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KAPITI COAST DISTRICT COUNCIL

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**Governance Statement January 2014**

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## **1 WHAT IS A LOCAL GOVERNANCE STATEMENT?**

### **What is the Purpose of the Local Governance Statement?**

A local governance statement is a collection of information about the processes through which the Council engages with its community, how the Council makes decisions, and how citizens can influence those processes.

### **What Information Does the Statement Contain?**

To meet the purpose, this Local Governance Statement includes the following broad categories of information or identifies for citizens where this information can be found: governance structures and processes, functions, responsibilities, and activities of the Kāpiti Coast District Council, electoral arrangements, the way Elected Members make decisions and relate to each other and to the management of the Kāpiti Coast District Council, key policies of the Kāpiti Coast District Council, including a consultation policy.

### **The Legal Requirement for Council to have a Local Governance Statement**

Section 40(1) of the Local Government Act 2002 (LGA 2002) states:

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

## 2. THE FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES OF THE KĀPITI COAST DISTRICT COUNCIL

Information about specific objectives and performance measures for each of the Council's functions and services listed below are stated in the Council's Long Term Plan<sup>1</sup>, adopted by Council on 28 June 2012.

### **Access and Transport**

#### ***Putanga me te Ikiiki***

- Operation and maintenance of the transport network;
- replacement of assets to ensure long-term sustainability;
- improvement of existing assets to maintain serviceability;
- creation of new assets to cater for demand and growth;
- planning and investigation in relation to transport activities;
- promotion of active travel modes and public transport;
- ensuring safety of road users;
- liaising with stakeholders;
- enforcement of traffic and transport by regulations, standards and bylaws; and
- providing safe Cycleways, Walkways and Bridleways (CWB) networks to improve walking, cycling and horse riding access and linkages throughout Kāpiti.

### **Building Control and Resource Consent**

#### ***Te Mana Whakatū Whare me te Whakaaetanga Rawa***

#### **Building Control**

There are two sets of statutory functions required under the Building Act 2004.

As a Building Consent Authority:

- accept and process building consent applications and issue building consents; and
- inspect building projects during construction and issue Code Compliance Certificates at completion.

As a Territorial Authority:

- undertake building Warrant of Fitness audits;
- answer public enquiries;
- investigate complaints;
- investigate reported illegal building work and dangerous and insanitary buildings;
- identify earthquake prone buildings;
- process applications for alterations to compliance schedules, Certificates of Public Use, and Certificate of Acceptance; and
- process Land Information and Project Information Memoranda.

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<sup>1</sup> Formerly known as the Long Term Council Community Plan.

## **Resource Consents and Compliance**

- receive and process applications for resource consents, land use, subdivision and Notice of Requirement applications;
- District Plan and Resource Management Act Monitoring (Resource Management Act 911);
- process various statutory certificates as defined within the Resource Management Act 1991;
- provide professional advice and information to customers; and
- process Land Information and Project Information Memoranda.

## **Coastal Management** ***Whakahaere Takutai***

- maintenance of Council (public) owned seawalls;
- beach protection projects such as dune reshaping and planting;
- beach patrols;
- signage; and
- monitoring

## **Community Facilities** ***Whakaurunga Hapori***

The facilities managed under this Activity include:

- community halls;
- libraries;
- public toilets;
- administration buildings;
- depots;
- housing for older persons;
- rental housing;
- leased buildings;
- cemeteries; and
- swimming pools.

## **Development Management** ***Whakahaere Whanaketangai***

- urban management strategies, such as the districtwide Development Management Strategy (completed 2006), and Local Community Outcome Statements resulting from front-end visioning and analysis in different communities (most communities completed 2005-2011). These documents inform formal District Plan processes such as the District Plan Review;
- maintenance and review of the District Plan including plan changes (public or private);
- sustainable design guidance for engineering and infrastructure development, such as Subdivision and Development Principles and Requirements, various design guides, and engineering input into subdivision consents;
- analysis and recommendations on policy approaches relating to climate change and other natural hazards;
- design and planning advice to external stakeholders (for example, developers and landowners) and to other Activity areas (for example, for Town Centre upgrades and significant infrastructure projects);
- design and construction of Town Centre upgrades;
- participation in development-related workstreams of the Wellington Regional Strategy;
- advocacy on urban planning and growth management issues (for example,

- submissions on central government Resource Management Act 1991 legislation and on regional plans and policies); and
- strategic land purchase.

### **Economic Development Projects**

#### ***Whakawhanake Umanga***

- Carries out projects which contribute to the implementation of Council's Strategy for Supporting Economic Development on the Kāpiti Coast;
- provides economic development advice and support and policy development;
- provides business support, retention and attraction services;
- delivers visitor information centres in Paraparaumu and Ōtaki;
- supports tourism product development and marketing;
- supports events development and facilitation; and

### **Environmental Protection**

#### ***Whakaāhuru Taiao***

- Environmental health and liquor licensing;
- noise control (Resource Management Act 1991);
- licensing and inspection of food premises (Food Act 1981, Food Safety Bylaw 2006);
- infectious diseases (Health Act 1956);
- insanitary buildings (Building Act 2004);
- abatement of nuisance and cleansing notices (Health Act 1956);
- hazardous substances investigation and enforcement in residences and on public land (Hazardous Substances and New Organisms Act 1996);
- liquor licensing and inspection (Sale and Supply of Alcohol Act 2012);
- monitoring of gambling venues and machines (Gambling Act 2003);
- compliance monitoring;
- inspection of swimming pools (Fencing of Swimming Pools Act 1987);
- trade waste licensing and inspection (Trade Waste Bylaw 2007);
- freedom camping (Freedom Camping Act 2011);
- fire permits (Fire Prevention Bylaw);
- Animal Control (Dog Control Act 1989);
- parking infringements and stationary vehicle offences (Land Transport Act 1988);
- emergency management and incident response (Hazardous Substances and New Organisms Act 1996);
- general bylaws investigation and enforcement (Kāpiti Coast District Bylaws including General Bylaw, Public Places Bylaw, Control of Alcohol in Public Places Bylaw, Beach Bylaw, Keeping of Animals, Bees and Poultry Bylaw, Traffic Bylaw, Water Supply Bylaw; and
- emergency management.

