

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY 9 DECEMBER 2019** commencing at **9:30AM**.

*Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute Council's decision or policy until considered by the Committee.*

## **1. APOLOGIES AND LEAVE OF ABSENCE**

## **2. CONFIRMATION OF STATUS OF AGENDA**

## **3. DISCLOSURES OF INTEREST**

## **4. CONFIRMATION OF MINUTES**

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GJ Ion  
**CHIEF EXECUTIVE**

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### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	1 December 2019
<b>Prepared by</b>	Brendan Stringer Democracy Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Confirmation of Minutes

### **1. EXECUTIVE SUMMARY**

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To confirm the minutes of a meeting held on Tuesday 12 November 2019.

### **2. RECOMMENDATION**

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**THAT the minutes of a meeting of Waikato District Council held on Tuesday 12 November 2019 be confirmed as a true and correct record of that meeting.**

### **3. ATTACHMENTS**

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Open Minutes – 12 November 2019

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Minutes of a meeting of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY, 12 NOVEMBER 2019** commencing at **9:30am**.

**Present:**

His Worship the Mayor, Mr AM Sanson (Chairperson)  
Cr AD Bech  
Cr JA Church  
Cr CA Eyre  
Cr JM Gibb  
Cr SL Henderson  
Cr SD Lynch  
Cr RC McGuire  
Cr FM McNally  
Cr EM Patterson  
Cr NMD Smith  
Cr LR Thomson  
Cr CT Woolerton

**Attending:**

Mr GJ Ion (Chief Executive)  
Mr TG Whittaker (Chief Operating Officer)  
Mr C Morgan (General Manager Community Growth)  
Mrs S O’Gorman (General Manager Customer Support)  
Mr J Quinn (Communications, Engagement and Marketing Manager)  
Ms L Shirley (Zero Harm Manager)  
Mr J Ebenoh (Planning and Policy Manager)  
Ms D Tracey (Strategic Planning Team Leader)  
Mr M Davey (Strategic Planner)  
Mr B Stringer (Democracy Manager)

Ms E O’Dwyer (Waikato Times Reporter)

**DECLARATION OF COUNCILLOR McINALLY**

Councillor McNally read and signed the declaration required under clause 14, Schedule 7 of the Local Government Act 2002.

**APOLOGIES AND LEAVE OF ABSENCE**

Resolved: (Crs Thomson/Church)

THAT an apology be received from Cr Sedgwick.

**CARRIED**

**WDC1911/01**

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Resolved: (Crs Patterson/McInally)

THAT the agenda for a meeting of the Waikato District Council held on Tuesday, 12 November 2019 be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 7 which shall be considered with the public excluded;

AND THAT the Council resolves that the report for Item 6.6 – *Draft Waikato 2070 – Waikato District Council Growth and Economic Development Strategy* - be replaced with an updated version of the report as tabled at the meeting.

Tabled Item: Draft Waikato 2070 – Waikato District Council Growth and Economic Development Strategy (v2)

**CARRIED**

**WDC1911/02**

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**CONFIRMATION OF MINUTES**

Resolved: (Crs Gibb/Bech)

THAT the minutes of the Inaugural meeting of the Waikato District Council held on 30 October 2019 be confirmed as a true and correct record of that meeting.

**CARRIED**

**WDC1911/03**

## **REPORTS**

### Zero Harm

#### Agenda Item 6.1

The Chief Executive and Zero Harm Manager highlighted, and responded to questions on the following matters:

- 200 safety engagement conversations recorded last month.
- Wellbeing activities and Wellbeing Collective's plan for 2020.
- "Work Safe Home Safe" event for staff in February 2020.
- KPMG report presented to Audit & Risk Committee in December 2019 on the duty of officers' under the Health and Safety at Work Act 2015.
- Materiality of events recorded in the staff report.
- Critical risk (working on or near roads) – the next risk work item that staff would be working on as part of the Zero Harm Strategic Plan.

**Resolved: (Crs Smith/McInally)**

**THAT the report from the Chief Executive be received.**

### **CARRIED**

**WDC1911/04**

### Governance Structure 2019 -22

#### Agenda Item 6.2

The Democracy Manager summarised the report and the consequential changes introduced in the revised Governance Structure. The elected members requested amendments to the version of the Governance Structure attached to the staff report<sup>1</sup>.

**Resolved: (Crs Gibb/Smith)**

**THAT the report from the Chief Executive be received;**

**AND THAT in accordance with section 41A Local Government Act 2002, the Council notes that the Mayor has established the committee structure and appointed the chairpersons to those committees as set out in the Governance Structure attached to this report (Attachment I)**

**AND FURTHER the Council approves the Governance Structure attached to this report (Attachment I), including:**

- a. the appointment of elected members to:

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<sup>1</sup> A copy of the updated Governance Structure is appended to these Minutes, with track changes.

- i. specified committees, subcommittees and other decision-making bodies in accordance with clause 31, Schedule 7 Local Government Act 2002; and
  - ii. positions on community boards and external organisations, including joint committees with other local authorities;
- b. the terms of reference and delegations to the specified committees, subcommittees and other decision-making bodies in accordance with clause 32, Schedule 7 Local Government Act 2002.
- c. the appointment of the following elected members to the Council's District Licensing Committee in accordance with section 189 of the Sale and Supply of Alcohol Act 2012:
- i. Cr Noel Smith – Chairperson;
  - ii. Cr Jacqui Church – Deputy Chairperson,

subject to the amendments requested by the Council (as highlighted in the version of the Governance Structure appended to these Minutes) and noting that the proposed appointment of Maangai Maaori to the Strategy & Finance, Infrastructure and Policy & Regulatory committees is subject to the approval by the Council, which will be considered under a separate report.

**AND FURTHER THAT** the Council approves:

- a. the updating of Council policies that is necessary to reflect the approved Governance Structure, such updates to be undertaken by staff in consultation with the Chairperson of the Policy & Regulatory Committee; and
- b. the revocation of the Committee Structure & Membership Policy;

**AND FURTHER THAT** the Council notes that the attached Governance Structure is to replace those sections of the Delegations Register that relate to committees, subcommittees and other subordinate decision-making bodies, appointment of elected members, and the delegations and terms of reference of committees, subcommittees and other subordinate decision-making bodies.

**CARRIED**

**WDC1911/05**

Establishment of Maangai Maaori (Maaori Representation) on Council Committees  
Agenda Item 6.3

The Communications, Engagement & Marketing Manager introduced the report and highlighted the next steps should the Council approve the appointment of Maangai Maaori to the three principal Council committees.

**Resolved: (Crs Smith/Patterson)**

**THAT** the report from the Communications, Engagement & Marketing Manager

be received;

**AND THAT the Council approves the appointment of Maangai Maaori representatives to each of its principal committees:**

- a. the **Strategy and Finance Committee;**
- b. the **Infrastructure Committee;** and
- c. the **Policy and Regulatory Committee,**

**each with full voting rights (Option 2 in the report);**

**AND FURTHER THAT the Council approves that an appointments panel be established and delegated to commence and oversee the recruitment process for the Maangai Maaori positions, such panel to comprise:**

- a. **His Worship the Mayor;**
- b. **the Deputy Mayor;**
- c. **a representative from Waikato-Tainui's appointments panel;**
- d. **an independent representative appointed by the Chief Executive;**

**AND FURTHER THAT Council approves the Maangai Maaori role description that is attached to the staff report for the purpose of the recruitment process;**

**AND FURTHER THAT the Council notes that the Appointments Panel's recommendations will be brought back to Council for approval in early 2020;**

**AND FURTHER THAT the Council notes that a media release will be issued by staff outlining Council's decision to appoint Maangai Maaori and drawing attention to the recruitment process.**

A division was called:

For the Motion: His Worship the Mayor Sanson, Crs Bech, Church, Eyre, Gibb, Henderson, Lynch, Thomson, McNally, Patterson, Woolerton, Smith

Against the Motion: Cr McGuire

**CARRIED**

**WDC1911/06**

Schedule of Meetings 2019/20

Agenda Item 6.4

The Democracy Manager summarised the report and noted an update to the commencement time for the Infrastructure Committee meeting on Thursday, 5 December 2019 (10:00am).

Following discussion, the members agreed for Council and the principal Committee meetings to commence at 9:30am going forward.

**Resolved: (Crs Church/Bech)**

**THAT the report from the Chief Executive be received;**

**AND THAT the Council adopts the 2020 meeting schedule, as attached to the staff report (Attachment I);**

**AND FURTHER THAT the Council notes the following committee meetings that are scheduled to take place in 2019:**

<b>Committee</b>	<b>Date and Time</b>
Extraordinary Discretionary & Funding Committee	1:30pm, Monday 18 November 2019
Policy and Regulatory Committee	9:30am, Wednesday 27 November 2019
Regulatory Subcommittee	9:00am, Thursday 28 November 2019*
Strategy and Finance Committee	9:30am, Monday 2 December 2019
Audit and Risk Committee	1:00pm, Monday 2 December 2019
Infrastructure Committee	10:00am, Thursday 5 December 2019

**\* subject to confirmation with objector.**

**CARRIED**

**WDC1911/07**

Elected Members' Remuneration 2019/20

Agenda Item 6.5

The Democracy Manager summarised the report and advised of the following corrections to the table on page 37 of the Agenda:

- Final row, second column: The amount of “(\$663,315)” was inserted in error and should be deleted;
- Third column: Clarification that the effective date for the base Councillor remuneration would be 22 October 2019. Remuneration for additional responsibilities would be effective from 13 November 2019.



**Resolved: (Crs Bech/Gibb)**

**THAT the report from the Chief Executive be received;**

**AND THAT the Council approves the remuneration for Councillors, including positions of additional responsibility, as follows:**

Position	Number of Members	Remuneration per member
Deputy Mayor	1	\$78,375
Chairperson – Infrastructure, Strategy & Finance, Policy & Regulatory Committees	3	\$68,400
Chairperson – Discretionary & Funding Committee	1	\$54,625
Chairperson – PDP Subcommittee	1	\$58,780
Councillor – base remuneration	7	\$47,500

**as further detailed in the worksheet attached to the staff report.**

**AND FURTHER THAT the Council delegates to the Chief Executive, or his nominee, to complete the documentation to be submitted to the Remuneration Authority to give effect to this resolution;**

**AND FURTHER THAT the Council notes that the recommended remuneration for Councillors will take effect once approved by the Remuneration Authority and gazetted, which is expected to be towards the end of December 2019.**

**CARRIED**

**WDC1911/08**

Draft Waikato 2070 - Waikato District Council Growth and Economic Development Strategy  
Agenda Item 6.6

The Strategic Planner spoke to the updated report tabled at the meeting [ref WDC1911/02], and requested that the recommended consultation timeframe be extended to 17 January 2020. It was proposed that a final version of the strategy would be presented to the Council for adoption at its meeting in April 2020.

**Resolved: (Crs Smith/Church)**

**THAT the report from the General Manager Community Growth be received;**

**AND THAT under section 83 of the Local Government Act 2002, Council adopts the Statement of Proposal (Attachment 1 of the staff report) and approves public consultation on the Waikato District Council Draft Growth and Economic Development Strategy to occur by way of special consultative procedure between 13 November 2019 and 17 January 2020.**

**CARRIED**

**WDC1911/09**

Items Approved using Transition Delegations  
Agenda Item 6.7

The Chief Executive summarised the report and the matters for which he exercised his extended delegations during the elections period in line with the Council's resolution of 7 October 2019.

**Resolved: (Crs McNally/Thomson)**

**THAT the report from the Chief Executive be received.**

**CARRIED**

**WDC1911/10**

**EXCLUSION OF THE PUBLIC**

Agenda Item 7

**Resolved: (Crs Patterson/Church)**

**THAT the report of the Chief Executive be received;**

**AND THAT the public be excluded from the meeting to enable Council to deliberate and make decisions on the following items of business:**

**REPORTS**

**a. Chief Executive's Issues**

**The general subject of the matter to be considered while the public is excluded, the reason, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:**

**Reason for passing this resolution to withhold exists under:** **Ground(s) under section 48(1) for the passing of this resolution is:**

**Section 7(2)(g),(h),(i),(j)**

**Section 48(1)(a)**

**b. Mayoral Issues**

**The general subject of the matter to be considered while the public is excluded, the reason, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:**

**Reason for passing this resolution to withhold exists under:** **Ground(s) under section 48(1) for the passing of this resolution is:**

**Section 7(2)(g),(h),(i),(j)**

**Section 48(1)(a)**

**CARRIED**

**WDC1911/11**

*Resolution WDC191112 is contained in the public excluded section of these minutes.*

Upon resumption of the Open Meeting, there being no further business, the meeting was declared closed at 11:13am

Minutes approved and confirmed      December 2019.

AM Sanson  
**Chairperson**

**Appendix to Council Minutes – 12 November 2019**  
**Governance Structure (with requested amendments recorded)**

[191112 Council Minutes – Governance Structure \(track changes\)](#)

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### Open Meeting

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	3 December 2019
<b>Prepared by</b>	Brendan Stringer Democracy Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Audit & Risk Committee Recommendation

## I. EXECUTIVE SUMMARY

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The purpose of this report is to seek the Council's approval of the recommendation from the Audit & Risk Committee meeting of Monday 2 December 2019, as set out below.

