



**Kaipara District Council**

## **Local Governance Statement – March 2005**



Kaipara te Oranganui

**KAIPARA  
DISTRICT**

Two Oceans Two Harbours



## Overview

The Kaipara District Council is required to adopt a Local Governance Statement under the Local Government Act 2002. It details how Council makes decisions, how citizens can influence those decisions and more generally how Council functions as an organisation.

## Contents

This Local Governance Statement of the Kaipara District Council contains information about the following:

- 1 Four key principles that guide the way the Kaipara District Council works**
- 2 The functions, responsibilities and activities of the Kaipara District Council**
- 3 Local legislation that confers powers on the Kaipara District Council**
- 4 The electoral system employed by the Council and the opportunity to change that system**
- 5 Representation arrangements, including Maori representation and the opportunity to change them**
- 6 Members' roles and conduct**
- 7 Governance structures and processes**
- 8 Conduct of Meetings**
- 9 Consultation policies**
- 10 Relationships with Maori**
- 11 The management structure and the relationship between management and elected members**
- 12 The equal employment opportunities policy**
- 13 Key approved planning and policy documents and the process for their development and review**
- 14 Processes for requests for official information**

**Appendix 1: Members Code of Conduct for Decision Making**

## 1 Guiding Principles

Kaipara District Council has adopted the following four principles that guide the way it works.

### **Principle One**

**Council's first responsibility is to the people of the District.**

Council's role is to provide local leadership and facilitate the delivery of services that promote community well being. Excellent customer service and effective consultation are essential parts of this role. It also involves encouraging people to become involved in local issues and, where possible, developing partnerships between Council and the community.

Council takes an active role in encouraging local participation in its activities and over time we hope to strengthen local involvement in decision-making.

### **Principle Two**

**Council will protect and enhance the positive aspects of living in the Kaipara District.**

Council recognises that community well being and sustainable growth relies on maintaining and improving the features that make Kaipara special – its character, environment, history and quality of life. Through our regulatory activities we aim to enable everyone to enjoy the amenities of the District while avoiding adverse environmental effects. This includes district planning, building and animal control as well as emergency management.

Protecting and enhancing the District's special features is not simply a matter of regulation. Kaipara needs to attract development to maintain the quality of life and viability of local communities. However, development must not be at the expense of social and environmental well being. Our approach is one of balancing economic growth with social development and the sustainable management of the District's natural and physical resources. This three pronged approach is reflected in all of our activities.

### **Principle Three**

**Council is a service provider to the community and will retain control of its important assets.**

Council looks after community assets valued at \$220 million. These include roads, wastewater and stormwater systems, water supplies, reserves, and facilities such as public toilets and cemeteries. Services such as refuse disposal are also provided. We will continue to be involved in the maintenance and renewal of community assets and, as demand grows, the development of new services and facilities. Community ownership of strategic assets will not be surrendered.

The provision of community assets is inextricably linked to both economic growth and social development. If Kaipara District is to attract development it needs viable, attractive services. In addition, the well being of District residents depends on safe well managed services.

## **Principle Four**

**In partnership with the community, Council will facilitate, plan and encourage economic growth of which infrastructure and recreational facilities are key factors.**

To progress, rural communities like ours need to work together and Council is well positioned to encourage and assist with this process – both directly and indirectly.

Directly, Council can provide local leadership and co-ordination to promote economic growth as well as acting as local champion. Indirectly, Council contributes to District growth through the provision of infrastructure making communities attractive to both prospective residents and businesses. The quality and uniqueness of the recreation facilities the District has to offer is also important in attracting visitors. We have a role in ensuring that the recreation facilities we are responsible for are well managed. We must also work with other agencies to look after Kaipara's special features such as its waterways and rural environment.

