \$1,000. Such conviction may also have the consequence of loss of office, in terms of clause 1 of Schedule 7 of the Local Government Act 2002.

4.4 Crimes Act 1961

The Crimes Act 1961 is relevant to councillors as it deals with bribery and corruption. Councillors are within the definition of an “official” in section 99 of the Crimes Act. Section 105 of that Act provides that every official is liable to imprisonment for a term not exceeding seven years who, whether within New Zealand or elsewhere, corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for him or herself or any other person in respect of any act done or omitted, or to be done or omitted, by him or her in an official capacity.

Putting this simply, it is an offence against this section to seek or obtain a reward for performing one’s official duties as a councillor.

Section 105A then goes on to make it an offence, once again carrying a term of imprisonment of up to seven years, for an official to use any information acquired by him or her in an official capacity to obtain, directly or indirectly, an advantage or a pecuniary gain for himself or herself, or any other person.

4.5 Securities Act 1978

The kaunihera has wide borrowing powers under Part 6 of the Local Government Act 2002. One of the ways the kaunihera can borrow is by issuing stock or other forms of debt instruments. If such debt instruments are offered to the public, the kaunihera must comply with the Securities Act.

What constitutes “offering to the public” is given a very wide meaning (section 3 of the Securities Act). The Securities Act regulates the offering of securities to the public. Local authority debt instruments are securities for the purposes of the Act. If the kaunihera intends offering its debt instruments to the public it will have to produce a prospectus and an investment statement complying with the requirements of the Securities Act and the Securities Regulations 1983.

In addition, any advertisements relating to the offer will have to comply with certain requirements imposed by the Securities Act governing the advertising of public offers of securities. Certificates would also have to be issued to investors, and certain information relating to the kaunihera and the securities would have to be sent periodically to the holders of the kaunihera’s securities.

The Securities Act contains wide provisions establishing civil liability and criminal offences where a member of the public purchasing securities relies on untrue statements made in an advertisement (including an investment statement) or in a registered prospectus. In addition, there are general offences which apply to persons who do not otherwise comply with the provisions of the Act.

Elected members are deemed “directors” of the local authority for the purposes of the Securities Act and the Regulations made under it. As such, they are potentially personally liable to investors if a registered prospectus or an investment (including an investment statement) contains an untrue statement. Members may also be criminally liable if the requirements of the Act or Regulations are not met. Some offences carry penalties that would also give rise to disqualification from office.

4.6 Financial Markets Conduct Act 2013

Under the Financial Markets Conduct Act 2013 elected members are essentially in the same position as company directors whenever the kaunihera offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

4.7 Health and Safety at Work Act 2015

Under the Act elected members are “officers” and as such have obligations and responsibilities which are the same as the Chief Executive (also an “officer” under the act). While councillors do not have the same liabilities (i.e. penalties if they do not meet those obligations) it is important that councillors make themselves aware of the measures the organisation has in place for managing health and safety and satisfies themselves that the kaunihera organisation is doing what is appropriate to meet the requirements of the Act.

Elected members will be given a briefing on Health and Safety at Work Act in their induction.

4.8 Public Records Act 2005

The Public Records Act’s purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The Public Records Act 2005 provides for the continuity of the National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the kaunihera’s records.

5. Councillors’ personal liability

Generally speaking, councillors are indemnified in respect of their actions as a councillors. Section 43 of the Local Government Act 2002 provides for this indemnity (by the kaunihera) in relation to:

- civil liability (both for costs and damages) if the councillor is acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the kaunihera; and
- costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a councillor.

However, there is a potential personal exposure on the part of councillors in certain circumstances - where the Auditor-General has reported on a "loss" incurred by the kaunihera, for which the kaunihera has not been compensated (sections 44 to 46). The loss must arise out of one of the following actions or omissions:

- money belonging to, or administrable by, the kaunihera being unlawfully expended; or
- an asset being unlawfully sold or otherwise disposed of by the kaunihera; or
- a liability being unlawfully incurred by the kaunihera; or
- the kaunihera intentionally or negligently failing to enforce the collection of money it is lawfully entitled to receive.

If the Auditor-General has made such a report, then that loss is recoverable as a debt due to the Crown (which in turn must be paid back to the kaunihera) from each councillor jointly and severally. Therefore, elected members should always be alert to ensure that their decision-making is within the bounds of the law. However, a councillor has a defence to such a claim if he or she can prove that the act or failure giving rise to the loss occurred:

- without the councillors's knowledge; or
- with the councillors's knowledge but against his or her protest made at or before the time when the loss occurred; or
- contrary to the manner in which the councillors voted on the issue at a meeting of the kaunihera; or
- in circumstances where, although being a party to the act or failure to act, the councillors acted in good faith and in reliance on reports, statements, financial data, or other information prepared or supplied, or on professional or expert advice given, by any kaunihera officer or professional advisor in relation to matters which the councillors believed on reasonable grounds to be within that person's competency.

6. Code of conduct

The kaunihera has a Code of Conduct for councillors (as required by clause 15 of Schedule 7 of the Local Government Act 2002). The Code of Conduct sets out (amongst other things) understandings and expectations about the manner in which members may conduct themselves while acting as members, including behaviour

toward one another, staff, the public, and the disclosure of information. Under clause 15(4), members must comply with the Code. There are current two sets of the Code of Conduct, one for Council and its committees (Appendix 4), and one for Community Boards (Appendix 5). It is intended the Code of Conduct will be reviewed early in the triennium to align with best practice and form a single a code for all members.

7. Standing orders

Clause 27 of Part I of Schedule 7 of the Local Government Act 2002 requires the Council to adopt a set of standing orders for the conduct of its meetings and those of its committees (including community boards).

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

South Wairarapa District Council standing orders were adopted 19 October 2016. It is intended that a review be undertaken early in the triennium with input from elected members to ensure the standing orders reflect updated best practice. The adoption of a new set of standing orders, or an amendment, requires a vote of not less than 75% of the members present.

Standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

A copy of the standing orders is attached in Appendix 5.

8. Official Information

The Local Government Official Information and Meetings Act 1987 governs the custody and release of official information. The fundamental principle in the Act is that information held by the kaunihera is publicly available, unless one or more specified withholding grounds apply.

The Act also deals with local authority meetings, in Part VII. There are a number of important points in this latter part of the Act, namely:

- The Act states the grounds upon which the public may be excluded from meetings (section 48). That may generally only occur when good reason to withhold information exists, and there is a statutory definition of that

concept in sections 6 and 7 of the Act. In addition, the public may be excluded where the subject matter of discussion is one in respect of which a right of appeal exists to any Court or Tribunal against the decision made by the kaunihera (section 48(2)).

- In excluding the public, the kaunihera must make a resolution (in the form set out at Schedule 2A to the Act) stating the subject of each matter to be considered while the public is excluded, and the reasons must be given for excluding the public, in terms of the statutory grounds.
- Chairpersons at meetings may require members of the public to leave a meeting if the behaviour of the person concerned is likely to prejudice or continue to prejudice the orderly conduct of the meeting (section 50).
- If a meeting is open to the public, and an agenda is supplied to a member of the public or the minutes of a meeting are produced for inspection by any member of the public after the conclusion of the meeting, any defamatory matter which is published in this way is to be treated as privileged, unless the publication was predominantly motivated by ill will (section 52). Oral statements made at meetings of the kaunihera are also privileged, unless the statement is proved to be predominantly motivated by ill will (section 53). Ordinarily, a statement that is “privileged” cannot support a cause of action for defamation (even though that statement might be untrue or misleading).
- Items which are not on an agenda for a meeting may be dealt with if the meeting resolves to do so and the chairperson explains in open meeting why the item is not on the agenda and why consideration of it cannot be delayed to a subsequent meeting (section 46A(7)).

If the item is a minor matter relating to the general business of the kaunihera then it may be discussed without the meeting having resolved to do so, so long as the chair explains at the beginning of the meeting, and when it is open to the public, that the item will be discussed; but in that case no resolution, decision or recommendation may be made except to refer the item to a subsequent meeting for further discussion (section 46A (7A)).

9. Purpose, role and powers of the kaunihera

Because it underpins everything that the kaunihera, and thus the elected members do, it is useful to briefly describe the general statutory framework within which the kaunihera operates. Relevant sections of the Local Government Act are in Appendix 1.

9.1 General statutory framework

The Local Government Act 2002 sets out the following purpose of local government (section 10):

- (a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
- (b) *to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.*

In this context, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- efficient; and
- effective; and
- appropriate to present and anticipated future circumstances.

The kaunihera's role is to give effect to that purpose of local government in relation to its district and to perform the duties and exercise the rights conferred on it by law (section 11). The kaunihera is responsible and democratically accountable for the decision-making of the local authority (section 41(3)).

Except where another law provides otherwise, the kaunihera has full capacity to carry on or undertake any activity or business, or do any act, or enter into any transaction (section 12(2)). However, the kaunihera must exercise its powers wholly or principally for the benefit of the district (section 12(4)). That does not prevent two or more kauniheras engaging in joint or co-operative activities (section 12(6)).

In performing its role, a kaunihera must act in accordance with certain principles in section 14 of the Local Government Act 2002. In addition, section 39 of that Act sets out governance principles that apply to kauniheras.

The text of sections 14 and 39 is attached to this report.

When making decisions, the kaunihera must comply with the decision-making requirements set out in Part 6 of the Act. Under Part 6, local authorities are required to confirm their mandate from their communities through various forms of consultation, especially in relation to the Long Term Plan and Annual Plan process and for other significant decisions.

9.2 Comparative Roles of the kaunihera and the Chief Executive/kaunihera staff

This is a brief summary of the legal provisions relevant to the respective roles of the kaunihera and the Chief Executive.

Section 42(1) of the Local Government Act 2002 requires the kaunihera to appoint a Chief Executive. The Chief Executive's responsibilities are set out in subsection (2), as follows:

- i. implementing the kaunihera's decisions;
- ii. providing advice to members of the kaunihera;

- iii. ensuring that all responsibilities, duties and powers delegated to him or her or to any person employed by the kaunihera, or imposed or conferred by an Act, regulation or bylaw are properly performed or exercised;
- iv. ensuring the effective and efficient management of the kaunihera's activities;
- v. maintaining systems to enable effective planning and accurate reporting of the kaunihera's financial and service performance;
- vi. providing leadership for the kaunihera's staff;
- vii. employing staff, on behalf of the kaunihera; and
- viii. negotiating the terms of employment of the kaunihera's staff.

The kaunihera's role is limited to the appointment of the Chief Executive; all other appointments are for the Chief Executive to make, on the kaunihera's behalf.

Overall, section 42 demonstrates a legislative intent that the Chief Executive should be responsible for managing, with the staff he or she appoints, the affairs of the kaunihera. Although the dividing line will sometimes be difficult to draw, the kaunihera's role should be in governance and in particular the establishment of policy and associated decision-making. Actual implementation of kaunihera decisions, administration, and management should be in the hands of the Chief Executive and staff.

9.3 The kaunihera's planning process and consultation

The Local Government Act 2002 requires the kaunihera to adopt a number of planning and other policy and financial management documents.

The principal planning document is the long term plan (LTP) which covers a period of at least 10 years and is reviewed every three years. The LTP can be amended at any time, but this requires use of the special consultative procedure (see below). In addition, prior to the beginning of each financial year the kaunihera must have adopted an annual plan for that year (although for those years where a new LTP is adopted, the financial statement and funding impact statement included in the LTP in relation to the first year is the annual plan (section 95(4)).

Under section 97 of the Local Government Act 2002, certain decisions may only be made if they are provided for in the LTP. These are:

- (a) a decision to alter significantly the intended level of service provision for a significant activity carried out by or on behalf of the kaunihera (including a decision to commence or cease any such activity); and
- (b) a decision to transfer the ownership or control of a strategic asset to or from the kaunihera.

Strategic assets are defined in the Act, partly by reference to assets listed in the kaunihera's policy on significance.

The LTP must set out any steps that the kaunihera intends to take to develop Māori capacity to contribute to the decision-making process over the period covered by the plan (Schedule 10, section 5).

The LTP and the annual plan, as well as some other formal policy documents must be adopted using the special consultative procedure (SCP). This procedure is also required for, amongst other things, the adoption or amendment of bylaws, and where there is a proposed change in the mode of delivery of certain significant activities. The SCP involves:

- preparation of a statement of proposal, which must be included on the agenda for a meeting of the kaunihera;
- preparation and distribution of a summary of that proposal;
- public notice;
- the opportunity for the public to make submissions and to be heard in relation to that submission; and
- deliberation and the making of a final decision on the proposal.

Court decisions relating to "consultation" have stressed that bodies or persons having a statutory obligation to consult must go into the process with an open mind, that is, a mind capable of persuasion having fairly considered the submissions.

In addition, and quite apart from those decisions requiring use of the SCP, the Local Government Act 2002 contains detailed provisions which govern more generally the kaunihera's required approach to decision-making and consultation. These include the requirement to consider community views (section 78), and to encourage Māori contributions to the decision-making process (section 81).

10. Appendices

Appendix 1: Sections 9 – 19 Local Government Act 2002

Appendix 2: Sections 38 – 48 Local Government Act 2002

Appendix 3: Exemplar Register of Interests

Appendix 4: Code of Conduct (Council and Committees)

Appendix 5: Code of Conduct (Community Boards)

Contact Officer: Harry Wilson, Chief Executive Officer

**Appendix 1 - Sections 9 – 19 Local Government Act
2002**

Part 2 Purpose of local government, and role and powers of local authorities

9 Outline of Part

This Part—

- (a) states the purpose of local government; and
- (b) states the role and powers of local authorities.

Subpart 1—Purpose of local government

10 Purpose of local government

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

Subpart 2—Role of local authorities and related matters

11 Role of local authority

The role of a local authority is to—

- (a) give effect, in relation to its district or region, to the purpose of local government stated in section 10; and
- (b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

12 Status and powers

- (1) A local authority is a body corporate with perpetual succession.
- (2) For the purposes of performing its role, a local authority has—
 - (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and

- (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (3) Subsection (2) is subject to this Act, any other enactment, and the general law.
- (4) A territorial authority must exercise its powers under this section wholly or principally for the benefit of its district.
- (5) A regional council must exercise its powers under this section wholly or principally for the benefit of all or a significant part of its region, and not for the benefit of a single district.
- (6) Subsections (4) and (5) do not—
 - (a) prevent 2 or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or
 - (b) prevent a transfer of responsibility from one local authority to another in accordance with this Act; or
 - (c) restrict the activities of a council-controlled organisation; or
 - (d) prevent a local authority from making a donation (whether of money, resources, or otherwise) to another local authority or to a person or organisation outside its district or region or outside New Zealand—
 - (i) if the local authority considers, on reasonable grounds, that the donation will benefit its district or region, or the communities within its district or region; or
 - (ii) if the local authority considers, on reasonable grounds, that a benefit will be conferred on the local government sector as a whole; or
 - (iii) for emergency relief; or
 - (e) prevent a local authority from making a donation (whether of money, resources, or otherwise) to a local government body outside New Zealand to enable it to share its experience and expertise with that body.