The Audit & Risk Committee Agenda can be found on the Council website:

[https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/meetings/agendas-2019/191202-ar-agenda.pdf?sfvrsn=a7f187c9\\_0](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/meetings/agendas-2019/191202-ar-agenda.pdf?sfvrsn=a7f187c9_0)

## 2. RECOMMENDATIONS FROM THE AUDIT & RISK COMMITTEE

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Final Management Report for the Year Ended 30 June 2019  
(A&R1912/04)

**THAT Council approves a contribution of \$10,000 towards additional audit costs for 2018/19, noting that such additional costs will be absorbed via expenditure savings in the finance cost centre**

## 3. ATTACHMENTS

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Nil

### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	3 December 2019
<b>Prepared by</b>	Lynn Shirley Zero Harm Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Zero Harm Update

## **I. EXECUTIVE SUMMARY**

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The purpose of this report and its attachment is to provide an update on current health and safety performance. Council recognises that compliance is essential but it aspires to achieve a sustainable zero harm culture, where everyone works safely and goes home safe every day.

Councils' zero harm culture shall be supported by a health and safety management system of policies, standards and procedures that eliminate or effectively manage risk and enable best practice.

## **2. RECOMMENDATION**

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**THAT the report from the Chief Executive be received.**

## **3. BACKGROUND**

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### **Capable and Believable Leadership (People)**

#### Safety and Wellness Engagement Conversations

The Chief Executive, Executive Leadership Team (ELT) and People Leaders continue to undertake Safety Engagement Conversations.

A total of 175 Safety Engagement Conversations were recorded in BWare Safety Manager in November.

#### Health and Wellbeing

The Wellbeing Collective held a workshop in early November to brainstorm and gather ideas for a Wellbeing Calendar for 2020. The intention is to focus on two themes/activities each month and for Wellbeing Collective members to take ownership and lead themes/activities that interest them.

Safety Action Team

Ten members of the Safety Action Team attended a two day Health and Safety Representative Stage I training course.

Work Safe, Home Safe (WSHS) 2020

The WSHS project team continues to meet weekly to progress arrangements for our annual Work Safe Home Safe event to be held during the week of 17<sup>th</sup> to 21<sup>st</sup> February. The week long event will focus on the following three themes:

- Commitment
- Personal role and responsibilities for Zero Harm
- Health and wellbeing

Zero Harm Policy Review

Council's current Zero Harm Policy was developed in May 2017 and is overdue for review. The Zero Harm Team has undertaken a review of the Policy (now known as our Zero Harm Commitment) to ensure its alignment with AS/NZS ISO 45001 Occupational Health and Safety Management Systems and has commenced consultation with the following key stakeholders; Executive Leadership Team, Safety Action Team, Council and the Audit and Risk Committee. The Draft Council Zero Harm Commitment is attached.

**Disciplined Management Systems**Auditing and Verification

A draft report from KPMG has been received following the high-level independent review of how Council has identified and responded to the obligations of officers to exercise due diligence as outlined in Section 44 of the Health and Safety at Work Act 2015. The report and proposed corrective action plan has been presented to the Executive Leadership Team (ELT) and Audit and Risk Committee for their approval.

Event Management

The Zero Harm team has recently reviewed the Zero Harm Safety Management System (ZHSMS) 1.3.1 Event Management Standard. The revised standard has been approved by ELT.

Council had three First Aid (Severity 6) injury events recorded in November; summarised in the following table.

Team	Task being undertaken	Event Description	Comments
Animal Control	Animal rescue	Loading horse onto truck and horse bit my left forearm	
Te Kauwhata Library	Processing books	Jammed ring finger in draw	
Environmental Health	Entering / exiting vehicle	Tweaked back while entering vehicle	

14 Minor Near Miss (Severity 7) events were also reported. There were no severity 1-5 events (more serious) this month. The attached Zero Harm Dashboard illustrates safety performance for October.

### Contractor Management - Consultation, Cooperation and Coordination

Persons Conducting a Business or Undertaking (PCBUs) that work together, either in a contracting chain or a shared workplace will likely share health and safety duties in relation to the same matter. The Health and Safety at Work Act (HSWA) 2015 terms these as overlapping duties as illustrated in Figure 1 and Figure 2. WorkSafe NZ expects that PCBUs with shared duties are able to explain the steps they have taken to consult, cooperate and coordinate with each other about their overlapping duties, and their arrangements to control risks. As a minimum the following should be discussed and agreed:

- Nature of each PCBUs work activities
- Which PCBU should manage what health and safety risks
- How ongoing communication on health and safety will occur

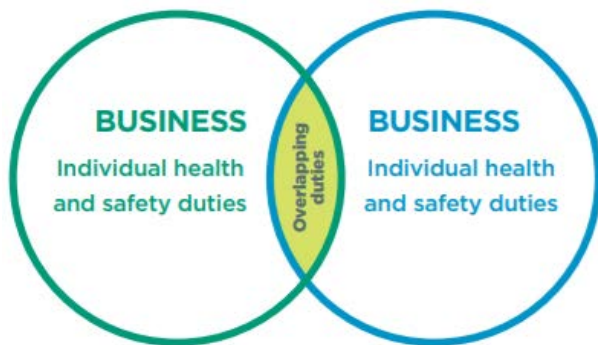


Figure 1: Overlapping duties in a shared workplace

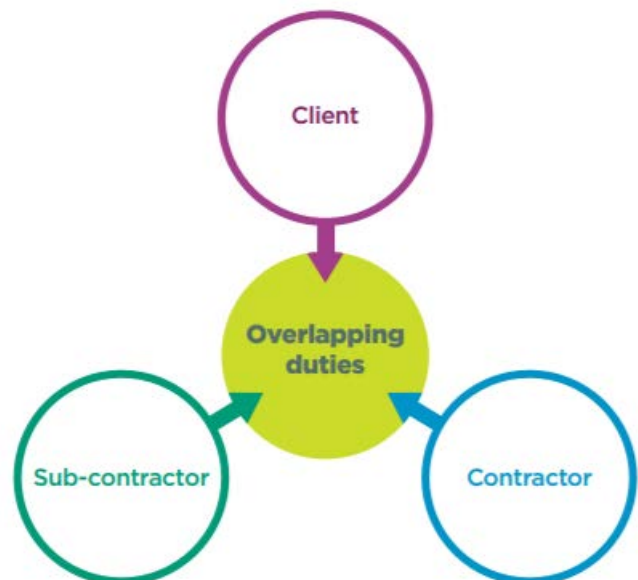


Figure 2: Overlapping duties when businesses don't share a workplace

A workshop to trial the process was recently held between Council and the following PCBUs who share the Brownlee Avenue site:

- Waikato District Alliance
- Watercare Services Ltd
- City Care Ltd

A Consultation, Cooperation and Coordination (3C's) Plan is being developed to record how overlapping health and safety duties will be managed between all PCBUs going forward. This approach will now be applied to a number of Council's other contracting relationships.

### **Managed Risks**

#### On Road Driving – Light Vehicles

There were seven over speed events recorded in November. Two of the seven events exceeded 110km per hour and required a formal coaching conversation to be undertaken by



the relevant General Manager. The Driver Skills Workshop that was planned for November has been moved to February 2020. On Road Driving risk management will be a key focus of our Work Safe, Home Safe Week in February 2020.

The Zero Harm Manager is part of the Tender Evaluation Team (TET) currently evaluating the responses submitted for the WDC Request for Proposals for 19/062 GPS Trackers and Data Services.

#### Workplace Violence

Lone worker monitoring device workshops were held with teams that are exposed to the risk of working alone. The Zero Harm team is progressing the purchase and implementation of solutions for high risk teams.

Workplace Violence risk management has also been selected as a key focus of our Work Safe, Home Safe Week.

## **4. DISCUSSION AND ANALYSIS OF OPTIONS**

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### **4.1 DISCUSSION**

This report is to assist Councillors with their due diligence requirements as Officers. The report should start the conversation and provide opportunities for Councillors to raise questions and discuss progress.

### **4.2 OPTIONS**

Council could choose to accept the report or not. Council could ask for additional information if needed.

## **5. CONSIDERATION**

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### **5.1 FINANCIAL**

There are no direct financial requirements identified in this report.

### **5.2 LEGAL**

This report is prepared as part of assisting Council to meet its duties in accordance with the Health and Safety at Work Act 2015 and associated regulations.

### **5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT**

Council has a Zero Harm Commitment (Policy) and Zero Harm Strategy which forms the basis of our health and safety philosophy and management system.

### **5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS**

<b>Highest levels of engagement</b>	<b>Inform</b> <input checked="" type="checkbox"/>	<b>Consult</b> <input type="checkbox"/>	<b>Involve</b> <input checked="" type="checkbox"/>	<b>Collaborate</b> <input type="checkbox"/>	<b>Empower</b> <input type="checkbox"/>
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State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
			Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

Council engages with our Community Boards and Community Committees to ensure they are clear on their obligations. Council also undertakes audits and safety engagement conversations in relation to our contractors.

## 6. CONCLUSION

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This report provides an update on our Zero Harm Safety Management System and monthly health and safety performance.