### **Governance and Tāngata Whenua**

#### ***Kāwanatanga me te Tāngata Whenua***

- Management of all Council and Committee processes both formal and informal;
- maintenance of a legally coherent and workable Governance Structure;
- delivery of statutory documents and processes under associated legislation, for example, Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 and the Local Electoral Act 2001;
- management of electoral processes including (as required under legislation): representation reviews, local body elections, and referenda;

- development and delivery of an elected member induction and professional development programme;
- elected member remuneration and expenses in accordance with Remuneration Authority determinations;
- continuous improvement in managing the democratic framework processes, including the uptake of new technology and opportunities such as e-voting;
- encouraging community awareness of and participation in decision-making processes through a civics education programme;
- administering community grants programmes and a range of civic events; and
- provision of legal and insurance administration.

## **Libraries, Arts and Museums**

### ***Ngā Wharepukapuka, Ngā Toi me ngā Whare Tāonga***

- Access to information for leisure, entertainment, research, education, career development across the District;
- support for history and heritage through local history communications (collections, photographs, destinations) and through relationships with genealogy groups and museums;
- arts activities including an annual Arts Trail;
- facilitating funding for local art projects through Creative Communities Scheme;
- promoting a local Festival of the Arts and Royal NZ Ballet performances;
- the major operational funding for the Mahara Gallery;
- the District Heritage Trail; and
- museums - Council contributes to funding the Ōtaki Museum and Kāpiti Museum and consider requests from other museums.

## **Parks and Open Space**

### ***Ngā Papa Rēhia me ngā Wāhi Maho Māhorahora***

- Parks - including destination parks and neighbourhood parks;
- reserves and monitored ecological sites including bush reserves and coastal esplanades;
- sports grounds;
- playgrounds;
- trees and amenity plantings; and
- built assets - pavilions, toilets, furniture, etc.

## **Solid Waste**

### ***Para Ūtonga***

- Provides effective and efficient waste management, as required by the Waste Minimisation Act 2008, including waste minimisation;
- provides licensing of waste collectors and operators in Kāpiti;
- provides compliance, monitoring and bylaw requirements;
- provides transfer stations in Otaihanga and Ōtaki, including recycling;
- provides a greenwaste and recycling centre in Waikanae;
- provides three recycling drop off stations in Otaihanga, Waikanae and Ōtaki;
- participates in regional and national knowledge sharing;
- initiates, develops and stimulates waste minimisation activities by Councils contractors;
- works with Greater Wellington Regional Council to ensure the landfill aftercare meets current and future environmental requirements; and
- provides hands on action with regard to waste minimisation and education via Greenest Street competition, Sustainable Home and Garden Show and other waste minimisation projects initiated by schools and households.

## **Stormwater Management**

### ***Whakahaere Wai Āwhā***

- Safely and efficiently collecting, transporting, treating and disposing of stormwater runoff in urban areas. This includes managing streams, watercourses and a physical stormwater pipe network; and
- requires all developments to be hydraulically neutral to ensure that peak flows do not increase downstream and that ponding levels are not increased upstream.

## **Supporting Environmental Sustainability**

### ***Te Tautoko turuki Taiao***

- Providing biodiversity advice and support, and policy development;
- Advice and policy development on water use and conservation;
- coordinating the annual Sustainable Home and Garden Show
- implementing energy efficiency projects and policy development;
- implementing waste minimisation initiatives;
- providing sustainable building advice through the Eco-Design Advisor;
- supporting environmental education through Enviroschools programme; and
- funding community sustainability support programmes such as waste minimisation, the Green Gardener, the Water Conservation Advisor, Sustainable Neighbourhoods Coordinator, Energise Ōtaki and the Greenest Streets Competition.

## **Supporting Social Wellbeing**

### ***Te Tautoko Oranga ā-Iwi***

- Advocacy on community issues;
- policy development and advice to Council on social issues and social wellbeing;
- support to the community to have the capacity to meet needs and facilitate social change and community action;
- information and advice, assistance with planning and project management, and working with community groups and networks;
- limited funding to assist social service groups;
- resources to work with government agencies and community organisations to ensure the District has the resources and services it needs to support social wellbeing; and
- facilitation of community input into Council decision-making by supporting partner groups - the Kāpiti Coast Youth Council, the Kapiti Coast Older Persons' Council and the Kapiti Accessibility Advisory Group (previously called the Disability Reference Group).

## **Wastewater Management**

### ***Whakahaere Wai Para***

- Provision and management of three wastewater schemes at Waikanae, Paraparaumu/Raumati, and Ōtaki.

## **Water Management**

### ***Whakahaere Wai***

- Provision and management of four water supply schemes at Waikanae / Paraparaumu/Raumati, Paekākāriki, Te Horo/Hautere and Ōtaki. These schemes contain a mix of assets including: water intake structures, ground water bores, water treatment plants, pump stations, bulk water supply mains, water distribution mains, water services and water network nodes.

### **3. LEGISLATION**

In 2012 the Local Government Act 2002 was amended. The amendments included changes to clause 10, the purpose of local government:

#### **10 Purpose of local government**

- 1 *(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.*
- 2 *In this Act, good-quality...means infrastructure, services and performance that are-  
(a) efficient; and  
(b) effective; and  
(c) appropriate to present and anticipated future circumstances.*

Other changes provided Council with the ability to adopt a remuneration and employment policy, and the mayor with additional powers of appointment (of the deputy mayor, committees and chairs of committees) as well as the power to lead the development of the local authority's plans – including the Long Term Plan, Annual Plan, policies and budgets.

In addition to the legislation that applies to all local authorities, the Kāpiti Coast District Council is also bound by three pieces of local legislation that apply specifically to it: the Local Legislation Act 1978, the Local Legislation Act 1981 and the Kapiti Borough Council (Rates and Charges Validation and Empowering) Act 1989.

### **4. THE ELECTORAL SYSTEM AND THE OPPORTUNITY TO CHANGE IT**

#### **The Electoral System**

Kāpiti Coast District Council resolved in August 2002 to change its voting system to the Single Transferable Vote (STV) system for the 2004 elections. This is the system that was also used for the 2007 and 2010 local body elections. In 2011 Council voted for STV as the preferred system for the 2013 local body elections.