13 Performance of functions under other enactments

Sections 10 and 12(2) apply to a local authority performing a function under another enactment to the extent that the application of those provisions is not inconsistent with the other enactment.

14 Principles relating to local authorities

- (1) In performing its role, a local authority must act in accordance with the following principles:
 - (a) a local authority should—
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:
 - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (c) when making a decision, a local authority should take account of—
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on each aspect of well-being referred to in section 10:
 - (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:
 - (e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and
 - (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
 - (fa) a local authority should periodically—
 - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
 - (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and

- (h) in taking a sustainable development approach, a local authority should take into account—
 - (i) the social, economic, and cultural well-being of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.
- (2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

Subpart 3—Co-ordination of responsibilities of local authorities

15 Triennial agreements

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include—
 - (a) protocols for communication and co-ordination among the local authorities; and
 - (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
 - (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
- (3) An agreement under this section may also include—
 - (a) commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
 - (b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.

- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.
- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—
 - (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and
 - (c) any intention of the local authority to seek an amendment to the agreement under subsection (4).
- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

16 Significant new activities proposed by regional council

- (1) This section applies if,—
 - (a) in the exercise of its powers under section 12(2), a regional council proposes to undertake a significant new activity; or
 - (b) a regional council-controlled organisation proposes to undertake a significant new activity; and
 - (c) in either case, 1 or more territorial authorities in the region of the regional council—
 - (i) are already undertaking the significant new activity; or
 - (ii) have notified their intention to do so in their long-term plans or their annual plans.
- (2) When this section applies, the regional council—
 - (a) must advise all the territorial authorities within its region and the Minister of the proposal and the reasons for it; and

- (b) must include the proposal in the consultation document referred to in section 93A.
- (3) A proposal included in the consultation document referred to in section 93A must include—
 - (a) the reasons for the proposal; and
 - (b) the expected effects of the proposal on the activities of the territorial authorities within the region; and
 - (c) the objections raised by those territorial authorities, if any.
- (4) If, after complying with subsection (2), the regional council indicates that it intends to continue with the proposal, but agreement is not reached on the proposal among the regional council and all of the affected territorial authorities, either the regional council or 1 or more of the affected territorial authorities may submit the matter to mediation.
- (5) Mediation must be by a mediator or a mediation process—
 - (a) agreed to by the relevant local authorities; or
 - (b) in the absence of an agreement, as specified by the Minister.
- (6) If mediation is unsuccessful, either the regional council or 1 or more affected territorial authorities may ask the Minister to make a binding decision on the proposal.
- (7) Before making a binding decision, the Minister must—
 - (a) seek and consider the advice of the Commission; and
 - (b) consult with other Ministers whose responsibilities may be affected by the proposal.
- (8) This section does not apply to—
 - (a) a proposal by a regional council to establish, own, or operate a park for the benefit of its region; or
 - (b) a proposal to transfer responsibilities; or
 - (c) a proposal to transfer bylaw-making powers; or
 - (d) a reorganisation application under Schedule 3; or

(e) a proposal to undertake an activity or enter into an undertaking jointly with the Crown.

(9) For the purposes of this section,—

affected territorial authority means a territorial authority—

(a) the district of which is wholly or partly in the region of a regional kaunihera;
and

(b) that undertakes, or has notified in its long-term plan or annual plan its intention to undertake, the significant new activity

annual plan—

(a) means a report adopted under section 223D of the Local Government Act 1974;
and

(b) includes such a report that section 281 applies to

new activity—

(a) means an activity that, before the commencement of this section, a regional council was not authorised to undertake; but

(b) does not include an activity authorised by or under an enactment

regional council-controlled organisation means a council-controlled organisation that is—

(a) a company—

(i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more regional councils; or

(B) controlled, directly or indirectly, by 1 or more regional councils; or

(ii) in which 1 or more regional councils have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or

(b) an organisation in respect of which 1 or more regional councils have, whether or not jointly with other regional councils or persons,—

(i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the organisation; or

- (ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the organisation.

17 Transfer of responsibilities

- (1) A regional council may transfer 1 or more of its responsibilities to a territorial authority in accordance with this section.
- (2) A territorial authority may transfer 1 or more of its responsibilities to a regional council in accordance with this section.
- (3) A transfer of responsibilities under this section must be made by agreement between the local authorities concerned and may be on the terms and conditions that are agreed between them.
- (4) A local authority may not agree to transfer a responsibility or agree to accept a transfer of a responsibility under this section unless it is satisfied, following consultation in accordance with section 82, that the benefits of the proposed transfer to its district or region will outweigh any negative impacts of the proposal.
- (5) A local authority must notify the Minister of its intention to transfer a responsibility or accept a transfer of responsibility under this section.
- (6) From the time a transfer takes effect, the responsibilities and powers of the local authority receiving the transfer are extended as necessary to enable the local authority to undertake, exercise, and perform the transferred responsibilities.
- (7) If a transfer of responsibilities has been made, either local authority that was a party to the transfer may, through the process set out in subsections (3) to (6), initiate—
 - (a) a variation of the terms of the transfer; or
 - (b) the reversal of the transfer.
- (8) In this section, responsibility means any responsibility, duty, or legal obligation except a responsibility, duty, or legal obligation conferred by or under any other Act, and includes—
 - (a) a responsibility that has previously been transferred under this section; and
 - (b) any powers associated with the responsibility, duty, or legal obligation.
- (9) Nothing in this section limits the ability of a local authority to—

- (a) delegate the exercise of any responsibility to another local authority; or
- (b) enter into a contractual agreement with another local authority for the performance of any activity or function.

17A Delivery of services

- (1) A local authority must review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions.
- (2) Subject to subsection (3), a review under subsection (1) must be undertaken—
 - (a) in conjunction with consideration of any significant change to relevant service levels; and
 - (b) within 2 years before the expiry of any contract or other binding agreement relating to the delivery of that infrastructure, service, or regulatory function; and
 - (c) at such other times as the local authority considers desirable, but not later than 6 years following the last review under subsection (1).
- (3) Despite subsection (2)(c), a local authority is not required to undertake a review under subsection (1) in relation to the governance, funding, and delivery of any infrastructure, service, or regulatory function—
 - (a) to the extent that the delivery of that infrastructure, service, or regulatory function is governed by legislation, contract, or other binding agreement such that it cannot reasonably be altered within the following 2 years; or
 - (b) if the local authority is satisfied that the potential benefits of undertaking a review in relation to that infrastructure, service, or regulatory function do not justify the costs of undertaking the review.
- (4) A review under subsection (1) must consider options for the governance, funding, and delivery of infrastructure, services, and regulatory functions, including, but not limited to, the following options:
 - (a) responsibility for governance, funding, and delivery is exercised by the local authority;
 - (b) responsibility for governance and funding is exercised by the local authority, and responsibility for delivery is exercised by—
 - (i) a council-controlled organisation of the local authority; or

- (ii) a council-controlled organisation in which the local authority is one of several shareholders; or
 - (iii) another local authority; or
 - (iv) another person or agency:
- (c) responsibility for governance and funding is delegated to a joint committee or other shared governance arrangement, and responsibility for delivery is exercised by an entity or a person listed in paragraph (b)(i) to (iv).
- (5) If responsibility for delivery of infrastructure, services, or regulatory functions is to be undertaken by a different entity from that responsible for governance, the entity that is responsible for governance must ensure that there is a contract or other binding agreement that clearly specifies—
- (a) the required service levels; and
 - (b) the performance measures and targets to be used to assess compliance with the required service levels; and
 - (c) how performance is to be assessed and reported; and
 - (d) how the costs of delivery are to be met; and
 - (e) how any risks are to be managed; and
 - (f) what penalties for non-performance may be applied; and
 - (g) how accountability is to be enforced.
- (6) Subsection (5) does not apply to an arrangement to the extent that any of the matters specified in paragraphs (a) to (g) are—
- (a) governed by any provision in an enactment; or
 - (b) specified in the constitution or statement of intent of a council-controlled organisation.
- (7) Subsection (5) does not apply to an arrangement if the entity that is responsible for governance is satisfied that—
- (a) the entity responsible for delivery is a community group or a not-for-profit organisation; and
 - (b) the arrangement does not involve significant cost or risk to any local authority.

- (8) The entity that is responsible for governance must ensure that any agreement under subsection (5) is made publicly available.
- (9) Nothing in this section requires the entity that is responsible for governance to make publicly accessible any information that may be properly withheld if a request for that information were made under the Local Government Official Information and Meetings Act 1987.

18 Responsibilities, powers, and duties of Minister

- (1) The responsibilities, powers, and duties conferred or imposed on the Minister of Internal Affairs by any of the Acts specified in [Schedule 1](#), or by any regulations, rules, orders, or bylaws made under any of those Acts, must be exercised or performed by the Minister.
- (2) The Governor-General may, by Order in kaunihera, amend [Schedule 1](#) to add or delete any Act.

19 Secretary

The responsibilities, powers, and duties conferred on the Secretary for Internal Affairs by any of the Acts specified in [Schedule 1](#), or by any regulations, rules, orders, or bylaws made under any such Act, must be exercised or performed by the Secretary for Local Government.

Appendix 2 - Sections 38 – 48 Local Government Act 2002

38 Outline of Part

This Part—

- (a) identifies the principles and requirements for the governance and management of local authorities; and*
- (b) provides for the establishment of community boards and their governance arrangements.*

Subpart 1—Local authorities

Governance and management

39 Governance principles

A local authority must act in accordance with the following principles in relation to its governance:

- (a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and*
- (b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and*
- (c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and*
- (d) a local authority should be a good employer; and*
- (e) a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.*

40 Local governance statements

(1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—

- (a) the functions, responsibilities, and activities of the local authority; and*

- (b) any local legislation that confers powers on the local authority; and*
 - (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under [section 158](#) or [159](#); and*
 - (c) the electoral system and the opportunity to change it; and*
 - (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and*
 - (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and*
 - (f) governance structures and processes, membership, and delegations; and*
 - (g) meeting processes (with specific reference to the applicable provisions of the [Local Government Official Information and Meetings Act 1987](#) and standing orders); and*
 - (h) consultation policies; and*
 - (i) policies for liaising with, and memoranda or agreements with, Māori; and*
 - (j) the management structure and the relationship between management and elected members; and*
 - (ja) the remuneration and employment policy, if adopted; and*
 - (k) equal employment opportunities policy; and*
 - (l) key approved planning and policy documents and the process for their development and review; and*
 - (m) systems for public access to it and its elected members; and*
 - (n) processes for requests for official information.*
- (2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.*

Governing bodies and chief executives

41 Governing bodies

- (1) A regional council must have a governing body consisting of—*

- (a) members elected in accordance with the [Local Electoral Act 2001](#); and
- (b) a chairperson elected by members of the regional council in accordance with [clause 25](#) of Schedule 7.
- (2) A territorial authority must have a governing body consisting of members and a mayor elected in accordance with the [Local Electoral Act 2001](#).
- (3) A governing body of a local authority is responsible and democratically accountable for the decision-making of the local authority.
- (4) A chairperson of a regional council, or a mayor of a territorial authority, is a Justice of the Peace during the time that he or she holds the office of chairperson or mayor.
- (5) An employee of a local authority who is elected to be a member of the local authority's governing body must resign from his or her position as an employee of the local authority before taking up his or her position as a member of the local authority.

41A Role and powers of mayors

- (1) The role of a mayor is to provide leadership to—
- (a) *the other members of the territorial authority; and*
- (b) *the people in the district of the territorial authority.*
- (2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.
- (3) For the purposes of subsections (1) and (2), a mayor has the following powers:
- (a) *to appoint the deputy mayor:*
- (b) *to establish committees of the territorial authority:*
- (c) *to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—*
- (i) *may make the appointment before the other members of the committee are determined; and*
- (ii) *may appoint himself or herself.*
- (4) However, nothing in subsection (3) limits or prevents a territorial authority from—
- (a) *removing, in accordance with [clause 18](#) of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or*

(b) discharging or reconstituting, in accordance with [clause 30](#) of Schedule 7, a committee established by the mayor under subsection (3)(b); or

(c) appointing, in accordance with [clause 30](#) of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or

(d) discharging, in accordance with [clause 31](#) of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).

(5) A mayor is a member of each committee of a territorial authority.

(6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).

(7) To avoid doubt,—

(a) [clause 17\(1\)](#) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a):

(b) [clauses 25](#) and [26\(3\)](#) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

42 Chief executive

(1) A local authority must, in accordance with [clauses 33](#) and [34](#) of Schedule 7, appoint a chief executive.

(2) A chief executive appointed under subsection (1) is responsible to his or her local authority for—

(a) implementing the decisions of the local authority; and

(b) providing advice to members of the local authority and to its community boards, if any; and

(c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and

(d) ensuring the effective and efficient management of the activities of the local authority; and

(da) facilitating and fostering representative and substantial elector participation in elections and polls held under the [Local Electoral Act 2001](#); and

(e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and

(f) providing leadership for the staff of the local authority; and

(g) employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and

(h) negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

(2A) In the case of a unitary authority for a district that includes 1 or more local board areas, a chief executive appointed under subsection (1) is also responsible to the unitary authority for—

(a) implementing the decisions of each local board within the district of the unitary authority; and

(b) implementing each local board agreement; and

(c) providing advice to each local board and its members; and

(d) providing the administrative and other facilities for each local board that are necessary for the board to carry out its functions and perform its duties.

(3) A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority—

(a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and

(b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.

(4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

Other governance matters

43 Certain members indemnified

(1) A member of a local authority (or a committee, community board, or other subordinate decision-making body of that local authority) is indemnified by that local authority, whether or not that member was elected to that local authority or community board under the [Local Electoral Act 2001](#) or appointed by the local authority, for—

(a) costs and damages for any civil liability arising from any action brought by a third party if the member was acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the local authority (or committee, community board, or other subordinate decision-making body of that local authority); and

(b) costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a member.

(2) Subsection (1) does not apply to a member's liability for a loss under [section 46](#).

(3) To avoid doubt, a local authority may not indemnify a director of a council-controlled organisation for any liability arising from that director's acts or omissions in relation to that council-controlled organisation.