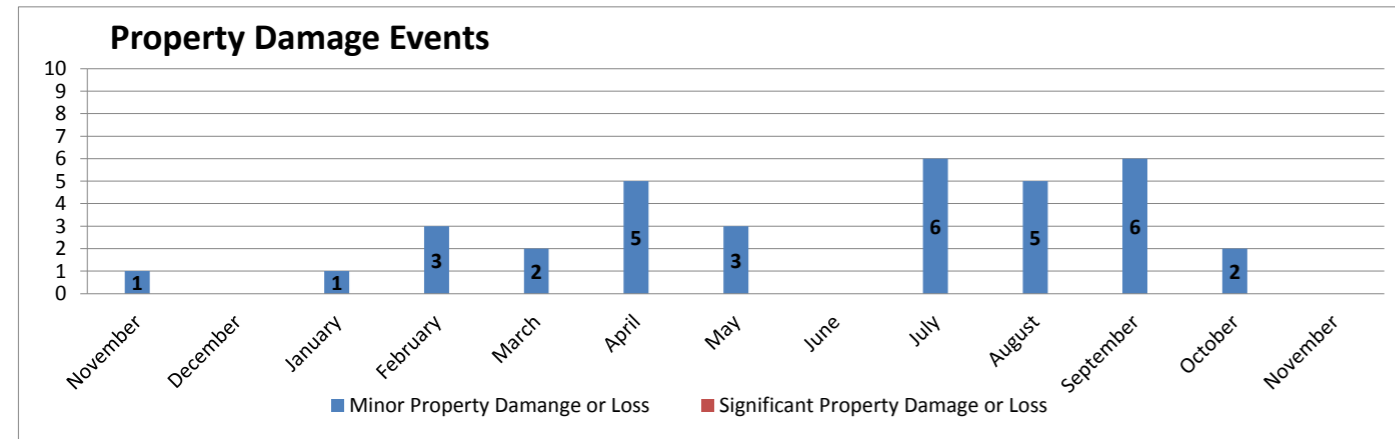
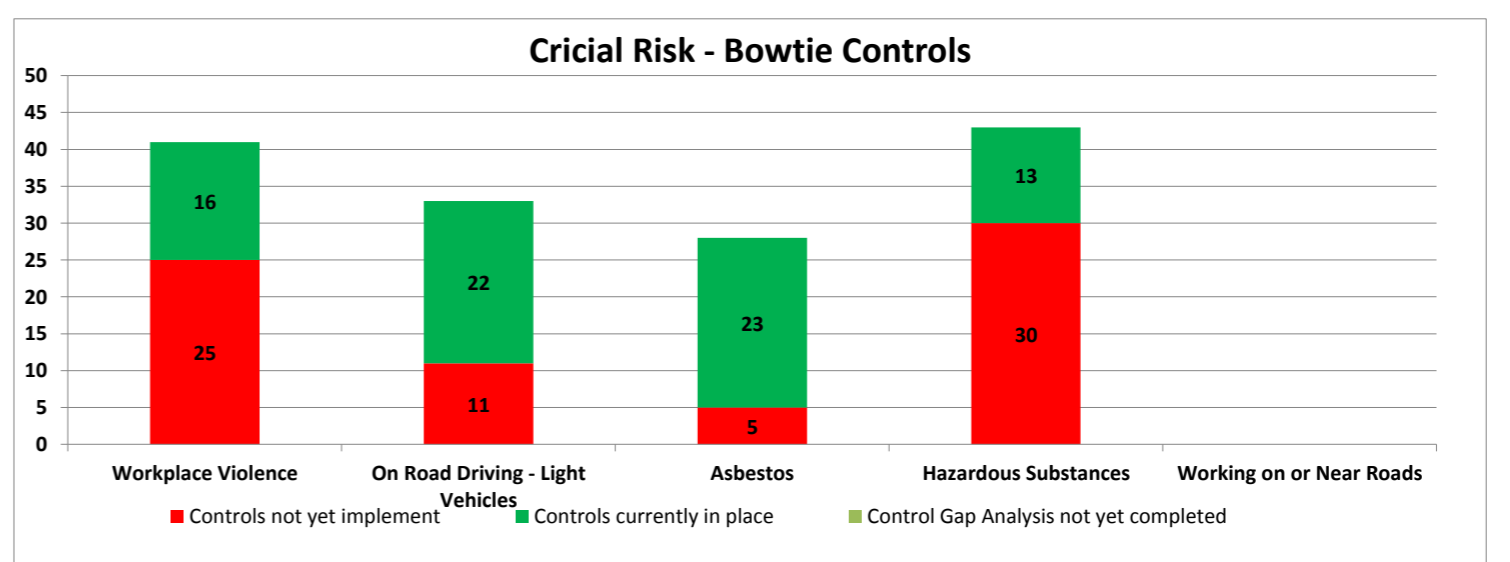
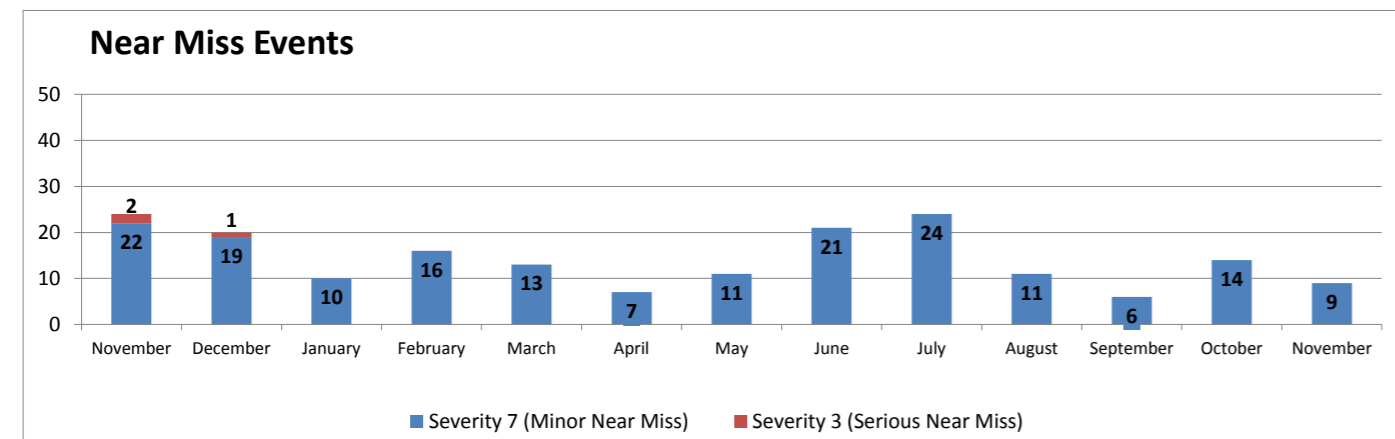
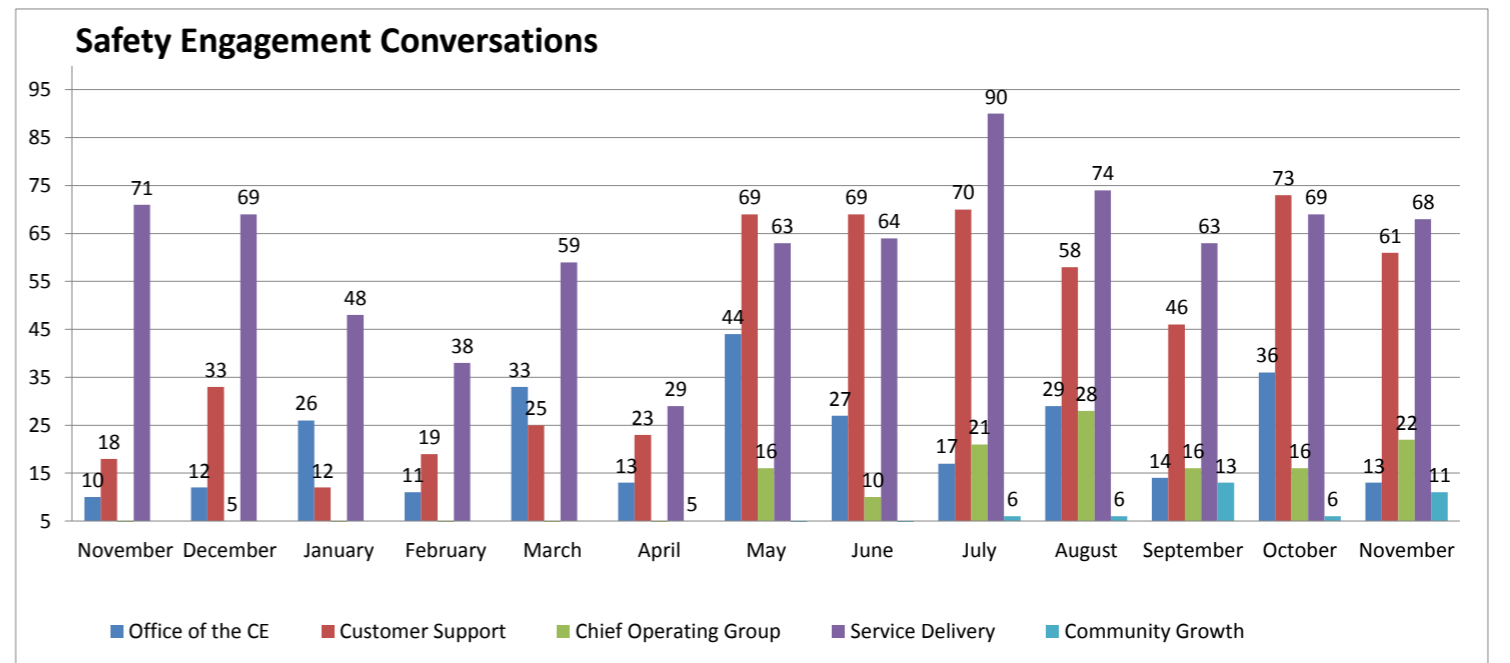
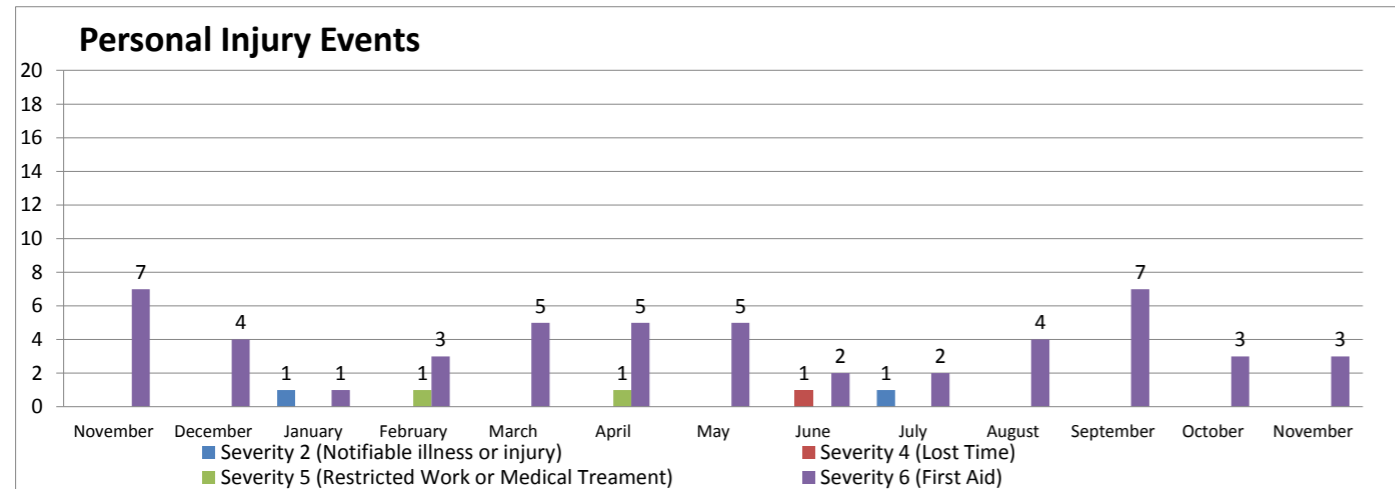
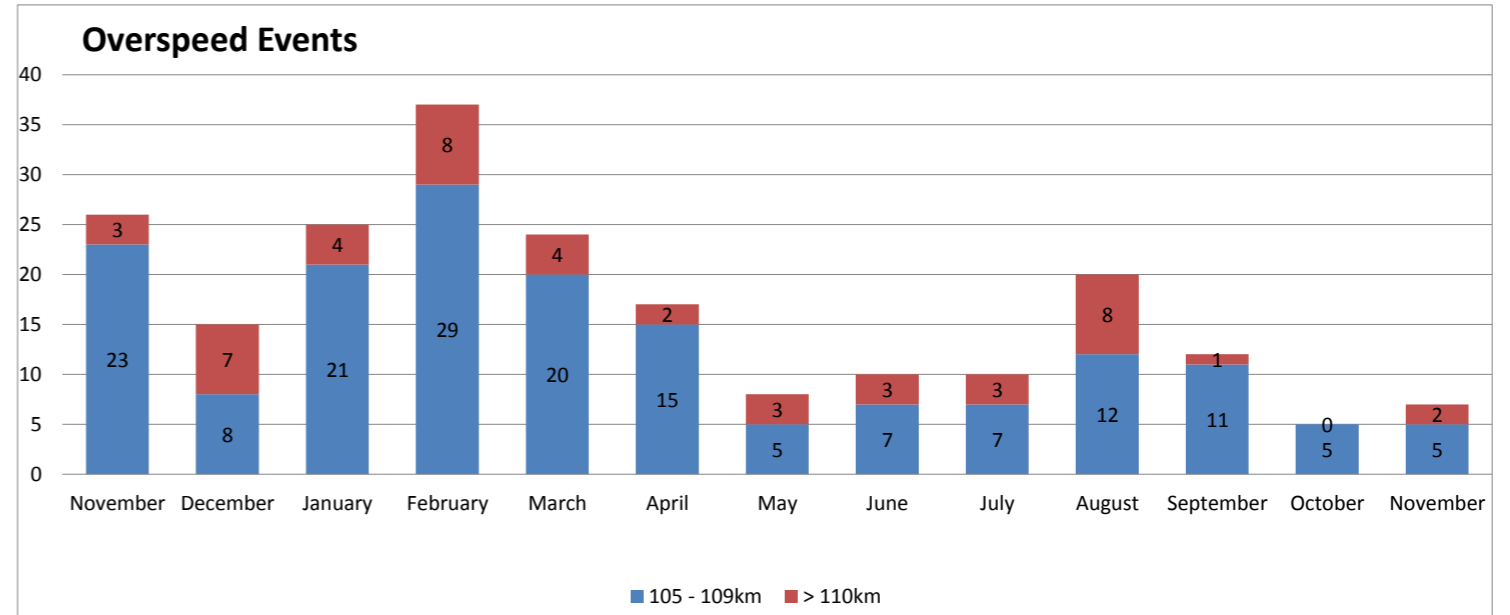
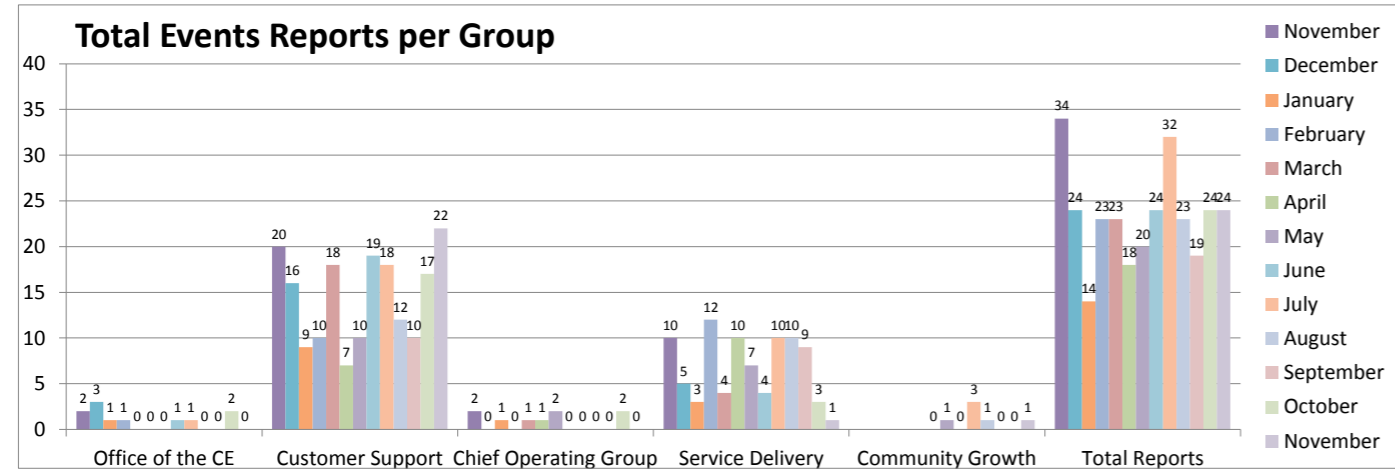
## 7. ATTACHMENTS

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Zero Harm Dashboard November 2019  
Zero Harm Commitment

# Zero Harm Dashboard - November 2019

As at 29 November 2019



“Work safe, home safe”

# OUR ZERO HARM COMMITMENT



**Waikato District Council is committed to pursuing a culture of Zero Harm by eliminating or managing health, safety and wellbeing risks.**

## Our Beliefs

We believe that:

- By looking after ourselves and others we will return home safe every day
- Health and safety is everyone's non-negotiable responsibility
- Work should only start when all safety critical controls are in place

## Our Commitment

We are committed to providing a safe and healthy working environment for our staff, elected members, contractors, volunteers and the community.

