

LOCAL GOVERNANCE STATEMENT

ADOPTED: 24 JULY 2018



TE WAIROA
WAIROA DISTRICT

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INTRODUCTION

Under the Local Government Act 2002 (LGA 2002) Wairoa District Council is required to produce a “local governance statement” which in reality is a short, fast guide to our responsibilities and the services we provide. This information can in most instances be accessed in more detail from the council web site: www.wairoadc.govt.nz

The information contained in this statement will be regularly reviewed and updated.

PURPOSE

The purpose of the Wairoa District Council is (as outlined in section 10 of the LGA 2002):

- 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.

Under that section of the LGA 2002, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- a) efficient; and
- b) effective; and
- c) appropriate to present and anticipated future circumstances.

In fulfilling its purpose Wairoa District Council exercises powers and fulfils responsibilities conferred on it by legislation – a list of relevant legislation can be found in Appendix One. This list can change as central government creates and amends legislation frequently.

REQUESTING INFORMATION

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the council. Any request for information is a request made under LGOIMA. You do not have to say you are making a request under LGOIMA.

Once a request is made the council must supply the information unless reason exists for withholding it. The LGOIMA says that information may be withheld if release of the information would:

- Endanger the safety of any person
- Prejudice maintenance of the law
- Compromise the privacy of any person
- Reveal confidential or commercially sensitive information
- Cause offence to tikanga Māori or would disclose the location of waahi tapu
- Prejudice public health or safety
- Compromise legal professional privilege

- Disadvantage the local authority while carrying out negotiations or commercial activities
- Allow information to be used for improper gain or advantage.

The council must answer requests within 20 working days (although there are certain circumstances where this time-frame may be extended). The council may charge for official information under guidelines set by the Ministry of Justice.

[To request information:](#)

- Phone our office +64 6 838-7309
- Ask in person at our main office, Queen Street, Wairoa
- Post your request to: Wairoa District Council, PO Box 54, Wairoa 4160
- Email us info@wairoadc.govt.nz

PUBLIC ACCESS TO COUNCIL SERVICES AND ELECTED MEMBERS

The Wairoa District Council administrative offices are located in Queen Street, Wairoa. The full contact details are:

Wairoa District Council

Coronation Square, 97-103 Queen Street, WAIROA 4108

PO Box 54, WAIROA 4160

Ph 06-8387309 / Fax 06-8388874

Web site: www.wairoadc.govt.nz

Complaints relating to services should in the first instance be directed to the receptionist. These will be logged in Council's system and attended to as soon as possible. You will be advised when the matter has been attended too. Complaints relating to other matters should be directed to the Chief Executive Officer.

With the exception of public holidays, Council offices will be open Monday through Friday, 8am – 4:30pm. Response times to customer enquiries will be as follows:

- Telephone Calls (one working day)
- Reception (fifteen minutes)
- Letters, faxes, email (eight working days)

Councillors can be contacted directly via their contact details, these are available on the Council web site:

www.wairoadc.govt.nz

GOVERNANCE

ELECTORAL SYSTEM

Wairoa District Council currently operates its elections under the first past the post electoral system. This form of voting is used in parliamentary elections to elect Members of Parliament to constituency seats. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained.

The other option permitted under the Local Electoral Act 2001 is the single transferable vote system (STV).

Under the Local Electoral Act 2001 the council can resolve to change the electoral system to be used at the next two elections or conduct a binding poll on the question, or electors can demand a binding poll. A poll can be initiated by at least 5 per cent of electors signing a petition demanding that a poll be held.

Once changed, an electoral system must be used for at least the next two triennial general elections, i.e. we cannot change our electoral system for one election and then change back for the next election.

The council's last review of electoral systems was in September 2014. No change was made to council's electoral system for the 2016 and 2019 elections. Accordingly, either the council could resolve in 2020 (not later than 12 September) to change the system for the 2022 and 2025 elections or to conduct a poll, or electors could demand a poll.

REPRESENTATION ARRANGEMENTS

The council is required to review its representation arrangements at least once every six years. This review must include the following:

- The number of elected members (within the legal requirement to have a minimum of five and a maximum of 29 members, including the Mayor)
- Whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of "at large" and "ward" representation
- If election by wards, the boundaries and names of those wards and the number of members that will represent each ward
- Whether or not to have separate wards for electors on the Māori roll
- Whether to have community boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

The council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review, and also follows guidelines published by the Local Government Commission (the Commission). The Act gives you the right to make a written submission to the council, and the right to be heard if you wish.