Using this system, electors rank candidates in order of preference. Successful candidates must receive a quota (share of votes) of the votes cast. When there are enough candidates with a quota to fill all the seats, they are the winners. The quota needed for a candidate to be elected is determined by the number of seats and the numbers of votes cast are achieved by redistributing votes. In the first round of counting the candidates with the highest and lowest number of votes are identified. The lowest-polling candidates are then excluded.

#### **The Opportunity to Change the Council's Voting System**

Under the Local Electoral Act 2001, there are three ways in which the Council's voting system can be changed. The Council can resolve to change the system to be used for the next two elections, the Council can conduct a binding poll or electors can demand a binding poll (in which case, five per cent or more of the registered electors need to sign a petition demanding that a poll be held). Once changed, an electoral system must be used for at least the next two triennial (three yearly) Council elections.



## **5. REPRESENTATION ARRANGEMENTS**

The Kāpiti Coast District Council consists of a Mayor, who is Chairperson of the Council, and ten Councillors.

### **Wards**

The Kāpiti Coast District is divided into four wards for electoral purposes. Five of the ten Councillors represent the entire District and five of them represent these four wards:

- Ōtaki, Waikanae, Paekākāriki-Raumati Wards - one Councillor in each;
- two Councillors in the Paraparaumu Ward.

### **Community Boards**

The Kāpiti Coast District has four Community Boards. The composition of each is as follows:

- Ōtaki Community Board – Four members elected by the community plus the Ōtaki Ward Councillor appointed by Council
- Paraparaumu/Raumati Community Board – Four members elected by the community plus the two Paraparaumu Ward Councillors appointed by Council
- Paekākāriki Community Board – Four members elected by the community plus the Paekākāriki-Raumati Ward Councillor appointed by Council
- Waikanae Community Board – Four members elected by the community plus the Waikanae Ward Councillor appointed by Council

### **Māori Wards**

The Local Electoral Act 2001 gives the Council the ability to establish separate wards for Māori electors. The decision to create a separate Māori ward may be made by:

- a resolution of the Council;
- a Council initiating a poll on the matter;

Or

- The community may demand a poll. A petition of five percent (or more) of electors can require the Council to conduct a poll.

After considering the views of Te Whakaminenga o Kapiti, Council resolved in November 2008 to maintain the status quo. This is still the position in 2012 but Council is open to discussing the establishment of a Māori Ward leading up to the 2016 local body elections. If Council agrees to establish a Māori ward this would trigger a representation review. However, in any event, Council will be required to review its representation arrangements, commencing this process in 2015 (see below). Council has approved the appointment of a Māori representative on each of its major Standing Committees (the Environment and Community Development Committee, the Corporate Business Committee, and the Regulatory Management Committee). This decision was made in accordance with Clause 31, Schedule 7 of the Local Government Act 2002 which allows Council to appoint non-elected members to a committee if the person has the skills, attributes or knowledge to assist the work of the Committee.

### **Review of Representation Arrangements**

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

- The number of Elected Members (between six and 30 including the Mayor);
- Whether the Elected Members (other than the Mayor) shall be elected by the entire District, or continue to be elected by their Ward (or a mix of both systems)

- The boundaries and names of those wards and the number of members that will represent each ward (if election by wards is preferred);
- Whether or not to have separate Māori wards.
- Whether to have Community Boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

In 2009 the Kāpiti Coast District Council began a Review of Representation following the procedure set out in the Local Electoral Act 2001 and the guidelines published by the Local Government Commission. The final decision on representation in the Kapiti Coast District was made by the Local Government Commission in April 2010 and resulted in the structure in place currently i.e. one Mayor, ten councillors (five of whom are district-wide and the remaining five representing each of the four wards), with four community boards. (The full determination is available on the Council website.) This is the representation structure which applied for the 2010 local body elections, and it applied to the 2013 elections. Unless it resolves to establish a Māori Ward, the Council would not be required to review its representation arrangements again until 2016.

## **6. MEMBERS' ROLES AND CONDUCT**

### **Role of Elected Members**

The Mayor and the Councillors of the Kāpiti Coast District Council have the following roles:

- setting the policy direction of Council
- monitoring the performance of the Council
- representing the interests of the District (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the District)
- employing 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 the 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 the Council's Standing Orders).
- Advocate 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 Elected Members on teamwork and chairing committees.

### **Role of the Deputy Mayor**

The Deputy Mayor is elected by the members of the Council at the first meeting of the 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 the Council.

### **Role of the Committee Chairperson**

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

### **Elected Members legislation regarding conduct**

Elected members have specific obligations as to their conduct 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 (clause 36) and to abide by the current code of conduct (clause 15) and standing orders (clause 16);
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of Elected Members in situations where there is, or could be, a pecuniary interest (either direct or indirect);
- The Secret Commissions Act 1910 which prohibits Elected Members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way;
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit;
- The Securities Act 1978 requires any entity raising funds from the public (including local authorities) to prepare, register and distribute a prospectus and an accompanying investment statement.
- The Public Audit Act 2001 provides for the audit of public sector organisations and public entities (which includes local authorities) by the Controller and Auditor-General and the Deputy Controller and Auditor-General;
- The Health and Safety in Employment Act 1992 (under review in 2013) which imposes duties on the Council as an employer in respect of Councillors' behaviour towards staff.

### **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 (S7 15(i)). Once it is adopted such a code may only be amended by a 75 per cent or more vote of the Council. Council voted to update its Code of Conduct on 12 December 2013 and the Code is available on the Council website or by contacting the Democratic Services Team.

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.

## **7. GOVERNANCE STRUCTURES AND PROCESSES, MEMBERSHIP AND DELEGATIONS**

The Council comprises a Mayor and 10 elected Councillors from the four Wards of the Kāpiti Coast District. They are:

### **Mayor of Kāpiti Coast District:**

Ross Church

### **Councillors:**

#### Ōtaki Ward

Penny Gaylor

#### Waikanae Ward

Tony Lloyd

#### Paraparaumu Ward

Murray Bell, K Gurunathan

#### Paekākāriki-Raumati Ward

Janet Holborow

#### Districtwide

Mike Cardiff (Deputy Mayor), Diane Ammundsen, Jackie Elliott, Gavin Welsh and David Scott

To assist the Council discharge its duties it has five Standing Committees three of which meet every six weeks, with each committee having its own terms of reference and certain powers delegated to it by the Council. These five Committees are:

Environment and Community Development Committee  
Regulatory Management Committee  
Corporate Business Committee  
Appeals Hearing Committee (which meets as required)  
Chief Executive Employment and Performance Committee

In 2012 the new Sale and Supply of Alcohol Act required local authorities to establish District Licensing Committees (DLCs) and Council approved its DLC in November 2013, appointing Cr Diane Ammundsen as Chair and Cr Murray Bell as Deputy Chair together with an approved group of list members from the community.