## To deliver on this commitment we will:

- Be visible leaders across our teams through actively demonstrating our Zero Harm essentials
- Foster an environment of collaboration and innovation on all matters relating to the health and safety of our people and our communities
- Align our health and safety objectives with Council's strategies and risk profiles
- Monitor and review health and safety performance to ensure our objectives are being met
- Design, construct, operate and maintain our assets to provide a healthy and safe working environment for our people and community
- Remain open to change through continuous improvement of our safety management system to minimise exposure to critical safety risks
- Observe, implement and fulfil the requirements of all relevant health and safety legislation, regulations and codes of practice
- Focus on opportunities to actively encourage participation and promote the merits of good health and safety practice
- Ensure all our people are aware of and carry out their health and safety requirements

## Our Actions

Together through commitment, communication, acts of safety and a strong Zero Harm culture, we will make Waikato District Council a healthy and safe place to work and visit.

### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	22 November 2019
<b>Prepared by</b>	Brendan Stringer Democracy Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301/2406206
<b>Report Title</b>	Members' Code of Conduct

## **I. EXECUTIVE SUMMARY**

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The purpose of this report is to seek the adoption of a revised code of conduct for elected members, in accordance with the Local Government Act 2002.

The revised code (Attachment 1) reflects the recommended changes to [the current code](#) as a result of a review undertaken by Cr Smith, other senior councillors and staff earlier this year, and local government 'best practice' as recommended in the new Local Government New Zealand and other councils' codes. The key changes to the current code are summarised in Attachment 2.

As part of the updated complaints process in the revised Code, an Ethics Committee would be established to complete an initial assessment of any complaint lodged with the Chief Executive. This will enable non-material breaches of the Code to be dealt with more effectively and efficiently. The Ethics Committee will comprise the Mayor and two councillors (with the Deputy Mayor and another Councillor to stand in as alternates, if required). The Code expects members to endeavour to resolve issues arising under the Code by way of discussion where possible, rather than commencing the formal complaints process.

If adopted, the revised Code will be presented to the Community Boards at their next meetings for consideration and approval.

## **2. RECOMMENDATION**

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**THAT** the report from the Chief Executive be received;

**AND THAT** the Council adopt the attached Code of Conduct (Attachment 1 to the staff report) ('the Code') in accordance with clause 15(6), Schedule 7, Local Government Act 2002;

**AND FURTHER THAT the Council appoints the following Councillors to the Ethics Committee (as referred to in the Code):**

**Cr Eugene Patterson;  
Cr Janet Gibb;  
Cr Noel Smith (as alternate),**

**noting that the Ethics Committee will be chaired by His Worship the Mayor Allan Sanson (or the deputy mayor, Councillor Bech, as the Mayor’s alternate);**

**AND FURTHER THAT the Council notes the newly adopted Code will replace the current Code of Conduct for the Council with immediate effect.**

### **3. DISCUSSION AND ANALYSIS OF OPTIONS**

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#### **3.1 DISCUSSION**

The Local Government Act 2002 (“LGA”) requires the Council to adopt a code of conduct, to record how elected members will conduct themselves while acting in their capacity as members of the Council. All members must comply with the code.

[The current code](#) of conduct was adopted in July 2017. The code can be amended by a resolution of 75% or more of members present at a Council meeting.

Cr Smith, other senior elected members and staff reviewed the Council’s current code of conduct towards the end of the previous Council term. The review considered practical process improvements for the Council, and ‘best practice’ as reflected in the 2019 Local Government New Zealand template and other councils’ respective codes. Staff have also taken the opportunity to adopt a plain English approach in the revised Code.

Attachment 1 is a revised code of conduct (‘the revised Code’), which is presented for the Council’s consideration and adoption.

An overview of the key proposed changes in the revised Code was discussed with elected members as part of the Governance Induction session after the October local authority elections. These changes are summarised in Attachment 2 of this report.

The revised Code (as with the current code) is designed to be a self-regulatory instrument. In adopting the revised Code, members are agreeing to ‘own’ and demonstrate the principles and standards of behaviour and conduct set out in the revised Code. Note that the scope of the revised Code has extended to include Council-appointed members to Council committees.

If the revised Code (or an amended version) is not adopted by the Council, the current code will continue to operate until it is replaced.

### **Revised Complaints Process**

The most significant amendment in the revised Code relates to the process for dealing with complaints against members under the code (refer to section 11 and Appendix C of the revised Code, Attachment 1).

This process includes the establishment of an Ethics Committee to undertake an initial consideration of most complaints received under the revised Code. This is intended to deal with trivial or non-material breaches effectively and efficiently, without the need to appoint an independent investigator. As noted in the revised Code, members are encouraged to resolve any issues arising under the Code informally by way of discussion (or with the assistance of another member).

It is proposed that complaints received in relation to any alleged breach of confidentiality (section 7) will be treated as material, with the complaint referred immediately to an independent investigator. The purpose is to reflect the trust placed in members and the potentially significant adverse impacts to the Council, and members collectively, as a result of such a breach.

The advantages of the proposed complaints process include:

- greater clarity of roles and responsibilities;
- trivial or non-material breaches will be dealt with more effectively and efficiently (via the Ethics Committee);
- increased rigour and transparency; and
- continuation of an independent expert to recommend a course of action for any material breach of the Code.

A disadvantage of this new process is that a complaint in relation to an alleged material breach may take longer to resolve with the initial review undertaken by the Ethics Committee. This would depend on the circumstances of the complaint, and will be managed by the timeframes that the Chief Executive and Mayor will implement.

## **4. CONSIDERATION**

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### **4.1 FINANCIAL**

The financial costs for appointing an independent investigator (if required) would depend on the circumstances of a specific complaint. It is expected such cost would be met within existing operational budgets.

As noted, the revised Code's complaints process endeavours to reduce the need for an independent investigator through:

- the initial review undertaken by the Ethics Committee; and
- encouraging members to resolve issues informally and/or with the assistance of their colleagues.

## 4.2 LEGAL

The Council is required to have a code of conduct under the LGA. The revised Code complies with the requirements set out in the LGA. 75% of members present at a Council meeting must approve an amended code in order for it to take effect. The current code would continue to apply in the event that the requisite number of members did not support the revised Code.

## 4.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Members' compliance with the behaviours, values and principles in the revised Code will enhance the trust and respect in the Council – both as a governance body and organisation. This is integral to the Council's vision and strategic values.

Failure by members to comply with the provisions in a code of conduct may have an adverse reputational impact on members and/or the Council, and may also result in personal liability for a member or a legislative breach by the Council.

## 4.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance. No engagement is required.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Elected members were informed of the key changes to the current Code as part of the induction sessions.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
	<input checked="" type="checkbox"/>		Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

If adopted, the revised Code will be presented to each Community Board for consideration and approval at their respective Board meetings in February. Community Boards are not required to have a code of conduct, though it is recommended as best practice that each



Board has a code in place. The current code of conduct was adopted by each of the Community Boards in 2017.

## **5. CONCLUSION**

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A revised Code of Conduct is presented to the Council for adoption. Amendments to the current code are recommended to reflect practical process improvements and 'best practice' in the local government sector.

## **6. ATTACHMENTS**

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- Attachment 1 – (Draft) Revised code of conduct
- Attachment 2 – Key changes from the current code of conduct



## **Code of Conduct**

**Adopted on**

**2019**

## **1. Introduction**

The Code of Conduct (“the Code”) sets out the standards of behaviour expected from members and Council-appointed members of committees (together “members”, and individually “a member”) in the exercise of their duties. Its purpose is to:

- enhance the effectiveness of the local authority and the provision of good local government for the community and district;
- promote effective decision-making and community engagement;
- enhance the credibility and accountability of the local authority to its communities; and
- develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviours agreed in the Code.

## **2. Scope**

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members. External appointees of the Council’s committees must also comply with the provisions of this Code if required under their individual agreements with the Council.

The Code is designed to deal with the behaviour of members towards:

- each other;
- the chief executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Council may, by resolution of 75 percent or more, change or replace the Code at any time. The Code should be read in conjunction with the Council’s Standing Orders

### 3. Values

The Code is designed to give effect to the following values with which all members have agreed to comply:

1. **Public interest:** members will serve the best interests of the people within their community and district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by the Code of Conduct, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

## 4. Role and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the Council and those responsible for advice and the implementation of Council decisions. The key roles are:

### 4.1 Members

The role of the governing body (i.e. Council) includes:

- representing the interests of the people of the community and district;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the Council's resources;
- employing and monitoring the performance of the chief executive; and
- ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.

Members are committed to achieving the highest standards of conduct and behaviour at all times and will carry out their role to the best of their skill and judgment. To achieve this, members should:

- take responsibility for ensuring that they understand their roles and responsibilities and the Code;
- attend all meetings (including external organisations to which they are appointed), working groups (as appropriate) and any appropriate training opportunities provided by Council;
- come to meetings prepared, including having read relevant material;
- seek personal and skill development opportunities to effectively fulfil their statutory declaration of office and contribute to the good governance of the district;
- maintain an appropriate standard of dress at public meetings, events or functions that does not discredit the Council. Generally, the more formal the occasion, the more formal the standard of dress required.

### 4.2 Mayor

The mayor is elected by the district as a whole. Section 41A of the LGA 2002 states that the role of a mayor is to provide leadership to other members of the Council and to the District's communities. The mayor also has the following roles:

- lead the development of the Council's plans (including long-term plan and annual plan), policies and budgets for consideration by members of the territorial authority;
- appoint the deputy mayor;
- establish committees of the Council and appoint the chairperson of each committee established. However, nothing limits or prevents the Council from discharging or reconstituting committees or chairpersons of those committees established by the mayor by way of Council resolution at a later date.

- presiding at Council meetings. The mayor is responsible for ensuring the orderly conduct of business during Council meetings (as determined by Standing Orders);
- advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of the Council;
- providing leadership and feedback to other members on teamwork and chairing of committees; and
- keeping the Council informed of matters brought to his/her attention.

### **4.3 Deputy Mayor**

If the mayor has not appointed the deputy mayor as noted above, then the deputy mayor must be elected by the members of Council, at the first meeting of the Council.

The deputy mayor exercises the same roles as other Councillors, and if the mayor is absent or incapacitated, the deputy mayor must perform all 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 the Council.

### **4.4 Committee Chairpersons**

A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the Council and the orderly conduct of business during committee meetings (as determined by Standing Orders).

Committee chairpersons may be called on to act as official spokespersons on issues within the terms of reference for their committees.

Chairpersons may be removed from office by resolution of the Council. The Council may also appoint deputy chairpersons of committees, who shall fulfil the functions of the chair when the chairperson is absent.

### **4.5 Chief executive**

The role of the chief executive includes:

- implementing the decisions of the Council;
- ensuring that all responsibilities delegated to the chief executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the Council; and
- employing staff on behalf of the Council (including negotiation of the terms of employment for those staff).
- lodging with the Ethics Committee (refer to section 11.2) any complaint against a member, including any justified complaint under the Code made to the chief executive by an

employee of Council.

Note:

- “employee” in this context includes any contractor or subcontractor, or their employees;
- whether a complaint from staff is justified under the Code will be determined by the chief executive.

Under s42 of the LGA 2002 the chief executive is the only person *directly* employed by the Council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the chief executive.

While the Council is ultimately accountable, its function is not to make detailed decisions on operational matters. The Council, committee structures and members’ day-to- day dealings with the chief executive should recognise the statutory responsibilities of the chief executive for the effective management of Council staff and for implementing the decisions of the Council.

## 5. Relationships

This section of the Code sets out agreed standards of behaviour between members; members and staff; and members and the public. Any failure by members to meet the standards set out in this section represents a breach of this Code. For clarity, this section includes (but is not limited to) any written communication between members, or from a member, including through social media platforms.

### 5.1 Relationships between members

Given the importance of relationships to the effective performance of the Council, members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open and honest;
- is courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Please note that nothing in this section of the Code is intended to limit robust debate within the Council as long as it is conducted in a respectful and insightful manner.

### 5.2 Relationships with the chief executive and staff

**Members should be aware that failure to observe the standards in section 5.2 of the Code may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and/or audit sanctions.**

An important element of good governance involves the relationship between the Council and its chief executive. Members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the chief executive only;
- raise any concerns about the performance or behaviour of the chief executive with the mayor or the chairperson of the Chief Executive Performance Review Committee (or its successors);
- make themselves aware of the obligations that the Council and the chief executive have as employers and observe those requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising or rebutting any employee, especially in ways that reflect on the competence and integrity of the employee;



- not commit any aggressive, offensive, or abusive, conduct towards any employee (including intimidation or harassment);
- observe any protocols put in place by the chief executive concerning contact between members and employees;
- avoid doing anything which might compromise, or could be seen as compromising, the impartiality of an employee, including not improperly influencing staff in the normal undertaking of their duties;
- avoid any act or decision which might put staff at risk from a health and safety perspective.