## 2 Functions, Responsibilities and Activities

The purpose of the Kaipara District Council is to enable democratic local decision-making to promote the social, economic, environmental and cultural well-being of the Kaipara District in the present and for the future. In meeting its purpose the Kaipara District Council has a variety of roles:

- facilitating solutions to local needs
- advocacy on behalf of the local community with central government, other local authorities and other agencies
- development of local resources
- management of local infrastructure including network infrastructure (eg roads, sewage disposal, water, stormwater, flood and river control works) and community infrastructure (libraries, parks and recreational facilities)
- environmental management
- planning for the future needs of the District

In fulfilling its purpose Kaipara District Council exercises powers and fulfils responsibilities conferred on it by the following legislation.

- |   |   |
|---|---|
| • Building Act 2004                               | • Resource Management Act 1991                                    |
| • Civil Defence and Emergency Management Act 2002 | • Rating Act 2002   |
| • Dangerous Goods Act 1974                        | • Impounding Act 1955   |
| • Dog Control Act 1996                            | • Land Drainage Act 1908  |
| • Fencing of Swimming Pools Act 1987              | • Land Transport Act 1993   |
| • Forest and Rural Fires Act 1977                 | • Local Electoral Act 2001  |
| • Gambling Act 2003                               | • Local Government Act 2002                                       |
| • Hazardous Substances and New Organisms Act 1996 | • Local Government and Official Information and Meetings Act 1987 |
| • Health Act 1956                                 | • Public Works Act 1981   |
| • Reserves Act 1977                               | • Sale of Liquor Act 1989   |
|   | • Transit New Zealand Act 1989                                    |

Kaipara District Council Bylaws in force are the Bylaw for the Control of Dogs 1997 and the General Bylaw No.1 1999. The General Bylaw covers:

- Council's Standing Orders
- activities that can be carried out in public places
- trading in public places
- management of solid waste
- control of advertising signs
- operation of amusement galleries

- fires in the open air
- keeping of animals, poultry and bees
- management of cemeteries and crematoria
- management of public libraries
- management of Council owned cultural and recreational facilities
- management of nuisances
- prohibition of gin traps
- control of skateboards
- traffic management
- management of rural land drainage
- management of Council's water supplies

### 3 Local Legislation

In addition to the legislation that applies to all local authorities, the Kaipara District Council is also bound by the following local legislation (Acts that apply specifically to it):

- Mangawhai Lands Empowering Act 1966
- Te Uri O Hau Settlement Act 2002

**Council is subject to planning and management disciplines under the law which include:**

- separating the setting of policy from operational functions
- preparing annual plans and budgets in consultation with their communities
- reporting annually on performance in relation to plans
- preparing long-term financial strategies including funding, borrowing management and investment policies
- adopting accrual accounting practices
- valuing their assets
- competitive pricing procedures
- preparing policies and plans concerning other functions, especially resource management, and biosecurity
- management, and biosecurity.

#### 4 Electoral system and how it may be changed

Kaipara District Council has resolved to hold its triennial elections under the Single Transferable Vote (STV) electoral system.

In general terms this is as follows:

- voters express a first preference for one candidate and may express second and further preferences for other candidates:
- a quota for election is calculated from the number of votes and positions to be filled:
- the first preferences are counted and any candidate whose first preference votes equal or exceed the quota is elected:
- if insufficient candidates are elected under subparagraph (iii), the proportion of an elected candidate's votes above the quota is redistributed according to voters' further preferences, and—
- candidates who then reach the quota are elected; and
- the candidate with the fewest votes is excluded:
- the excluded candidate's votes are redistributed according to voters' further preferences.

How can this system be changed?

The Local Electoral Act 2002 states that

- Council can resolve to change electoral systems two years prior to the year in which the next triennial election is to be held. However if the resolution to change to STV is made without holding a poll, as is the case in Kaipara, the system cannot be changed by resolution until two elections have been conducted.
- 5% of the electors can at any time, demand that a poll be held on a proposal by those electors that a specified electoral system be used at the elections of the local authority and its community boards (if any)
- Council may resolve to hold a poll on the electoral system.

## 5 Representation Arrangements

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

- the number of elected members (within the legal requirement to have a minimum of 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 people the right to make a written submission to the Council, and the right to be heard.