A new set of delegations – expressed as a partnership framework - was adopted by Council in November 2013 for the new post-election Committee Structure (the document is available on the Council website – 7 November 2013 version). The framework recognises the provisions of Section 32 of the Local Government Act 2002 and reflects the following principles of delegation:

- Delegated authorities should focus on specific work streams or in respect of Community boards on local matters
- Local decisions are best made closest to local people and by local people in response to local needs
- Wherever possible committees of Council should refer matters of local significance to the respective Community Board(s)
- Community boards should exercise the delegations to the fullest extent

Unless otherwise delegated, Committees and Community Boards in exercising their delegated authorities must operate within the constraints imposed by the Council's Long Term Plan/Annual Plan, and any existing Council policy.

## 8. MEETING PROCESSES

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

All Council and Committee meetings are open to the public unless there is reason to exclude the public. The LGOIMA contains a list of the circumstances where Councils 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).

Meeting agendas are public documents (although parts may be withheld if the above circumstances apply), and will be made available to the public two days before each meeting. Hard copies are available to peruse at District Libraries or in Service Centres, and are also available on the Council website.

The Mayor or Committee Chair 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 the Council who does not comply with Standing Orders (a set of procedures for conducting meetings). The Council adopted on 7 November 2013 the NZS 9202:2003 A1 "Model Standing Orders for Meetings of Local Authorities and Community Boards". This version contained a number of amendments in the wake of changes to the Local Government Act 2002 and included clauses relating to the new mayoral powers as well as other minor amendments. In addition Council confirmed a number of additional clauses:

- (a) A period will be provided after the start of each meeting for Public Speaking Time to allow for oral submissions generally relating to agenda items, although other matters may be raised with the leave of the Chairperson. The period of time for each speaker shall be three minutes but it may be extended to five minutes at the discretion of the Chairperson recognising that Public Speaking Time is not a period for general debate.
- (b) Any written material associated with oral submissions shall be given to the Democratic Services Advisor prior to the start of the meetings, which may be distributed to elected members for their information at the Chairperson's discretion. Any written material accompanying an oral submission will not be appended to the minutes but briefly noted in the minutes.
- (c) The Chairperson will indicate, during the item in the agenda on Chairperson's/Members' Business, how oral submissions raised during Public Speaking Time will be dealt with, unless the meeting resolves otherwise.
- (d) In making oral submissions, members of the public shall not be disrespectful, not use offensive or malicious language nor make statements with malice.
- (e) The Mayor or Chairperson or any other person presiding at the meeting has a deliberative vote and in the case of an equality of votes, does have a casting vote.

In March 2011 Council had adopted a further clause (f):

Any decision relating to:

- (i) the divestment of ownership of water assets under Sections 130, 131 and 137 of the Local Government Act 2002 or in any other

- situation;
- (ii) transfer of water assets and services to a local government organisation under Section 130 of the Local Government Act 2002 or in any other situation;
- (iii) contracting out for the management or operation of the water supply system as a whole, either to a private interest or a local government organisation under Section 136 of the Local Government Act 2002 or in any other situation. (Note: this provision does not apply to contracts for maintenance, renewal and upgrade works, or for professional services, design and contract management);
- (iv) establishment of a joint arrangement or a joint local government arrangement under Section 137 of the Local Government Act 2002 or in any other situation;
- (v) transfer of control of funding policy, pricing and charging responsibilities in relation to water to any other local government organisation or private interest;
- (vi) any departure from a not-for-profit charging regime for Council's water supply system:

will require a 75% majority of members present and voting. All decisions under (i) – (vi) will require a referendum to have taken place to provide input into a decision **before** that decision is made.

Minutes of meetings must be kept and made publicly available, subject to the provisions of the Local Government Official Information and Meetings Act 1987. The Council, its Standing Committees and Community Boards generally meet every six weeks. At least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings can generally be called with three working days notice. Council meetings normally commence at 10.00 am if a briefing has been scheduled prior to that and Committee meetings start at 9am. The meetings are advertised in the local news media and via the Council website: [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz).

During meetings of the Council, Committees or Community Boards, all Council participants must follow Standing Orders unless Standing Orders are suspended by a vote of 75 per cent (or more) of the members present.

## **9. CONSULTATION POLICY**

The Kāpiti Coast District Council Consultation Policy was presented to the Council on 18 December 2003.

The purpose of this policy is to ensure a consistent approach to consultation across Kāpiti Coast District Council ("Council") and compliance with the consultation requirements of the Local Government Act 2002 ("LGA 2002"). This policy does not cover the submission process that may be required under the Resource Management Act 1991.

A copy of the Consultation Policy is available from the Council's website [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz).

## **10. POLICIES FOR LIAISING WITH, AND MEMORANDA OR AGREEMENTS WITH MĀORI**

On 9 February 1994 the Kāpiti Coast District Council entered into a Memorandum of Partnership with Ati Āwa ki Whakarongotai Inc, Te Rūnanga o Raukawa Inc and Te Rūnanga o Toa Rangitira Inc. Since then the Memorandum of Partnership has been

reviewed and re-signed in March 2008 and June 2012. (Copies are available from the Democratic Services Team or the Iwi Liaison Officer.)

In observing the functions and duties as prescribed in legislation the Council will uphold the following principles:

1. To actively promote the sustainable management of the District's natural and physical resources and those taonga of significance to the Tāngata Whenua, in a way that recognises the cultural and spiritual relationship of the Tāngata Whenua with the natural world.
2. To develop an effective partnership with the Tāngata Whenua in the management of the District's natural and physical resources by the exercise of the utmost good faith, co-operation, flexibility and responsiveness in their dealings with each other.
3. To promote active participation of the Tāngata Whenua in the preparation implementation and review of resource management policies and plans.
4. To have particular regard to the rights of the Tāngata Whenua in the management and development of resources by recognising and providing for kaitiakitanga.
5. To recognise the Rangatiratanga right of the Tāngata Whenua as guaranteed in Article II of the Treaty of Waitangi, to retain responsibility and control of the management and allocation of their resources.