### **5.3 Relationship with the public**

Given that the performance of the Council requires the trust and respect of the community at large, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner;
- represent the views of citizens and organisations accurately, regardless of the member's own opinions of the matters raised;
- act in a way that upholds the reputation of the local authority and values community involvement in local democracy;
- avoid any act or decision which might put members of the public and community at risk because of Zero Harm.

## 6. Media and Social Media

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council.

From time to time individual members will be approached to comment on a particular issue either on behalf of the Council, or as a member in their own right. When responding to requests for comment members must be mindful that operational questions should be referred to the chief executive and policy-related questions referred to the mayor, or the member with the appropriate delegated authority.

When speaking to the media more generally members will abide by the following provisions. Any failure by members to meet the standards below can represent a breach of the Code.

### 6.1 Media contact on behalf of the Council

The mayor is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the mayor is absent, requests for comment will be referred to the deputy mayor or relevant committee chairperson.

The mayor may refer any matter to the relevant committee chairperson or to the chief executive for their comment.

No other member may comment on behalf of the Council without having first obtained the approval of the mayor or, if the mayor is not available, the chief executive.

### 6.2 Media comment on a member's own behalf

Members are free to express a *personal view* in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of the Council;
- media comments which are contrary to a Council decision or policy must clearly state that they do not represent the views of the majority of members;
- media comments must observe the other requirements of the Code; for example, comments should not disclose confidential information, criticise, or compromise the impartiality or integrity of staff or other members; and avoids aggressive, offensive or abusive comments which reflects adversely on a member or the Council;
- media comments must not be misleading and should be accurate within the bounds of reasonableness;
- media comments must not provide a pre-determined view on a report or decision that has yet to be presented to the Council or a committee;
- social media pages controlled by members and used for making observations relevant to their role as a members should be open and transparent, except where abusive or

- inflammatory content is being posted; and
- social media posts about other members, Council staff or the public must be consistent with section 5 of this Code. (See Appendix A for guidelines on a member's personal use of social media).

## 7. Information

**Failure to observe the provisions in this section 7 may impede the performance of the Council by inhibiting information flows and undermining public confidence. It may also expose the Council to prosecution under the Privacy Act and/or civil litigation. A breach of confidentiality could also indicate a lack of good faith which may be relevant to the assessment of personal liability (see explanation of sections 43 to 47 of the LGA 2002 set out in Appendix B of the Code).**

**Any alleged failure by members to act in the manner described in this section 7, where a complaint is submitted to the chief executive under section 11.3, will be treated seriously and will immediately be referred by the Ethics Committee to an independent investigator for assessment under section 11.5 and Appendix C of this Code.**

Access to information is critical to the effective performance of a local authority and the level of public trust felt by the public.

### 7.1 Confidential information

In the course of their duties members will occasionally receive, or have access to, information that is confidential. This may include information:

- that is either commercially sensitive or is personal to a particular individual or organisation; and
- received at meetings or workshops which are closed to the public or information that is identified as confidential.

Members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

### 7.2 Information received in capacity as a member

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as a member that concerns the Council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is the member's duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Members are accountable to the public:

- All official information held by them personally, whether on Council equipment or their own personal equipment is subject to the LGOIMA.

- Official information, if sought as part of a request, must be made available immediately to the chief executive (or nominee) so that it can be assessed in terms of the requirements of the LGOIMA.

## 8. Conflicts of Interest

**Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the member open to prosecution (see Appendix B). In the event of a conviction, elected members can be removed from office.**

Members will maintain a clear separation between their personal interests and their duties as members in order to ensure that they are free from bias (whether real or perceived). Members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Ultimately, it is up to each member's own judgement as to whether they have an interest that needs to be disclosed or declared, and what action they take (if any) as a consequence.

The requirements cover two classes of conflict of interest:

- A **financial (or pecuniary) conflict of interest**: is one where a decision or act of the governing body could reasonably give rise to an expectation of financial gain or loss to a member.

A financial conflict of interest need not involve cash changing hands directly. It could, for example, relate to an effect on the value of land or shares that the member owns, or an effect on the turnover of a business that the member is involved in.

There are particularly strict provisions (and penalties) relating to dealing with a financial conflict of interest.

- A **non-financial conflict of interest** does not have a personal financial component. It may arise, for example, from a personal relationship, or involvement with a non-profit organisation, or from conduct that indicates prejudice or predetermination.

Members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse or partner contracts with the authority or has a pecuniary interest. Members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the chief executive or their own legal adviser immediately. Members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Appendix B of this Code sets out more information on members' conflict of interest requirements. Members must fully acquaint themselves, and adhere strictly to, these requirements.

## 8.1 Register of Interests

Members are required to complete declarations of interest following their inauguration, and to update their declarations biannually at the request of the chief executive or his/her nominee. These declarations are recorded in a Register of Interests maintained by the Council. The declaration must include information on the nature and extent of any interest, including (but not limited to):

- a) any employment, trade or profession carried on by the member or the members' spouse or partner for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the Council; and
- d) the address of any land owned by the local authority in which the member or their spouse is:
  - a tenant; or
  - the land is tenanted by a firm in which the member or spouse is a partner, a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee:
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the chief executive).

The Register of Members' Interests will be maintained by Council's Democracy Manager. For members, the Register (or a fair and accurate summary of its contents) will be available for public inspection. A summary will be published on the Council's website.

**Please note:** Each member is responsible for advising the chief executive or Democracy Manager of any update to the Register of Interests as soon as practicable, where that member's circumstances has changed.

## 9. Ethical behaviour

Members will seek to promote the highest standards of ethical conduct. Accordingly members must:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- not influence, or attempt to influence, any Council employee, officer, contractor or member in order to benefit their own, or families personal or business interests; and
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests, and comply with any protocols circulated by the chief executive in this regard.

### 9.1 Gifts and hospitality

A person in a position of trust, such as a member, should not make a profit through his or her office. The Crimes Act 1961 and the Secret Commissions Act 1910 deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs (refer to Appendix B). Gifts can include discounts, commissions, bonuses or deductions.

Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. Members must:

- not solicit, demand, or request any gift, reward or benefit by virtue of their position; and
- notify the Democracy Manager (or delegate) if any gifts are accepted. Where a gift to the value of \$100 or more is offered to a member, it will also be included in the Register of Members' Interests maintained by the Council.

As guidance:

- The cumulative value of recurring gifts received each financial year from the same donor must be disclosed. For example, if someone provides a member with concert tickets at different times through the year, the total value of those tickets over the relevant financial year is to be disclosed.
- A member is not required to disclose tickets to events for which that member is required to attend as the Council's appointed representative.
- Working lunches and social occasions should be undertaken with recognition of the public perception regarding undue influence on members.

### 9.2 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an "undischarged bankrupt" will notify the chief executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the chief executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.



Any failure by members to comply with the provisions set out in this section 9 represents a breach of the Code.

## **10. Creating a supportive and inclusive environment**

In accordance with the purpose of the Code, members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which members will work.
- Taking part in any assessment of the Council's overall performance and operating style during the triennium.
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their Declaration of Office and contribute to the good governance of the district.

## **11. Breaches of the Code**

Members must comply with the provisions of the Code (LGA 2002, schedule 7, s15(4)). Any member, or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

### **11.1 Principles:**

The following principles will guide any processes for investigating and determining whether or not a breach under the Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the alleged breach;
- that the processes of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under the Code. This requires, conditional on the nature of an alleged breach, that affected parties:
  - have a right to know that an investigation process is underway;
  - are given due notice and are provided with an opportunity to be heard;
  - have a right to seek appropriate advice and be represented; and
  - have their privacy respected.

### **11.2 Ethics Committee and Panel of Investigators**

Shortly after the start of each triennium, an Ethics Committee will be established and a panel of independent investigators will be appointed.

#### ***Ethics Committee***

The Ethics Committee will comprise the mayor and two councillors, together with an alternate councillor; the Council appointing the councillors to this committee. In the event that:

- the mayor has made, or is the subject of, a complaint under the Code, the deputy mayor will take his/her place on the Ethics Committee in relation to that complaint; or
- a councillor on the Ethics Committee has made, or is the subject of, a complaint under the Code, the mayor (or deputy mayor) will appoint the alternate councillor to the committee in relation to that complaint.

#### ***Panel of Investigators***

On behalf of the Council, the chief executive will prepare, in consultation with the mayor, a list of investigators for the purpose of undertaking an assessment of complaints (when required) and making recommendations to the Council.

The chief executive may prepare a list specifically for the Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators.

For clarity, neither the Ethics Committee nor the Panel of Independent Investigators is a committee of the Council for the purpose of the LGA 2002.

### **11.3 Complaints**

All complaints made under the Code must be made in writing and forwarded to the chief executive. On receipt of the complaint the chief executive must forward the complaint to the chair of the Ethics Committee for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation.

Only members or the chief executive (either for him/herself or on behalf of an employee under section 4.5 of the Code), who believe that the Code has been breached by the behaviour or action of a member, may make a complaint to that effect. A complaint may be made as a result of a single incident or as the culmination of a series of incidents.

Before making a complaint, members are encouraged to resolve the matter by discussion with the member alleged to have committed the breach.

### **11.4 Investigation, advice and decision**

The process, following receipt of a complaint, will follow the steps outlined in Appendix C.

### **11.5 Materiality**

An alleged breach under the Code is material if, in the opinion of an independent investigator, it would, if proven, bring a member or the Council into disrepute or, if not addressed, reflect adversely on another member of the Council.

An alleged breach under this Code is non-material if, in the opinion of the Ethics Committee or an independent investigator (as appropriate), any adverse effects are minor and no (further) investigation is warranted.

A complaint in relation to an alleged breach of section 7 of the Code (Information) will automatically be considered material and referred to an independent investigator for assessment.

### **11.6 Penalties and actions**

Where a complaint is determined to be material and referred to the Council the nature of any penalty or action will depend on the seriousness of the breach.

#### ***Material breaches***

In the case of material breaches of the Code the Council may require one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain Council-funded privileges (such as attendance at conferences);
5. restricted entry to Council offices, such as no access to staff areas (where

- restrictions may not previously have existed);
6. limitation on any dealings with Council staff so that they are confined to the chief executive only;
  7. suspension or removal from committees or other bodies; or
  8. an invitation for the member to consider resigning from the Council.

The Council may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an unreserved apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless one of the grounds in the LGOIMA applies to withhold the information.

### ***Statutory breaches***

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s44 LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the member liable for criminal prosecution).

### **11.7 Breaches of the Code during meetings**

It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the chairperson of that meeting, within Standing Orders, at the time the breach arises.

Members should raise alleged breaches of the Code with the chairperson at the time. If a member believes that an alleged breach of the Code has not been dealt with adequately by the chairperson at a meeting, that member may initiate the procedures set out in section 11.3 and Appendix C in the Code.

## **12. Review**

Once adopted, a Code of Conduct continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code. Once adopted, amendments to the Code require a resolution supported by 75 per cent of the members of the Council present at a Council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the Council in regard to potential changes for improving the Code.

## Appendix A: Guidelines on the personal use of social media

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

## **Appendix B: Legislation bearing on the role and conduct of members**

This is a summary of the legislative requirements that have some bearing on the duties and conduct of members. The full statutes can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

### **The Local Authorities (Members' Interests) Act 1968**

The Local Authorities (Members' Interests) Act 1968 (LAMIA) provides rules about members discussing and voting on matters in which they have a pecuniary interest and about contracts between members and the Council.

A pecuniary interest is likely to exist if a matter under consideration could reasonably give rise to an expectation of a gain or loss of money for a member personally (or for their spouse or a company in which they have an interest). In relation to pecuniary interests the LAMIA applies to both contracting and participating in decision-making processes.

With regard to pecuniary or financial interests a person is deemed to be “concerned or interested” in a contract or interested “directly or indirectly” in a decision when:

- a person, or spouse or partner, is “concerned or interested” in the contract or where they have a pecuniary interest in the decision; or
- a person, or their spouse or partner, is involved in a company that is “concerned or interested” in the contract or where the company has a pecuniary interest in the decision.

There can also be additional situations where a person is potentially “concerned or interested” in a contract or have a pecuniary interest in a decision, such as where a contract is between a members’ family trust and the Council.

#### ***Determining whether a pecuniary interest exists***

Members are often faced with the question of whether or not they have a pecuniary interest in a decision and if so whether they should participate in discussion on that decision and vote. When determining if this is the case or not the following test is applied:

*“...whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned.” (OAG, 2001)*

In deciding whether you have a pecuniary interest, members should consider the following factors.

- What is the nature of the decision being made?
- Do I have a financial interest in that decision - do I have a reasonable expectation of gain or loss of money by making that decision?
- Is my financial interest one that is in common with the public?
- Do any of the exceptions in the LAMIA apply to me?

- Could I apply to the Auditor-General for approval to participate?