You also have the right to appeal any decisions on the above to the Commission, which will make a binding decision on the appeal.

Further details on the matters that the council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

The council last conducted a review in August 2015 (final proposal); however, it is legally required to review representation again by 31 August 2018 following the results of a poll on Māori wards.

MĀORI WARDS AND CONSTITUENCIES

The Local Electoral Act 2001 also gives council the ability to establish separate wards for Māori electors. The council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll.

Wairoa District Council held a poll as part of the 2016 Local Authority Elections, to see whether it should introduce one or more Māori wards for at least its next two triennial elections.

MĀORI REPRESENTATION POLL 2016 RESULTS

| OPTION | VOTES |
|--|-------|
| FOR the establishment of Māori Wards | 1727 |
| AGAINST the establishment of Māori Wards | 1468 |
| INFORMAL | 0 |
| BLANK | 269 |

Māori Wards will therefore be introduced for at least the next two triennial elections (2019 and 2022) of the Wairoa District Council.

Council will undertake a detailed review of its representation arrangements (number of wards, elected members, community boards, etc.) including:

- the number of general and Māori wards;
- the number of representatives to be elected for general and Māori wards;
- the ward boundaries and names.

The review must be completed by 31 August 2018. There will be a right to make submissions on the Council's proposals and a right of appeal to the Commission.

COMMUNITY BOARDS

The Wairoa District Council has no community boards constituted under section 49 of the LGA 2002.

The council last reviewed the community board structures in the district in August 2015 (final proposal). The council decided not to make any changes. As the majority of voters were in favour of introducing one or more Māori wards following a poll, Council is required to undertake a detailed review of its representation arrangements (number of wards, elected members, community boards, etc.)

Additionally, electors can demand the formation of community boards. This is done by a process similar to the reorganisation process described below.

THE REORGANISATION PROCESS

Local government reorganisation means changes to the structure of local authorities. It could be changes to boundaries; the creation of a new council; the union of councils; the abolition of a council; or the transfer of functions and duties from one council to another.

Good local government is defined in law. It must enable democratic local decision-making by and on behalf of communities.

It must meet current and future needs for good-quality local infrastructure, public services and regulatory functions. The infrastructure, services and functions must be efficient, effective, and appropriate now and into the future.

Good local government is also expected to produce efficiencies and cost savings. It must contribute to productivity improvements for local authorities, households and businesses. It must lead to simplified planning processes.

The legislation governing reorganisation of local authorities is Schedule 3 of the Local Government Act 2002. It was changed significantly in late 2012. The changes enable any individual or group to apply for reorganisation.

The process for changing local government structures, boundaries and functions involves a number of distinct steps.

After receiving an application the Commission decides whether to assess it or whether to decline it. It may decline an application if:

- the application is frivolous
- the application does not contain the required information
- a substantially similar application has been declined by the Commission and the reasons for declining still apply
- the intent of the application is contrary to law
- the Commission is not likely to be able to assess the application in a timely manner
- it is not in the public interest to assess the application.

The Commission checks the application has all the information required and considers whether there is community support for change. If the Commission is satisfied the application has met requirements it will issue a public notice, advising of the application and calling for alternative applications.

Alternative applications are effectively a counter-proposal. They should explain how the alternative ideas would lead to improvements and what the changes are designed to achieve. They are not an opportunity to lobby for the status quo (existing structures).

After receiving alternative applications, the next stages of the process are:

- the Commission considers alternative applications alongside the original application and the existing council arrangements (status quo);
- the Commission consults widely as it identifies reasonably practicable options for the affected area. One of these options must be the status quo;
- the Commission determines its preferred option. The preferred option must have regard to a local authority's resources and its communities of interest;
- if the status quo is not the preferred option, the Commission prepares a draft proposal. It publicly notifies the draft proposal and calls for public submissions;
- the Commission seeks the views of affected local authorities, iwi and a number of public sector agencies. These include the Auditor General; the Ministry for the Environment; the Parliamentary Commissioner for the Environment; Te Puni Kōkiri, and Inland Revenue;
- the Commission must consider each submission. It may hold hearings and undertake further consultations before deciding whether to proceed;
- if it proceeds, the Commission prepares a final proposal and publicly notifies it. A period of 60 working days is allowed for responses, for example a petition to require a poll (vote);
- a petition of 10% or more of affected electors in any one of the affected districts is able to trigger a poll;
- if more than 50% of valid votes support the proposal, or if no poll is called for, the final proposal will be implemented and the proposed changes will take place. If the proposal attracts support from 50% or fewer of those voting, the reorganisation proposal will lapse.