In September 2010 Council also signed a Memorandum of Understanding with Te Āti Awa ki Whakarongotai confirming a commitment by the Council and iwi to work in partnership on water and management of water for the district.

## **Consultation**

### **Policy/Tikanga**

The Tāngata Whenua of this District are independent tribes which each maintain their own mana and tikanga. For any issue requiring consultation the parties will agree whether the consultation should take place collectively or separately. The Council will ensure they will communicate with hapū constituents on all relevant matters. When Council works on specific issues with a particular rohe it will work with both rūnanga and hapū within those areas.

### **Principles of Consultation**

On issues requiring consultation Council will:

- (i) Provide sufficient information to the Tāngata Whenua so that they can make informed decisions.
- (ii) Provide reasonable time for both the participation of the Tāngata Whenua and the consideration of the advice given.
- (iii) Give genuine consideration of that advice, including a willingness to change if that is the result of the consultation.

To encourage sharing at a formal level, both the Tāngata Whenua and the Council are committed to meeting on a regular basis (usually six weekly), to discuss issues of mutual importance, indicate areas of concern and revise procedures as necessary. There is provision for additional meetings to be held at the request of either the Tāngata Whenua or the Council.

The Council and Tāngata Whenua acknowledge there is the potential for Mātā Waka groups to emerge within the Kapiti Coast. (Mātā Waka refer to tribal members that live

outside their traditional rohe or area.) Tāngata Whenua extends invitations to Mātā Waka to attend meetings with Te Whakaminenga o Kapiti to discuss matters of concern to all Māori within the District.

## **11. THE MANAGEMENT STRUCTURE AND THE RELATIONSHIP BETWEEN MANAGEMENT AND ELECTED MEMBERS**

### **Division of Responsibility between the Council and Management:**

A key to the efficient running of any Council is that there is a clear division between the role of Elected Members and that of management. The Local Government Act 2002 sets out a series of governance policies that support the principles of local government. This Local Governance Statement clarifies the governance and the management responsibilities, the governance role and expected conduct of Elected Members, describes the effective, open and transparent processes used by the Council, ensures separation of regulatory and non-regulatory responsibilities and explains the good employer requirements. A management structure diagram is at the end of this document and on the Council website.

Local Governance Statements provide the community with information on the decision-making processes the Council follows and how the community can influence these processes. While many of the Council's functions have been delegated, the overall responsibility for ensuring effective systems of internal control are set up and followed ultimately rests with the Council. Internal control includes the policies, systems and procedures established to provide measurable assurance that specific objectives will be achieved.

## **12. EQUAL EMPLOYMENT OPPORTUNITIES POLICY**

The following Equal Opportunities Policy was adopted on 30 September 2004 and updated in April 2009. The policy currently states:

- The Kāpiti Coast District Council is committed to implementing equal employment opportunities (EEO). In accordance with the Local Government Act 2002 Section 40 (1) (k) the organisations EEO Policy is included in the Kāpiti Coast District Council Governance Statement.
- The Kāpiti Coast District Council values diversity amongst staff and encourages the fullest use of staff talents and strengths. It will work towards the achievement of a workplace environment which provides opportunities for employment needs and staff aspirations to be identified and addressed accordingly.

Throughout Council, Elected Members and staff will continue to work towards:

- identifying and eliminating discriminatory practices within our organisation;
- identifying and adopting policies and procedures which enhance EEO in the workplace;
- providing support for employees through EEO networks which will assist managers to identify and eliminate policies and practices that work against equality in the workplace;
- providing equal opportunities in all aspects of employment including recruitment, selection, training and career development.

No employee or applicant shall gain any advantage or suffer any disadvantage by reason of their race, colour, ethnic or national origin, marital, family or employment status,



disability, religious, or ethical beliefs or political opinions or by reason of their age, sex or sexual orientation as stated in Part II of the Human Rights Act 1993.

Discrimination and/or harassment will not be tolerated within our organisation, either by employees, volunteers, customers, or contractors/service providers.

This policy shall apply to all applicants for vacancies, volunteers, contractors/service providers, and all employees of Kāpiti Coast District Council.

### **13. KEY APPROVED PLANNING AND POLICY DOCUMENTS AND THE PROCESS FOR THEIR DEVELOPMENT AND REVIEW**

#### **Long Term Plan (LTP)**

The Local Government Act 2002 requires the Council to develop a Long Term Plan (LTP) (formerly known as the Long Term Council Community Plan) in consultation with the community. This LTP is required to cover a minimum of ten years from the date of its publication. In terms of financial information the LTP will include the implications and consequences of decisions including levels of debt and risk in a way that illustrates the implications for the community for the following twenty years. The LTP will be reviewed and updated every three years following a further consultation process. In the first year of an LTP, the financial and service level information in the LTP, is by law, the Annual Plan. In the following two years, the Council will publish an Annual Plan. Each Annual Plan will describe the work programme to deliver that year's part of the LTP. No significant changes can be made through just the Annual Plan process, unless there is an amendment to the LTP. Any amendment and the Annual Plan can be consulted on and adopted concurrently.

The Council adopted its first LTCCP on 30 June 2004; the current LTP is the 2012 version (adopted on 28 June 2012), available on the Council website or at Service Centres.<sup>2</sup>

#### **Revenue and Financing Policy**

The policy sets out how the Council will fund its activities. This policy will be reviewed as part of the Long Term Plan processes in accordance with the Local Government Act 2002.

#### **Significance Policy**

The Council adopted its significance policy on 24 June 2003. This policy outlines the general approach of the Council to determine the significance of issues, proposals, decisions, and other matters, and includes thresholds, criteria and procedures that the Council will use in assessing which issues, proposals, decisions and other matters are deemed to be significant. It also provides a list of Council-owned assets which the Council considers to be strategic assets.

#### **Treasury Management Policy**

The purpose of this policy is to outline approved policies and procedures in respect of all treasury activities to be undertaken by the Council.

#### **Development Contributions Policy**

The Local Government Act 2002 allows Councils to consider the use of Development Contributions for the costs of community facilities expected as the District grows. The Council's Development Contributions Policy was adopted by the then Finance and Audit Committee on 15 June 2006 and reviewed by Council in the LTP in 2009.