In determining all matters relating to representation Council must ensure that the election of members will provide fair and effective representation of communities of interest within the District.

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

The Council last conducted a review in August 2000. It is legally required to review representation again in August 2006.

### **Maori Wards and Constituencies**

The Local Electoral Act 2001 also gives Council the ability to establish separate wards for Maori electors. The Council may resolve to create separate Maori wards 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 5 per cent of electors within the District.

The Council could resolve in 2005 to introduce separate Maori wards for the 2007 elections or to conduct a poll, or electors could demand a poll.

### **Community Boards**

The Kaipara District Council has no community boards. Boards can be constituted under section 49 of the Local Government Act 2002.

Council could resolve in 2006 to change these structures for the 2007 elections or to conduct a poll, or electors could demand a poll. This is done by a process similar to the reorganisation process described below.

### **The Reorganisation Process**

The Local Government Act 2002 sets out procedures which must be followed during proposals to:

- make changes to the boundaries of the district
- create a new district
- create a unitary authority, ie combined functions of a regional council with a district council
- transfer a particular function or functions to another council

The procedures for resolving each type of proposal are slightly different. In general they begin with a proposal either from the local authority, the Minister of Local Government, or by a petition signed by 10 per cent of electors.

Proposals for a boundary alteration or transfer of functions from one local authority to another will be considered by one of the affected local authorities, or a joint committee, or by the Local Government Commission if the local authorities refer the proposal to the Commission or if they cannot agree on which of them should deal with the matter.

Proposals for the establishment of a new district or for the creation of a unitary authority will be dealt with by the Commission. These proposals cannot be implemented without a poll of electors.

Further information on these requirements can be found in the Local Government Act. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

## **6 Roles and Conduct**

The Mayor and the Councillors of the Kaipara 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 judgement 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)

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 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 Council
- Providing leadership and feedback to other elected members on teamwork and chairing committees

The Deputy Mayor is elected by the members of 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 Council.

The 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 Manual. A committee chairperson may be removed from office by resolution of Council.

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)

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

All elected members are required to adhere to a Code of Conduct. Adopting such a Code is a requirement of the Local Government Act 2002. Once adopted such a Code may only be amended by a 75 per cent or more vote of the Council. The Code sets out the Council's understanding and expectations of how the Mayor and councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanctions that the council may impose if an individual breaches the Code. Copies of the full Code of Conduct may be obtained from the Council Customer Service Centre or from the website [www.kaipara.govt.nz](http://www.kaipara.govt.nz). A copy of the Code relating to decision-making is also contained in Appendix 1.

## 7 Governance Structures

Council reviews its structure after each triennial election. Ordinary Council meetings are held on the fourth Wednesday of each month. Currently Council operates on portfolios of responsibility and a minimum number of committees.

The following is a list of the current portfolios and portfolio holders:-

Community Development and Halls	Cr Graham Taylor
Economic Development and Harbours	Cr Julia Sutherland
Emergency Management	Cr Brian McEwing
Water	Cr Brian McEwing
Finance	Cr Brian Burnett
Refuse	Cr Brian Burnett
Youth, Elderly, Liaison with Schools	Cr Brian Burnett
Planning	Cr Tom Smith
Regulatory	Cr David Underwood
Reserves and Recreation	Cr Wendy Salter
Roading	Cr Richard Alspach
Stormwater/Land Drainage	Cr Ian Tiller
Wastewater	Cr Neil Tiller

#### **Judicial Committee**

This Committee considers resource consent applications and other related regulatory issues.

Members: Cr Graham Taylor (Chair), Cr Richard Alspach, Cr Tom Smith,  
Cr David Underwood

Meetings: Providing there is sufficient business, the Committee meets every  
Tuesday.

#### **Raupo Drainage Committee**

This Committee makes recommendations to Council on the maintenance of drains, flood gates and stopbanks in the Raupo Drainage District.

Members: Graeme Tapp (Chair), David Hart, Brian Madsen, Ross McKinley,  
Ken Whitehead

Meetings: The Committee meets every third Thursday in the month during  
August, November, February and May.