There are four stages in the reorganisation process where the Commission is required to assess evidence of community support:

- on receipt of a reorganisation application,
- while assessing the application,
- when the Commission is narrowing down its preferred option after receiving alternative applications
- in making a decision on whether to issue a final reorganisation proposal.

ELECTED MEMBERS' ROLES AND CONDUCT

Councillors are elected to represent their communities for three-year terms. There is no limit on the number of terms they may serve.

There is no specific job description for councillors. However, as representatives and leaders of their communities, their role involves setting policies, making regulatory decisions and reviewing council performance.

The Mayor and the councillors of the Wairoa District Council have the following roles:

- Setting the policy direction of council
- Setting and monitoring budgets
- Monitoring the performance of the council
- Representing the interests of the district (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the district)
- Employing and monitoring the performance of the Chief Executive (under the LGA 2002 the local authority employs the Chief Executive, who in turn employs all other staff on its behalf).

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of council. Mayors, like councillors, are elected by their district for a three-year term. Mayors cannot be removed from office by the council. As of the 2013 local authority elections, the LGA 2002 defines the role of a mayor as having to provide leadership to the other elected members of the territorial authority, be a leader in the community and perform civic duties. This includes leading the development of the territorial authority's plans (including the long-term plan and the annual plan), policies and budgets.

A mayor has the following powers:

- to appoint the deputy mayor
- to establish committees of the territorial authority
- to appoint the chairperson of each committee (which may be him or herself)
- to serve as a member of each council committee

The Deputy Mayor exercises the same roles as other elected members. In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

A committee chairperson is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the council's Delegations Manual. A committee chairperson may be removed from office by resolution of Council.

Elected members have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the LGA 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current code of conduct and standing orders
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

All elected members are required to adhere to a code of conduct. Adopting such a code is a requirement of the LGA 2002, once adopted a code may only be amended by a 75 percent or more vote of the council. The code sets out the council's understanding and expectations of how the Mayor and councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanctions that the council may impose if an individual breaches the code.

Copies of the full code of conduct may be obtained from the Corporate Services Manager or from the website www.wairoadc.govt.nz

GOVERNANCE STRUCTURES

The council reviews its committee structures after each triennial election. This triennium Council established the following committee structure:

- Māori Standing Committee – tangata whenua perspective on relevant issues before other committees and Council and a dedicated forum for Māori in the district
- Chief Executive Review Committee – reviews the progress and performance of the Chief Executive; oversees the independent remuneration review process for the Chief Executive; and oversees succession planning and the appointment process of a new Chief Executive.
- Infrastructure Committee – set the direction and standards for the provision of Council's infrastructure and monitor the implementation of this.
- Economic Development Committee – develop and provide strategic oversight and direction to economic development in the district.
- Finance, Audit and Risk Committee – monitor overall financial management and performance of the Council; liaise with auditors to ensure robust financial audits and reviews of the Council, and manage the relationship between Council and QRS, its Council Controlled Organisation.
- Conduct Review Committee – respond to alleged breaches of the Council's Code of Conduct and exercise the delegated functions and powers set out in Part 4 of the Code of Conduct.
- District Licensing Committee – regulate the sale of liquor under the Sale and Supply of Alcohol Act 2012.

Further details on these committees, including their terms of reference, membership and meeting arrangements can be obtained from the Council's website. The Council may, from time to time, establish ad hoc committees to consider particular issues.

DELEGATIONS

To ensure efficiency and effectiveness in the conduct of a local authority's business, Schedule 7 section 32 of the LGA 2002 enables local authorities to delegate most of its responsibilities, duties, or powers to committees, subordinate decision-making bodies, members or officers. There are some exceptions where specific powers cannot be delegated and these are listed in Schedule 7 section 32 of the LGA 2002.

Wairoa District Council's Delegations Manual sets out:

- Background to the responsibilities of the Council, individual councillors and the Chief Executive
- The principles of delegation
- The actual delegations made by the Council to its committees and the Chief Executive

When deciding which powers to delegate, and to what level, the council and Chief Executive will balance the following needs:

- For the council to operate efficiently and effectively
- For the council to concentrate on its policy-making role and for the Chief Executive and staff to implement Council policy and administer Council facilities and services
- For the council's operations to be carried out in an open and fair manner
- For those with responsibility for a task or function to have the authority necessary to carry it out effectively
- For all statutory requirements to be properly observed

Principles relevant to Wairoa District Council's Delegations Manual are that:

- Delegations are made to positions, not to specific persons
- Delegations must be recorded in the Delegations Manual

- Decisions made under delegated authority cannot be subsequently overturned by the council

Copies of the Delegations Manual are available on the Council’s website or at the council offices.