44 Report by Auditor-General on loss incurred by local authority

(1) For the purposes of this section and [sections 45](#) and [46](#), a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:

(a) money belonging to, or administrable by, a local authority has been unlawfully expended; or

(b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or

(c) a liability has been unlawfully incurred by the local authority; or

(d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

(2) If the Auditor-General is satisfied that a local authority has incurred a loss, the Auditor-General may make a report on the loss to the local authority, and may include in the report any recommendations in relation to the recovery of the loss or the prevention of further loss that the Auditor-General thinks fit.

(3) The Auditor-General must send copies of the report to the Minister and every member of the local authority.

45 Local authority to respond to Auditor-General

(1) On receipt of a report from the Auditor-General, the local authority must, within 28 days, respond in writing to the Auditor-General, and send a copy of the response to the Minister.

(2) The local authority's response must—

(a) respond to each of the Auditor-General's recommendations; and

(b) include a statement as to what action, if any, the local authority intends to take in respect of the loss.(3)

The Minister may extend the period of time within which the local authority must forward its response.

(4) An individual member of the local authority may respond to the Auditor-General—

(a) by making a separate response to the Auditor-General, and sending a copy to the local authority and the Minister, within the time required for the local authority's response; or

(b) with the consent of the local authority, by incorporating that member's response in the local authority's response.

(5) The local authority must, as soon as practicable after the expiry of the time for forwarding its response, table in a meeting of the local authority that is open to the public a copy of the Auditor-General's report, the local authority's response, and any response of an individual member of the local authority not incorporated in the local authority's response.

46 Members of local authority liable for loss

(1) If the Auditor-General has made a report on a loss to a local authority under [section 44](#), then, without limiting any other person's liability for the loss, the loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally.

(2) If the members of the local authority or any other person or persons do not pay the amount of the loss to the Crown or the local authority within a reasonable time, the Crown may commence proceedings to recover the loss from any or all of those members.

(3) Any amount recovered by the Crown under subsection (2), less all costs incurred by the Crown in respect of the recovery, must be paid by the Crown to the local authority concerned.

(4) It is a defence to any proceedings under subsection (2) if the defendant proves that the act or failure to act resulting in the loss occurred—

(a) without the defendant's knowledge; or

(b) with the defendant's knowledge but against the defendant's protest made at or before the time when the loss occurred; or

(c) contrary to the manner in which the defendant voted on the issue at a meeting of the local authority; or

(d) in circumstances where, although being a party to the act or failure to act, the defendant acted in good faith and in reliance on reports, statements, financial data, or other information prepared or supplied, or on professional or expert advice given, by any of the following persons:

(i) an employee of the local authority whom the defendant believed on reasonable grounds to be reliable and competent in relation to the matters concerned:

(ii) a professional adviser or expert in relation to matters that the defendant believed on reasonable grounds to be within the person's professional or expert competence.

47 Members may be required to pay costs of proceeding in certain cases

(1) This section applies if, in a proceeding commenced by the Attorney-General, the local authority is—

(a) held to have—

(i) disposed of, or dealt with, any of its property wrongfully or illegally; or

(ii) applied its property to any unlawful purpose; or

(iii) permitted the reserves that it must manage to be used for purposes not authorised by law; or

(b) restrained from acting in the ways referred to in paragraph (a).

(2) If subsection (1) applies, costs and other expenses arising out of the proceeding or incurred in doing the things to which the proceeding relates—

(a) must not be paid out of general revenues by the local authority; and

(b) must be paid, by order of the court, by the members of the local authority who, by voting or otherwise, assented to the acts concerned.

(3) The court must not make an order under subsection (2) against a member of the local authority if the member proves that, in doing the act concerned,—

(a) the member acted in good faith and in accordance with the written advice of the solicitor to the local authority; or

(b) the member acted honestly and reasonably and, having regard to all the circumstances of the case, the member ought fairly to be excused.

48 Further provisions of Schedule 7

The following activities of local authorities must be carried out in accordance with [Part 1](#) of Schedule 7:

(a) vacation of office by members:

(b) remuneration of members:

(c) conduct of members:

(d) election and removal of chairperson, deputy chairperson, and deputy mayor:

(e) calling of meetings:

(f) conduct of meetings:

(g) procedures at meetings:

(h) subordinate decision-making structures:

(i) delegations:

(j) employment of staff:

(k) adoption of a remuneration and employment policy.

Appendix 3: Exemplar Register of Interests Register



South Wairarapa District Council Elected Member Register of Interests 2022-2023

Elected Member	Pecuniary interests/company directorships & controlling interests/interests in SWDC contracts	Employment – including self-employment, other payments for activities or services	Beneficial Interests in, and trusteeships of trusts	Properties	Involvement in other Organisations	Any other non-financial interest



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

DECLARATION

I *[full name of mayor, councillor]* declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the South Wairarapa District the powers, authorities, and duties vested in or imposed upon me as a member of the **SOUTH WAIRARAPA DISTRICT COUNCIL** by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 (LGOIMA), or any other Act.

Dated at Greytown this 26th day of October 2022

Signature.....

Signed in the Presence of:

.....
Harry Wilson, Chief Executive Officer



DECLARATION

Ko ahau, ko _____ e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o ōku pūkenga, o āku whakatauranga hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatauranga me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Wairarapa ki te tonga hei kaikaunihera o te Kaunihera-a-rohe o Te Wairarapa ki te tonga, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

He mea whakaū tēnei i Te Wairarapa ki te tonga i tēnei rā te rua tekau mā ono o Oketopa i te tau rua mano rua tekau mā rua.

Waitohu

Waitohu mai ki mua i a:

.....
Harry Wilson, Chief Executive Officer



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

DECLARATION

I *[full name of Community board member]* declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the South Wairarapa district the powers, authorities, and duties vested in or imposed upon me as a member of the *[Martinborough/Greytown/Featherston Community Board]* by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 (LGOIMA), or any other Act.

Dated at Greytown this 26th day of October 2022

Signature.....

Signed in the Presence of:

.....
Harry Wilson, Chief Executive Officer



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

DECLARATION

Ko ahau, ko _____, e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Wairarapa ki te tonga hei mema o te pōari o hapiri _____, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

He mea whakaū tēnei i Papawai i tēnei ā rua tekau ono rua o Oketopa i te tau rua mano rua tekau mā rua.

Waitohu: _____

Waitohu mai ki mua i a: _____

Harry Wilson, Chief Executive Officer

Mayoral Appointments

1. Purpose

To inform councillors of the proposed Mayoral appointments and committee structure under section 41A of the Local Government Act 2002.

2. Recommendations

The Mayor recommends that the Council:

1. Receive the 'Mayoral Appointments' Report.
2. Reaffirm the Māori Standing Committee with the following appointments in accordance with the Terms of Reference as attached in Appendix 3:
Narida Hooper (Pae Tū Mokai o Tauira), Andrea Rutene (Ngāti Kahungunu ki Wairarapa), Karen Mikaera (Pae Tū Mokai o Tauira), Violet Edwards (Kohunui Marae), Lola Kiel (Hau Ariki Marae), JD Smith (Hau Ariki Marae), Gillies Baker (Pāpāwai Marae), and Herewini Ammunson (Pāpāwai Marae).
3. Appoint Councillor Pip Maynard to the Māori Standing Committee, and as per the Terms of Reference (Appendix 2), subject to consultation with iwi representatives.
4. Approve following appointments to Community Boards:
 - a. Featherston – Councillors Rebecca Gray and Colin Olds.
 - b. Martinborough – Councillors Aidan Ellims and Pip Maynard.
 - c. Greytown - Councillors Aaron Woodcock and Martin Bosley.
5. Note the Mayor is appointed to the Civil Defence Emergency Management Group and the Wellington Regional Leadership Committee, and the Deputy Mayor is appointed the alternate on the Wellington Regional Leadership Committee, in accordance with the Terms of Reference.
6. Appoint Councillor Alistair Plimmer to the Wairarapa Combined District Plan Joint Committee, leaving a vacancy for one representative and one alternate to be confirmed at the next ordinary meeting of Council.
7. Approve the following appointments:
 - a. One representative (to be named) to the Wellington Region Waste Management and Minimisation Plan Joint Committee;
 - b. One representative (to be named) to the Regional Transport Committee;
 - c. One representative (to be named) to the Wellington Water Committee;

- d. One representative (to be named) to the Wairarapa Road Safety Council; and
- e. One representative (to be named) Cobblestones Trust Board.

3. Background

I have elected to exercise my powers under section 41A of the Local Government Act to establish committees and make appointments to those committees. Rollout of a new structure will be undertaken over the next few months.

I have reviewed the Committee Structure from the previous triennium and discussed committee structure options with mayors from other districts and Chief Executive Harry Wilson. I have been discussing preferred appointments with councillors and have given consideration to existing outside work commitments, existing councillor skills, experience and knowledge, and best fit.

I am seeking to create open and transparent processes, and to review the delegations to the committees and community boards in order to empower them.

4. Deputy Mayor Appointment

As per section 41A(3) of the Local Government Act 2002 I have elected to appoint Melissa Sadler-Futter as Deputy Mayor.

5. Constitution of Committees and Appointments

5.1 Community Board Appointments

Section 50 of the Local Government Act and section 19F of the Local Electoral Act 2001 enable councillors to be appointed as members of community boards. I propose that the following councillors be appointed to the community boards.

Community Board	Appointments
Featherston Community Board	Rebecca Gray and Colin Olds
Martinborough Community Board	Aidan Ellims and Pip Maynard
Greytown Community Board	Aaron Woodcock and Martin Bosley

The chair will be elected from within the Community Board.

5.2 Committee Structure and Appointments

It is my responsibility to ensure the governance structure of committees is appropriate and effective. My intention is to establish the following committees, make appointments to those committees and provide detailed terms of reference at the next ordinary meeting of Council:

- Infrastructure Committee
- Customer Services Committee
- Finance Committee

- Climate Change and Environment Committee
- Audit and Risk Committee
- Chief Executive Officer’s Employment Committee
- Strategy and Policy Committee
- Hearings Committee

The following appointments will be made to ensure there is continuity and SWDC representation across the regional and joint committees as follows:

Committee	Appointment Information	Next Meeting Date/Timing
Wellington Region Waste Management and Minimisation Plan Joint Committee	1 x member and the ability to appoint an alternate	5 December 2022
Civil Defence Emergency Management Group	Mayor and Deputy Mayor as alternate	6 December 2022
Wellington Regional Leadership Committee	Mayor	6 December 2022
Regional Transport Committee	1 x representative (Note: This representative has traditionally been the Mayor as the CDEM Group and WRL Committee meetings follow each other on the same day but this is not a requirement).	6 December 2022
Wairarapa Road Safety Council	1 x representative	8 December 2022
Wairarapa Combined District Plan Joint Committee	2 x members and ability to appoint an alternate member to cover absences. The Mayor is also a member as afforded by Section 41A of the LGA.	8 December 2022
Wellington Water Committee	1 x elected member (Note: This representative has traditionally been the Mayor for all participating councils (excluding GWRC) but this is not a requirement).	16 December 2022
Cobblestones Trust Board	1 x trustee appointed by SWDC Note: 2019-22 was an external appointment (Lucy Cooper has expressed interest in continuing the appointment).	Appointing bodies are invited to appoint a trustee within 45 days from the election, or if an appointment is not made, the Trustees shall be entitled to make an appointment to the Board.

Further appointments to remaining committees will be made at the next ordinary meetings.

6. Appendices

Appendix 1 – Section 41A Local Government Act

Appendix 2 – Māori Standing Committee, Terms of Reference

Prepared by: The Mayor, Martin Connelly

Appendix 1 –Section 41A Local Government Act

41A Role and powers of mayors

- (1) The role of a mayor is to provide leadership to—
 - (a) the other members of the territorial authority; and
 - (b) the people in the district of the territorial authority.
- (2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.
- (3) For the purposes of subsections (1) and (2), a mayor has the following powers:
 - (a) to appoint the deputy mayor;
 - (b) to establish committees of the territorial authority;
 - (c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—
 - (i) may make the appointment before the other members of the committee are determined; and
 - (ii) may appoint himself or herself.
- (4) However, nothing in subsection (3) limits or prevents a territorial authority from—
 - (a) removing, in accordance with [clause 18](#) of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or
 - (b) discharging or reconstituting, in accordance with [clause 30](#) of Schedule 7, a committee established by the mayor under subsection (3)(b); or
 - (c) appointing, in accordance with [clause 30](#) of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or
 - (d) discharging, in accordance with [clause 31](#) of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).
- (5) A mayor is a member of each committee of a territorial authority.
- (6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).
- (7) To avoid doubt,—
 - (a) [clause 17\(1\)](#) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the territorial authority declines to exercise the power in subsection (3)(a);
 - (b) [clauses 25](#) and [26\(3\)](#) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

Section 41A: inserted, on 12 October 2013, by [section 21](#) of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Appendix 2 – Māori Standing Committee, Terms of Reference



**MĀORI STANDING
COMMITTEE**
Kia Reretahi Tātau

SOUTH WAIRARAPA DISTRICT COUNCIL MĀORI STANDING COMMITTEE TERMS OF REFERENCE

October 2022

Reports to:	Council
Membership:	<p>At least one, but up to three councillors appointed by Council in consultation with Iwi representatives</p> <p>Up to two representatives from each of the three South Wairarapa Marae (Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae)</p> <p>Up to two representatives from Pae Tū Mokai o Taurira</p> <p>Up to one representative from Ngāti Kahungunu ki Wairarapa</p> <p>Up to one representative from Rangitāne o Wairarapa</p> <p>The Mayor</p> <p>Up to one youth representative in an advocacy role</p> <p>Nominations for Iwi or Marae/Pae tū Mōkai O Taurira representatives must be received in writing from each participating body and are ratified by the Committee. Councillor membership is ratified by Council. The chairperson and deputy chairperson are elected by the Committee at the start of the triennium.</p> <p>A robust induction process will be in place for all incoming members of the Committee.</p>
Non-voting attendees:	The youth representative is not a voting member of the Committee
Meeting Frequency:	Eight-weekly or as required, with workshops and community forums held as needed.
Quorum:	Five members including a minimum of three representatives from Iwi or Marae/Pae tū Mōkai O Taurira and one representative from Council
Committee Continuation:	Under clause 30(7) of Schedule 7 of the Local Government Act 2002, this Committee is deemed not to be discharged following each triennial general election.

1. Introduction

These Terms of Reference reflect the intent and expectations of both the South Wairarapa District Council (“**the Council**”) and the South Wairarapa District Council Māori Standing Committee (“**the Committee**”).