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<sup>2</sup> LTP is the new term for the LTCCP introduced, amongst other changes, by the Local Government Act 2002 Amendment Act 2010 and the LTP 2012 has taken into account the changes required by the new legislation.

## The District Plan

The purpose of the District Plan is to assist the Council to carry out its functions in order to achieve the purposes of the Resource Management Act. The District Plan is the principal means by which the Council seeks to ensure the sustainable management of the natural and physical resources of the district. The District Plan is reviewed every ten years and this review began in 2009. The Proposed District Plan was notified in November 2012.

## Kāpiti Coast District Council Bylaws

Under Part 8 of the Local Government Act 2002 Councils are empowered to create and apply bylaws in their areas. A local authority must review its bylaws no later than 5 years after the date on which the bylaw was made, and then no later than 10 years after it was last reviewed. In 2013 Council commenced a review of its bylaws.

<b>General Bylaw 2010</b>	<p>This bylaw contains the generic administrative provisions common to all Council bylaws (unless specifically stated otherwise in those bylaws), and covers topics such as licenses, fees, dispensations, breaches, penalties and offences.</p> <p>Adopted by Council on 28 January 2010 and came into force on 1 February 2010.</p>
<b>Control of Alcohol in Public Places 2013</b>	<p>This bylaw replaces the Public Places Liquor Control Bylaw (which came into force on 1 May 2007). This bylaw seeks to enhance the safety of the public and allow their responsible enjoyment of public places in the District. This will be achieved by providing alcohol free zones in public places to reduce the incidence of alcohol-related harm.</p>
<b>Trade Waste Bylaw 2007</b>	<p>The bylaw regulates the discharge of Trade Waste to a Sewerage System operated by the Council. Adopted by Council on 14 November 2007 and came into force on 1 January 2008.</p>
<b>Dog Control Bylaw 2008</b>	<p>The purpose of this bylaw is to promote better care and control of dogs on the Kapiti Coast by supporting the objectives of the Kāpiti Coast District Council Dog Control Policy and complying with national dog control legislation, in particular Section 20 of the Dog Control Act 1996 and the Impounding Act 1955.</p> <p>Adopted by Council on 1 December 2008 and came into force on 22 December 2008. It was amended on 9 July 2009.</p>
<b>Beach Bylaw 2009</b>	<p>The purpose of this bylaw is to manage human activities on the beach and protect the beach environment in accordance with the overarching objective defined in the Kāpiti Coast District Council Coastal Strategy 2006.</p> <p>Adopted by Council on 28 May 2009 and came into force on 1 September 2009.</p>
<b>Cemetery Bylaw 2010</b>	<p>The purpose of this bylaw is to enable the Council to control and set standards for the operation of cemeteries within the Kapiti Coast District under the Council's ownership or control.</p> <p>Adopted by Council on 28 January 2010 and came into force on 1</p>

	February 2010.
<b>Solid Waste Bylaw 2010</b>	<p>The aims of the Solid Waste Bylaw are to monitor and regulate the collections, transportation, disposal and management of waste and to encourage the reduction of waste (both in the generation and disposal of waste). Specific requirements are placed on occupiers and collections and there is a system of licensing for operators. The bylaw also provides for the promotion of Council's waste minimization and waste reduction objectives and assists in the implementation of Council's Waste Management Plan and the New Zealand Waste Strategy.</p> <p>Adopted by Council on 22 April 2010 and came into force on 1 July 2010.</p>
<b>Public Places Bylaw 2010</b>	<p>This bylaw seeks to maintain standards of public health and safety, protect the public from nuisance, minimize the potential for offensive behaviour and manage various types of land under the control of the Kāpiti Coast District Council.</p> <p>Adopted by Council on 10 June 2010 and came into force on 1 July 2010.</p>
<b>Keeping of Animals, Poultry and Bees Bylaw 2010</b>	<p>The bylaw manages the keeping of animals, bees and poultry throughout the Kapiti Coast District to ensure they do not create nuisance or become a threat to public health and safety.</p> <p>Adopted by Council on 3 June 2010 and came into force on 1 July 2010.</p>
<b>Traffic Bylaw 2010</b>	<p>This bylaw sets the requirements for parking and control of vehicular or other traffic on any road, public car park, reserve or any other public place owned or controlled by the Kapiti District Council.</p> <p>Adopted by Council on 24 June 2010 and came into force on 1 July 2010.</p>
<b>Water Supply Bylaw 2013</b>	<p>The purpose of this bylaw is to help ensure safe and sufficient potable water supplies are delivered throughout the Kapiti Coast District.</p> <p>The bylaw was adopted by Council on 29 August 2013 and came into force on the same day.</p>
<b>Food Safety Bylaw 2006</b>	<p>The objective of this bylaw is to ensure that all establishments preparing food for sale have on the staff, persons who are adequately trained in food hygiene. The Bylaw.</p> <p>This bylaw was adopted by Council on 1 February 2006 and came into force on 1 July 2007.</p>
<b>Fire Prevention Bylaw 2010</b>	<p>This bylaw manages the lighting of fires in the open air throughout the Kapiti Coast District to ensure this activity does not create a nuisance or become a threat to public health and safety.</p> <p>Adopted by Council on 30 September 2010 and came into force on 1</p>

	October 2010.
<b>Speed Limits Bylaw 2005</b>	<p>This bylaw allows the Council to set speed limits by resolutions, on all roads under its ownership or control and in certain designated locations specified in the bylaw.</p> <p>Adopted by Council on 3 June 2005 and came into force on 1 July 2005.</p>