COUNCIL CONTROLLED ORGANISATIONS

The Wairoa District Council is a 100 per cent shareholder in Quality Roading & Services (Wairoa) Ltd (QRS) a council-controlled organisation under the LGA 2002. QRS is a company registered under the Companies Act 1993 to provide physical works services for a profit. QRS has their registered office in Kaimoana Road, Wairoa.

QRS has a chairperson and three other directors – all appointed to serve three year terms by Council under its policy on the appointment of directors (copies of which are available online or from the Group Manager Information & Customer Experience of Wairoa District Council. The chairperson is elected by members of the board. Under the Companies Act 1993, directors’ primary responsibility is to the best interests of QRS. The council cannot lawfully “instruct” the directors.

Council may, however, comment on the statement of intent setting out the objectives QRS has for the coming year. Copies of this statement may be obtained by writing to the Chief Executive of QRS, PO Box 83, WAIROA 4160, or the Chief Financial Officer of Wairoa District Council.

HB LASS Limited is a Limited Liability Company registered under the Companies Act. The Company is jointly owned by Central Hawke’s Bay District Council, Hastings District Council, Hawke’s Bay Regional Council, Napier City Council and Wairoa District Council. The Company is a Council Controlled Organisation as defined in Section 6 of the LGA 2002.

The Company produces separate annual accounts. The Council share of the Company is included in its annual financial statements through contributions to the cost of projects completed or in progress.

The principle nature and scope of the activities of HB LASS Ltd is to:

- use Joint Procurement to add value to goods and services sourced for its constituent Councils.
- facilitate Shared Services that benefit Councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value.
- pursue best practice in the management of all activities to obtain best value and minimize risk.
- Demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, Council contributions, or Government funding where available.
- allow other Councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly.
- represent the collective views of its shareholders in matters with which it is associated.

The company was rendered dormant by resolutions of the member councils in May 2018 and the activities described above continue via a Chief Executives Forum, a separately constituted unincorporated body.

CONDUCT OF MEETINGS

The legal requirements for council meetings are set down in the LGA 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All council and committee meetings must be open to the public unless there is reason to consider some item “in committee”. Speaking rights are set out under the Council’s standing orders. 30 minutes at each meeting is available for members of the public to speak for up to 5 minutes on any items on the agenda. The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded. The council agenda and minutes are public documents, although parts may be withheld if the circumstances permitted under the LGOIMA for withholding information apply.

The Mayor or committee chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of council who does not comply with standing orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting of council, at least 14 days' notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called on 3 working days' notice.

During meetings the Mayor and councillors must follow standing orders (a set of procedures for conducting meetings). The council may suspend standing orders by a vote of 75 per cent of the members present. A copy of the Code of Conduct and Standing Orders can be obtained from the Group Manager Information & Customer Experience or from the Council website www.wairoadc.govt.nz

POLICY AND BYLAWS

KEY APPROVED PLANNING AND POLICY DOCUMENTS

The key policy and planning documents include:

- Long Term Plan 2015/2025
- The Annual Plan 2017/2018
- The District Plan (under review)
- The Regional Land Transport Plan
- Reserve Management Plans
- Asset Management Plans

It is envisaged that as a result of developing the 2018/2028 Long Term Plan new policy and planning documents will be developed covering a range of functions and activities. A number of these will become key documents and they will be added to the above list as well as being made available on the Council web site: www.wairoadc.govt.nz

POLICIES FOR LIASING WITH, AND MEMORANDUM OR AGREEMENTS WITH MĀORI

The Māori Policy outlines how the council engages with Māori in general across the district.

As part of the treaty settlement process, Council entered into a reserves co-management board (Matangirau) with Tātau Tātau o Te Wairoa Trust – this covers the following reserves: Ngamotu Lagoon Wildlife Management Reserve, the Whakamahi Lagoon Government Purpose (Wildlife Management) Reserve, the Rangihoua/Pilot Hill Historic Reserve and two Local Purpose (Esplanade) Reserves. The board will comprise three members appointed by Tātau Tātau o Te Wairoa Trust and three members appointed by the Wairoa District Council.