### **Mangawhai Endowment Fund Committee**

This Committee is responsible for considering applications for funding from the Mangawhai Endowment Fund. Projects for funding must benefit or tend to benefit the Mangawhai area as well as meeting a number of other criteria.

Members: Cr Tom Smith, Cr Julia Sutherland and Cr Graham Taylor  
 Meetings: As required.

Council also has responsibility for administering the local funding allocation committee for Creative New Zealand grants and administering grants from Sport and Recreation New Zealand (SPARC).

### **Taharoa Domain Management Committee**

This Committee manages the Taharoa Domain on behalf of Council, and in accordance with the Taharoa Domain Reserve Management Plan.

Members: Cr Wendy Salter (Chair) Cr Richard Alspach, Robert Parore (Te Kuihi) and Trevor Birch (Te Roroa)  
 Meetings: Last Monday of the even month (February, April, June, August, October, December to be decided).

### **Council Organisations**

Kaipara Economic Development Trust (Kaipara Development Agency) a Council controlled organisation under the meaning of the Local Council Act 2002, has a chairperson and six other trustees – all appointed to serve three-year terms by Council under its policy on the appointment of trustees (copies of which are available from the Communication and Services Manager of Kaipara District Council).

Copies of the statement of intent setting out the objectives of Kaipara Development Agency may be obtained by writing to the Chief Executive of Kaipara Development Agency, P O Box 362, Dargaville, or the Customer Service Centre of Kaipara District Council.

## 8 Conduct of Meetings

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 must be open to the public unless there is reason to consider items 'in committee'. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council. 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). The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

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

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

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

During meetings the Mayor and councillors must follow standing orders (a set of procedures for conducting meetings). The Council may suspend standing orders by a vote of 75 per cent of the members present. A copy of the Code of Conduct and standing orders can be obtained from Council's Customer Service Centre or from the Council website [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

## 9 Consultation Policy

The Local Government Act sets out certain consultation principles. Council seeks the views of the community in everything it does and will ensure that all Council policies, plans and activities are developed in consultation with the community.

Consultation is as defined in Wellington International Airport Ltd -v- Air New Zealand [1991] 1 NZLR671.

The key elements of consultation as defined in that case include:

- The statement of a proposal not yet finally decided upon
- Listening to what others have to say and considering the responses
- Allowing sufficient time for consultation

- Making a genuine effort to consult
- Conducting the process in mutual good faith
- Providing enough information to enable the party being consulted to make intelligent and useful responses
- Keeping an open mind and being ready to change the proposal or even start afresh, although it is allowable to have a working plan
- Holding meetings, providing relevant and further information on request
- Waiting until those being consulted have had a say before making a decision
- Re-opening the consultation process if necessary.

This consultation is carried out in accordance with Council's Governance Policy for consultation. Copies of the full governance policies may be obtained from the Council Customer Service Centre or from the website [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

### **Special Consultative Procedure**

The Local Government Act sets out a procedure that local authorities must follow when making certain decisions. This procedure is termed the '**special consultative procedure**'.

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

The special consultative procedure consists of the following steps:

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

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

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

- adopts a long-term council community plan (LTCCP) or annual plan
- amends a LTCCP
- adopts, revokes, reviews or amends a bylaw
- changes the mode of delivery for a significant activity (for example from the council to a council-controlled organisation or from a council-controlled organisation to a private sector organisation) if that is not provided for in a LTCCP

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

## 10 Relationships with Maori

Council recognises that, because of the Treaty of Waitangi, it has a special relationship with Maori.

