



Tasman District Council

Local Governance Statement 2016-2019

Approved 23 March 2017

Schedule of Amendments since 23 March 2017:

Date of amendment		Section affected

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1 What is a Local Governance Statement?

A Local Governance Statement is a requirement of Section 40 of the Local Government Act 2002 (LGA) which states that a local authority must prepare and make publicly available, following the triennial general election of members, a Local Governance Statement. Section 40(2) of the LGA requires compliance within six months of each triennial election.

This Local Governance Statement is a collection of information about the structure of Council, its functions, responsibilities and activities, decision-making processes, legal authority and policies that assist in fulfilling its role in meeting the current and future needs of communities.

The Local Government Act 2002 requires a Local Governance Statement to include information on the following matters:

- functions, responsibilities and activities of the Council
- local legislation and bylaws
- the electoral system and the opportunity to change it
- representation arrangements, and the way these can be changed
- members' roles and conduct
- governance structures, processes, membership and delegations
- meeting processes
- consultation policies
- policies for liaising with Māori
- the management structure and the relationship between elected members and management
- equal employment opportunities policies
- key planning and policy documents and the process for their development and review
- public access to the Council and the elected members
- processes for official information requests

2 Functions, Responsibilities and Activities

Under the Local Government Act 2002, Section 10, the purpose of a council is:

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

Section 11 of the Local Government Act states that the role of a local authority is to:

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

Section 11A of the Local Government Act 2002 states that in performing its role, a council must have particular regard to the contribution that the following core services make to its communities:

- network infrastructure
- public transport services
- solid waste collection and disposal
- the avoidance or mitigation of natural hazards
- libraries, museums, reserves, and other recreational facilities and community amenities.

The Tasman District Council's Long Term Plan 2015-2025 outlines the activities and services it plans to provide in the above areas over the next 10 years. It states the vision for the District, the Community Outcomes, the services and activities Council is planning to undertake to contribute to those Outcomes and the costs of Council providing those services and activities. Copies of this Long Term Plan are available on the Council's website.

Tasman District Council also has legislative responsibilities and obligations under a number of Acts of Parliament, including:

- Local Government Act 2002
- Local Government Rating Act 2002
- Local Electoral Act 2001
- Local Government, Official Information and Meetings Act 1987
- Resource Management Act 1991
- Building Act 1991
- Food Act 1981
- Soil Conservation and Rivers Control Act 1941
- Biosecurity Act 1993
- Maritime Transport Act 1994
- Dog Control Act 1996
- Land Transport Act 1998
- Reserves Act 1977
- Public Bodies Leases Act 1969
- Land Transport Management Act 2003
- Health Act 1956
- Health and Safety at Work Act 2015

Council Responsibilities

In meeting the responsibilities and obligations placed on local government, Tasman District Council must:

- provide directly or on behalf of central government, adequate, equitable and appropriate services and facilities for the community
- ensure that the services provided are managed efficiently and effectively exercise community leadership
- exercise its functions in a manner that is consistent with and actively promotes the principle of cultural diversity
- manage, protect, develop, restore, enhance and conserve the environment
- account for and manage assets for which it is responsible
- facilitate involvement of councillors, member of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of local government
- raise funds for local purposes by way of rates, charges and fees and investments, loans and grants
- keep the local community informed about its activities
- ensure that in the exercise of its regulatory functions it acts without bias
- act as a responsible employer.

Tasman District Council's Vision and Mission

The Council's Vision is thriving communities enjoying the Tasman lifestyle.

The Council's mission statement is to enhance community well-being and quality of life.

Community Outcomes

Community Outcomes are the outcomes Council is working towards in order to promote community well-being. They reflect what Council and the community see as important for community well-being and they help to build up a picture of the collective vision for the District's future – how members of the community would like Tasman District to look and feel in 10 years and beyond. They also inform Council decision-making and the setting of priorities. The Community Outcomes of Council are:

1. Our unique natural environment is healthy and protected.
2. Our urban and rural environments are people-friendly, well planned and sustainably managed.
3. Our infrastructure is efficient, cost effective and meets current and future needs.
4. Our communities are healthy, safe, inclusive and resilient.
5. Our communities have opportunities to celebrate and explore their heritage, identity and creativity.
6. Our communities have access to a range of social, educational and recreational facilities and activities.
7. Our council provides leadership and fosters partnerships, a regional perspective, and community engagement.
8. Our region is supported by an innovative and sustainable economy.

Unitary Authority Functions

Tasman District Council is a unitary authority, which is a territorial authority that also has all the responsibility of a regional council. This is different from most other local authorities in New Zealand.

The main effect of being a unitary authority is that Council undertakes a wider range of functions and activities at both a local and regional level.

Territorial Authority Functions

- Fresh water
- Rubbish collection and disposal, litter control
- Sewage treatment
- Parks, reserves and leisure facilities
- Roads and street lighting
- Control of land subdivision
- Building and resource consents processing
- Dog control
- Libraries and museums
- Food premises and liquor licensing
- District planning
- Community recreation
- Stormwater
- Coastal structures
- Road safety
- Transport planning

Regional Council Functions

- Biosecurity/pest control
- Civil defence/emergency management
- River and flood control
- Environmental protection
- Regional land transport
- Water quantity and quality regulation
- Maritime navigation and safety
- Some building control and consents processing
- Regional planning
- Environmental management and education

Functions of Both Types of Authority

- Elections and public meetings
- Local bylaw administration
- Community engagement and consultation
- Rating
- Strategic Planning
- Customer Services

3 Local Legislation

As at January 2017, the two local legislations that confers powers on the Council are the Tasman District Council Tarakohe Harbour Reclamation Validation and Vesting Act 1995, the Waimea County Council Empowering Act 1979 and the Tasman District Council (Validation and Recovery of Certain Rates) Act 2014.