Council is a party to the Tripartite Relationship Agreement between Hawke's Bay Regional Council, Wairoa District Council, and Tātau Tātau o Te Wairoa Trust. This was negotiated in conjunction with the Te Tira Whakaemi o Te Wairoa treaty settlement.

CONSULTATION POLICIES

The LGA 2002 sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, the special consultative procedure, is regarded as a minimum process in these circumstances.

The council can and does consult outside of the special consultative procedure. When it is adopting its long-term plan, annual plan or district plan it will often hold formal meetings with community groups and other interested parties. At these meetings the council will seek views on the matters it considers important and identify issues of concern to the community.

The special consultative procedure consists of the following steps:

- STEP ONE: Preparation of a statement of proposal and a summary. The council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and must be available for inspection at the council office and may be made available elsewhere. The council also has to prepare a full and fair summary of the proposal, which must be distributed as widely as the council considers being reasonably practicable. That statement must be included on an agenda for a council meeting.
- STEP TWO: Public notice. The council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.

- STEP THREE: Receive submissions. The council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. The council must allow at least one month (from the date of the notice) for submissions.
- STEP FOUR: Deliberate in public. All meetings where the council deliberates on the proposal or hears submissions must be open to the public (unless there is some reason to exclude the public under the LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.
- STEP FIVE: Follow up. A copy of the decision and a summary of the reasons must be provided to submitters. There is no prescribed format for such a summary.

By law, the council must follow the special consultative procedure before it:

- Adopts a long-term plan (LTP)
- Adopts an annual plan that contains major changes from the LTP
- Amends an LTP
- Adopts, revokes, reviews or amends a bylaw
- Changes the mode of delivery for a significant activity (for example from the council to a council-controlled organisation or from a council controlled organisation to a private sector organisation) if that is not provided for in an LTP.

The council may be required to use the special consultative procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

Decisions made by the Wairoa District Council affect the residents and ratepayers of Wairoa. We are committed to building and maintaining good relationships with stakeholders and our community so that decisions are well informed. Wherever practical, we will engage with individuals, organisations and groups in our community in ways that give them the best opportunity to have their say.

Council has adopted a Significance and Engagement Policy which meets the requirements of the LGA 2002.

The objectives of the policy are:

1. To establish a general approach and process for identifying the significance of Council decisions;
2. To set out when and how Council will engage with the community in decision-making, depending on the significance of the decision.

The LGA 2002 states that one role of a council is to enable democratic local decision-making and action by, and on behalf of, communities. The policy explains how Council will decide the level of significance that a matter has, the types of matters where the community will be involved in the decision-making process, and when the community can expect Council to make a decision on its behalf.

There are many informal ways that Council engages with the community during its everyday business which helps to inform it on community views. There are also decisions that a Council must make which require a more structured form of engagement. This is because of the importance that a matter has within the wider community, or for groups within the community.

The first part of this Policy sets out how Council will decide whether or not a matter is “significant”. The second part of this Policy sets out when and how the community’s views will be heard on these significant, and other, matters.

A copy of the Significance & Engagement Policy can be obtained from the Group Manager Information and Customer Experience or from the Council website www.wairoadc.govt.nz

LOCAL BYLAWS

Bylaws are used to regulate certain activities monitored and/or managed by Council, allowing warranted officers of Council to respond to local issues, problems, or concerns, in a pre-determined manner.

The primary mandate for Council to make bylaws is provided under section 145 - General Bylaw-making of power for territorial authorities, of the LGA 2002.

Under this section Council has the power to make bylaws for general purposes to:

- Protect the public from nuisance
- Protect, promote and maintain public health & safety
- Minimise the potential for offensive behaviour in public places.

Without limiting the general bylaw-making power, Council may also make bylaws for the specific purposes set out in section 146 of the Act. These are:

- Without limiting section 145, a territorial authority may make bylaws for its district for the purposes of regulating 1 or more of the following: on-site wastewater disposal systems: waste management: trade wastes: solid wastes: keeping of animals, bees, and poultry: trading in public places. These matters tend to relate to services provided by, or activities which may be regulated by, Council.
- Managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following: water races, water supply, wastewater, drainage and sanitation, land drainage, cemeteries, reserves, recreation grounds, or other land under the control of the territorial authority. These tend to relate to protecting community facilities and the Council's infrastructure from damage.
- Preventing the spread of fires involving vegetation. This power is subject to sections 20 to 22 of the Forest and Rural Fires Act 1977 regarding extreme fire hazard and restrictions in fire seasons.