Members may seek assistance from the mayor/chair or other person to determine if they should discuss or vote on an issue but ultimately it is their own judgment as to whether or not they have pecuniary interest in the decision. Any member who is uncertain as to whether they have a pecuniary interest is advised to seek legal advice. Where uncertainty exists members may adopt a least-risk approach which is to not participate in discussions or vote on any decisions.

Members who do have a pecuniary interest will declare the pecuniary interest to the meeting and not participate in the discussion or voting. The declaration and abstention needs to be recorded in the meeting minutes. (Further requirements are set out in the Council's Standing Orders.)

### ***The contracting rule***

A member is disqualified from office if he or she is "concerned or interested" in contracts with their council if the total payments made, or to be made, by or on behalf of the Council exceed \$25,000 in any financial year. The \$25,000 limit includes GST. The limit relates to the value of all payments made for all contracts in which you are interested during the financial year. It does not apply separately to each contract, nor is it just the amount of the profit the contractor expects to make or the portion of the payments to be personally received by you.

The Auditor-General can give prior approval, and in limited cases, retrospective approval for contracts that would otherwise disqualify you under the Act. It is an offence under the Act for a person to act as a member of the Council (or committee of the Council) while disqualified.

### ***Non-pecuniary conflicts of interest***

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not, members need to ask:

*"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"*

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle **that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.**

Members should focus on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.



In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

### **Local Government Official Information and Meetings Act 1987**

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements that apply to local authorities and local/community boards. Of particular importance for the roles and conduct of members is the fact that the chairperson has the responsibility to maintain order at meetings, but all members should accept a personal responsibility to maintain acceptable standards of address and debate. No member should:

- create a disturbance or a distraction while another councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the Council, other members, any employee of the Council or any member of the public.

See Standing Orders for more detail.

### **Secret Commissions Act 1910**

Under this Act it is unlawful for a member (or officer) to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to Council.

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

### **Crimes Act 1961**

Under this Act it is unlawful for a member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council; and
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment not exceeding seven years. Elected members convicted of these offences will automatically cease to be members.

## **Financial Markets Conduct Act 2013**

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

## **Health & Safety at Work Act 2015 ('HSWA')**

HSWA came into force on 4 April 2016. Its focus is the protection of workers and other people against harm to their health, safety and welfare by eliminating or minimising risks at workplaces.

The HSWA places obligations on four duty holders - a person conducting a business or undertaking ('PCBU'); officers of a PCBU; workers; and other people at a workplace. Council as a PCBU holds the primary duty of care under HSWA i.e. to ensure so far as is reasonably practicable, the health and safety of its workers and of other workers whose activities Council influences or directs.

Each elected member is an 'officer' (being a person occupying a position in a body corporate that is comparable with that of a director of a company), responsible under HSWA for exercising due diligence to ensure that the Council is meeting its health and safety responsibilities under HSWA. The chief executive and Executive Leadership Team are also officers under HSWA.

The due diligence duty of officers supports the primary duty of care owed by a PCBU – placing duties on individuals whose decisions significantly influence the activities of a PCBU, therefore influencing whether the PCBU meets its statutory duties. Unlike the chief executive and Executive Leadership Team, elected members are not required to be directly involved in the day-to-day management of health and safety. They are, however, still required to take reasonable steps to understand Council's operations and health and safety risks, and to ensure that they are managed so that the organisation meets its legal obligations under the HSWA. This duty does not extend to ensuring that a council controlled organisation ('CCO') complies with the HSWA, unless the elected member is also an 'officer' of that CCO.

Taking 'reasonable steps' requires each elected member to exercise the care, diligence and skill a reasonable officer would exercise in the same circumstances, taking into account matters including the nature of Council's business, and the elected member's position and nature of his/her responsibilities.

Most officers can be convicted of an offence for failing to meet their due diligence obligations, whether or not a PCBU is convicted of an offence. Elected members, however, when acting in the capacity of an elected member of the Council are expressly exempted from prosecution.

## **The Local Government Act 2002**

The Local Government Act 2002 (LGA 2002) sets out the general powers of local government, its purpose and operating principles. Provisions directly relevant to the Code include:

***Personal liability of members***

Although having qualified privilege, elected members can be held personally accountable for losses incurred by a local authority where, following a report from the Auditor General under s44 LGA 2002, it is found that one of the following applies:

- a) money belonging to, or administered 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.

Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- a) without the member's knowledge;
- b) with the member's knowledge but against the member's protest made at or before the time when the loss occurred;
- c) contrary to the manner in which the member voted on the issue; and
- d) in circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional or expert advisers, namely staff or external experts on the matters.

In certain situation members will also be responsible for paying the costs of proceedings (s47 LGA 2002).

## **Appendix C: Process for the determination and investigation of complaints**

### **Step 1: Chief executive receives complaint**

On receipt of a complaint under the Code the chief executive will refer the complaint to the Chair of the Ethics Committee (“the committee”) established at the start of the triennium (refer to section 11.2 of the Code). The chief executive will also:

- inform the complainant that the complaint has been referred to the committee, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, and refer them to the process for dealing with complaints as set out in the Code.

### **Step 2: Ethics Committee makes preliminary assessment**

On receipt of a complaint the committee will assess whether:

1. the complaint is frivolous, vexatious or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
4. the complaint is non-material; or
5. the complaint is material and a full investigation is required.

In making the assessment the committee may make whatever initial inquiry is necessary to determine the appropriate course of action, including interviewing the complainant and/or respondent. The committee has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality. Alternatively, the committee can make recommendations to resolve any breach of the Code that it determines is non-material.

On receiving the committee’s preliminary assessment the chief executive will:

1. where the committee determines that a complaint is frivolous, vexatious without substance, or has been previously resolved, inform the complainant and respondent directly and inform other members of the committee’s decision;
2. in cases where the committee finds that the complaint involves a potential legislative breach which is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

### **Step 3: Actions where a breach is found to be non-material**

If the subject of a complaint is found to be non-material the committee will inform the chief executive and, if the committee so chooses, recommend a course of action appropriate to the breach, such as;

- that the complainant and/or the respondent seek guidance from the mayor;
- that the complainant and the respondent endeavour to settle the matter informally with the assistance of the committee, if required;
- that the complainant and or the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the committee's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the complainant, the respondent and the Council.

### **Step 4: Investigator makes preliminary assessment**

Where the committee has determined that a complaint may be material, or the alleged breach that is the subject of the complaint relates to section 7 of the Code (Information), the chief executive shall refer the complaint to an approved independent investigator (refer to section 11.2 of the Code).

Any documents or other material gathered by the committee shall be made available to the independent investigator.

The following process then follows:

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous, vexatious or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the subject of the complaint has previously been assessed and actions have been completed in accordance with the Code to address the complaint;
4. the complaint is non-material; and
5. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment the chief executive will:

1. where an investigator determines that a complaint is frivolous, vexatious or without substance, or has been previously resolved, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach which is outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

### **Step 5: Actions where a breach is found to be non-material by investigator**

If the subject of a complaint is found to be non-material the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as;

- that the complainant and or the respondent seek guidance from the mayor;
- that the complainant and the respondent endeavour to settle the matter informally with the assistance of an independent mediator, if required
- that the complainant and or the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the complainant, respondent and the Council.

### **Step 6: Actions where a breach is found to be material**

If the subject of a complaint is found to be material the investigator will inform the chief executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, the respondent and any other affected parties;
- undertake a hearing with relevant parties;
- refer to any relevant documents or information; and/or
- make any recommendation in relation to a penalty, or course of action, as appropriate.

On receipt of the investigator's report the chief executive will prepare a report for the Council, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The chief executive's report will include the full report prepared by the investigator.

Before reporting to the Council, the chief executive will share the investigator's report with the complainant and respondent under strict confidentiality inviting them to reply in writing as to whether they agree to the findings and whether they wish to make a written submission for consideration by the Council. The complainant and respondent must not disclose or discuss the investigator's report with any person other than the chief executive and/or the mayor (or deputy mayor, as appropriate), or his/her legal representative or support person, prior to the Council meeting being held to determine the complaint.

### **Step 7: Process for considering the investigator's report**

The investigator's report will be considered by the Council, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 11.1 of the Code.

Before making any decision in respect of the investigator's report the Council will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not otherwise take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 11.6 of the Code.

The report, including recommendations from the independent investigator, will be heard and accepted by the Council in an open meeting, unless grounds for excluding the public exist, without debate.

## Attachment 2 - Code of Conduct 2019

### Summary of Key Changes to the Current Code of Conduct

Section in draft revised code	Summary of change from current code of conduct
<b>General</b>	<ul style="list-style-type: none"> <li>• Plain English</li> <li>• Highlight risks of not observing required standards at the start of the relevant sections (rather than in the body of the standards).</li> <li>• Minor changes to reflect updates in ‘best practice’ in local government sector.</li> </ul>
<b>1. Introduction</b> <b>2. Scope</b>	<ul style="list-style-type: none"> <li>• Council-appointed external members to Council committees included in the scope of the Code.</li> </ul>
<b>4. Role and responsibilities</b>	<ul style="list-style-type: none"> <li>• Expansion of members’ responsibilities to fulfil their respective roles.</li> <li>• <b>New:</b> Section sets out the roles and responsibilities of the mayor, deputy mayor and committee chairpersons.</li> <li>• <b>New:</b> Chief executive responsible for lodging any complaint received under the Code with the Ethics Committee.</li> <li>• Confirmation of the chief executive’s responsibility to manage the operational matters of Council.</li> </ul>
<b>5. Relationships</b>	<ul style="list-style-type: none"> <li>• Clarification that standards in this section apply to communications made via social media.</li> <li>• Expansion and clarification on the required standards for members when dealing with staff.</li> </ul>



Section in draft revised code	Summary of change from current code of conduct
<b>6. Media and Social Media</b>	<ul style="list-style-type: none"> <li>• Expansion and clarification on the required standards when members' express personal views in the media or on social media.</li> <li>• <b>New:</b> Additional standards in relation to members' social media pages (as a member), including a new Appendix A setting out guidance for members.</li> </ul>
<b>7. Information</b>	<ul style="list-style-type: none"> <li>• <b>New:</b> Complaints in relation to alleged breaches of confidentiality under the Code are deemed material breaches and referred to an independent investigator.</li> <li>• Clarification that confidential information includes information received at public excluded meetings.</li> <li>• <b>New:</b> A member is under a duty to disclose information provided to him/her in his/her capacity as an elected member and must advise third parties of this.</li> <li>• <b>New:</b> Clarification on members' responsibilities under LGOIMA in relation to official information.</li> </ul>
<b>8. Conflicts of Interest</b>	<ul style="list-style-type: none"> <li>• Clarification of a member's responsibility around dealing with interests and conflicts, which is extended in Appendix B.</li> <li>• <b>New:</b> Clarification on the difference between financial and non-financial conflicts of interest.</li> <li>• <b>New:</b> Declaration of interests to be completed twice yearly. Each member responsible for providing updates as and when they arise.</li> <li>• <b>New:</b> A summary of members' interests will be made available online. This aligns with the guidance from the Office of the Auditor-General to provide transparency to the public of their representatives' interests.</li> </ul>

Section in draft revised code	Summary of change from current code of conduct
9. Ethical behaviour	<ul style="list-style-type: none"> <li>• <b>New:</b> Subsection on requirements for members receiving gifts/hospitality, with additional guidance.</li> </ul>
11. Breaches of the Code	<ul style="list-style-type: none"> <li>• <b>New:</b> Establishment of Ethics Committee and panel of independent investigators and their respective roles.</li> <li>• Expectation that members will endeavour to resolve matters by discussion rather than use of the formal complaints process.</li> <li>• <b>New:</b> Clarification that the Code applies during a meeting of the Council or committee, to be determined by the Chairperson where appropriate.</li> </ul>
Appendices	<ul style="list-style-type: none"> <li>• <b>New:</b> Appendix A – Guidelines on personal use of social media for members.</li> <li>• Appendix B - Addition of overview of Health and Safety at Work Act 2015.</li> <li>• <b>New:</b> Appendix C – Significant changes to reflect: <ul style="list-style-type: none"> <li>a. the inclusion of the Ethics Committee in the complaints process;</li> <li>b. process where a complaint is considered non-material by the Ethics Committee;</li> <li>c. clarification of the role and process to be undertaken by an independent investigator (when required).</li> <li>d. <b>New:</b> chief executive to share investigator’s report with affected members on a confidential basis.</li> <li>e. <b>New:</b> Reports going to council in relation to an independent investigation will be in the open session, unless one of the grounds to exclude the public under LGOIMA is satisfied. This aligns with the intent of LGOIMA and the clear guidance from the Ombudsman.</li> </ul> </li> </ul>

### Open Meeting

<b>To</b>	Waikato District Council
<b>From</b>	Jacob Quinn Communications, Engagement & Marketing Manager
<b>Date</b>	09 Dec 2019
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301
<b>Report Title</b>	Maangai Maori Remuneration Model

## I. EXECUTIVE SUMMARY

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The purpose of this report is for Council to approve an appropriate remuneration model for the recently established Maangai Maori positions on Council's principal committees: the Strategy & Finance Committee; the Infrastructure Committee; and the Policy & Regulatory Committee. Three remuneration models are put forward, with staff recommending a fixed annual amount, payable quarterly (Option 1, section 3.1).