Council has a memorandum of understanding with Te Uri O Hau which formalises the way it works with Te Uri o Hau. This is a leading document for the future of Kaipara District Council, and Te Uri o Hau, Ngati Whatua which is based on the Treaty of Waitangi and principles as being the founding document of Aotearoa - New Zealand and thereby pronouncing a commitment to work together in genuine partnership for the common good of the people and within the true spirit of the Treaty. A copy of the Memorandum of Understanding (MOU) between Te Uri o Hau and Kaipara District Council may be obtained from the Council Customer Service Centre or from the website [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

The Kaipara District Council is continuing to develop relationships with other iwi and hapu within the District. An example of this relates to the governance of the Taharoa Domain. One of the key aims of the Taharoa Domain Reserve Management Plan is, 'to establish an equal organisational partnership between tangata whenua and Council to govern the Domain.' This is achieved through a committee which comprises representatives from Te Roroa, Te Kuihi and Council that manages the Taharoa Domain on behalf of Council.

## 11 Management Structures

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

The Chief Executive is Jack McKerchar.

Council management is organised into six divisions. These are:

**Policy** - responsible for

Bylaws, Organisational Policy, District Plan, Long Term Council Community Plan, Community Planning, Reserve Management Planning.

**Assets** - responsible for

Roads, water, stormwater, sewage, reserves, halls.

**Communication and Services** - responsible for

Communications, public information, Council secretariat, elections, human resources, libraries.

**Regulatory Services** - responsible for

Resource consents, animal control, health inspection, building inspection, amusement devices, dangerous goods licences.

**Finance** - responsible for

Rating and financial policy and financial recording.

**Information Technology** – responsible for

Information systems.

Council structure includes a Customer Service Centre and the Customer Service staff are able to access any information Council holds. All queries should be directed in the first instance to a Customer Service person.

<b>Address:</b>	Main Office	Kaiwaka Service Centre
	42 Hokianga Road	State Highway 1
	Dargaville	Kaiwaka

<b>Postal Address:</b>	Private Bag 1001
	Dargaville

<b>Phone:</b>	(09) 439 7059 or 0800 727 059
---------------	-------------------------------

<b>Fax:</b>	(09) 439 6756
-------------	---------------

<b>Email:</b>	council@kaipara.govt.nz
---------------	-------------------------

<b>Web Site:</b>	www.kaipara.govt.nz
------------------	---------------------

## 12 Equal Employment Opportunity Policy

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

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. Copies of the Equal Employment Opportunity policy may be obtained from the Customer Service Centre.

## 13 Key approved planning and policy documents and the process for their development and review

- **Annual Plan:** The Annual Plan is Council's contract with the community. It specifies the activities that will be carried out during the year, toward achieving the goals and objectives of the Long Term Council Community Plan, how much this work will cost, the targets for the year and the measures that will be used to determine whether the targets have been met.
- **Annual Report:** The Annual Report sets out Council's achievements and reports on whether the targets forecast in the Annual Plan were reached. An Annual Report is required to be prepared every year.
- **Long Term Council Community Plan.** This represents the directions being set for the District's future. It is put together by Council with the assistance of the community and other organisations. It outlines the communities' expectations and describes how Council in partnership with Government agencies and other organisations will work to achieve these. Council's corporate and financial policies as follows are contained in the Long Term Plan. Policy on Significance, Policy on Partnerships with the Private Sector, Policy on Development and Financial Contributions, Accounting Policies, Treasury Policies, Liability Management Policy, Investment Policy, Revenue and Financing Policy, Rating Policies and Funding Impact Statement.
- **District Plan:** The District Plan was prepared under the Resource Management Act 1991 and sets out Council's objectives, policies and rules in relation to land use and subdivision activities in the Kaipara District. Operative in 1997, this Plan must be reviewed every ten years. A review is currently underway and aims to have a proposed plan notified in 2007.