Details of these Acts can be found on the New Zealand Legislation website www.legislation.govt.nz

4 Council Bylaws

Section 145 of the Local Government Act 2002 provides for councils to make bylaws for the following purposes:

- (a) protecting the public from nuisance
- (b) protecting, promoting, and maintaining public health and safety
- (c) minimising the potential for offensive behaviour in public places

Council is empowered to make bylaws under other Acts as well, for example the Dog Control Act 1996, Maritime Transport Act 1994, Food Act 1981, and Land Transport Act 1998. The Tasman District Council Bylaws currently enacted are:

Name	Description	Last Review/ Amendment Date
Introductory 2013	Assists good governance in the administration of Council affairs. It contains sections that are common to all parts of the Consolidated Bylaw. This includes licences, serving of notices and general offences.	2013
Dog Control 2014	Includes requirements for the control of dogs in public places, maps indicating prohibited areas, leash control areas and dog exercise areas. The Bylaw points out the requirement to remove dog faeces, and places limitations on the number of dogs that can be kept.	2014
Control of Liquor in Public Places 2012	This Bylaw is to enhance the safety of the public and allow their responsible enjoyment of public places in the District. It provides for liquor control in specified public places, at specified dates and times, with the aim of reducing alcohol-related harm and offences.	2012
Freedom Camping 2011	This Bylaw recognises that some visitors to our District are choosing informal overnight camping, avoiding registered camping grounds or commercial facilities, as their preferred accommodation. It also recognises that the economic and social benefit campers bring to our District needs to be balanced against the potential impact or nuisance caused to the community by people camping in public places.	2013
Freedom Camping (Motueka Beach Reserve) Bylaw 2013	The original Tasman District Council Freedom Camping Bylaw 2011 as amended 5 December 2013 is made pursuant to the Local Government Act 2002 and exists alongside this Bylaw made pursuant to the Freedom Camping Act 2011. The original Bylaw	2013

	remains substantially in effect with the limitation that the areas controlled by this Bylaw have been removed from the control of the original Bylaw.	
Speed Limits 2016	Provides the Council with the ability to change speed limits and/or set new speed limits by Council resolution in the future. Such changes are likely to be to the maps and schedules that accompany the bylaw and will be an efficient and cost effective alternative to a full bylaw review.	2016
Navigation Safety 2015	Covers all navigable waterways in the Tasman District and is aimed at ensuring the safety of users on these waterways including rivers and lakes. It sets out safe practices for people using these waterways for water skiing, swimming, boating, kayaking or other water activities safely, by seeking to reduce the conflicts between different activities.	2015
Tasman's Great Taste Trail 2012	Promote, protect and maintain the safety of people using, working and living in proximity of trail, protect from nuisance those using or working and living in proximity to the trail and protect and maintain natural wildlife values and habitats in vicinity of trail.	2012
Trading in Public Places 2010	Controls trading in streets, reserves, recreation grounds and public places to ensure appropriate standards of convenience, safety and civic values are maintained. It also controls activities within public places which may have an adverse effect on other users of these facilities, or adjoining areas.	2010
Traffic Control 2016	Facilitates traffic management and parking control measures with respect to roads, public places and parking areas under the control of Tasman District Council.	2016
Water Supply 2016	The purpose of this Bylaw is to enable the Council to manage and provide public water supply services, protect the public water supply network from damage and misuse and to protect the health and safety of the persons using the public water supply.	
Wastewater 2015	The Wastewater bylaw applies to all users of the wastewater system but has a focus on trade waste and protection of the wastewater system infrastructure. The bylaw sets out the requirements around connection and discharges to the wastewater system, the extent of public/private responsibilities, the prevention of inflow and infiltration, and working around wastewater reticulation.	2015

Copies of these Bylaws can be found on the Council website.

5 Electoral System

Elections for the Mayor and Councillors are held once every three years.

The Voting System

Tasman District Council currently operates its elections under the first past the post electoral system (FPP). Electors vote by indicating their preferred candidate(s) and the candidate(s) with the most votes are elected.

The other option permitted under the Local Electoral Act 2001 is the single transferable vote system (STV). This system is used in district health board and some council elections. Electors rank candidates in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes.

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

A petition requesting a poll on the voting systems took place in May 2003, and resulted in retaining the status quo, being First Past the Post (FPP) for all the elections since the petition. Council resolved to retain the FPP system in 2011. This decision was publicly advertised and Council advised electors of their right to a valid demand for a poll. Council did not receive a demand for a poll, therefore the FPP system is to remain in force for two consecutive triennial elections, being 2013 and 2016. Council is due to undertake a review of this in September 2017, ahead of a full representation review to be completed by the end of 2018.

How to run for Council

To run for Council at the 2019 local body elections, members of the public need to complete a nomination form. The nomination form must be signed by two electors whose names appear on the electoral roll for Tasman. Information on how to become a candidate and nomination forms for the 2019 local body elections will be available from Council offices or the Council website before the election. Refer to section 16 of this Governance Statement for contact details. This information will include what is involved in being the Mayor or a Councillor, the rules around campaigning, the election timeline and the required steps to become a candidate.