These Terms of Reference look to strengthen the relationship between the Council and the Committee members and to ensure that the role of kaitiakitanga by the Committee and tāngata whenua is fulfilled and the wellbeing of the South Wairarapa district and its people is enhanced.

Te Tiriti o Waitangi/the Treaty of Waitangi is a historical agreement between the Crown and Māori. The Council is a statutory body with powers and responsibilities delegated to it by the Crown. The Council must therefore adhere to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi in respect of tāngata whenua within the South Wairarapa district.

The Council and the Committee acknowledge that the iwi of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa and their respective hapū exercise mana whenua and mana moana over the South Wairarapa district. The Council and the Committee acknowledge that the marae in the South Wairarapa district are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Tauira as a kaupapa māori community group represented on the Committee. The Council and the Committee further acknowledge that there are mataawaka (people of Māori descent who are not tāngata whenua) living within the South Wairarapa District.

2. Background

On 15 December 1993, the Council made a resolution to support in principle the establishment of a Māori Standing Committee of the Council. On 27 March 1996, the Council Working Party and tāngata whenua established the Committee. On 17 April 1996, the Committee first met, and on 20 June 1996, the Committee was formally established following the adoption of the 1996/1997 Annual Plan. The Annual Plan included a [Māori Policy](#) and an acknowledgement that the Committee was now fully operational. The Committee has been established every triennium thereafter.

The Committee is established pursuant to clause 30(1)(a) of Schedule 7 of the Local Government Act 2002.

3. Overview

The South Wairarapa District, which extends from the Tararua Ranges to the South Wairarapa Coastline and includes Greytown, Featherston and Martinborough (“**the**

District”), is rich in Māori history and culture. The iwi of the District are Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa, the marae are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Taurira is a kaupapa māori community group represented on the Committee.

Some of the earliest known occupational sites exist within the District’s boundaries and for centuries the natural environment has provided both material and spiritual sustenance. Its place in the Māori political history of Aotearoa is a matter of national record. Lake Wairarapa and the South Wairarapa Coastline are of immense cultural, spiritual and historic significance to tāngata whenua.

The Local Government Act 2002 (“**the LGA**”) signals that the social, cultural and economic development of Māori is of particular importance. There are also specific requirements to enable Māori to contribute to council decision-making. The Resource Management Act 1991 (“**the RMA**”) places obligations on the Council including a duty to consult with Māori during the planning process and requires consideration of Māori cultural and traditional relationships with their ancestral lands, water, sites of significance, wāhi tapu, and other taonga. These obligations are in turn derived from the underlying principles of Te Tiriti o Waitangi/the Treaty of Waitangi, which in this context, includes:

- » **Partnership** - the development of an active and on-going relationship between the Council and hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa in the South Wairarapa.
- » **Participation** - a principle which emphasises positive and active Māori involvement in the business of the Council, and in particular its planning and delivery functions.
- » **Active Protection** - the requirement to ensure that Māori well-being is enhanced whenever possible, and that principles of equity of Māori outcomes are observed in the Council’s decision-making processes.

The Council is committed to giving effect to these principles by engaging effectively with tāngata whenua and fostering positive relationships in pursuance of the partnership envisaged under Te Tiriti o Waitangi/the Treaty of Waitangi, on matters that affect and concern tāngata whenua.

4. Purpose and functions

The purpose of the Committee is to advocate on behalf of and in the best interests of tāngata whenua in the District (including the descendants of hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa) and to ensure that the Council

is fulfilling its obligations to them. To achieve this purpose, the Committee will undertake the following functions to the extent that resources allow:

- » Give advice and make recommendations to the Council on significant governance issues and decisions that affect tāngata whenua in the District.
- » Actively participate in and contribute to decision-making processes, policy and strategy development and other activities of the Council, based on Te Tiriti o Waitangi/the Treaty of Waitangi principles of participation, partnership and active protection.
- » Consider ways in which to support the development of Māori capacity and capability to contribute to the decision-making processes of the Council.
- » Provide advice and relevant information to the Council regarding economic, social, environmental, spiritual and cultural matters in the District that support sustainable resource management, kaitiakitanga and economic growth.
- » Make recommendations to the Council on matters of relevance affecting tāngata whenua in the District, and to help fulfil the Māori consultative requirements of the Council particularly with regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi, the LGA and the RMA.
- » Work with the Council to develop and maintain a Māori consultation policy and advise the Council about particular consultation processes with tāngata whenua in the District. Assist in the development of consultation networks throughout the District.
- » Manage a budget for the purposes of making community grants, marae grants and undertaking projects that promote Māori interests.
- » Advise the Council on engagement with tāngata whenua to ensure that these engagements are positive, productive, and culturally safe and that the tikanga of the tāngata whenua are observed and respected by Council.

5. Stakeholders

Stakeholders include:

- » South Wairarapa District Council.
- » Hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa.
- » Iwi settlement trusts and their entities.
- » Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae.
- » Pae Tū Mokai o Taurira.
- » Greater Wellington Regional Council.
- » Wellington Water Ltd.
- » The wider South Wairarapa District community.

6. Deliverables

In addition to its functions outlined above, the Committee will:

- » Contribute to the Long Term Plan every three years.
- » Contribute to the Annual Plan every other year.
- » Provide advice on the hapū responsible for cultural and historical input into resource consents under the RMA.

7. Accountability and reporting

The Committee is accountable to the Council and minutes of Committee meetings and specific reports will be presented to the Council. The chairperson or nominated appointee of the Committee may provide an update to the Council at each Council meeting.

8. Delegations

In addition to the functions of the Committee outlined in paragraph 3 above, the Council delegates to the Committee the power to:

- » Discretionarily spend on community grants and projects.
- » Determine the criteria and allocation of the marae development fund granted through Annual or Long Term Plans, and any subsequent development grants, to Kohunui Marae, Hau Ariki Marae, Pāpāwai Marae and Pae tū Mōkai O Tauira.

9. Review of terms

These Terms of Reference may be reviewed, updated or amended at any time by the Committee and must be endorsed by the Committee and approved by Council.

10. Meetings

Timing and frequency

Ordinary meetings will be convened by the Chief Executive on an eight-weekly cycle, or as required. Extraordinary or emergency meetings may be called in accordance with Standing Orders.

The Chair or their nominated appointee of the Committee have the ability to attend and speak at the following meetings:

Council	Delegation to attend and speak but not vote
Planning and Regulatory Committee	Delegation to attend and speak but not vote

Assets and Services Committee	Delegation to attend and speak but not vote
Finance, Audit and Risk Committee	Delegation to attend and speak but not vote

Meeting procedure

Committee meetings are conducted pursuant to [Council's Standing Orders](#).

Decisions

Decisions will be made at a meeting through a vote exercised by the majority of members.

Quorum

The quorum for Committee meetings is five Committee members including a minimum of three representatives from iwi or marae/Pae tū Mōkai O Tairā and one representative from Council.

Secretariat

Secretariat services are to be provided by the Council Committee Advisor.

Agenda and paper circulation

The agenda for Committee meetings will be circulated by email as well as by post, to be received at least two working days before the Committee meeting. The agenda will also be made publicly available at the South Wairarapa libraries and on the Council's website in the following location: <https://swdc.govt.nz/meetings/>.

Workshops and briefings

The Committee may hold workshops and briefings about matters that impact local government and Māori. These workshops are not decision-making forums and the provisions of [Council's Standing Orders](#) relating to workshops and similar forum apply.

Adoption of the 2022 Schedule of Ordinary Meetings

1. Purpose

To inform Council and community boards of the requirements for fixing the date and time of the first ordinary meeting/adoption of a schedule of meetings for 2022.

2. Recommendations

Officers recommend that the *Council and community boards*:

1. *Receive the Adoption of the 2022 Schedule of Ordinary Meetings Report.*
2. *Adopt the revised 2022 schedule of ordinary meetings for Council, community boards and committees.*
3. *To delegate to the Chief Executive the authority to alter the schedule of ordinary meetings following consultation with the Chair.*

3. Background

The Local Government Act 2002, Schedule 7 Clause 21 states that, at the first meeting of a local authority following a triennial general election of members, the business that must be conducted at the meeting must include:

- (d) *the fixing of the date and time of the first ordinary meeting of the local authority, or the adoption of a schedule of ordinary meetings.*

4. Discussion

The Council and community boards are asked to consider a meeting cycle for the remainder of 2022 which best suits their needs. Attached in Appendix 1 is a meeting calendar for the remainder of 2022 showing the proposed meeting dates for Council, community boards, and other committees. Council induction sessions, workshops, LGNZ and Wairarapa combined council meetings are also shown on the calendar for completeness.

4.1 Meeting Day and Times

Proposed meeting times for Council and community boards for 2022 are as follows:

Meeting	Cycle	Date	Day	Start Time First Ordinary Meeting (December)
Māori Standing Committee	6-weekly	24 Nov 22	Thursday	6.00pm
Greytown Community Board	6-weekly	29 Nov 22	Tuesday	6.00pm
Martinborough Community Board	6-weekly	30 Nov 22	Wednesday	6.30pm
Featherston Community Board	6-weekly	1 Dec 22	Thursday	7.00pm
Council	6-weekly	14 Dec 22	Wednesday	10.00am

It is proposed that the Council meeting day remain a Wednesday, with a start time of 10am, which allows for Council briefings by outside organisations prior to the formal meeting.

The community board meetings and Māori Standing Committee meetings remain split across two weeks so governance staff can prepare for and service the meetings.

5. Adoption of the 2023 Schedule of Ordinary Meetings

The proposed schedule of ordinary Council, community board and committee meetings for 2023 will be presented at next ordinary meeting of Council.

6. Appendices

Appendix 1 – Proposed Schedule of Ordinary Meetings for the Remainder of 2022

Contact Officer: Amanda Bradley, General Manager Policy and Governance

Reviewed By: Harry Wilson, Chief Executive

Appendix 1 – Proposed Schedule of Ordinary Meetings for the Remainder of 2022

2022	OCTOBER	NOVEMBER	DECEMBER	2022
MON				MON
TUE		1		TUE
WED		2		WED
THU		3	1 FCB	THU
FRI		4	2	FRI
SAT	1	5	3	SAT
SUN	2	6	4	SUN
MON	3	7	5	MON
TUE	4	8	6 CDEM (GWRC)	TUE
WED	5	9 Induction 1	7	WED
THU	6	10 Akona LGNZ	8 WCDP	THU
FRI	7	11	9	FRI
SAT	8 POLLING DAY	12	10	SAT
SUN	9	13	11	SUN
MON	10	14	12	MON
TUE	11	15	13	TUE
WED	12	16 Induction 2	14 COUNCIL (Annual Report)	WED
THU	13	17	15	THU
FRI	14	18	16	FRI
SAT	15	19	17	SAT
SUN	16	20	18	SUN
MON	17	21 Induction 3	19	MON
TUE	18	22 CCF (CDC Host)	20	TUE
WED	19	23 Annual Report Workshop	21	WED
THU	20	24 MSC / Ratings Review Workshop	22	THU
FRI	21	25	23	FRI
SAT	22	26	24	SAT
SUN	23	27	25 Xmas Day	SUN
MON	24 Labour Day	28 Induction 4	26 Boxing Day	MON
TUE	25	29 GCB	27	TUE
WED	26 COUNCIL (First Mtg)	30 MCB	28	WED
THU	27		29	THU
FRI	28		30	FRI
SAT	29		31	SAT
SUN	30			SUN
MON	31			MON
TUE				TUE

MCB	Martinborough Community Board
FCB	Featherston Community Board
GCB	Greytown Community Board
MSC	Maori Standing Committee
CCF	Combined Council Forum and who is hosting
WCDP	Wairarapa Combined District Plan Joint Committee
CDEM	Civil Defence Emergency Management Group and who is hosting
	Elected Member Induction sessions

Members' Remuneration 2022/23

1. Purpose

To set the remuneration and allowance for members in accordance with the Remuneration Authority Determination 2022/23 and seek consideration of an updated remuneration policy.

2. Recommendations

Officers recommend that the Council:

1. *Receive the Members' Remuneration 2022/23 Report.*
2. *Either:*
 - a. *Agree to Option 1 – to put forward a proposal to the Remuneration Authority to split the remuneration pool equally among all councillors, which would equate to a salary of \$27,333 p.a. to each councillor.*
 - b. *Agree to Option 2 - to put forward a proposal to the Remuneration Authority to pay a salary of \$35,926 p.a. (or greater or lesser amount) to the Deputy Mayor and split the remainder of the remuneration pool equally among all councillors, which would equate to a salary of \$26,259 p.a. (or greater or lesser amount); or*
 - c. *Defer making a proposal to the Remuneration Authority on the split of the remuneration pool to the second round (due 27 January 2023), once councillor appointments and responsibilities are firmed up.*
3. *Note that councillors will be paid the minimum allowable remuneration rate of \$18,855 until the amending determination is gazetted at which point councillors pay will be back dated.*
4. *Adopt the Members' Remuneration and Allowances Policy (PI-GSL-001), subject to any changes agreed at the meeting, noting that the revised policy replaces the Members' Remuneration Policy (A300) and the Conferences, Seminars & Training Policy (A500).*
5. *Agree that Appendix 1 of the Members' Remuneration and Allowances Policy (PI-GSL-001) will be updated by officers once the amending determination has been gazetted, and then annually to reflect the updated determination that takes effect from 1 July each year.*

3. Executive Summary

This paper presents information on members' remuneration and allowances and seeks the decisions on:

- A preferred option to put forward to the Remuneration Authority of how to split the remuneration pool among councillors (or agreement to defer to the next ordinary Council meeting).
- The adoption of a revised Members' Remuneration and Allowances Policy to replace the current remuneration and conferences, seminar and training policies.

4. Background

Members' remuneration and entitlements to allowances is currently guided by the SWDC 'Remuneration – Elected Members' Policy (A300 - attached in Appendix 1) and the Local Government Members Determination (the determination) made each year by the Remuneration Authority. The current determination is available [here](#).

The determination typically takes effect from 1 July each year, however, as this is an election year, the determination has been set in two parts – one which applied before the 2022 Local Body Elections and one which applies from the elections.

The determination sets the total amount that elected members get paid (called the remuneration pool) and the minimum amount that each councillor must get paid. As the remuneration pool is more than the minimum amount paid to each councillor, councils are invited to put forth a proposal to the Remuneration Authority on how the rest of the money gets allocated between councillors. The proposals are then considered by the Remuneration Authority before drafting and subsequently gazetting an amendment to the principal determination.