- **Asset Management Plans:** Council has prepared draft plans which provide the framework for maintaining Council's physical assets (ie roading, stormwater, wastewater, water supply, community amenities, recreation facilities, etc). They define the level of service that will be provided and identify the sources and amount of funding required.
- **Governance Policy:** This policy defines the direction and culture of the Council and how it interacts with the community. It is reviewed annually by the Mayor, Deputy Mayor and Chief Executive.
- **Civil Defence Plan:** All territorial authorities are required to have an operative plan dealing with district civil defence matters. However, new legislation has been enacted and in the future civil defence emergency management plans will be prepared on a regional basis. This is required to be completed by July 2005.
- **Fire Plan:** As part of its responsibilities as the rural fire authority, Council is required to prepare a fire plan. Part One of the plan covers operational matters (updated annually) such as resources and staff while Part Two deals with administrative issues.
- **Taharoa Domain Reserve Management Plan:** Council is responsible for administering the Taharoa Domain on behalf of the Crown. The Plan sets out how the governance, operational management and future development of the Domain will be undertaken on an ongoing basis.
- **Mangawhai Structure Plan:** The Mangawhai Structure Plan was adopted by Council at its meeting on 26 January 2005. The Plan provides a means for the Kaipara District Council and Mangawhai communities to manage the effects of growth.

Copies of the key approved planning and policy documents (and the process for their development and review) may be obtained from the Council Customer Service Centre or from the website [www.kaipara.govt.nz](http://www.kaipara.govt.nz)

## 14 Requests for Official Information

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

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

- endanger the safety of any person
- prejudice maintenance of the law
- compromise the privacy of any person
- reveal confidential or commercially sensitive information
- cause offence to tikanga Maori or would disclose the location of waahi tapu
- prejudice public health or safety
- compromise legal professional privilege
- disadvantage the local authority while carrying out negotiations or commercial activities

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

In the first instance you should address requests for official information to the Chief Executive, Kaipara District Council, Private Bag 1001, Dargaville.

## Appendix 1:

### Kaipara District Council - Council Members Code of Conduct

- 4.1 Decision Making
- 4.1.1 Predetermination of Bias:  
Elected members are expected to approach decision-making with an open mind (“faithfully and impartially”).
- 4.1.2 Council uses delegations which empower both elected members and staff to make decisions appropriate to their roles.
- 4.1.3 Council decisions affect the people of the District and need to balance their various needs and preferences. Council will only make such decisions after it has considered advice that addresses relevant matters and consequences.
- 4.1.4 The Council will make decisions at Council meetings on only those matters that are accompanied by management reports that address all relevant matters and considerations.
- 4.1.4.1 Matters not on the agenda will only be dealt with in accordance with Section 46A(7) or (7A) of the Local Government Official Information and Meetings Act 1987.
- 4.1.4.2 Where an item of urgency arises for which all implications can be legitimately addressed, the Chair will call for a verbal report from the relevant manager.
- 4.1.5 In providing advice on such matters management will ensure that accompanying reports address all significant implications arising from any proposed recommendations to the standards outlined in Appendix 2 : The Quality Assurance Process.
- 4.1.6 Items will be raised with the Chief Executive (Nov 2001) and identified at least 10 working days prior to the meeting. If research and analysis is required additional time beyond the 10 working days may be required.
- 4.1.7 While the Council is ultimately accountable, it and its members day to day dealings with the Chief Executive (Nov 2001) will recognise the statutory responsibilities of the Chief Executive (Nov 2001).
- 4.2 Behaviour Of Members
- 4.2.1 All elected members will insist on the respect and dignity of their office in their dealings with each other, management and the public. Elected members will remember that committing Council to a policy, course of action or expenditure can only be done by resolution at a meeting of the Council or a committee with delegated authority.
- 4.2.2 Councillors who have concerns regarding management matters shall not raise them with any employee other than the Chief Executive (Nov 2001), and at all times their dealing will be through the Chief Executive (Nov 2001). Should an elected member have a concern and not be satisfied with the response of the Chief Executive (Nov 2001) members shall refer the matter to the Mayor who shall follow the process outlined in Executive Requirements - Complains - Policy 6.1
- 4.2.3 Elected members shall not comment publicly on the performance of any staff member.
- 4.2.4 When a decision has been made by the Council, and the decision is contrary to a particular elected member’s point of view, that elected member’s public statement will make it clear that it is their personal view.
- 4.2.5 Elected members shall act in good faith in the interests of the Council and the community.
- 4.2.6 Elected members shall make no allegations which are improper, derogatory, or which may cause any reasonable person unwarranted offence or embarrassment.