## ACCESS TO COUNCIL SERVICES AND ELECTED MEMBERS

<b>Customer Services Office</b>	<u>Physical Address</u>	<u>Postal Address</u>
	175 Rimu Road Paraparaumu 5254	Private Bag 60-601 Paraparaumu 5254
<b>All enquiries</b>	Phone (Toll Free)	(04) 296 4700 0800 486 486
	Fax	(04) 296 4830
	Email	<a href="mailto:kapiti.council@kapiticoast.govt.nz">kapiti.council@kapiticoast.govt.nz</a>
	Website	<a href="http://www.kapiticoast.govt.nz">www.kapiticoast.govt.nz</a>
<b>Waikanae Service Centre</b> Mahara Place Waikanae	Phone Fax	(04) 296 4761 (04) 293 4820
<b>Ōtaki Service Centre</b> 81-83 Main Street Ōtaki	Phone Fax	(06) 364 9317 (06) 364 9303
<b>Public Libraries</b>	9 Iver Trask Place, Paraparaumu 5032 Mahara Place, Waikanae 5036 Main Street, Ōtaki 5512 14 Wellington Road, Paekākāriki 5034	(04) 296 4700 (04) 296 4700 (04) 296 4700 (04) 296 4700
<b>Visitor Information Centres</b>	Paraparaumu Waikanae Ōtaki	(04) 298 8195 (04) 904 5768 (06) 364 7620
<b>Swimming Pools</b>	Coastlands Aquatic Centre Waikanae Ōtaki	(04) 296 4746 (04) 296 4789 (06) 364 5542
<b>Emergencies</b>	0800 486 486 or (04) 296 4700	
<b>Airport Noise Complaints</b>	(04) 918 3434	

**ELECTED MEMBERS CONTACT DETAILS  
2013-2016**

<b>Elected Member</b>	<b>Address</b>	<b>Phone</b>	<b>Email Address</b>
Ross Church <i>Mayor</i>	386 Kapiti Road Paraparaumu	027 205 3600	<a href="mailto:Ross.church@kapiticoast.govt.nz">Ross.church@kapiticoast.govt.nz</a>
Mike Cardiff <i>Deputy Mayor</i>	16 Kereru Street Waikanae	293 4374 021 441 243	<a href="mailto:Mike.cardiff@kapiti.govt.nz">Mike.cardiff@kapiti.govt.nz</a>
Diane Ammundsen <i>Districtwide Councillor</i>	23 Percival Road Paraparaumu Beach	902 4736 027 241 7789	<a href="mailto:Diane.ammundsen@kapiti.govt.nz">Diane.ammundsen@kapiti.govt.nz</a>
Murray Bell <i>Ward Councillor - Paraparaumu</i>	5 Stoneleigh Grove Paraparaumu	298 8255 027 490 5269	<a href="mailto:Murray.bell@kapiti.govt.nz">Murray.bell@kapiti.govt.nz</a>
Jackie Elliott <i>Districtwide Councillor</i>	1 Kitchener Street RD 1, Otaki 5581	(06) 364 2091 021 045 2762	<a href="mailto:Jackie.elliott@kapiti.govt.nz">Jackie.elliott@kapiti.govt.nz</a>
Penny Gaylor <i>Ward Councillor - Ōtaki</i>	145 Waitohu Valley Road Otaki	(06) 364 7534 027 664 8869	<a href="mailto:Penny.gaylor@kapiti.govt.nz">Penny.gaylor@kapiti.govt.nz</a>
K. (Guru) Gurnathan <i>Ward Councillor - Paraparaumu</i>	3 Winton Street Paraparaumu	902 3921 021 0231 3905	<a href="mailto:k.gurnathan@kapiti.govt.nz">k.gurnathan@kapiti.govt.nz</a>
Janet Holborow <i>Ward Councillor – Paekākāriki-Raumati</i>	4 Ames Street Paekakariki	905 7368 027 2961 628	<a href="mailto:janet.holborow@kapiti.govt.nz">janet.holborow@kapiti.govt.nz</a>
Tony Lloyd <i>Ward Councillor - Waikanae</i>	45 Rimu Street Waikanae	904 2966 021 177 6332	<a href="mailto:Tony.lloyd@kapiti.govt.nz">Tony.lloyd@kapiti.govt.nz</a>
David Scott <i>Districtwide Councillor</i>	7/381 Kapiti Road Paraparaumu Beach	297 2994 021 145 2122	<a href="mailto:David.scott@kapiti.govt.nz">David.scott@kapiti.govt.nz</a>
Gavin Welsh <i>Districtwide Councillor</i>	62 Makora Road Otaihanga 5036	905 2667 021 772 165	<a href="mailto:Gavin.welsh@kapiti.govt.nz">Gavin.welsh@kapiti.govt.nz</a>

## ŌTAKI COMMUNITY BOARD

Elected Member	Address	Phone	Email Address
James Cootes <i>Chair</i>	3 Sylvia Way Te Horo Beach	(06) 364 3234 027 457 2346	<a href="mailto:James.cootes@kapiti.govt.nz">James.cootes@kapiti.govt.nz</a>
Rob Kofoed <i>Deputy Chair</i>	196 Rahui Road RD 3 Otaki	(06) 364 6154 027 536 4614	<a href="mailto:Rob.kofoed@kapiti.govt.nz">Rob.kofoed@kapiti.govt.nz</a>
Christine Papps	605 Otaki Gorge Road RD 2 Otaki 5582	(06) 364 2004 027 201 6435	<a href="mailto:Christine.papps@kapiti.govt.nz">Christine.papps@kapiti.govt.nz</a>
Colin Pearce	75 Freemans Road Otaki	(06) 364 6488	<a href="mailto:Colin.pearce@kapiti.govt.nz">Colin.pearce@kapiti.govt.nz</a>

**The Councillor appointed back to the Board is Cr Penny Gaylor**

## WAIKANAĒ COMMUNITY BOARD

Elected Member	Address	Phone	Email Address
Michael Scott <i>Chair</i>	14 Walton Avenue Waikanae	293 5105 027 448 4110	<a href="mailto:Michael.scott@kapiti.govt.nz">Michael.scott@kapiti.govt.nz</a>
Eric Gregory <i>Deputy Chair</i>	6A Rimu Street Waikanae	904 7271 021 759 950	<a href="mailto:Eric.gregory@kapiti.govt.nz">Eric.gregory@kapiti.govt.nz</a>
Jocelyn Prvanov	114 Rutherford Drive Waikanae	293 2677 021 111 0825	<a href="mailto:Jocelyn.prvanov@kapiti.govt.nz">Jocelyn.prvanov@kapiti.govt.nz</a>
James Westbury	11 Leanne Way Waikanae	902 9100 0221 34 1787	<a href="mailto:James.westbury@kapiti.govt.nz">James.westbury@kapiti.govt.nz</a>