WAIROA CONSOLIDATED BYLAW

The review of bylaws is on-going, Council operates a consolidated bylaw made up of 9 parts:

PART 1 – INTRODUCTORY BYLAW

The purpose of this bylaw is to identify and clearly interpret those terms and expressions that are used throughout this bylaw of Council and to outline the serving of orders and notices, powers of delegation and entry, suspension and revocation of licence, permit, consent or approval, removal of works executed contrary to this bylaw, fees and charges, offences and breaches and penalties for breach of this bylaw. The bylaw was adopted 13 November 2007 and came into effect on the 20 November 2007.

PART 2 – LAND TRANSPORT BYLAW

The purpose of this bylaw is to provide for the regulation of roads and footpaths within the control of Council by the setting of speed limits for vehicles, providing requirements for parking and control of vehicular or other traffic, providing requirements for the droving of stock, providing requirements for the construction, maintenance and use of vehicle crossings. Amendments were adopted on 13 August 2013; effective on the 1 September 2013.

PART 3 – PUBLIC SAFETY BYLAW

The purpose of this bylaw is to ensure that acceptable standards of safety, convenience, visual amenity and civic values are maintained for the well-being of inhabitants and visitors to the district. The bylaw was most recently reviewed and amendments adopted and effective on 11 December 2012. In 2016 the freedom camping section of this bylaw was repealed by part 9 of the consolidated bylaw.

PART 4 - URBAN FIRE PREVENTION BYLAW

The purpose of this bylaw is to minimise the risk of open air fires in urban areas posing a danger to persons and property, and to prevent smoke from causing a nuisance in urban areas. The bylaw was adopted on 8 February 2011; effective 16 February 2011.

PART 5 - WATER SUPPLY BYLAW

The purpose of this bylaw is to enable the council as Water Supply Authority to provide for the supply of water to its customers. The bylaw was adopted on 14 June 2011; effective 20 June 2011.

PART 6 - CEMETERIES BYLAW

The purpose of this bylaw is to enable the council to control and set standards for the operation of cemeteries within the boundaries covered by the council's responsibility or ownership. The bylaw was adopted on 14 June 2011; effective 20 June 2011.

PART 7 - DOG CONTROL BYLAW

The purpose of this bylaw is to enable the council to set standards to be observed by dog owners and provide controls around the keeping of dogs in the Wairoa District in order to minimise danger, distress and nuisance caused by dogs. The bylaw was adopted on 13 September 2011; effective 30 September 2011.

PART 8 - TRADE WASTE AND WASTE WATER BYLAW

The purpose of this bylaw is to enable the council as a Wastewater Authority to regulate: (a) the discharge of trade waste to the sewerage system it operates; (b) the drainage of wastewater from domestic premises into the system it operates. This bylaw was adopted 14 August 2012; effective 1 September 2012.

PART 9 – FREEDOM CAMPING BYLAW

The purpose of this bylaw is to control freedom camping in the District in order to: (a) Protect local authority areas; (b) Protect the health and safety of people who may visit local authority areas; and (c) Protect access to local authority areas. This bylaw was adopted and effective on 10th November 2015.

MANAGEMENT

STRUCTURE AND RELATIONSHIP WITH ELECTED MEMBERS

The LGA 2002 requires Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of the council, implement council decisions and provide advice to the council. Under the LGA 2002 the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Mayor or councillors.

The Chief Executive is appointed by the council in accordance with section 42 and clauses 33 and 34 of Schedule 7 of the LGA 2002. The Chief Executive implements and manages the council's policies and objectives within the budgetary constraints established by the council. Under section 42 of the LGA 2002, the responsibilities of the Chief Executive are:

- implementing the decisions of the local authority; and
- providing advice to members of the local authority and to its community boards, if any; and
- 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
- ensuring the effective and efficient management of the activities of the local authority; and
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- providing leadership for the staff of the local authority; and
- employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and
- negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Chief Executive is Mr Steven May. Mr May can be reached on 06-8387309 or by email: stevenmay@wairoadc.govt.nz

Council management is organised into five departments. These are:

- Information and Customer Experience – libraries, , council secretariat, official information, records and archives, health & safety, human resources, and GIS
- Finance – rates, information technology, land information insurance, financial planning and reporting, treasury management, accounts payable and receivable (contact Mr Gary Borg, Chief Financial Officer 06-8387309, email: gary@wairoadc.govt.nz).
- Operations – resource consents and the district plan, animal control, health inspection, building inspection, amusement devices, Bylaw enforcement, liquor licensing and dangerous goods licences, (contact: Ms. Helen Montgomery on 06-8387309 or by email: helen@wairoadc.govt.nz)
- Engineering – roads, water, stormwater, sewerage, solid waste, reserves maintenance, property leases and maintenance, airport (contact: Mr Jamie Cox, Engineering Manager 06-8387309, email: jamie@wairoadc.govt.nz).
- Economic Development and Engagement - economic development, elections, youth development, tourism, communications, marketing, information and stakeholder engagement (contact: Mr Kitea Tipuna, Economic Development and Engagement Manager, 06-8387309, email: kitea@wairoadc.govt.nz).