## 2. RECOMMENDATION

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**THAT** the report from the Communications, Engagement & Marketing Manager be received;

**AND THAT** the Council approves a fixed annual contractual payment to each Maangai Maori of \$12,500 per committee (based on a different Maangai Maori being appointed to each of the three Council committees), to be paid on a quarterly basis (Option 1 in the staff report);

**AND FURTHER THAT** the Council notes the annual amount:

- a. be capped at \$25,000, if one individual is appointed to all three committees; and
- b. covers all services provided, including attendance at workshops, briefings or any other informal meetings and Council duties (where required)

**AND FURTHER THAT** Maangai Maori be entitled to claim reimbursement of mileage for travel on Council business at the rate, and on the conditions, payable to Councillors;

**AND FURTHER THAT** the Council approves Maangai Maori being provided with appropriate IT equipment to enable them to have better access to Council agendas and workshop pre-reading.

### 3. BACKGROUND

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On [12 November 2019](#), Council [approved](#) the establishment of Maangai Maaori (Voice of Maaori) positions, with full voting and speaking rights, on Council's three principal committees: the Strategy & Finance Committee; the Infrastructure Committee; and the Policy & Regulatory Committee.

The 12 November report noted that an appropriate remuneration model for Maangai Maaori would be considered through a subsequent report to Council in December 2019. This agenda paper is that report.

#### 3.1 ANALYSIS OF OPTIONS

##### **Remuneration Costs**

It is appropriate that the Maangai Maaori are remunerated for the services they provide as external members of the respective committees. Based on the experience of other local authorities, three options have been considered by staff and are canvassed below:

##### **a. Option 1 – Fixed annual amount**

- A fixed annual contractual payment of \$12,500 per committee (based on a different Maangai Maaori being appointed to each of the three committees), paid on a quarterly basis.
- Capped at \$25,000 if one individual is appointed to all three committees.
- This is on par with annual payments made by Hamilton City Council and Nelson City Council.
- This covers all services provided, including attendance at workshops and briefings (where required).

##### **b. Option 2 – Pegged remuneration**

- 20-25% of base councillor remuneration per committee (based on a different Maangai Maaori being appointed to each of the three committees), paid on a quarterly basis.
- Capped at 50% of base councillor remuneration if one individual is appointed to all three committees.
- On par with remuneration paid to iwi representatives on Otago Regional Council committees.
- Covers all services provided, including attendance at workshops and briefings (where required).

##### **c. Option 3 – Meeting fee**

- Payment of \$200-\$280/meeting.
- Potentially cap the amount at an annual rate (to be agreed).
- This is on par with remuneration paid to external appointees by Matamata-Piako District Council and Waikato Regional Council (without an annual cap).

- This model is more administratively 'heavy' to process and provides less budget certainty.

Option 1 is recommended because it is a simple remuneration structure to communicate to candidates and easy to administer, provides greater financial certainty and is therefore more likely to attract quality candidates.

Option 2 is not recommended because there is a risk that the complexity of a pegged amount (20-25% of base councillor remuneration) is less easily understood, and therefore less likely to attract quality candidates.

Option 3 is not recommended because it would be difficult to budget for with any certainty given the meeting fee would potentially need to include attendance at workshops, briefings or other informal meetings. Furthermore the nominal fee could be seen as being low (per meeting) and therefore there may be a risk this amount will not be sufficient to attract quality candidates.

Please note that while Option 1 is recommended by staff, all options are workable.

Whichever option is adopted, it is proposed that reimbursement of mileage would also apply at the rate payable to Councillors.

### **Other Costs**

Other potential costs include:

- Provision of IT equipment to enable the Maangai Maaori to have appropriate access to Council agendas and workshop pre-reading. The total estimated cost for this would be \$4,500.
- Provision of staff support to the Maangai Maaori – likely to be managed within existing support structure at no additional cost.

The proposed remuneration and other costs fall within the current operational budget for 2019/20.

## **3.2 LEGAL**

The legal aspects of the Maangai Maaori appointments were covered in the [12 November](#) agenda.

## **3.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT**

These aspects of the Maangai Maaori appointments were covered in the [12 November](#) agenda.

## **3.4 RISKS**

Having a simple, fair, transparent and appropriate remuneration model will assist with attracting good quality applicants for the Maangai Maaori roles.

### 3.5 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matters in this report have a low level of significance.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engagement has been undertaken with Iwi and Haapu by staff. This is documented in previous reports to Council.					

## 4. CONCLUSION

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Three remuneration models for Maangai Maaori have been put forward. All options will deliver a workable outcome, however the recommendation is for a fixed annual amount (Option 1, section 3.1) because it is the simplest to understand and administer, and is considered most likely to assist with attracting good quality candidates.

## 5. ATTACHMENTS

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NIL

### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Clive Morgan General Manager Community Growth
<b>Date</b>	9 December 2019
<b>Prepared by</b>	Jim Ebenhoh Planning and Policy Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV1301 / 2403084
<b>Report Title</b>	Port Waikato Adaptive Management Planning

## **I. EXECUTIVE SUMMARY**

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This report presents background information on the coastal erosion issue at Port Waikato, summarises current and proposed Council responses, and requests approval of \$50,000 from the Disaster Recovery Fund to facilitate and inform an adaptive management planning process with the Port Waikato community, local iwi, other agencies and stakeholders in order to build resilience to natural hazards.

## **2. RECOMMENDATION**

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**THAT the report from the General Manager Community Growth be received;**

**AND THAT \$50,000 be approved from the Disaster Recovery Fund for independent facilitation and technical advice for an adaptive management planning process with the Port Waikato community, local iwi, other agencies and stakeholders in order to build resilience to natural hazards, noting that additional funding is likely to be required in future years and will also be sought from external sources.**

## **3. BACKGROUND**

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Port Waikato is a community at the far north-western corner of the Waikato District, at the mouth of the Waikato River, with a resident population of around 1,000 and a summertime population of up to 1,500. It has historically experienced cyclical coastal erosion; that is, there have been times of erosion followed by times of accretion. It is currently experiencing severe coastal erosion which has worsened rapidly in the past few years, particularly affecting public property and private properties at the southern end of Oceanview Road.

## **Previous studies and decision-making**

In 2014/15 the Council commissioned the consulting firm GHD to advise on options in relation to Council-owned public property that was imminently threatened by erosion; namely, the community hall and associated carpark. The GHD reports identified the challenges involved in defending against erosion, including an estimated cost of approximately \$1 million for a 90m seawall as well as possible difficulties in gaining consent from the Waikato Regional Council arising from the New Zealand Coastal Policy Statement's direction to avoid hard protective structures where possible.

After consideration of this information, the Council adopted a policy of managed retreat with respect to public assets in Port Waikato; in particular, it decided that it would demolish or relocate the community hall when coastal erosion reached a distance of 7.5 metres from the building. The Council did not consider any recommendations or commission any work in relation to private properties.

## **Recent erosion, demolition of community hall, and October public meeting**

In September of this year, as a result of a significant weather event, coastal erosion reached the trigger point of 7.5 metres from the community hall, and the building was demolished as per the previous Council resolution. A new community hub to replace the community hall and extend the existing Surf Life Saving Clubhouse is currently under construction. The concrete pad that was under the previous community hall is due to be removed shortly, and the carpark has been narrowed and traffic converted to a one-way system. Fences and signage have been erected advising the public of the dangerous cliff edge.

Around the same time as the demolition of the community hall, the erosion worsened with respect to several properties just north of the hall: 7 and 9 Ocean View Road. The Council's Building Quality Manager contacted the owners of the two properties and advised that the dwellings should not be occupied, however did not issue a formal Dangerous Building notice under the Building Act 2004.

In response to the worsening erosion, the Council held a public information session at the Port Waikato Surf Lifesaving Club on 5 October. Over 150 members of the public attended and heard from various Council staff regarding current work underway and potential future options. Coastal expert Jim Dahm also gave a comprehensive presentation regarding coastal processes at Port Waikato and elsewhere, and discussed various options including seawalls, groynes, beach renourishment, and managed retreat. While the meeting as a whole was characterised by expressions of frustration from some members of the public regarding a lack of action by Council to protect the community against erosion, Mr Dahm's presentation was generally well-received.

## **Coordinated Council response**

Following the 5 October meeting, Council staff have developed a coordinated approach to communication and activities relating to Port Waikato. Decision-making regarding the carpark, public toilets, communications and signage has been informed by group discussion across multiple departments. Fortnightly updates to over 120 members of the Port Waikato community, via an e-mail newsletter and Council's website, have increased in frequency to



weekly. Immediately affected property owners at the southern end of Ocean View Road have been contacted by Council building and resource consents staff, who are offering guidance on possible pathways including demolition, rebuild and relocation.

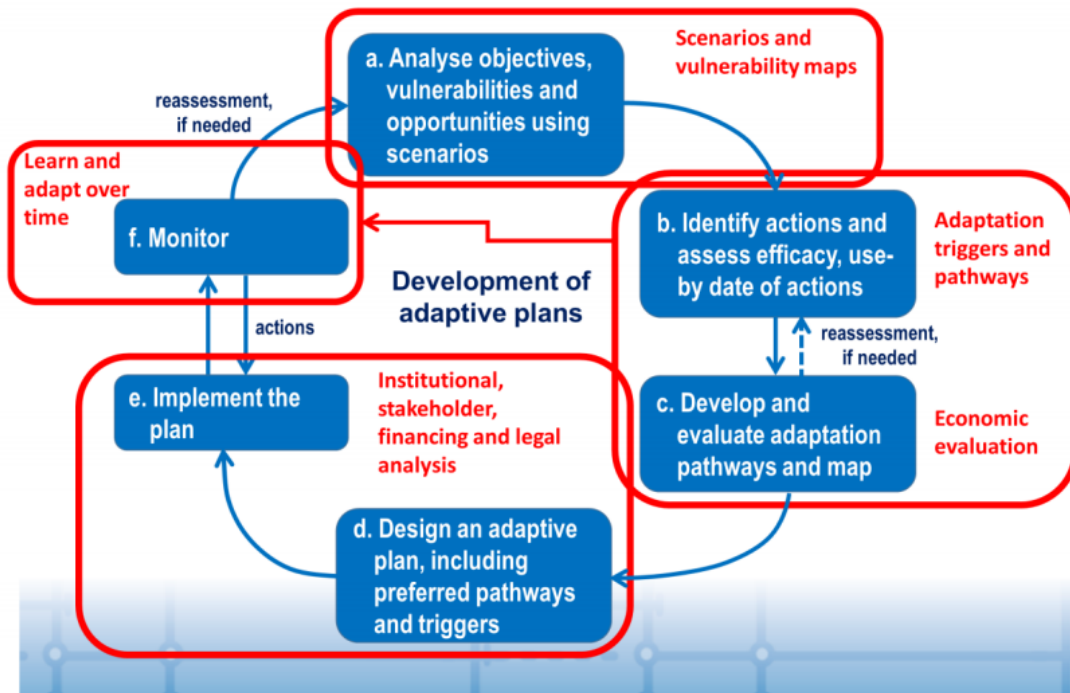
On 19 October an information session was held in relation to the draft natural hazards chapter of the Proposed District Plan; it was well-attended and provided some useful feedback, including unintended barriers to relocation of hazard-prone homes. In response to this feedback, it is intended that, prior to formal notification for submissions next year, provision will be made within the Proposed District Plan for existing buildings to be relocated (or a new building constructed) in a safer location within the same site. It is worth noting that Port Waikato is subject to more hazards than coastal erosion, including potential coastal inundation and river flooding.

In recent weeks, erosion advanced approximately one metre towards the southwest corner of the dwelling at 7 Ocean View Road. The Council commissioned a geotechnical engineer to advise on the risk of further slope failure affecting the dwelling, and contacted the owner, who has given written confirmation that he would have the dwelling demolished the week beginning 2 December. The Council has since issued a formal Dangerous Building notice for 7 Ocean View Road, prohibiting occupancy and requiring demolition by 16 December.

### **Adaptive management planning**

Concurrent with these shorter-term activities, Council staff have been exploring the potential of an adaptive management planning approach for the long-term resilience of the Port Waikato community in terms of natural hazards. This approach, also referred to as 'dynamic adaptive management planning' or 'dynamic adaptive policy pathways', is recommended by the Ministry for the Environment in its most recent guidance document ("Coastal Hazards and Climate Change: Guidance for Local Government," Ministry for the Environment, December 2017). The diagram below is taken from that document.

Figure 64: Dynamic adaptive policy pathways approach



Source: Adapted from Haasnoot et al (2013)

The benefits of this approach include that it makes decisions now based on the best information currently available, while preserving flexibility for future decision-making to take place based on new and/or improved information. Various ‘trigger points’ can be programmed so that actions can be planned for when a specified event occurs (e.g. erosion to within a certain distance of a building), without needing to know today exactly when that might occur.

Adaptive management planning in the context of coastal erosion and flooding is NOT the same thing as ‘managed retreat’; it provides for the full spectrum of options including defence, accommodation (e.g. raised floor levels), retreat, and avoidance (e.g. not allowing subdivision or other intensification of land use in hazard areas).