6 Representation Arrangements

The Tasman District is divided into five wards: Golden Bay, Lakes/Murchison, Motueka, Moutere/Waimea and Richmond.

Councillors are elected from within the wards and the Mayor is elected from the District at large. The table below outlines the wards, resident population and number of Councillors per ward.

Ward	*Population	# Councillors
Golden Bay	5,180	2
Lakes/Murchison	3,590	1
Motueka	11,850	3
Moutere/Waimea	13,000	3
Richmond	15,850	4
Total	49,470	13

*These subnational population figures are estimates provided by the Government Statistician as at 30 June 2015.

Maori Wards and Constituencies

The Local Electoral Act 2001 gives Council the ability to set up separate wards for Maori electors. The Council can resolve to create separate Maori ward(s) or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by five percent of the electors within the district.

Council resolved in November 2011 not to establish a separate Maori ward for the District. Council publicly advertised this decision and advised electors of their right to a valid demand for a poll. Council did not receive a demand for a poll, and so the decision remained in force for the 2013 and 2016 elections. Council is due to undertake a review of this in November 2017, ahead of a full representation review to be completed by the end of 2018.

Community Boards

The Tasman District Council has two community boards, one in Golden Bay and one in Motueka. The Boards were constituted under section 49 of the Local Government Act 2002 to:

- represent and act as an advocate for the interests of their community;
- consider and report on any matter referred to it by the Council and any issues of interest or concern to the community board;
- make an annual submission to Council on expenditure in the community;
- maintain an overview of services provided by the Council within the community;
- communicate with community organisations and special interest groups in the community;
- undertake any other responsibilities delegated by the Council.

Each of the Boards has a chairperson and three other members who are elected triennially by electors in the community. The relevant Ward Councillors are also appointed to the Board by the Council. The Board elects its own chairperson at its first meeting after the triennial election.

Community Associations

Council also works with a number of other community and ratepayer groups throughout the District. A list of these can be found on the Council website under the Community Boards and Associations section.

Review of Representation Arrangements

The Council is required to review its representation arrangements at least once every six years. The Council last conducted a review in 2012 in respect of the 2013 elections. It is not legally required to review representation arrangements again until prior to the 2019 elections.

The review must include the following:

- the number of elected members (within the legal requirement to have a minimum of six and a maximum of 30 members, including the Mayor);
- whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of “at large” and “ward” representation;
- if election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward;
- whether or not to have separate wards for electors on the Maori roll;
- whether to have community boards, and if so, how many, their boundaries and membership, and whether to subdivide a community for electoral purposes.

The Council must follow the procedure set out in the Local Electoral Act 2001 when conducting this review and should also follow guidelines published by the Local Government Commission. The Act gives a person the right to make a written submission to the Council, and the right to be heard if the person wishes.

A person also has the right to appeal any decision on the above to the Local Government Commission, which will make a binding decision on the appeal. Further details on matters that the Council must consider in reviewing its membership and the basis of election can be found in the Local Electoral Act 2001.

At the last Representation Review, Council resolved to:

- Retain the current five wards, their names and boundaries.
- Retain the Mayor who will be elected at large, and 13 Councillors to be elected from wards as follows: two Councillors for Golden Bay Ward, one for Lakes-Murchison Ward, three Councillors for Motueka Ward, three Councillors for Moutere-Waimea Ward and four Councillors for Richmond Ward.
- Retain the current Motueka and Golden Bay Community Boards, their current boundaries, names and membership.

7 Members Roles and Conduct

Role of Elected Members

The Mayor and councillors of Tasman District Council are responsible for the following:

- Setting the policy direction of Council
- Monitoring the performance of Council
- Representing the interests of the district. On election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the whole of the Tasman District
- Employing the Chief Executive. Under the Local Government Act the local authority employs the Chief Executive, who in turn employs all other staff on its behalf.

Role of the Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. In addition the Mayor has the following roles:

- Presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings as determined in standing orders
- Advocate on behalf of 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 Council
- Providing leadership and feedback to other elected members on teamwork and chairing committees
- Legally responsible for driving the setting of council plans and budgets
- A Mayor can appoint their own deputy mayor, determine the structure of committees and appoint committee chairs

Role of the Deputy Mayor

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

Role of the Committee Chairperson

The Mayor or Council may create one or more committees of Council. A committee chairperson is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Register. A committee chairperson may be removed from office by resolution of Council.

Legislation Regarding Conduct of Elected Members

Specific obligations for the conduct of elected members can be found in the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current code of conduct and standing orders.
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way.
- The Crimes Act 1962 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.
- The Securities Act 1973 regarding the issuing of bonds and financial instruments that are available as funding mechanisms to Local Government.

Details of these Acts can be found on the New Zealand Legislation website www.legislation.govt.nz.

Code of Conduct

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

8 Governance Structure, Processes, Membership and Delegations

The Full Council and standing committee meetings ordinarily take place every six weeks. A schedule of meeting dates is available on the Council's website and meetings are advertised fortnightly in the Tasman District Council 'Newslines', and on alternate fortnights in the Tasman District Council 'Newslines Update' appearing in local community papers.