**The Councillor appointed back to the Board is Cr Tony Lloyd**

## PARAPARAUMU-RAUMATI COMMUNITY BOARD

Elected Member	Address	Phone	Email Address
Fiona Vining <i>Chair</i>	331 Maungakotukutuku Rd Paraparaumu	904 8520 021 252 3670	<a href="mailto:Fiona.vining@kapiti.govt.nz">Fiona.vining@kapiti.govt.nz</a>
Jonny Best <i>Deputy Chair</i>	86 Kiwi Road Raumati Beach	902 2076 027 480 0201	<a href="mailto:Jonny.best@kapiti.govt.nz">Jonny.best@kapiti.govt.nz</a>
Deborah Morris- Travers	126 Ruapehu St Paraparaumu 5032	296 1956 027 454 4299	<a href="mailto:Deborah.morris-travers@kapiti.govt.nz">Deborah.morris-travers@kapiti.govt.nz</a>
Kathy Spiers	212 Main Road South Raumati	299 3438 027 2618 200	<a href="mailto:Kathy.spiers@kapiti.govt.nz">Kathy.spiers@kapiti.govt.nz</a>

The Councillors appointed back to the Board are Cr Gurunathan and Cr Murray Bell

## PAEKĀKĀRIKI COMMUNITY BOARD

Elected Member	Address	Phone	Email Address
Jack McDonald <i>Chair</i>	12 Mutu Road Paekakariki	905 8607 027 759 1680	<a href="mailto:Jack.mcdonald@kapiti.govt.nz">Jack.mcdonald@kapiti.govt.nz</a>
Steve Eckett <i>Deputy Chair</i>	108 Wellington Road Paekakariki	292 8505 027 485 2916	<a href="mailto:Steve.eckett@kapiti.govt.nz">Steve.eckett@kapiti.govt.nz</a>
Sam Buchanan	52 Tilley Road Paekakariki	292 7010 0204 0160 107	<a href="mailto:Sam.buchanan@kapiti.govt.nz">Sam.buchanan@kapiti.govt.nz</a>
Philip Edwards	55A Ames Street Paekakariki	904 8616 027 286 1947	<a href="mailto:Philip.edwards@kapiti.govt.nz">Philip.edwards@kapiti.govt.nz</a>

The Councillor appointed back to the Board is Cr Janet Holborow



## **After Hours Numbers**

All Emergencies (including Flooding, Water Supply, Sewerage, Animal Control, Noise Control, Beach Patrol, Civil Defence) **0800 486 486**.

## **Who to contact if you have an enquiry**

Contact the Council's main office by phoning 04 296 4700 (or toll free 0800 486 486), or by writing to Kāpiti Coast District Council, Private Bag 60-601, Paraparaumu 5254. Emails can be sent to [kapiti.council@kapiticoast.govt.nz](mailto:kapiti.council@kapiticoast.govt.nz). They will then be forwarded to appropriate staff for action.

## **17. PROCESSES FOR REQUESTS FOR OFFICIAL INFORMATION**

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request official information from the Council. Official information means any information held by a local authority as defined under LGOIMA. A request for official information is a request under LGOIMA. It is not necessary to state that a request is being made under LGOIMA, but a request must be specific about what information is being sought.

Once a request is made the Council must generally supply the information unless one of the reasons specified in LGOIMA for withholding it exists. LGOIMA says that information may be withheld if:

- Release of the information would endanger the safety of any person or prejudice the maintenance of the law
- Making the information available would be contrary to law or would be a contempt of Court or of the House of Representatives
- The information is or will soon be publicly available
- The information does not exist, is not held by the Council, cannot be found or cannot be made available without substantial collation or research

Subject to any overriding public interest, good reason also exists if the withholding of the information is necessary to:

- Protect the privacy of any person
- Protect trade secrets or confidential or commercially sensitive information
- Avoid serious offence to tikanga Māori or disclosure of the location of waahi tapu
- Avoid prejudice to measures protecting public health or safety or measures preventing or mitigating material loss to members of the public
- Maintain the effective conduct of public affairs
- Maintain legal professional privilege
- Enable the local authority to carrying out negotiations or commercial activities
- Prevent disclosure or use of information for improper gain or advantage.

The Council answers requests within 20 working days (although there are certain circumstances where this time-frame may be extended) and may also charge for the information provided – a list of charges follows. In the first instance you should address requests for official information to the Chief Executive.

**OFFICIAL INFORMATION CHARGES**

for requests under the Local Government Official Information and Meetings Act (LGOIMA) 1987

<b>Charges For LGOIMA Requests <sup>(1)</sup></b>	
Note: Charges <sup>(1)</sup> are search and research, and for the production and distribution of the result	<b>Charges Effective 1 July 2013 (incl. GST)</b>
1 For all LGOIMA requests involving research or collation in excess of two hours will be charged per hour (chargeable in 30 minute increments after the first two hours).	\$61 per hour
2 For all black & white copying A4 (the first 20 copies free) then charge per sheet.	20c
3 For all black & white copying per sheet for A3.	30c
4 Specialty copying (maps etc), including provision of electronic media storage devices, will be done at cost. For clarification specialty copying includes colour copying at \$2.10 charge per A4 sheet and \$3.40 charge per A3 sheet.	At cost

<b><sup>(1)</sup> How charges are Determined <sup>(2)(3)(4)(5)</sup> Charges</b>
Staff time supervising requesters review of documentation at counter
Postage / Courier
Collection of files from source
Reviewing files for confidential items
Hours spent in research and compiling response in excess of two hours

**Note:**

(2) Council will provide electronic media storage devices at cost but cannot accept a device provided by the requester as this runs the risk of introducing viruses into Council systems.

(3) Charges may be waived or modified at the discretion of the Chief Executive or a Group Manager authorised by the Chief Executive.

Waivers will be considered in situations where payment may cause financial hardship to the requester, where the charge may become an unreasonable deterrent to seeking information and is therefore working against the LGOIMA principles.

(4) The Council in determining these charges has taken account of the Ministry of Justice Guidelines on Charging. At a general level, the Office of the Ombudsmen has taken the view that the standard charging regime set out in the government guidelines is reasonable.

(5) The Council will not charge for the following:

- Involvement by the Chief Executive or elected members;
- Any costs of deciding to release information;
- Costs associated with looking for a lost document;
- Costs of liaising with an Ombudsman;
- Legal or other professional advice;
- Liaison with any 3<sup>rd</sup> party (e.g. informant);
- Costs associated with transferring a request to a more appropriate organisation;
- Costs of refining application with requester; and
- Correspondence or phone calls with requester