EQUAL EMPLOYMENT OPPORTUNITIES (EEO) POLICY

The Wairoa District Council provides an employment environment that recognises the principles of equal opportunity in the recruitment, management, training and promotion of its staff.

The Chief Executive Officer ensures that no preference or discrimination is made on the basis of gender, marital and family status, religious or ethical belief, colour, race, ethnic or national origins, health, disability, age, sexual orientation or pregnancy.

Specifically, the Chief Executive Officer ensures that:

- Recruitment and selection procedures accord with EEO principles
- The culture of the Wairoa District Council supports an awareness of EEO principles and practice
- Appropriate training and development for managers and staff is provided in relation to EEO
- Family-friendly work practices are provided for where appropriate e.g., access to special leave, provision for staff to work at home in circumstances of family difficulties, giving priority to receipt of phone calls from or concerning dependents and taking account of the responsibilities of staff for dependents in workload allocation and management.

APPENDIX ONE: LEGISLATION

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| Airport Authorities Act 1966 | Amusement Devices Regulations 1978 | Animal Welfare Act 1999 |
| Animals Law Reform Act 1989 | Animal Products Act 1999 | Arts Council of New Zealand Toi Aotearoa Act 2014 |
| Auctioneers Act 2013 | Biosecurity Act 1993 | Biosecurity (Small Scale Organism Management) Order 1993 |
| Building Act 2004 | Building Research Levy Act 1969 | Burial and Cremation Act 1964 |
| Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 | Bylaws Act 1910 | Cadastral Survey Act 2002 |
| Camping-Grounds Regulations 1985 | Charities Act 2005 | Children, Young Persons, and Their Families Act 1989 |
| Citizenship Act 1977 | Civil Aviation Act 1990 | Civil Defence Emergency Management Act 2002 |
| Climate Change Response Act 2002 | Commerce Act 1986 | Companies Act 1993 |
| Conservation Act 1987 | Conservation Law Reform Act 1990 | Consumer Guarantees Act 1993 |
| Copyright Act 1994 | Counties Insurance Empowering Act 1941 | Crimes Act 1961 |
| Disabled Persons Community Welfare Act 1975 | District Courts Act 1947 | Dog Control Act 1996 |
| Dog Control (Certifying Organisations for Disability Assist Dogs) Order 2010 | Dog Control (Prescribed Forms) Regulations 1996 | Drinking Water Standards 2005 |
| Earthquake Commissions Act 1993 | Electoral Act 1993 | Electricity Act 1992 |
| Electronic Transactions Act 2002 | Employment Relations Act 2000 | Energy Companies Act 1992 |
| Environment Act 1986 | Environmental Protection Authority Act 2011 | Equal Pay Act 1972 |
| Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 | Engineers Associates Act 1961 | Epidemic Preparedness Act 2006 |
| Fair Trading Act 1986 | Fees and Travelling Allowances Act 1951 | Fees and Travelling Allowances Regulations 1952 |
| Fencing Act 1978 | Fencing and Swimming Pools Act 1987 | Financial Reporting Act 2013 |
| Financial Transactions Reporting Act 1996 | Fire Services Act 1975 | Fisheries Act 1996 |
| Food Act 2014 | Forests Act 1949 | Forest and Rural Fires Act 1977 |
| Forest and Rural Fires Regulations 2005 | Freedom Camping Act 2011 | Gambling Act 2003 |
| Gas Act 1992 | Goods and Services Tax Act 1985 | Government Rooding Powers Act 1989 |
| Harbours Act 1950 | Harbour Boards Dry Land Endowment Revesting Act 1991 | Hazardous Substances and New Organisms Act 1991 |
| Health Act 1956 | Health and Safety at Work Act 2015 | Health (Burial) Regulations 1946 |
| Health (Registration of Premises) Regulations 1966 | Heavy Motor Vehicle Regulations 1974 | Heritage New Zealand PoutereTaonga Act 2014 |
| Holidays Act 1955 | Housing Act 1955 | Housing Accords and Special Housing Areas Act 2013 |
| Housing Corporation Act 1974 | Human Rights Act 1993 | Impounding Act 1955 |
| Income Tax Act 2007 | Industry Training and Apprenticeships Act 1992 | Insolvency Act 2006 |
| Interpretation Act 1999 | International Financial Reporting Standards | Irrigation Schemes Act 1990 |
| Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Bill | Kiwisaver Act 2006 | Land Act 1948 |
| Land Drainage Act 1908 | Land Transfer Act 1952 | Land Transport Act 1998 |
| Land Transport Management Act 2003 | Libraries and Mechanics' Institute Act 1908 | Limitation Act 2010 |