The Council reviews its committee structures after each triennial election. In October 2016 the Council established the following committees:

TASMAN DISTRICT COUNCIL	
MAYOR	R Kempthorne
DEPUTY MAYOR	Cr King
STANDING COMMITTEES	
COMMUNITY DEVELOPMENT	ENGINEERING SERVICES
Cr Canton (Chair) Cr Wensley (Deputy) Mayor, all other Councillors	Cr Bryant (Chair) Cr Sangster (Deputy) Mayor, all other Councillors
ENVIRONMENT AND PLANNING	
Cr King (Chair) Cr Brown (Deputy) Mayor, all other Councillors	
COUNCIL COMMITTEES	
AUDIT AND RISK (Reporting to Council) Mayor Cr Ogilvie (Chair) Crs Brown, Greening, King & Sangster 1 x independent member (Graham Naylor - full membership incl. voting rights)	COMMERCIAL (Reporting to Council) Cr Sangster (Chair) Crs King, McNamara, Ogilvie & Wensley 3 x appointed members - Alan Dunn; Phil Grover; Roger Taylor
CEO REVIEW (Reporting to Council) Mayor Crs King, Brown	

SUBCOMMITTEES	
COMMUNITY GRANTS (Reporting to Community Development) Mayor Cr Canton (Chair) Crs Wensley, Turley, Bryant & Sangster	COMMUNITY AWARDS (Reporting to Community Development) Mayor Cr Canton (Chair) Crs Turley, Hawkes & Sangster
CREATIVE COMMUNITIES (Reporting to Community Development) Crs Canton, Wensley & Turley Plus community representatives	

Standing Committees

Council's Standing Committees have delegated powers to handle their affairs. All Councillors and the Mayor have membership on these three committees.

Community Development Committee

The Community Development Committee's purpose is for the planning, reviewing and implementation of functions, duties, and powers in respect of their areas of responsibility which are as follows:

Libraries	Camping Grounds (excluding commercial campgrounds and holiday parks)
Cemeteries	Walkways/Cycleways
Community Housing	Arts and Culture
Community Recreation and Development	Swimming Pools
Communications and Publicity activities	Special Purpose Committees (Halls and Reserves)
Grants; Council, Creative NZ, Sport NZ	Community Health Issues
Parks, Reserves, and Sports Grounds	Friendly Towns
Public Halls	Protected Trees
Public Conveniences	Environmental Education
Community Engagement and Consultation	Community Facilities (Regional and District Facilities)
Customer Services	Museums including Tasman Bays Heritage Trust
Reserve Financial Contributions	Digital Enablement Strategy
Strategic Policy excluding the matters expressly provided for under cl. 32, Schedule 7 LGA	

Engineering Services Committee

The Engineering Services Committee is to govern, develop, approve, ensure the implementation of and monitor policies, plans and bylaws in relation to the Committee's areas of responsibility which are as follows:

Roads and Bridges/Walkways and Cycleways	Refuse collection, disposal and waste minimisation
Water Supply	Rivers and Waterways
Sewerage treatment and disposal	Stormwater collection and disposal
Coastal Protection	Passenger Transport
Ports, Wharves and Boat Ramps (excludes Port Taranaki)	

Environment and Planning Committee

The Environment and Planning Committee is to ensure Council meets all legislative compliance requirements and to govern, develop, approve and ensure the implementation and monitoring of policies, plans and bylaws in relation to the Committee's areas of responsibility, which are as follows:

Resource Management	Biosecurity
Policy	Information and Investigations
Consents	Parking Control
Environmental Health	Building Control
Hazardous Substances and New Organisms	Maritime Safety
Sale and Supply of Alcohol	Climate Change
Bylaws and Licenses	Animal Control
Rural Fire (this responsibility will transfer to the NZ Fire Service on 1 July 2017)	Civil Defence and Emergency Management

Council Committees

Audit and Risk Committee

The purpose of the Audit and Risk Committee is to assist the Council and the Chief Executive to discharge their responsibilities for audit and risk management. This includes the active oversight of all areas of Council's control and accountability in an integrated and systematic way.

In carrying out its responsibilities, the Audit and Risk Committee must at all times recognise that primary responsibility for management of Council rests with the Chief Executive.

Commercial Committee

The Commercial Committee's function is to monitor and improve the performance of the Council's commercial and semi-commercial activities. It also reviews new commercial investments including those within the commercial portfolio. This includes recommendations on investments and resourcing to manage the financial and nonfinancial risks associated with these activities.

The Committee is expected to identify opportunities that will increase the portfolio and may also recommend to Council disposal of poor performing assets and investments. The Commercial Committee's areas of responsibility are as follows:

<ul style="list-style-type: none">• Forestry including forestry activities on reserve land.	<ul style="list-style-type: none">• Commercial campgrounds (Motueka, Murchison, Pohara, Collingwood)
<ul style="list-style-type: none">• Aerodromes (Motueka, Takaka)	<ul style="list-style-type: none">• Property managed on a commercial basis including the Mapua Wharf precinct
<ul style="list-style-type: none">• The Motueka Harbour and Coastal Works Reserve Fund	<ul style="list-style-type: none">• Port Motueka and Port Tarakohe

Other Committees

The following two committees operate under separate legislation, and their membership includes both Council and external members.

Tasman Regional Transport Committee

This committee operates under the Land Transport Management Act 2003 and is responsible for preparing for approval by Council; a regional land transport programme any advice and assistance Council may request in relation to its transport responsibilities. The chair of this committee is Cr Stuart Bryant.

District Licensing Committee

This committee operates under the Sale and Supply of Alcohol Act 2012 and is responsible for determining applications for licences to sell alcohol. These could be On and Off Licences and clubs, Special Licences for events, and Managers Certificates for people working in licensed premises. The chair of this committee is Cr David Ogilvie.