The determination also sets the salary of the Mayor, Community Board Chairs and Community Board members (which is separate from and paid in addition to the remuneration pool) as well as elected member entitlements to allowances, including for travel distance and travel time, ICT, childcare, and hearings fees. Councils are unable to submit proposals on these aspects of the Determination but can agree adjusted allowance entitlements as long as it is not higher than provided for in the Determination.

The Remuneration Authority is legally unable to set the remuneration of non-elected members, such as members appointed to committees. This is therefore to be set by Council through its Remuneration Policy.

Officers have undertaken a review of the current Remuneration Policy (Appendix 1), as well as the Conferences, Seminars and Training Policy (Appendix 2) with a view to combining them. A revised draft policy is attached for consideration in Appendix 3 which updates and replaces both policies.

5. Prioritisation

5.1 Te Tiriti obligations

Engagement is considered not required in this case.

5.2 Strategic alignment

The budget for remuneration and allowances of members is set through the Long Term Plan and Annual Plan.

6. Remuneration

6.1 Remuneration of elected members

The 2022/23 salaries for the Mayor, community board chairs and members are outlined in the schedule of the proposed policy. The minimum allowable remuneration for councillors is paid from the total pool which must be shared among councillors.

If Council was to delegate significant other responsibilities that they currently hold to the community boards and wanted to propose an increase to the remuneration of its community board members, the additional funds would need to come out of the councillor remuneration pool.

6.2 Allocation of remuneration pool among councillors

The councillor remuneration pool (set as \$245,998 for 2022/23) includes the minimum allowable remuneration that councillors must be paid (\$18,855), the remuneration for councillors who hold positions of additional responsibility (e.g. deputy mayor, committee chairs), and the remuneration for councillors with no additional responsibilities. Councils are required to fully allocate their pool.

The difference between the councillor minimum allowable remuneration and total pool (\$76,303) is available for the remuneration of councillors who take on extra responsibilities and/or to increase the base payment for all councillors with no additional responsibilities.

Each Council is required to put forth a proposal to the Remuneration Authority of how it wants to allocate its pool according to its own priorities and circumstances. Roles to which additional differential remuneration can be attached may include not just internal roles (e.g. deputy mayor, committee chair), but also other roles representing the council on outside groups (e.g. cross-council groups).

Officers have provided three main options below for splitting the pool, each with their own advantages and disadvantages. It is noted that in all options, any other additional roles or workshop attendance (e.g. Annual Plan or Long Term Plan workshops) will be considered part of the base councillor remuneration. All amounts are gross before deducting withholding tax.

6.2.1. *Option 1 – Agree to split the remuneration pool equally between all councillors*

Splitting the remuneration pool equally between all councillors would equate to an annual salary of \$27,333 for each councillor.

6.2.2. Option 2 – Agree additional remuneration for the Deputy Mayor and share the remainder of the pool equally between all remaining councillors

One option is to set an additional remuneration amount for the Deputy Mayor and share the remainder of the pool equally between all remaining councillors.

Of the territorial authorities that remunerated in this manner prior to the 2022 elections, the Deputy Mayor was paid on average 15.6% of the share of the total remuneration pool (range of 7.1% to 23.0%), and all other councillors were paid on average 11.4% of the share (range of 6.2% to 16.4%).

Applying both the averages together to the SWDC remuneration pool results in a total remuneration in excess of the allowable pool due to the total number of councillors so both have been adjusted downwards proportionately to fit our membership and remuneration pool as follows:

	Minimum allowable salary	Proposed additional remuneration p.a.	Proposed adjusted salary p.a.
Deputy Mayor	\$18,855	\$17,071	\$35,926 (14.6% of pool)
All other councillors (8)	\$18,855	\$7,404	\$26,259 (10.7% of pool)
Total	\$169,695	\$76,303	\$245,998

This is not too dissimilar from what was paid to the SWDC Deputy Mayor prior to the 2022 elections (\$35,275).

If Council wishes to split the remuneration pool in this manner, it could agree to put forward the amounts above or propose alternative amounts, provided the salary of all councillors equalled the total remuneration pool, and no councillor received less than the minimum allowable salary.

6.2.3. Option 3 – Agree additional remuneration for members based on councillor responsibilities and expected workload

Another option would be to set remuneration amounts based on additional councillor responsibilities. Council may choose for example, to set additional remuneration rates for specific internal roles (e.g. deputy mayor, committee chairpersons), or to allocate remuneration based on expected workload across all roles, including roles representing council on outside groups.

As this option is highly dependent on a confirmed committee structure and councillor appointments, a specific remuneration proposal has not been prepared for consideration at this meeting. If members wish to explore this type of remuneration structure, it is suggested a report be brought to the next ordinary Council meeting once the committee structure and appointments are confirmed.

6.2.4. Consideration of options for splitting the councillor remuneration pool

The advantages and disadvantages of the options are outlined below.

Note that there remains an option for councillors to propose an alternative remuneration structure, provided it equals the total remuneration pool and each councillor receives no less than the minimum allowable remuneration. The advantages and disadvantages of this would be dependent on the proposal and are therefore not discussed.

Options	Advantages	Disadvantages
<p>1 Split the remuneration pool equally among all councillors</p> <p>OR</p> <p>2 Set additional remuneration for the Deputy Mayor and share the remainder of the pool equally between all remaining councillors</p>	<p>Is able to be proposed in the first round as it is not dependent on the committee structure and councillor appointments being finalised.</p> <p>Councillors would receive their additional remuneration allocation following the amending determination being gazetted in December 2022.</p> <p>Is less susceptible to changes in committee membership/ appointments throughout the triennium.</p>	<p>Councillors who take on additional responsibilities, or a higher workload, such as chairing a committee, are not compensated for this.</p>
<p>3 Set additional remuneration for members based on councillor responsibilities and expected workload</p>	<p>Councillors who take on an additional responsibilities, such as chairing a committee, are compensated for the additional workload.</p>	<p>Is not able to be proposed until the committee structure and councillor appointments are finalised, therefore missing the first round for consideration. Councillors would receive their additional remuneration allocation after the amending determination is gazetted in late February/early March 2023.</p> <p>Is susceptible to changes in committee membership/ appointments throughout the triennium.</p>

6.2.5. Remuneration proposals process

Once Council has agreed a proposal, officers will submit the proposal to the Remuneration Authority who will consider it and make an amending determination.

Determinations will be backdated so that:

- For a councillor with no additional responsibilities, remuneration will take effect on and from the date on which the official result of the 2022 election of members was declared
- The accepted proposals for remuneration for positions of responsibility will take effect from the day after Council formally votes on those positions.

Council is only able to pay the proposed new remuneration rates for positions of responsibility once the Authority has gazetted its amending determination. Until then, all councillors will receive the minimum allowable remuneration rate.

There are two rounds for having proposals considered by the Remuneration Authority as follows:

	Action	By Whom	Round 1	Round 2 (for Councils who miss the November deadline)
1.	Council decide remuneration attached to different roles and forward proposals to the Remuneration Authority	Council	Proposals must be submitted by Wednesday 16 November 2022	Proposals must be submitted by Friday 27 January 2023
2.	Remuneration Authority considers councils' proposals	Remuneration Authority	From 10 October to 19 November 2022	From 16 January to 31 January 2023
3.	Amending determination drafted	Parliamentary Counsel Office	From 21 November to 15 December 2022	From 3 February to 17 February 2023
4.	Amending determination is gazetted	Remuneration Authority	Thursday 22 December 2022	Late February/early March

If a proposal is agreed today, officers will forward the proposal to the Remuneration Authority for consideration in Round 1. If a decision is deferred to the next Council meeting, the proposal will be put forth for consideration in Round 2.

6.3 Remuneration of non-elected members

The Remuneration Authority is legally unable to set the remuneration of non-elected members, such as members appointed to committees established by Council. This is therefore to be set by Council through its Members' Remuneration Policy.

Officers have proposed setting the remuneration of appointed committee chairpersons at the same rate as community board chairpersons, and appointed committee members at the same rate as community board members. This is based on the expectation that the governance and workload level is anticipated to be approximately equivalent.

It is proposed any appointed youth representatives (non-voting) be paid an honorarium payment of \$50 per meeting attended, consistent with the 2019-22 triennium.

7. Allowances and fees

Under the determination, an elected member is entitled to the following within the limits and criteria as set out in the determination. The policy proposes extending this eligibility to appointed members.

- Vehicle kilometre allowance (or provision of a motor vehicle in the case of the Mayor)
- Travel time allowance (excluding the Mayor)

- ICT allowances
- Childcare allowance
- Applicable hearing fees.

In accordance with previous years and to reflect expected workloads, it is proposed for the ICT allowance that the Mayor and councillors are eligible for the full amount set in the determination, and that a partial allowance is payable to community board and appointed committee members, at a rate of 45% for chairs and one-third 33% for members.

8. Options

Options	Advantages	Disadvantages
1. Adopt the revised remuneration policy	Greater clarity and transparency of remuneration and allowance entitlements Greater equity of remuneration and allowance entitlements between elected and appointed member	Increased budget required to reflect an increase in remuneration and allowance entitlement for appointed members
2. Adopt the revised remuneration policy with changes	Advantages would be dependent on the proposed changes.	Disadvantages would be dependent on the proposed changes
3. Do not adopt the revised remuneration policy	Less budgetary impact as fewer entitlements for appointed members	Reduced clarity and transparency of remuneration and allowance entitlements Uneven distribution of remuneration and allowance entitlements between elected and appointed members.

9. Strategic Drivers and Legislative Requirements

- Relationship with iwi, hapū, Māori
- Climate Change
- Emergency Management
- IT architecture, information system, information management, and security
- Financial management, sustainability, fraud, and corruption
- Legislative requirements
- Social licence to operate and reputation
- Asset management
- Economic conditions

Health and Safety

9.1 Policy implications

Council is asked to consider adopting a revised remuneration and allowances policy. The policy has been drafted in accordance with the determination from the Remuneration Authority.

10. Consultation

10.1 Communications and engagement

The matters for decision in this report are not considered to be of significance under the Council's Significance and Engagement Policy.

11. Financial Considerations

This forms part of the Annual Plan budget each year as determined by the Remuneration Authority.

12. Appendices

- Appendix 1 : Current Remuneration – Elected Members Policy (A300)
- Appendix 2: Current Conferences, Seminars and Training Policy (A500)
- Appendix 3: Proposed Members' Remuneration and Allowances Policy

Contact Officer: Amanda Bradley, General Manager Policy and Governance
Reviewed By: Harry Wilson, Chief Executive Officer

Appendix 1 – Current Remuneration – Elected Members Policy (A300)

Remuneration – Elected Members

1. RATIONALE:

Elected Members are required to be accountable and responsible for governance of the District and to ensure it is run in a viable and successful business like manner.

Elected Members are therefore remunerated for their time, expertise, and efforts.

2. PURPOSE:

To set out in general terms the remuneration and allowances payable to the Mayor, Councillors, Community Board members and non-elected members of Council committees and appointees to outside organisations.

3. GUIDELINES:

3.1 Elected Members

3.1.1 In terms of clause 6 of Schedule 7 of the Local Government Act 2002 and the Remuneration Authority Act 1977, the Remuneration Authority sets the remuneration for all Elected Members of the Council and Community Boards.

A new determination is issued by the Remuneration Authority annually and takes effect on the 1st July.

3.1.2 The remuneration approved for South Wairarapa Council and Community Boards is as per the remuneration authority determination at the time.

Councillors appointed to Community Boards receive no additional remuneration.

Expenses

Actual and reasonable expenses and allowances as outlined in the Rules have been approved by the Remuneration Authority.

Rules for Elected Members Expenses

1. *Elected Members will be reimbursed for actual and reasonable expenses on production of Tax Invoices or receipts.*
2. *Vehicle mileage will be payable to all Elected Councillors, Community Board members and non-elected members of Council committees for travel to and from officially notified meetings and any other Council business that may be required and authorised by the Mayor and/or Chief Executive Officer.*
3. *The approved mileage rate shall be set by the Remuneration Authority.*

3.2 Non-elected Members

3.2.1 The Council has approved the payment of salaries and meeting fees to non-elected members of Council committees and appointees to outside organisations.

- Salaries
All Council Committee Chairpersons Equivalent to
Community
Board Chair
- Meeting fees (Set by council as required)
- Council committee members and appointments to outside organisations. The Chairpersons of Council committees do not receive meeting fees. \$162 per day

Expenses

Expenses and mileage may be claimed on the same basis as for Elected Members.

3.3 Resource Consents

Fees payable to members of the Council's Hearings Committee are set by the Remuneration Authority (LGE Members Determination).

A hearing has the meaning as described in Clause 5 of the Remuneration Authority Determination 2017:

"In this determination, **hearing** means-

- (a) a hearing that is held by an ATA panel arising from-
 - (i) a resource consent application under subpart 2 of Part 2 of HASHA; or
 - (ii) a request for a plan change or for a variation to the proposed plan under subpart 3 of Part 2 of HASHA; or
- (b) a hearing arising from a resource consent application made under section 88 of the RMA; or
- (c) a hearing arising from a notice of requirement (including one initiated by the local authority); or
- (d) a pre-hearing meeting held under section 99 of the RMA in relation to a hearing referred to in paragraph (b) or (c); or
- (e) a hearing of submissions as part of the process of the preparation of district or regional plan or regional policy statement; or
- (f) a hearing relating to a request for a change to a district or regional plan or policy statement (including one requested by the local authority or a board); or
- (g) a mediation hearing in the Environment Court as part of an appeal for a decision of a local authority; or
- (h) a hearing on an objection against a charge fixed by a local authority under section 36 of the RMA."

[Note: The Mayor as current Chair, does not receive any fees.]

3.4 District Licensing Committee

Remuneration for Councillors acting as members of the District Licensing Committee (DLC) is determined by Section 195 of the Sale and Supply of Alcohol Act 2012. This includes entitlement to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out his or her office as a member.

3.5 Communication Allowance

A communication allowance will be paid to the Mayor and Councillors at 100% of the maximum amount set under s13(3) of the Local Government Elected Members Communication Allowance determination. This will be pro-rated in election years.

Appendix 2 – Current Conferences, Seminars and Training Policy (A500)

Conferences, Seminars & Training

1. RATIONALE:

Council supports the concept of organisational development through the attendance by the Mayor, Elected Members, Managers and staff at relevant conferences, seminars and training courses etc.

2. PURPOSES:

To set out Council's selection process and limits for attendance at conferences, seminars and training courses etc.