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| Litter Act 1979 | Local Authorities (Petroleum Tax Refund) Regulations 1971 | Local Authorities (Members' Interests) Act 1968 |
| Local Electoral Act 2001 | Local Electoral Regulations 2001 | Local Government (Rating) Act 2002 |
| Local Government Act 2002 | Local Government Borrowing Act 2011 | Local Government Official Information and Meetings Act 1987 |
| Major Events Management Act 2007 | Maori Reserved Land Act 1955 | Marine and Coastal Areas Takutai Moana Act 2011 |
| Maritime Transport Act 1983 | Meat Board Act 2004 | Minamata Convention |
| Minimum Wage Act 1983 | Ministry of Works and Development Abolition Act 1988 | Municipal Insurance Act 1960 |
| National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 | National Provident Fund Restructuring Act 1990 | New Zealand Bill of Rights Act 1990 |
| New Zealand Geographic Board Act 2004 (Nga Pou Taunaha o Aotearoa) | New Zealand Library Association Act 1939 | New Zealand Public Health and Disability Act 2000 |
| Ngāti Pāhauwera Treaty Claims Settlement Act 2012 | Oaths and Declarations Act 1957 | Occupiers Liability Act 1962 |
| Official Information Act 1982 | Ombudsmen Act 1975 | Parental Leave and Employment Protection Act 1987 |
| Personal Property Securities Act 1999 | Plumbers and Gasfitters and Drainlayers Act 2006 | Port Companies Act 1988 |
| Privacy Act 1993 | Prohibition of Gang Insignia in Government Premises Act 2013 | Property Law Act 2007 |
| Prostitution Reform Act 2003 | Protected Disclosures Act 2000 | Protection of Local Archives Notice 1990 |
| Psychoactive Substances Act 2013 | Public Authorities (Party Wall) Empowering Act 1919 | Local Archives notice 1998 |
| Public Bodies Leases Act 1969 | Public Finance Act 1989 | Public Bodies Contracts Act 1959 |
| Public Works Act 1981 | Queen Elizabeth the Second National Trust Act 1977 | Public Records Act 2005 |
| Railways Act 2005 | Railways Regulations 2008 | Racing Act 2003 |
| Rating Valuations Act 1998 | Remuneration Authority Act 1977 | Rates Rebate Act 1973 |
| Residential Tenancies Act 1986 | Resource Management Act 1991 | Reserves Act 1977 |
| Sale and Supply of Alcohol Act 2012 | Search and Surveillance Act 2012 | River Boards Act 1908 |
| Secret Commissions Act 1910 | Smoke-free Environments Act 1990 | Secondhand Dealers and Pawnbrokers Act 2004 |
| Sovereign's Birthday Observance Act 1952 | Standards and Accreditation Act 2015 | Soil Conservation and Rivers Control Act 1941 |
| Submarine Cables and Pipelines Protection Act 1996 | Summary Offences Act 1981 | Statutory Land Charges Registration Act 1928 |
| Te Ture Whenua Māori Act 1993 | Te Urewera Act 2014 | Summary Proceedings Act 1957 |
| Traffic Regulations 1976 | Transport (Vehicular Traffic Road Closure) Regulations 1965 | Telecommunications Act 2001 |
| Treaty of Waitangi Act 1975 | Trespass Act 1980 | Travelling Allowance Regulations 1949 |
| Tuhoe Claims Settlement Act 2014 | Unit Titles Act 2010 | Trustee Act 1956 |
| Unsolicited Electronic Messages Act 2007 | Valuers Act 1948 | Utilities Act 2010 |
| Walking Access Act 2008 | Waste Minimisation Act 2008 | Vulnerable Children Act 2014 |
| Wild Animal Control Act 1977 | Wildlife Act 1953 | Weathertight Homes Resolution Service Act 2006 |
| | | Worksafe New Zealand Act 2013 |