Subcommittees

In addition to the standing committees, Council also has a number of special purpose subcommittees. These have delegated powers and only meet as required. Their function is to examine specific areas of Council operations and then make recommendations to their parent committee or full Council.

Further details on each of the below subcommittees can be found on the Council website.

- Creative Communities
- Community Grants
- Community Awards

Working Parties

The Council also establishes working parties. These are similar to a committee but less formal and are assigned to a single issue or project for a specific time. Working parties may include members of the public and staff members and usually oversee the drafting of policies or plans before they are considered by the Council.

Joint Committees of Nelson and Tasman Councils

- Joint Committee of Tasman District and Nelson City (Joint Councils Committee)
- Joint Shareholders Committee
- Nelson Regional Sewerage Business Unit
- Regional Pest Management Joint Committee
- Saxton Field Committee
- Regional Landfill Business Unit
- Nelson Tasman Combined Civil Defence Organisation

Council Controlled Organisations

Tasman District Council has a 50% share in the following organisations, with Nelson City Council holding the other 50% share

- Nelson Airport Ltd
- Port Nelson Ltd
- Tasman Bays Heritage Trust

Council is also a shareholder in the Local Government Funding Agency.

Delegations Register

The Delegations Register records all delegations from the Tasman District Council to Standing Committees, Subcommittees, Members and Staff. The delegations have been approved by a Council resolution and, unless otherwise stated, are deemed to have been made under Clause 32, Schedule 7 of the Local Government Act 2002.

The purpose of the Delegation Register is to set out the Council's policies, procedures and delegations relating to decision making when giving effect to its statutory duties, responsibilities and powers. A copy of the Delegations Register may be obtained from the Tasman District Council.

9 Meeting Processes

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

Standing Orders

Clause 27, Schedule 7 of the Local Government Act 2002 requires local authorities to adopt a set of standing orders for the conduct of its meetings and those of its committees, including community boards. The Council may suspend Standing Orders by a vote of 75 per cent of the members present and voting.

The current Standing Orders for Tasman District Council and the Golden Bay and Motueka Community Boards can be found on Council's website.

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

Public Attendance at Meetings

All Council and committee meetings must be open to the public unless there is a reason to consider some items "in committee" (public excluded). Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council.

There is a public forum at the start of each Council, standing committee and Community Board meeting. LGOIMA sections 6 and 7 contain a list of the circumstances where Council may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order.

Agendas and Minutes

Minutes of meetings must be kept as evidence of the proceedings of the meeting. Minutes are not a verbatim record of a meeting, but rather record the nature of the topic, salient points raised in discussion, motions put, amendments, and resolutions adopted. These must be made publicly available, subject to provisions of the LGOIMA.

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

All meeting agendas are public documents, although parts may be withheld if the criteria under LGOIMA apply.

Copies of Tasman District Council agendas and minutes can be found on the Council website.

10 Consultation Policies

The Local Government Act 2002 sets out certain consultation principles and a procedure that local authorities must follow when making important decisions, such as the adoption of the Annual Plan or adopting or amending bylaws. This procedure is regarded as a minimum process.

Consultation is defined as the seeking and obtaining of information and feedback from the community to assist the Council to make informed decisions. The principles for consultation are set out in section 82 of the Local Government Act 2002. The main points are that:

- persons affected by or have an interest in a decision or matter should be given information about it
- the Council should encourage people to provide feedback on issues that affect them or that they are interested in
- the Council should be clear on the purpose of the consultation and the scope of decisions that could be made following the consultation
- persons providing their view to Council should be provided a reasonable opportunity to present those views
- the Council should consider people's views with an open mind and give them due consideration
- the Council should provide information about the decision, and the reasons for it, to the people who presented their views to the Council.

Significance and Engagement Policy

The Significance and Engagement Policy can be found at page 270 of Volume 2 of the Long Term Plan 2015 – 2025. It is also available on the Council website.

The decisions local authorities make affect their communities on a daily basis. Some decisions have greater significance than others. Council has developed a Significance and Engagement Policy to help explain to our community how the Council will determine the significance of matters, and as a result the level of community engagement it is likely to undertake on the matters.

Council engages with the community during its everyday business using a range of informal methods. However, some Council decisions require a more structured form of engagement, due to the significance that a matter has within the wider community, or for groups within the community. The Significance and Engagement Policy provides

guidance on Council's engagement processes. This policy does not apply to decision making under the Resource Management Act 1991.

The purpose of the policy is:

- to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
- to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and
- to inform the local authority from the beginning of a decision-making process about:
 - the extent of any public engagement that is expected before a particular decision is made; and
 - the form or type of engagement required.

The extent of significance and engagement is determined on a case-by-case basis. The policy is intended to guide decision-making on these matters. The policy sets out the principles of engagement Council will use, how Council will engage with iwi, the role of elected representatives, and sets some parameters around minimum information requirements, timeframes, and management of feedback.

Once Council has decided what level of significance an issue has, it will consider how it should engage with its communities. Where a Special Consultative Procedure is required under any legislation (e.g. for making a bylaw or adopting a Long Term Plan), then the matter is likely to be towards the higher end of the engagement and significance continuum.

Enabling effective participation of individuals and communities in the decision-making of councils is the primary purpose of consulting with the community.