3. GUIDELINES

- 3.1 Council pays for the Chief Executive and Departmental Heads to attend the respective annual conference of their professional organisations and pay for any training required to retain practicing certificates appropriate for their position. They would need to apply for Study leave with approval from the CEO.
- 3.2 The Mayor and Chief Executive Officer and at least one Elected Member attends the Local Government New Zealand Annual Conference.
- 3.3 The selection of Elected Members to attend conferences, seminars or training is made by Council and is subject to:
 - availability
 - number of conferences previously attended
 - interest in subject matter
 - funding
- 3.4 The Council pays for one representative from each Community Board to attend a biennial NZ Community Boards Conference.

Appendix 3 – Proposed Members’ Remuneration and Allowances Policy



SOUTH WAIRARAPA
DISTRICT COUNCIL

Kia Reretahi Tātau

Members' Remuneration and Allowances Policy

Date of Approval	TBC
Policy ID	PI-GLS-001 (previously A300 and A500)
Next Review	October 2025 Note: The attached schedule of remuneration and allowances (Appendix 1) is updated annually to reflect the latest determination issued by the Remuneration Authority.
Document History	26/10/2022 replaced Policies A300 Remuneration – Elected Members and A500 Conferences, Seminars & Training A300 Remuneration – Elected Members first adopted 26/08/2015, revised December 2017 A500 Conferences, Seminars and Training amended 7/10/2015

Members' Remuneration and Allowances Policy

1. Relevant Legislation

- » [Local Government Act](#)
- » [Local Government Members \(2022/23\) Determination](#)
- » [Remuneration Authority Act 1977](#)

2. Purpose

The Members' Remuneration and Allowances Policy sets out remuneration and entitlement of allowances to elected and appointed members during their term of office for South Wairarapa District Council (SWDC).

This policy ensures that all remuneration and allowances paid to elected members are in accordance with the Local Government Elected Members' Determination (determination) issued by the Remuneration Authority (the Authority) for the appropriate year.

3. Scope

This policy covers the remuneration and allowances of members during their term of office for SWDC. It includes:

- » Elected members (Mayor, councillors and community board members)
- » Appointed members
 - » Appointed members of committees, subcommittees and joint committees (excludes councillors)
 - » Appointed (non-voting) youth representatives (honoraria).

This policy also sets out information regarding attendance at conferences, seminars and training. Member expenses are covered in the [Discretionary Expenditure Policy](#).

Attached to this policy is a schedule of remuneration and allowances (the schedule). It is updated annually to reflect the latest determination issued by the Authority. If any inconsistencies arise between the schedule and the determination, Council will make payments to members in accordance with the relevant determination.

4. Principles

SWDC is guided by the criteria the Authority has regard to in determining remuneration. This includes the need to:

- » attract and retain competent members
- » be fair both to the member whose remuneration is being determined and to ratepayers
- » achieve and maintain fair relativity with the levels of remuneration received elsewhere

- » minimise the potential for certain types of remuneration to distort the behaviour of members.

5. Remuneration

5.1. Elected members

In accordance with clause 6 of Schedule 7 of the Local Government Act 2002, elected members receive remuneration as determined by the Authority, outlined in the schedule. A new determination, which takes effect from 1 July, is issued each year which may result in adjustments to the level of remuneration received.

Councillors who are appointed as members on a community board receive no additional remuneration outside of the share of the councillor remuneration pool.

5.1.1. Hearings

Elected members (other than the Mayor) who sit on hearings, as defined in clause 5 of the Local Government Members Determination, are entitled to a fee per hour of hearing time. This is paid in addition to the councillor remuneration pool. Payable hearing fees are outlined in the Schedule.

5.1.2. District Licencing Committee

Remuneration for members appointed to the District Licencing Committee (DLC) is determined by section 195 of the Sale and Supply of Alcohol Act 2012. This includes entitlement to receive remuneration in accordance with the Cabinet fees framework, and to be reimbursed for actual and reasonable travelling and other expenses incurred.

The remuneration as determined by the Minister of Justice and in accordance with the Cabinet Fees Framework is outlined in the Schedule. This is paid in addition to the councillor remuneration pool.

5.2. Appointed members

Council approves the remuneration of appointed members. The remuneration of appointed committee chairs is set equivalent to the remuneration of community board chairs, and the remuneration of appointed committee members is set equivalent to the remuneration of committee members.

6. Allowances

Members are eligible to the following allowances. Any claims are required to be submitted within a reasonable timeframe.

6.1. Vehicles, mileage and travel time allowances

6.1.1. Vehicles

SWDC may provide the mayor with a vehicle for restricted private use, partial private use or full private use in accordance with [section 9](#) of the determination. The use is negotiated with the incoming Mayor at the start of each triennium.

If the vehicle is provided for partial private or full private use the mayor's remuneration will be adjusted in accordance with the determination.

6.1.2. Mileage allowance

Elected and appointed members may claim mileage allowance to reimburse for costs incurred in relation to eligible travel.

Travel is eligible if it occurs when the member is not provided with a vehicle by Council, and the member is travelling in a private vehicle, on Council business, and by the most direct route that is reasonable in the circumstances.

If a member resides outside of the South Wairarapa district and is travelling to the South Wairarapa district, the member is only eligible for a mileage allowance for travel that occurs once the member crosses the South Wairarapa district boundary.

Mileage will be paid at the full rate determined by the Authority, outlined in the schedule.

6.1.3. Travel time allowance

Elected and appointed members (other than the Mayor) can claim a travel time allowance for eligible travel within New Zealand after the first hour of eligible travel time in a day. Travel is eligible if it is on Council business, and by the quickest form of transport and most direct route that is reasonable in the circumstances.

If a member resides outside of the South Wairarapa district and is travelling to the South Wairarapa district on Council business, the member is only eligible for a mileage allowance for travel that occurs once the member crosses the South Wairarapa district boundary and after the first hour of eligible travel time within the South Wairarapa district.

Travel time allowance will be at the rate determined by the Authority, outlined in the schedule.

The maximum amount of travel-time allowance that can be paid for eligible travel in a 24-hour period is eight hours.

6.2. ICT allowance

Elected and appointed members are eligible for an allowance in recognition of use of personal communication equipment and services for Council business as outlined in the schedule.

The allowance payable to the Mayor and councillors is the full maximum amount. A partial allowance is payable to community board and appointed committee members, at a rate of 45% for chairs and one-third 33% for members.

The allowance will be pro-rated in election years, and in any year where a member does not serve the full year.

6.3. Childcare allowance

Elected and appointed members may claim a childcare allowance as a contribution towards expenses incurred by the member for childcare when the member is engaged on Council business.

Members are eligible for an allowance if:

- » they are the parent or guardian of the child or usually have responsibility for the day-to-day care of the child
- » the child is under 14 years of age
- » the childcare is provided by a person who is not a parent or partner of the member and does not ordinarily reside with the member
- » evidence of payment made is attached to the expense claim.

The maximum allowable allowance is outlined in the schedule.

7. Expenses

Elected and appointed members are able to claim for other actual and reasonable expenses in accordance with the [Discretionary Expenditure Policy](#).

8. Conferences, seminars and training

All members are entitled to payment of actual and reasonable registration expenses incurred for attendance at conferences, seminars or training events which contribute to the member's ability to carry out Council business. Expenses incurred during attendance (e.g. travel, accommodation and meals) are able to be claimed in accordance with the [Discretionary Expenditure Policy](#).

The selection of members to attend conferences, seminars or training is made based on the identified development needs of the member.

9. Definitions

Appointed member is a person who is not elected but is appointed to a formal committee of Council (including subcommittees or joint committees) or a community board (e.g. youth representative). It does not include community representatives or external members appointed to an advisory or user group (or similar).

Council business is any business of the local authority, including formal Council, community board and committee meetings (including subcommittees and joint committees), meetings of working parties/groups whereby that member is appointed, cross-council forums, workshops, seminars, conferences, training courses, hearings, Council site visits, meetings with staff, community groups and members of the public.

Elected member is a person who is declared to be elected under the Local Electoral Act 2001, or who, as the result of further election or appointment under that Act of the Local Government Act 2002, is an office holder in relation to the local authority. It includes the Mayor, councillors and community board members.

Hearing means:

- a) a hearing arising from a resource consent application made under [section 88](#) of the RMA
- b) a meeting for determining a resource consent application without a formal hearing

- c) a hearing arising from a notice of requirement (including one initiated by the local authority)
- d) a pre-hearing meeting held under [section 99](#) of the RMA in relation to a hearing referred to in paragraph (b) or (d); or
- e) a hearing as part of the process of the preparation, change, variation, or review of a district or regional plan or regional policy statement; or
- f) a mediation hearing in the Environment Court as part of an appeal from a decision of a local authority; or
- g) a hearing on an objection against a charge fixed by a local authority under [section 36](#) of the RMA.

Hearing time means time spent on any of the following:

- a) conducting a hearing:
- b) formal deliberations to decide the outcome of a hearing:
- c) participating in an official group site inspection related to a hearing:
- d) determining a resource consent application where a formal hearing does not take place:
- e) preparing for a hearing and participating in any inspection of a site for the purposes of a hearing (other than an official group site inspection under paragraph (c));
- f) writing a decision arising from a hearing or communicating for the purpose of the written decision.

Appendix 1 – 2022/23 Schedule of Remuneration and Allowances (Post 2022 Election)

This schedule sets out the rates of remuneration and allowances for 2022/23, post the 2022 Local Body Elections. The schedule is updated annually to reflect the latest determination issued by the Remuneration Authority.

Payments are made in advance, paid on the 5th of each month by direct credit.

Remuneration of the mayor and councillors

Mayor	\$105,157 per annum
Councillor (minimum allowable remuneration)	\$18,855 per annum
Total remuneration pool for councillors	\$245,998 per annum

Remuneration of community boards

Chairperson	\$6,697 per annum
Member	\$3,349 per annum

Remuneration of appointed members (excluding District Licencing Committee)

Chairperson (equivalent to community board chairs)	\$6,697 per annum
Member (equivalent to community board members)	\$3,349 per annum
Appointed youth representative (non-voting)	\$50 per meeting attended (honoraria)

Note: The meeting fee of a youth representative is to be paid from the relevant Community Board or Māori Standing Committee budget.

District Licencing Committee

Chair	\$624 per day (\$78 per hour for part days)
Member	\$408 per day (\$51 per hour for part days)

Fees related to RMA Hearings

Elected member who is chairperson of a hearing	\$116 per hour of hearing time
Elected member not chairperson of a hearing	\$93 per hour of hearing time

The Mayor or a member who is acting as mayor and is paid the mayor's remuneration will not receive meeting fees for hearings.

Vehicle Mileage Allowance

Vehicle type	first 14,000km of eligible travel	after 14,000km
Petrol or diesel vehicle	83 cents per km	31 cents per km
Petrol hybrid vehicle	83 cents per km	18 cents per km
Electric vehicle	83 cents per km	10 cents per km

Travel time allowance

Travel time allowance is payable at a rate of \$40.00 per hour for travel that exceeds one hour per day.

Annual ICT allowance

The maximum annual ICT allowances payable are outlined below. The Mayor and councillors are eligible for the full amounts.

A partial allowance is payable to community board and appointed committee members, at a rate of 45% for chairs and one-third 33% for members.

Equipment

- \$400 p.a. for the use of a personal computer, tablet or laptop and docking station
- \$50 p.a. for the use of a personally owned printer
- \$200 p.a. for use of a personally owned mobile phone
- Up to \$200 p.a. for use of ICT consumables (e.g. printer paper, ink cartridges).

Services

- Up to \$800 p.a. for own Internet services for Council business
- Up to \$500 p.a. for mobile phone services for Council business, or reimbursement of actual telephone calls made on SWDC business on production of relevant phone records and receipts.

Childcare allowance

Eligible members can claim up to a maximum of \$6,000 per year per child if the childcare meets the criteria above.

Election of Chair and Deputy Chair of the Community Board 2022-2025 Triennium

1. Purpose

This report sets out the process for electing the Chair and Deputy Chair of the Community Boards in the event that there is more than one nomination for each of the positions, under the provisions of the Local Government Act 2002 ('the Act').

2. Recommendations

Officers recommend that the Council:

1. Receive the Election of Chair and Deputy Chair of the Community Board 2022-2025 Report.
2. That the Community Board adopts System A or B as outlined in clause 25 of Schedule 7 of the Local Government Act 2002 for the election of the Board's Chair and Deputy Chair for the 2022-2025 Triennium.

3. Background

Section 54(2) of the Local Government Act says that "Part 1 of Schedule 7 (excluding clauses 15 and 33 to 36) applies to community boards, with all necessary modifications as if they were local authorities". This being so, then clauses 25 and 37(1) apply to the election of Chair and Deputy Chair roles.

4. Issues and Options

4.1 Issues

Under the provisions of the Act a community board must determine by resolution that a person be elected or appointed by a system of voting being either System A or System B as outlined below (see Appendix 1).

4.2 Options – System A

Under System A, a candidate is successful if he or she receives the votes of the majority of the members of the community board present and voting. If no candidate is successful in the first round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded. If no candidate is successful in the second round there is a third and if necessary subsequent round of voting from which each time the candidate with the fewest number of votes in the previous round is excluded until a candidate is successful. In any round of voting if two

or more candidates tie for the lowest number of votes the person to be excluded from the next round is resolved by lot.

4.3 Options – System B

System B is first past the post except that a tie for the most votes is resolved by lot.

4.4 Process

In terms of process the Board needs to:

1. Resolve to using either system A or system B to elect the Chair and Deputy Chair; and then use that system to effect the elections for both roles.

5. Considerations

5.1 Policy considerations

There are no policy considerations.

5.2 Legal considerations

There are no additional legal considerations.

5.3 Financial considerations

The chair of a community board receives an increase in remuneration in return for extra duties and responsibilities.

6. Significance and Engagement

6.1 Degree of significance

As this is a process mandated through legislation the matter has a low level of significance under Council policy.

6.2 Publicity

There will be community interest in the community board decisions so a media release will be prepared.

7. Appendices

Appendix 1 – Clause 25, Schedule 7, Local Government Act 2002

Contact Officer: Amanda Bradley, General Manager Policy and Governance

Reviewed By: Harry Wilson, Chief Executive Officer

**Appendix 1 – Clause 25, Schedule 7,
Local Government Act 2002**

EXTRACT FROM LEGISLATION, LOCAL GOVERNMENT ACT 2002

25 Voting systems for certain appointments

(1) This clause applies to—

- (a) the election or appointment of the chairperson and deputy chairperson of a regional council; and
- (b) the election or appointment of the deputy mayor; and
- (c) the election or appointment of the chairperson and deputy chairperson of a committee; and
- (d) the election or appointment of a representative of a local authority.

(2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting:

- (a) the voting system in subclause (3) (**system A**):
- (b) the voting system in subclause (4) (**system B**).