The adaptive management planning approach to coastal erosion and flooding has been pioneered in New Zealand in recent years in the Hawkes Bay region, where the Hawkes Bay Regional Council, Napier City Council and Hastings District Council have been working together on a unified Coastal Hazards Strategy, and on the western side of the Firth of Thames, where Hauraki District Council is developing a Community Plan for the Kaiawa / Miranda area with a focus on coastal flooding. Similar approaches have been undertaken through the Rangitaaiki River Forum in response to the Edgecumbe flooding of March 2017, and by the Thames-Coromandel District Council and Waikato Regional Council in relation to coastal inundation and erosion risk to Thames township. Undoubtedly other coastal communities in New Zealand, such as South Dunedin, are also considering their hazard portfolio using the adaptive management planning framework promoted by central government.

The Council needs to decide very soon on its approach to engaging with the Port Waikato community on natural hazards including coastal erosion. Port Waikato residents are

currently discussing how best to engage with Council on coastal erosion issues, having mooted the option of a subcommittee of the Residents and Ratepayers Association, as well as the option of an independent committee with representation from the Residents and Ratepayers Association, local iwi, etc. Related to this, a petition has been circulating that would ask the Council to ‘sandbag our beach or execute a practical plan to prevent further erosion at Port Waikato’. At any point, the Port Waikato community may request an urgent meeting between the community committee / subcommittee and Council staff, and/or may present the petition referred to above. The adaptive management planning framework is recommended as the best approach to consider all the options and work with the community towards a resilient future.

### **Collaboration and communication with regional and central government**

At the 5 October meeting at Port Waikato, some members of the community asked what involvement regional government and central government could have regarding the coastal erosion issues. A regional council staff member was scheduled to attend that meeting but could not attend due to unforeseen circumstances; however, regional council staff from both the natural hazards (“Regional Resilience Team”) and policy implementation teams have committed to participating in future discussions and meetings with the community, as they are doing in the Kaiawa / Miranda area.

In addition, Council staff have discussed central government involvement with both Local Government New Zealand (LGNZ) and Ministry of Civil Defence and Emergency Management (MCDEM) staff. These staff have provided information and contacts in relation to cross-departmental work on coastal hazard management and climate change issues. They have also suggested strategies to raise awareness and involvement of local MPs and the relevant Ministers. Arrangements are currently being made to make these connections at the political level, so that when central government is in a position to advise further or assist in any other way on coastal hazard issues, Port Waikato is top-of-mind alongside communities such as Matata, Edgecumbe and South Dunedin.

## **4. DISCUSSION AND ANALYSIS OF OPTIONS**

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### **4.1 DISCUSSION**

As discussed above, the adaptive management planning framework is promoted as best practice by central government. It has the potential to deal with multiple potential hazards in an inclusive way that deals with uncertainty by incorporating the best available knowledge as it becomes available, and not unnecessarily locking in irreversible or inefficient decisions.

To ensure that the negative image of Council held by some members of the Port Waikato is not a barrier to collaboration, an independent facilitator and project manager is sought, as is the case with the Kaiawa / Miranda work by Hauraki District Council. By engaging a facilitator that can also be a project manager, with experience in coastal erosion and flooding issues, the Council’s resourcing limitations will also be addressed, as Council staff do not

have sufficient capacity to fully manage such an intensive, complex process of community engagement and discussion over a sustained period of time.

It is estimated that the project will run over two to three years before a definitive plan is developed and agreed, due to the need to obtain and in some cases refine the technical information on various options, and the multiple stages of discussion and decisionmaking built into the process. The cost over three years is estimated to be approximately \$250,000; however, the Waikato Regional Council will be approached for a contribution to this project as they have made in other similar cases. An initial investment of \$50,000 by Waikato District Council will enable the project to get underway and could fund between 6 months and one year's worth of the project, depending on how quickly and intensively it unfolds.

Aside from the District Plan Review budget which is already oversubscribed, and the Master Planning budget of \$100,000 per year which has already been brought forward to support the District Blueprint and Local Area Blueprints, there is no obvious funding source for this proactive, intensive community planning work. The Disaster Recovery Fund is recommended as the funding source because the Port Waikato community is already dealing with some severe effects of coastal erosion, and because an investment in proactive planning could avert future disasters and corresponding drawdowns from this Fund.

It is worth noting that Port Waikato is one of only a few communities (along with Gordonton) that does not have a Local Area Blueprint but is planned to have one developed in the near future. The initiation of a Port Waikato Blueprint project was originally planned to take place this year, but was delayed due to the need to focus on the coastal erosion issues initially. It is likely, however, that the development of an adaptive management plan for Port Waikato could provide the basis for a future Local Area Blueprint for the community. That is, once the community has had the in-depth discussion and planning around where and how it will orientate itself in relation to natural hazards, it will have gone some ways towards the future-focused exercise involved in Local Area Blueprints.

## **4.2 OPTIONS**

Option One is simply to do nothing with respect to private property issues in relation to coastal erosion at Port Waikato. The Council would focus on decision-making and management in relation to public assets such as the carpark, roading, public toilets and the community hall. Its only activities in relation to private property would be its 'business as usual' approach to building consent and resource consent functions. The advantage to this option is its simplicity and low cost. The disadvantage is that the Port Waikato community would likely consider itself to have been abandoned by its Council, and negative publicity would ensue.

Option Two is the status quo: essentially an enhanced version of Option One, it is intensively focused on short-term issues and actions, including the extra effort being made to facilitate a smooth consenting pathway for immediately affected property owners, and making decisions around public assets currently affected by erosion. It would not involve any engagement with the community about longer-term options with respect to private

property, but would likely face immediate demands from segments of the community for short-term interventions such as sandbagging, seawalls, groynes, etc. This option is preferable to Option One in that it sends the message to the Port Waikato community that it is important. It has the major downside, however, of being focused on short-term rather than medium-term or long-term planning. This means that the Council (and the community) are likely to remain in a reactive, back-foot mode rather than proactively considering what might happen and what responses could be in 5, 15, 20, 30 years or more. It would not be consistent with central government guidance, and by being reactive it is likely to be responsive to the loudest members of the community rather than proactively undertaking a planning process that is inclusive by design.

Option Three is to embark on the adaptive management planning process with the community, using existing Council staff resources only. This option has the advantage over Options One and Two of taking the long-term view and following central government guidance for adaptive management planning. Its disadvantage is that the level of resourcing provided would be insufficient for the demands of the project, given commitments of existing Council staff. It is likely that the project would move slowly, there would be poor or incomplete communication internally and externally, and frustration would emerge from the community, again creating negative publicity. In addition, there would be missed opportunities to learn from elsewhere in New Zealand through the involvement of a facilitator / project manager who has intensive experience in adaptive management planning in coastal communities.

Option Four is the recommended option: to undertake an adaptive management planning process with the Port Waikato community, local iwi, key stakeholders and other agencies in order to build community resilience to natural hazards, using \$50,000 from the Council's Disaster Recovery Fund as an initial investment to obtain independent facilitation and project management. This option would potentially leverage co-funding from regional government and elsewhere, and would ensure that the project has the level of resourcing and expertise that cannot be provided in-house without costly tradeoffs. A potential disadvantage to this option is that the rest of the District may question why they are paying (through their rates) for an issue currently limited to Port Waikato. A potential response to that concern is that natural disasters are increasingly common, and that while Port Waikato might be the unfortunate 'first cab off the rank', other communities in the Waikato District could benefit from adaptive management planning exercises or disaster recovery in the future. Another response is that this exercise would not be primarily about 'bailing out' individual property owners, but ensuring the resilience and viability of a longstanding beachfront community that is an important part of the Waikato identity, offering recreational and amenity benefits to the District as a whole.

## **5. CONSIDERATION**

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### **5.1 FINANCIAL**

The Disaster Recovery Fund, which was created many years ago, is funded through General Rates of \$122,000 per year (2018/19 funding). It has been used in the past in response to severe weather events; the last expenditure was \$727,000 for road repairs and \$131,000 for water reticulation system repairs, both in 2016/17. The purpose of the Fund includes supporting activities that improve community readiness for and ability to respond to natural disasters. This proposal would fall into that category.

The current balance of the Fund is a surplus of \$535,000. The requested contribution of \$50,000 is not a large amount in relation to the annual rates contribution to the Fund of \$122,000.

### **5.2 LEGAL**

There are no significant legal issues in relation to the decision requested today. The Council has no legal obligation to undertake any activities in relation to private property other than its business-as-usual consenting activities. It would be embarking on the adaptive management planning pathway as a 'best practice' approach, on a voluntary rather than mandatory basis. At the same time, there are no legal risks in relation to undertaking adaptive management planning. Any legal issues would arise in relation to particular options that might be chosen in the future, such as building defensive structures or relocating dwellings.

### **5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT**

The approach recommended in this report is aligned with the New Zealand Coastal Policy Statement, the Waikato Regional Policy Statement, and the proposed Waikato District Plan, all of which encourage a holistic, integrated approach to natural hazards and suggest looking at more options than just hard protection structures.

The approach is also consistent with the Council's vision of Liveable, Thriving and Connected Communities, by proposing a collaborative process to promote the future viability of the Port Waikato community. It is also aligned with the following Community Outcomes:

- Supporting our communities: Kia tautoko ki a taatou Haapori
- Sustaining our environment: Kia toituu to taatou Taiao
- Working together with you: Kia mahi tahi taatou
- Providing value for money: Ka whai painga mo te puutea

The proposed adaptive management planning process is inclusive by design, and will involve partnership with local iwi (Ngaati Karewa, Ngaati Tahinga), the Waikato Regional Council, and central government.

## 5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The Significance and Engagement Policy is not triggered by the decision requested by this report, as \$50,000 is a modest sum funded at the Districtwide level, and the decision does not immediately impact much of the District at this stage besides the Port Waikato community, for which participation is voluntary.

That said, the adaptive management planning process will involve a high level of engagement over the life of the project, hopefully moving beyond collaboration to empowerment; that is, building community capacity and resilience.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	The adaptive management planning process will be co-designed with the Port Waikato community and is likely to involve multiple collaborative workshops with nominated community representatives, iwi and other agencies, as well as opportunities for wider input including more formal consultation at appropriate times.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
	X		Internal
X			Community Boards/Community Committees
	X		Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
	X		Households
X			Business
X			Other (please specify)

There is no Community Board specifically for Port Waikato, but the wider Onewhero-Tuakau Community Board will be invited to be involved in the process. In addition, the Port Waikato Residents and Ratepayers Association is likely to have representatives involved. Discussions have been held with local iwi regarding the draft natural hazards chapter of the Proposed District Plan, and strong iwi involvement is expected to occur through this wider process. A number of households attended the public information session on 5 October and the Proposed District Plan drop-in session on 19 October, and it is expected that residents will have significant involvement in the adaptive management planning process. Other stakeholders likely to be involved include regional and central government.

## 6. CONCLUSION

Port Waikato is facing severe coastal erosion which is likely to worsen. In addition, the community is prone to other natural hazards in the future such as river flooding. Initial investment in an adaptive management planning process is recommended by this report.

Such a process is promoted as best practice by central government and has been used elsewhere in New Zealand recently in response to coastal erosion and flooding. It has the potential to deal with multiple potential hazards in an inclusive way that deals with uncertainty by incorporating the best available knowledge as it becomes available, and not unnecessarily locking in irreversible or inefficient decisions. This process could become a model for responding to other natural hazard issues in the District, and it could be an empowering exercise for the Port Waikato community – an important component of its own Local Area Blueprint, and a recipe for resilience in the face of multiple risks and a high level of uncertainty.



### **Open Meeting**

<b>To</b>	Waikato District Council
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	3 December 2019
<b>Prepared by</b>	Brendan Stringer Democracy Manager
<b>Chief Executive Approved</b>	Y
<b>Reference</b>	GOV1301
<b>Report Title</b>	Exclusion of the Public

## **I. EXECUTIVE SUMMARY**

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To exclude the public from the whole or part of the proceedings of the meeting to enable Council to deliberate and make decisions in private on public excluded items.

## **2. RECOMMENDATION**

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**THAT** the report of the Chief Executive be received;

**AND THAT** the public be excluded from the meeting to enable Council to deliberate and make decisions on the following items of business:

**Confirmation of minutes dated 12 November 2019**

**Recommendations to Council – Infrastructure Committee 5 December 2019**

### **REPORTS**

#### **a. Sale of Land – Huntly**

*The general subject of the matter to be considered while the public is excluded, the reason, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:*

**Reason for passing this resolution to withhold exists under:**      **Ground(s) under section 48(1) for the passing of this resolution is:**

**Section 7(2)(i)**

**Section 48(1)(a)**

**b. Chief Executive's Issues**

*The general subject of the matter to be considered while the public is excluded, the reason, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:*

Reason for passing this resolution to Ground(s) under section 48(1) for the withhold exists under: passing of this resolution is:

Section 7(2)(g),(h),(i),(j)

Section 48(1)(a)

**c. Mayoral Issues**

*The general subject of the matter to be considered while the public is excluded, the reason, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:*

Reason for passing this resolution to Ground(s) under section 48(1) for the withhold exists under: passing of this resolution is:

Section 7(2)(g),(h),(i),(j)

Section 48(1)(a)

**3. ATTACHMENTS**

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Nil