Council recognises there are different needs in different communities. There are 16 urban and village settlements in Tasman District, and many more dispersed rural communities. Electronic communication challenges exist in some remote rural locations. There are long distances from rural areas to larger urban centres, wide ranging age groups and time availability, and different social and environmental interests to account for. The geographic spread of these communities creates challenges for both Council and community members in engaging in public meetings, workshops, open days and the like. The unique needs of each affected community will be factored into engagement exercises undertaken by Council wherever possible.

Council has made a commitment to honour its relationship with Maori of the Tasman District through its 'Statement on Fostering Māori Participation in Council Decision Making' within the current Long Term Plan.

Special Consultative Procedure

The Special Consultative Procedure (SCP) is a prescribed process for consultation set out in the Local Government Act 2002 (LGA). Where any decision requires a SCP to be followed (e.g. preparation of a bylaw or the Long Term Plan process), Council will follow the procedure prescribed.

An SCP may also be used for any other decision Council wishes to consult on. This will generally occur when the issue is recognised as of medium to high significance in terms of the Council's Significance and Engagement Policy.

The use of the SCP is predominantly a reflection of the significance of an issue, which in turn identifies the need for appropriate community engagement.

Community Engagement

The Council is committed to engaging with the public through a range of methods including:

- Newslines, a free fortnightly publication sent to households and non resident ratepayers on request that details Council news and information (contact Chris Choat, 03 543 7220 or chris.choat@tasman.govt.nz)
- the Council website
- newspaper advertisements with legal announcements such as resource consent or election notices
- press releases, radio interviews, public presentations and forums
- social media
- consultation and engagement activities
- use of Tenderlink for tendering processes.

The Council's engagement processes are designed to assist the residents and stakeholders within the District to play an informed role in Council's decision-making processes.

11 Policies for Liaising with, and Memoranda or Agreements with Māori

Tasman District Council acknowledges the need to develop and maintain positive working relationships with Tangata Whenua.

Council has adopted a Statement on fostering Māori participation in Council Decision Making. This statement outlines the steps Council intends to take to foster Māori capacity to contribute to Council decision-making processes, as required by Schedule 10(8) of the Local Government Act 2002.

Kaumātua Archdeacon Andy Joseph provides the Mayor and Elected Members with support around tikanga Māori. The role also enhances Council's understanding of iwi and Māori priorities and supports the Council's Community Outcome of "Communities having opportunities to celebrate and explore their heritage, identity and creativity".

The Tangata Whenua iwi in the Top of the South/Te Tau Ihu are Ngati Kuia, Ngati Rarua, Ngati Tama, Te Atiawa, Ngati Koata, Ngati Toa Rangatira, Ngati Apa, Rangitane and Ngai Tahu.

There are three marae in the Nelson Tasman region:

- Whakatu Marae in Nelson City
- Te Awhina Marae in Motueka
- Onetahua Kokiri Marae in Pohara, Golden Bay

12 Management Structures and Relationships

The Local Government Act 2002 requires Council to employ a Chief Executive whose responsibility is to employ other staff on behalf of the Council, implement Council decisions and provide advice to the Council. Under the Local Government Act the Chief Executive is responsible for the efficient and effective management of the activities of Council and for the leadership of the staff. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Mayor or Councillors.

Chief Executive

The Chief Executive is Mr Lindsay McKenzie. Mr McKenzie can be contacted by phone on 03 543 7205 or by email: lindsay.mckenzie@tasman.govt.nz

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

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the Council effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- providing leadership for the staff of the Council
- employing staff (including negotiation of the terms of employment for the staff).

Management Structure

Council management is organised into four departments. These are:

Engineering Services

This department looks after asset management, water supply, wastewater, refuse, stormwater, roads/bridges, some ports/wharves and aerodromes, and rivers/drains. The Engineering Manager is Richard Kirby, who can be contacted on 03 543 8440 or via email richard.kirby@tasman.govt.nz.

Environment and Planning

This department looks after building control, public health, pollution control, noise control, resource management, policy, information, consents, liquor licensing, dangerous goods, harbours administration, coastal management, and rural services. The Environmental and Planning Manager is Dennis Bush-King, who can be contacted on 03 543 8430 or via email dennis.bush-king@tasman.govt.nz.

Corporate Services

This department looks after internal control, treasury, rating, payrolls, , asset registers, financial management, computer services, geographical information, insurance, purchasing, office management and property management. The Corporate Services Manager is Mike Drummond, who can be contacted on 03 543 8499 or via email mike.drummond@tasman.govt.nz.

Community Development

This department looks after libraries, customer services, community halls, parks/reserves, Council cottages, elections, grants, recreation, emergency management, overall strategic planning for Tasman District, development of Long Term Plan and Annual Plans, monitoring of community outcomes, communications, and environmental education. The Community Development Manager is Susan Edwards, who can be contacted on 03 543 8509 or by email susan.edwards@tasman.govt.nz.

13 Remuneration and Employment

The Local Government Act 2002 requires details of a remuneration and employment policy, if adopted, to be included in its governance statement. As at January 2017, a policy is not planned to be implemented. However, Tasman District Council does have a comprehensive internal remuneration and performance management strategy which provides operating procedure for the Chief Executive and managers. This was introduced in February 2013.

14 Equal Employment Opportunities (EEO) Policy

The Tasman District Council has a policy of Equal Employment Opportunity for all workers in regard to the identification and elimination of any discrimination and the provision of equal opportunities as essential principles in the management of its staff resources.