(3) **System A—**

- (a) requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and
- (b) has the following characteristics:

- (i) there is a first round of voting for all candidates; and
- (ii) if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
- (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

(4) **System B—**

- (a) requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
- (b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

Clause 37, Schedule 7

- (1) A community board must have a chairperson
- (2) Clause 25 applies to the election of chairpersons of community boards.

Hinekura Farm Track – additional budget request

1. Purpose

To consider the need for further public funding to meet additional expenses incurred by Don McCreary in the construction of the Hinekura farm track.

2. Recommendations

Officers recommend that the Council:

1. Receive the 'Hinekura Farm Track - additional budget request' Report.
2. Approve an additional \$40,000 (GST exclusive) of grant funding to Don McCreary to meet additional costs in the construction of the Hinekura farm track. The additional funding would be drawn from the Rural Road Reserve and provided to the applicant under the same terms and conditions as the original grant of \$100,000 (GST exclusive).
3. Note arrangements and costs for the ongoing maintenance of the farm track are delegated by previous Council resolution to the CEO at an approximate cost of \$8000 per annum, to be drawn from the Rural Road Reserve as long as the farm track remains open and available for use.

3. Executive Summary

Council resolved on the 14th of July 2022 to provide up to \$100,000 (GST exclusive) as a grant from the Rural Road Reserve to support the creation of a temporary farm track built by private landowners to reconnect the Hinekura community to the existing road on the Martinborough side. The farm track has now been successfully completed to a good standard and is being used by the majority of the Hinekura community. However, the project owner, Mr Don McCreary, reports a cost overrun of \$40,000 (GST exclusive) due to unanticipated costs, increased material costs, and in some part due to miscommunication on budget management between himself and his project manager.

Background

A full background to the successful application for capital funding to build the Hinekura farm track is contained in the report to the Council meeting on 14 July and in resolutions DC2022/58 and DC 2022/67 (refer to Appendix 1 and 2).

In addition to the \$100,000 SWDC funding, Greater Wellington Regional Council (GWRC) agreed to supply \$25,000 (GST exclusive) to the farm track project. That funding was derived from residual funds from the original Hinekura Road rebuild

project (GWRC had committed \$30,000 towards reinstating the original alignment of the road – mainly for use in fencing and planting). Mr McCreary therefore had a total of \$125,000 (GST exclusive) for his project.

Following the Council decision on 14 July SWDC negotiated a written agreement with Mr McCreary regarding the terms and conditions of the funding. This agreement is attached as Appendix 3. It was made clear that SWDC would not be responsible for any further costs above the \$100,000. Council is therefore not legally obliged in any way to provide further funding.

SWDC Finance has met with Mr McCreary and examined and verified his accounts. The work completed has come in \$40,000 (GST exclusive) over the agreed budget. According to our inquiries the overrun is due to:

- Increased metal required over the wet months to build the road
- Unforeseen drainage required in two damp patches once the track was cut in
- Actual costs above estimate by some suppliers
- A lack of communication between the Project Manager and Don McCreary on budget management in the latter stages of the work

Management has unsuccessfully investigated other possible sources of funding for the budget overrun. The \$30,000 Hinekura Rd Relief Fund is expected to be fully utilised on other community costs. Asking the Hinekura community to raise funds is possible but may be perceived as unfair given the increased personal and business costs they are already experiencing. The overrun is out of scope for Waka Kotahi subsidised roading budget lines. GWRC have already made the maximum contribution they can of \$25,000+GST.

4. Discussion

Despite the Council not having any legal obligation to provide further funding, there are several factors that might support this happening:

- The farm track successfully reconnects the Hinekura community with Martinborough and is open to pre-registered members of the Hinekura community. Traffic at present is roughly 40 vehicles per day. We understand that the community has been very supportive of the effort by Don McCreary, who has led the work and experienced significant interruption to his life/business in the process.
- Contractors have delivered a good quality track that will be fit for purpose over the next 12-24 months if it is maintained properly. The track is only to be used by 4WD vehicles less than 3.5 tonne at a maximum speed of 15km.
- If additional funding is not provided by SWDC the \$40,000 shortfall will have to be met by Mr McCreary.
- Mr McCreary is a critical partner as we progress the design and build of a new permanent road across his property and the adjacent land owned by the Hancocks.

- The reconnection of the community to the Martinborough side is alleviating the negative social and economic impacts associated with the road closure. Children are more easily able to get to school, farm workers to their place of employment, residents to the shops/doctors etc.
- The farm track has greatly reduced the traffic levels on the alternative route via Admiral Hill and avoids a lengthy drive for residents on a patch of road that has been difficult to drive over the wet months. It offers a route out of the community if the Admiral Hill route is closed, including for critical services in an emergency.
- The farm track is providing important data and information to the engineering consultancy that is investigating the alignment of the permanent road.
- The farm track may be used for a much longer time than we originally estimated – perhaps up to 24 months. SWDC will be working with Mr McCreary on the maintenance of the road to ensure it remains of a suitable standard for its intended level of use.

5. Prioritisation

5.1 *Te Tiriti obligations*

Engagement considered not required in this case.

5.2 *Strategic alignment*

Expenditure is not in the LTP or AP and is therefore additional unbudgeted expense.

6. Consultation

6.1 Communications and engagement

We have not consulted further with the community, including Hinekura residents, on the possible use of further public funds on the construction of the farm track. If funding was provided this would not trigger the Significance and Engagement Policy consultation requirements.

6.2 Partnerships

Have you completed a communications plan for the work described/project to engage/communicate with partners/key stakeholders e.g. Waka Kotahi, Kainga Ora, community groups, particular individuals etc?

Yes No

If no, is a communications plan required?

Yes No

7. Financial Considerations

Hinekura Access - total reimbursement agreed up to \$100,000.00 (excl GST)

Payments to date:		
17/08/2022		\$ 40,683.04
14/09/2022		\$ 40,312.63
October		\$ 44,003.83
	Paid to date	<u>\$ 124,999.50</u>
Funded by:		
	SWDC	\$ 100,000.00
	GWRC	\$ 25,000.00
	Funding total	<u>\$ 125,000.00</u>
	Project cost overruns	\$ 40,000.00
	Total project costs 2022 (excl GST)	<u><u>\$ 165,000.00</u></u>

	Yes/No/NA	Commentary
Inclusion in the AP/LTP? (if no – provide commentary)	No	This project is not included in the LTP or AP. Work is due to floods in June 2022.
Funding Source	Rural Road Reserve	There are sufficient funds remaining in the Rural Road Reserve to meet the proposed additional funding The current balance as at 1 July 2022 is \$1.453.
Manager responsible / delegations	Stefan Corbett	Planning and Operations
OPEX or CAPEX	OPEX	SWDC do not own the asset
Considered/endorsed by ELT	Yes	
Procurement process	N/A	

8. Appendices

Appendix 1 – Recommendations from Assets and Services Committee Report, 14 July 2022

Appendix 2 – Council Resolutions DC2022/58 and DC2022/67

Appendix 3 – Written agreement with Mr McCreary

Contact Officer: Stefan Corbett, Group Manager Partnerships and Operations

Reviewed By: Harry Wilson, Chief Executive

**Appendix 1 – Recommendations from
Assets and Services Committee Report,
14 July 2022**

SOUTH WAIRARAPA DISTRICT COUNCIL

14 JULY 2022

AGENDA ITEM B3

RECOMMENDATIONS FROM ASSETS & SERVICES COMMITTEE

Purpose of Report

To provide an opportunity for members to consider recommendations received from the Assets and Services Committee.

Recommendations

Officers recommend that the Council:

1. *Receive the Recommendations from Assets and Services Committee Report.*
2. *That the following recommendations from the Assets and Services Committee be considered:*

Recommendations from Assets and Services Committee	Resolution Number
<ol style="list-style-type: none">1. Recommend to Council that it approves the use of up to \$500,000 unbudgeted capital expenditure for phase 1 to allow Management to continue work on new roading alignment and design.2. Recommend to Council that it approve the use of up to \$200,000 capped for capital works from the Rural Road Reserve to continue the maintenance and improvement of the alternative route to Hinekura via Admiral Hill.3. Recommend to Council that it approve up to \$100,000 capital grant from the Rural Road Reserve to support the creation of a temporary farm track built by private landowners to reconnect the Hinekura community to the road on the Martinborough side.4. Recommend to Council that it consider options for funding fully or partially funding the ongoing maintenance costs of a temporary farm track built by private landowners to reconnect the Hinekura community to the road on the Martinborough side	A&S2022/32

1. Background

The reports to the Assets and Services Committee meeting relating to the recommendations in this report can be found here: [Assets and Services Committee Agenda](#)

The report relating to recommendations (A&S2022/32), was considered by the Assets and Services Committee at their meeting on the 13 July 2022. Item B1, Hinekura Road Landslide Report.

2. Appendices

Appendix 1 - Hinekura Road Landslide Report

Contact Officer: Stefan Corbett, Group Manager Partnerships & Operations

Reviewed By: Harry Wilson, Chief Executive Officer

Appendix 1 - Hinekura Road Landslide Report

AGENDA ITEM B1

HINEKURA ROAD LANDSLIDE

Purpose of Report

To update Councillors on the landslide damage to Hinekura Road and gain initial budget approvals to a) continue work on new road alignment and design, and b) continue a programme of maintenance and improvement to the Admiral Hill route to Hinekura, and to fund a community-led effort to create a temporary farm track to reconnect the Hinekura community to the road on the Martinborough side.

Recommendations

Officers recommend that the Council:

1. *Receive the Hinekura Road Landslide Report.*
2. *Recommend to Council that it approves the use of up to \$500,000 unbudgeted capital expenditure to allow Management to continue work on new roading alignment and design.*
3. *Recommend to Council that it Approve the use of up to \$300,000 from the Rural Road Reserve to continue the maintenance and improvement of the alternative route to Hinekura via Admiral Hill, and to support the creation of a temporary farm track built by private landowners to reconnect the Hinekura community to the road on the Martinborough side.*
4. *Note that \$20,000 emergency unbudgeted expense from Council operating expenditure has been approved by the Chief Executive to establish the Hinekura Road Relief Fund.*
5. *Note the rebuild of the Hinekura Road will be a capital project that is anticipated to be loan funded over a 30 year term (the average life of a rural road).*

1. Executive Summary

Over 500 metres of Hinekura Road was destroyed by a large landslide on 14 June 2022. Geotechnical advice from WSP confirmed the landside was 500 metres long, 80 metres wide and approximately 500,000 cubic metres in volume. The landslide has travelled over 80 metres down the valley and is still active. The existing road alignment is unusable, and the old road cannot be remediated.

The priority is to explore alternative alignments for a new road, which will run through the private property of at least two landowners. Close collaboration with the landowners involved will be imperative to the success of the project. WSP, an international engineering consultancy that we have worked with for two years on Hinekura Road issues, has provided some suggested alignment options using desktop data and drone footage. We now seek approval for budgets to assign the work of confirming alignments and designing a new road to WSP. This is only the first stage. Once verification, planning, land stability investigation, consenting and design is completed, and a final road design is ready, we will return to Council for further instructions.

In tandem with the ongoing effort to confirm and design a new permanent road, we seek approval to support a community initiative to create a temporary farm track suitable for 4WD and light vehicles to reconnect the existing route to Martinborough from Hinekura. This initiative will be led by local landowner Don McCreary and has the backing of a majority of the Hinekura community. A temporary farm track would alleviate much of the anxiety, stress, and additional expense that the Hinekura community is experiencing because of the road closure. It would avoid most users having to use the much longer and more complex alternative road route via Admiral Hill. It would provide emergency access to Martinborough should the Admiral Hill route be closed.

2. Background

2.1 Maintaining the alternative route via Admiral Hill and working on new alignments

Damage to the existing road is significant and the landslide is still active and dangerous to cross. Specialist advice is that the current alignment of the road is not feasible. That is, reinstating the road is very unlikely to be possible.

Alternative access to Hinekura via the Admiral Hill route is presently open to all vehicles. We have several crews on the road improving manoeuvrability, visibility, and traction. Road conditions will be carefully monitored, and improvements made where needed. Further work on signage, metalling, safety features and control of stock may be required. We will do our best to keep the road safe and open, but the reality is that this section of road may close temporarily due to flooding, snow, slips or other reasons. Road conditions at night and/or in heavy weather may be challenging for some drivers, particularly if they are driving an extra 2-3 hours each time they commute.

WSP engineers are investigating two alternative alignments for the road (please refer to WSP maps at Appendix one). WSP has been working with landowners to leverage local knowledge of the land and to build on their preliminary assessment. Gradient, stability, ease of build, and expense, are all important factors in considering the most optimal route. The project team will need to collaborate closely with landowners to be successful.

We seek Council approval for up to \$500,000 to cover the first phase of work, which consists of:

- a) Hiring a Project Manager to lead the work stream
- b) Monitoring the existing site using remote sensors, rain gauges etc
- c) Optioneering the new alignment to determine best fit
- d) Completion of the engineering design and producing plans and estimates

This first stage of the project will produce a verified engineering design that we can use for tendering purposes. The reality is that this process, plus the build stage, will take many months. It will however be very important not to rush the verification process. Our ambition is to provide a new road that is resilient and open to all traffic types. Land stability investigations must be thorough as landslips are characteristic of this part of the Wairarapa. WSP has done some surveys of the area using drones and photogrammetry, which reveal evidence of many old slips.

2.2 Road maintenance and Temporary farm track

We seek Council approval to use up to \$300,000 from the Rural Road Reserve for

- a) Repairs and maintenance of the Admiral Hill alternative route
- b) To fund on a grants basis the construction of a temporary farm track by private landowners to allow residents to access Martinborough more safely and quickly, to ease stress on the community while the new road is being planned and built.

Maintenance and improvements to the Admiral Hill route will be ongoing through the Winter months. We have already spent \$65,000 in a matter of weeks. It is vital that the route is kept in good repair to avoid any possibility of accidents. The route must remain open to avoid a serious emergency arising whereby the Hinekura community becomes landlocked.

Private landowners on behalf of the community intend to create a farm track suitable for 4WD and light vehicles that will temporarily reconnect the closed section of road. This initiative is well supported by the Hinekura community. We are still confirming details, but early costings suggest a total cost under \$70,000, covering hire of heavy machinery, materials, and specialist labour. This temporary farm track would ease the stress being caused by the alternative route, which is considered unsafe by many residents and adds 2-3 hours to the roundtrip Hinekura/Martinborough. We consider the initiative is a much needed one that people will use for a significant period, including through Winter. It would be a vital lifeline for emergency use if the Admiral Hill Road route closed for any reason.