The Equal Employment Opportunities Policy applies equally to all employees of the Tasman District Council. No employee, or potential employee, shall be discriminated against by reason of their race, colour, national or ethnic origin, union membership, age, sex, marital status, religious or political beliefs, physical disability or other personal circumstances, where these are not related to the person's ability to carry out the job.

The Council affirms this commitment through a policy of positive action by adopting constructive policies and practices for equal opportunities in all aspects of employment, including recruitment and selection, training and development, education, career path planning and promotions. The objective of this policy is to ensure that for any given position the best available person gets the job.

It is the responsibility of the Chief Executive through each Manager, Co-ordinator and Supervisor to promote this policy. All employees are invited to contribute suggestions for ongoing action under this policy.

The various elements in this policy, while compiled to meet the requirements of the Local Government Act 2002, are to be consistent with:

- Good personnel policy and practices
- The Human Rights Commission Act
- The Local Government Act 2002
- The Race Relations Act 1971

15 Key Approved Planning and Policy Documents

Tasman Resource Management Plan

The Tasman Resource Management Plan (TRMP) was prepared in accordance with the Resource Management Act 1991 (the Act). The purpose of the TRMP is to assist Council in carrying out its functions in order to achieve the purpose of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The TRMP is reviewed as needed.

The TRMP can be viewed on the Council's website or can be purchased from the Environment and Planning Department.

Tasman Regional Policy Statement

The Tasman Regional Policy Statement (TRPS) is the strategic resource management plan to promote sustainable resource management in the Tasman District. It contains the broad issues, objectives and policies for the District. It also includes methods of implementation; anticipated environmental results and performance monitoring indicators. The TRPS was developed by the Council in accordance with the Resource Management Act 1991 and is to be reviewed every ten years.

Regional Land Transport Strategy

The Regional Land Transport Strategy "Connecting Tasman" aims to provide a safe, efficient and accessible transport network in the district for the next 30 years. Reviewed every six years, Connecting Tasman plays a crucial role in the planning and funding of land transport in Tasman. It also assists central government in preparing the National Land Transport Programme which is then used to provide funding for New Zealand's land transport infrastructure.

The Strategy was developed taking into account Land Transport Management Act 2003 objectives; the Government Policy Statement on Land Transport funding; and the National Energy Efficiency and Conservation Strategy objectives.

Long Term Plan

Under the Local Government Act 2002, the Council is required to develop a Long Term Plan (LTP) in consultation with the community. The LTP outlines the community outcomes developed by the community vision for the future of the District, the roles the Council see itself undertaking to achieve the vision and the activities Council plans to undertake to carry out these roles. It also outlines the Council's financial policies and proposed spending for the coming ten years, and gives the underlying financial rationale for how rates are levied, who pays for what and why.

The LTP is reviewed every three years. It can, if necessary, be amended during the three year document life-cycle, but any significant amendment must be undertaken using the Special Consultative Procedure and is subject to external audit. Each LTP contains an Annual Plan for the next year. In the following two years the Council will publish an Annual Plan, which describes the work programme to deliver that year's part of the LTP.

Annual Plan

Under the Local Government Act 2002 an Annual Plan is to be produced in the years when there is no Long Term Plan review. The Annual Plan outlines the Council's proposed activities, spending and rate requirements for the coming year.

Annual Report

The Tasman District Council produces an Annual Report each year to account for the money provided to it by its ratepayers, financial institutions and government agencies.

The Annual Report shows how the Council is performing against the activities, objectives, performance targets and financial details contained in Council's Annual Plan and Long Term Plan. The Annual Report is developed after the end of each financial year and is normally adopted by Council in September or October.

Activity Management Plans

A list of Activity Management Plans for key services and activities that Council provides can be found on the Council website. These plans also provide the base information for the preparation of Council's Long Term Plan and Annual Plan. Each plan is developed and reviewed prior to Council starting its work on the Long Term Plan.

Joint Waste Management and Minimisation Plan

This plan was approved by both Tasman District and Nelson City Councils in April 2012 and recognises the cross-boundary issues each Council faces in waste management and minimisation. The plan provides common goals, objectives and policies across the region, to reduce waste and increase recycling. The proposed plan was developed after the Joint Waste Assessment was completed, and is reviewed every six years.

General Reserves Policies and Reserves Management Plans

The Tasman District Council Reserves General Policies document and Parks and Reserves Management Plans set out the objectives and policies for all reserves administered by the Tasman District Council. The policies and plans were prepared using the process outlined in the Reserves Act 1977 and are reviewed every ten years. The Tasman District Council Reserves General Policies document last had a major review in 2015. A list of Reserve Management Plans is available on the Council's website.

Revenue and Financing Policy

This Policy explains "who pays and why". It explains how Council activities are funded. Revenue sources include rates, fees, charges, subsidies and investments. The Policy is required under the Local Government Act 2002 and is reviewed every three years through the Long Term Plan process.

Treasury Risk Management Policy (including the Liability Management and Investment Policies)

The objective of this Policy is to implement financial management that will provide the best value to the people of the Tasman District. The Policy is required under the Local Government Act 2002 and is reviewed every three years through the Long Term Plan process.

Significance and Engagement Policy

The Council is required to define what level of 'significance' a decision it makes has. The Significance and Engagement Policy provides Council with criteria to determine the level of significance of a decision. The purpose of determining the level of significance is to help decide the nature and extent of the consultation, if any, the Council should undertake with its community prior to making a decision. The Policy is required under the Local Government Act 2002 and is reviewed every three years through the Long Term Plan process.

Development Contributions Policy

This Policy is a way for Council to set development contributions in a transparent and consistent manner and at a level that requires a fair share of the capital expenditure for infrastructure to be met by those who are creating the new demand for infrastructure in the district. The Policy was developed under the Local Government Act and is reviewed at least every three years through the Long Term Plan process.

Full details of all Council plans and policies can be found on Council's website.

16 Contacting Council

Contact details for Tasman District Council

Email: info@tasman.govt.nz

Website: www.tasman.govt.nz

Richmond Office:

189 Queen Street
Private Bag 4
Richmond 7050

Phone: 03 543 8400

Fax: 03 543 9524

Golden Bay Office:

78 Commercial Street
PO Box 74
Takaka 7142

Phone: 03 525 0020

Fax: 03 543 9524

Motueka Office:

7 Hickmott Place
PO Box 123
Motueka 7143

Phone: 03 528 2022

Fax: 03 528 9751

Murchison Office:

92 Fairfax Street
Murchison 7007

Phone: 03 523 1013

Fax: 03 523 1012

Contact details of Councillors and Community Board Members

Refer to Appendix 1 for contact details of elected members.

17 Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. Once such a request is made the Council must supply the information unless a good reason exists for withholding it.

LGOIMA states that information may be withheld if release of the information would:

- endanger the safety of a person
- prejudice maintenance of the law
- compromise the privacy of any person
- reveal confidential or commercially sensitive information
- cause offence to tikanga Maori or would disclose the location of waahi tapu
- prejudice public health or safety
- affect the effective conduct of public affairs through free and frank expression of opinion
- compromise legal professional privilege
- disadvantage the local authority while carrying out negotiations or commercial activities
- allow information to be used for improper gain or advantage

The Council must answer such requests within 20 working days.

In the first instance, you should address requests for official information to:

The Chief Executive
Tasman District Council
Private Bag 4
Richmond 7050

Will I Have to Pay for the Information?

The Council may charge for supplying official information under guidelines set down by the Ministry of Justice. The Local Government Official Information and Meetings Act 1987 states that:

- you should be told of the charge, or given an estimate, before the information is provided,
- that any charge will be related to the reasonable cost of the labour and materials involved in making the information available, and
- if you think the charge is unfair you can raise any issues with the Ombudsmen (see below)

Staff time will be charged out at a rate of \$38.00 per half hour after the first hour in responding to a request and in addition, copying charges apply. Details of copying charges can be found on the Council's website.

Can I Complain about a Decision?

You can complain to the Ombudsmen if:

- you are refused access to any information, and you disagree with the grounds on which it was refused
- the person handling your request does not reply to you within the time limit
- you are not happy with the length of an extended time limit
- you believe that you have been charged an unreasonable amount for the information
- you are not happy with the way the information has been made available or with any conditions placed on the use of the information.

Complaints about refusals to release official information should be directed to one of the Offices of the Ombudsmen. The main office is:

PO Box 10152
The Terrace
WELLINGTON 6143

www.ombudsmen.parliament.nz

Freephone: (0800) 802 602
Email: info@ombudsmen.parliament.nz
Fax: 04 471 2254

18 Appendix 1 - Elected Member Contact Details

Name	Address	Phone
Richard Kempthorne	Richard.Kempthorne@tasman.govt.nz	03 544 8082 027 223 4000
Sue Brown	Sue.Brown@tasman.govt.nz	03 524 8038 027 829 5146
Stuart Bryant	Stuart.Bryant@tasman.govt.nz	03 522 4357 027 274 3508
Peter Canton	Peter.Canton@tasman.govt.nz	03 528 4911 027 746 8311
Mark Greening	Mark.Greening@tasman.govt.nz	021 400 221
Paul Hawkes	Paul.Hawkes@tasman.govt.nz	03 528 7846 027 255 3329
Tim King	Tim.King@tasman.govt.nz	03 542 3849 027 244 8202
Kit Maling	Kit.Maling@tasman.govt.nz	03 544 0356 021 544 058
Dean McNamara	Dean.McNamara@tasman.govt.nz	03 541 8144 027 538 4384
David Ogilvie	David.Ogilvie@tasman.govt.nz	03 528 9883 027 431 4656
Paul Sangster	Paul.Sangster@tasman.govt.nz	03 525 9030 027 328 5791
Trevor Tuffnell	Trevor.Tuffnell@tasman.govt.nz	03 544 7334 027 544 7334
Anne Turley	Anne.Turley@tasman.govt.nz	03 542 4499 022 171 1341
Dana Wensley	Dana.Wensley@tasman.govt.nz	03 970 6929 021 073 9658

Motueka Community Board		
Richard Horrell	rchorrell@xtra.co.nz	03 528 9353 027 435 2656
Brent Maru	brentmaru@vodafone.co.nz	03 528 9128 027 285 7075
Claire Hutt	clairehutt23@gmail.com	03 528 9609 027 659 1563
Barry Dowler	dowler.horrell@gmail.com	03 528 7129 027 270 5036
Golden Bay Community Board		
Grant Knowles	tribulldrums@xtra.co.nz	03 525 7974 027 256 0566
Abbie Langford	abbie.langford22@gmail.com	03 525 9557 027 624 0680
David Gowland	dgowland@xtra.co.nz	03 525 8178 021 260 1610
Lynne Ensor	lynne.ensor66@gmail.com	03 525 9151 027 431 6833