Council could offer the financial support on a grant basis and on the understanding that it accepts no responsibility for the standard or safety level of the temporary farm track. The landowner will have to construct the track to the best standard possible and will remain liable for any safety issues that occur on their land by people using it.

The funding would be provided contingent on the landowners receiving any necessary consents and approvals from the GWRC. Furthermore, we will need to ensure that in the construction of the farm track there is no impediment to the construction of the permanent road. Council will need to be satisfied that this is a justifiable use of public money, bearing in mind the serious economic and social impacts of the road closure on the 33 households in Hinekura.

2.3 Support to the community

During a Hinekura Road Community meeting on 29 June 2022 we launched the Hinekura Road Relief Fund (the Fund) which, using \$20,000 of Council funding, is providing immediate support to residents who are impacted by the road closure. We are partnering with the East Coast Rural Support Trust to administer and deliver the Fund. During the meeting we received numerous requests for more assistance across education, transport, training, accommodation, wage assistance, household costs, and animal health/welfare issues. We continue to work with support organisations to ensure a wraparound service is provided to the community. We will be monitoring the pattern of spending for the Fund and will report on progress.

3. Discussion

It is not yet possible to accurately estimate how much the feasibility, design and build of a new road will cost, however it is reasonable to expect it to be within the range of \$2-5m. The benefits of rebuilding the road in broad terms are that: the Hinekura Community is reconnected to the Martinborough ward, restoring long held and valuable education, social, cultural and business ties; there is an operable route out of Hinekura if the other route fails for any reason; and prevention of the degradation of the Hinekura community and economy.

Waka Kotahi have approved our initial application for \$200,000 of emergency works funding - being \$100,000 for works to date in FY 2021/22 and \$100,000 towards future works and design. Waka Kotahi management have visited the site with us to better understand our situation. Further funding applications will be made once costs firm up.

Stage two of the project will be to build the new road using the feasibility and engineering design. We intend to progress to this stage as soon as possible.

3.1 Consultation

None required. We have engaged carefully with the Hinekura community on the content of this report.

3.2 Legal Implications

None at present.

3.3 Financial Considerations

Note the requests for unbudgeted expenses in this report are outside the Annual Plan and Long Term Plan budgets.

4. Supporting Information

4.1 Long Term Plan - Community Outcomes

The recommendation to reconnect the damaged section of Hinekura Road is essential to maintaining the current level of social and economic activity in the Hinekura region. Not providing the road would impact the vibrancy and resilience of that community. There would be a deficit in the provision of education to approximately 10 school age children in the community. Lack of access to the Martinborough side restricts the ability to join social activities, sports, to access farm labour, educate children, do business (transport products and animals). Permanent closure of the land could affect land prices in the area, and potentially lead to people leaving the community. Healthy & Economically Secure People

4.2 Treaty of Waitangi

Not applicable.

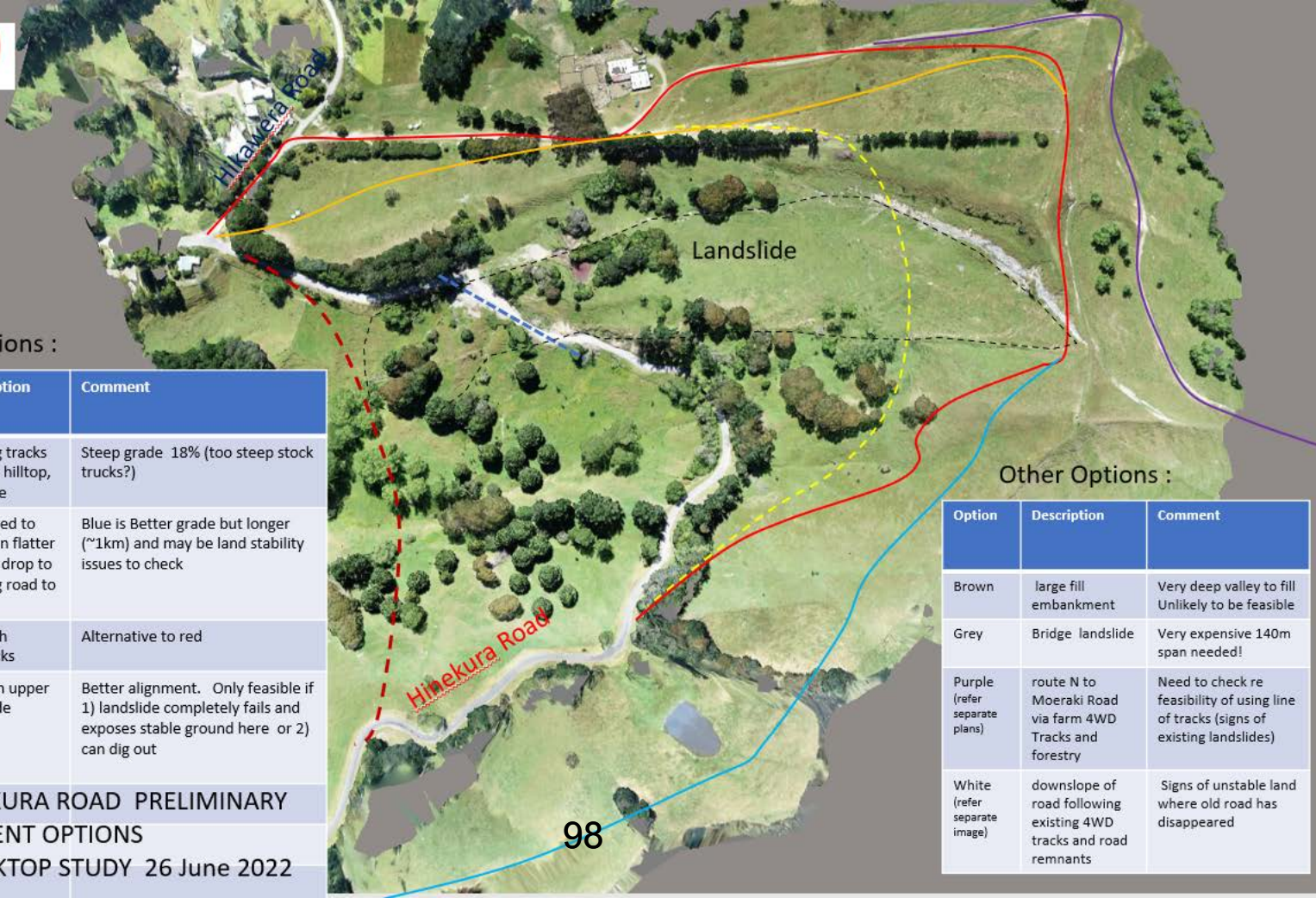
5. Appendices

Appendix 1 – WSP maps of possible new alignments for the road

Contact Officer: Stefan Corbett, Group Manager Partnerships and Operations

Reviewed By: Harry Wilson, Chief Executive Officer

Appendix 1 – WSP maps of possible new alignments for the road



Main Options :

Option	Description	Comment
red	Existing tracks to near hilltop, traverse	Steep grade 18% (too steep stock trucks?)
Light blue	As for red to top then flatter longer drop to existing road to east	Blue is Better grade but longer (~1km) and may be land stability issues to check
Orange	Through paddocks	Alternative to red
Yellow	through upper landslide	Better alignment. Only feasible if 1) landslide completely fails and exposes stable ground here or 2) can dig out

Other Options :

Option	Description	Comment
Brown	large fill embankment	Very deep valley to fill Unlikely to be feasible
Grey	Bridge landslide	Very expensive 140m span needed!
Purple (refer separate plans)	route N to Moeraki Road via farm 4WD Tracks and forestry	Need to check re feasibility of using line of tracks (signs of existing landslides)
White (refer separate image)	downslope of road following existing 4WD tracks and road remnants	Signs of unstable land where old road has disappeared

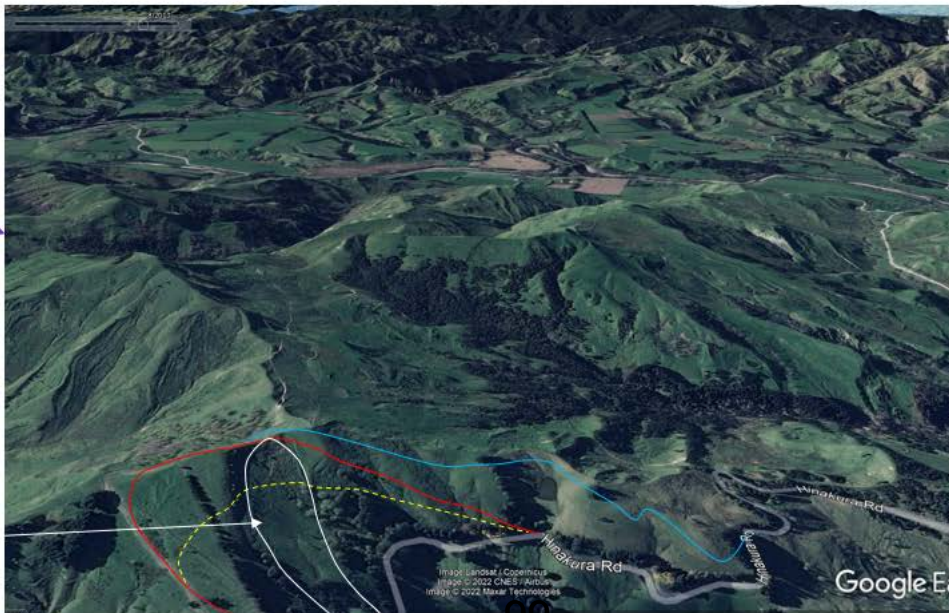
1673 HINEKURA ROAD PRELIMINARY REALIGNMENT OPTIONS DRAFT DESKTOP STUDY 26 June 2022

Indicative Realignment route positions

Moeraki Road

Purple
(back)
route

1673
Hinekura Rd
Landslide



**Appendix 2 – Council Resolutions
DC2022/58 and DC2022/67**

COUNCIL RESOLVED (DC2022/58) to:

1. Receive the Recommendations from Assets and Services Committee Report.
(Moved Cr Olds/Seconded Cr Colenso) Carried
2. Approve the use of up to \$500,000 unbudgeted capital expenditure for phase 1 to allow Management to continue work on new roading alignment and design to be funded by a loan.
(Moved Cr Jephson/Seconded Cr Plimmer)
Carried
3. Approve the use of up to \$200,000 for works from the Rural Road Reserve to continue the maintenance and improvement of the alternative route to Hinekura via Admiral Hill.
(Moved Cr Olds/Seconded Cr Jephson)
Carried
4. Approve up to \$100,000 (GST inclusive) capital grant from the Rural Road Reserve to support the creation of a temporary farm track built by private landowners to reconnect the Hinekura community to the road on the Martinborough side.
(Moved Cr Olds/Seconded Mayor Beijen)
Carried
5. Delegate to Chief Executive Officer to fund the reasonable costs of maintenance of the temporary farm track from the Rural Road Reserve. Noting that the range of cost for maintenance is estimated between \$4,000 to \$6,000.
(Moved Cr Plimmer/Seconded Cr Maynard)
Carried
6. Delegate to the Chief Executive Officer to set conditions for the grant from the Rural Road Reserve to support the creation of the farm track. These conditions are to protect Council from any liability for the use of the track and to ensure value for money in how the grant is applied to physical works to form and maintain the track.
(Moved Cr Plimmer/Seconded Cr Fox)
Carried

COUNCIL RESOLVED (DC2022/67) to:

7. Receive the Hinekura Road Retrospective Resolution Report.
(Moved Cr Maynard/Seconded Cr Colenso) Carried
8. Revoke the resolution DC2022/58, point 4, passed at the Council meeting held on 14 July 2022.
9. Approve up to \$100,000 (GST exclusive) capital grant from the Rural Road Reserve to support the creation of a temporary farm track built by private landowners to reconnect the Hinekura community to the road on the Martinborough side.
(Moved Cr Maynard/Seconded Cr Jephson) Carried

Appendix 3 – Written agreement with Mr McCreary

20 July 2022

Don McCreary
Hinekura

Dear Don

I am pleased to inform you that the South Wairarapa District Council (the Council) has agreed to contribute up to \$100,000 (excluding GST) towards the construction of a farm track across your property, and the adjoining property owned by the Hancocks, to rejoin the Hinekura Community to the road. The funding is in the form of a grant from the rural road reserve, and is provided on the following conditions:

- a) The funding is only to be used by you to construct a farm track on your land and neighbouring land owned by John Hancock on the agreed alignment and to the specifications outlined in your project proposal.
- b) Funding will be released to the project in stages, on receipt of paid invoices from independent contractors.
- c) Please be advised that Council will provide some ongoing grant funding towards the maintenance of the farm track by your contractors. The amount, and conditions under which the funding is to be released, is to be determined.
- d) Contractors should be charging at acceptable market rates or will not be paid.
- e) SWDC only agrees to fund the procurement of external contractors, including their labour, materials, and equipment. The funding is not to be used to fund your own time/labour costs.
- f) All physical work on the farm track and any subsequent physical maintenance of the track is to be undertaken by the private landowners, or their contractors, and will not be undertaken by Council contractors.
- g) SWDC accepts no liability for the safety of the farm track for users. Legal responsibility for the safety of the farm track rests solely with private landowners.
- h) SWDC holds no responsibility for the build standard of the farm track or claims made regarding its suitability to carry any type of vehicle.
- i) Construction of the farm track is not to impede the planning, design and build of a permanent road by SWDC contractors in any way.
- j) Award of the current quantum of grant funding is on the understanding that no other major source of funding is obtained by the applicant. If other external funding is contemplated or received by the applicant this should be immediately declared to SWDC. This excludes the \$25,000 (excluding GST) grant funding recently received from the Greater Wellington Regional Council.

- k) The applicant is responsible for obtaining any necessary consents or permissions necessary to build the farm track and to ensure they comply with all relevant legal obligations and duties during the project.
- l) It is important for us to agree at the beginning of this process that the Council will not in any way be responsible for cost overruns on the project. There is no approval for any further funding being made available to you.

We have had contact from a couple of Martinborough residents who have offered to be involved in the project at low/no cost. Their details are as below. Would you please be able to follow up – this could end up in considerable savings for the project.

[REDACTED]

[REDACTED]

I recommend that you sit down with Stefan Corbett and members of the Hinekura Road rebuild team and work through a plan of action from here. One important consideration will be a decision about who can use the track, and how users will access it.

We are very pleased to be able to support you. Thank you again for the tremendous effort you are making to support your community through a very tough time.

Best wishes,

Harry Wilson
Chief Executive
South Wairarapa District Council

Cc. Councillors, Martinborough Community Board, Greater Wellington Regional Council (David Boone), John Hancock