



AGENDA

RĀRANGI TAKE

NOTICE OF AN ORDINARY MEETING OF

COUNCIL

to be held on **24 September 2020** commencing at **1.00pm** in the Council Chambers,
36 Weld Street, Hokitika and via Zoom

Chairperson: His Worship the Mayor

Members: Cr Carruthers (Deputy)
Cr Hart
Cr Kennedy
Cr Martin
Kw Tumahai

Cr Davidson
Cr Hartshorne
Cr Keogan
Cr Neale
Kw Madgwick



In accordance with clause 25B of Schedule 7 of the Local Government Act 2002, members may attend the meeting by audio or audiovisual link.

Council Vision:

We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.

Purpose:

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

1. KARAKIA TĪMATANGA OPENING KARAKIA

2. NGĀ WHAKAPAAHA APOLOGIES

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Group Manager: Corporate Services (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –
- (a) the local authority by resolution so decides, and
 - (b) the presiding member explains at the meeting at a time when it is open to the public, –
 - (i) the reason why the item is not on the agenda; and
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- (7A) Where an item is not on the agenda for a meeting, –
- (a) that item may be discussed at the meeting if –
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

5. NGĀ MENETI O TE HUI KAUNIHĒRA MINUTES OF MEETINGS

Minutes circulated separately via Microsoft Teams.

- **Extraordinary Council Meeting – 21 August 2020**
- **Extraordinary Chief Executive’s Review Committee Meeting – 25 August 2020**
- **Ordinary Council Meeting – 27 August 2020**

6. ACTION LIST (Pages 6 - 7)

7. NGĀ TĀPAETANGA PRESENTATIONS

- **Graduated Driver Licensing Programme**
Keran Tsering, Driver Programme Manager
- **Tiakina Ngā Manu, Battle for our Birds – Department of Conservation**
Tom Belton, Regional Lead for Tiakina Ngā Manu – Battle for our Birds
Nicole Kunzmann, Operations Manager Hokitika

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Financial Performance: August 2020** (Pages 8 - 17)
Prabath Jayawardana, Finance Manager

- **Chief Executive’s Quarterly Report** (Pages 18 - 34)
Simon Bastion, Chief Executive
- **Chief Executive’s Review Committee - Terms of Reference**
(Pages 35 - 39)
Simon Bastion, Chief Executive
- **Becoming a Guaranteeing Local Authority of the New Zealand Local Government Funding Agency Limited** (Pages 40 - 63)
Lesley Crichton, Group Manager: Corporate Services
- **Reserves Contribution Fund** (Pages 64 - 68)
Lesley Crichton, Group Manager: Corporate Services
- **Speed Limit Review Consultation Document Approval** (Pages 69 - 81)
Louis Sparks, Group Manager: District Assets

9. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Confidential Council Minutes – 27 August 2020	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)
2.	Confidential Minutes - Extraordinary Chief Executive’s Review Committee Meeting - 25 August 2020	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1, 2	Protect the privacy of natural persons, including that of deceased natural persons
1,	Protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b)).
1, 2	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
2	Maintain the effective conduct of public affairs through: Maintain legal professional privilege (Schedule 7 (2)(g))

**DATE OF NEXT TYPE OF MEETING – 22 OCTOBER 2020
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM.**

Council Meetings - Action List

Date of Meeting	Item	Action	Completion Date/Target Date	Officer	Status
28.06.18	Kaniere School Students – Cycle trail	Council staff to get back to the Kaniere School Students regarding the proposal.	Oct 2020	DA	Council Engineers has finalised the road crossing plan near the Kaniere School. Transportation Manager has placed the order for the electronic signs to be installed. The signs and footpath construction will commence soon following the fibre cable installation by local network contractor in the footpath area.
04.04.19	Speed Limits	Extension of some limits and open conversation with road users on suitable speed limits.	Oct 2020	DA	Public consultation to formally adopting any speed limit changes into the revised bylaw to follow the LTP consultation by end of September. The information has been issued to the mandatory agencies (Police, NZTA, AA, Road Transport Association, DHB)
18.04.19	Transfer of Pensioner Housing to Destination Westland	Strategy Document to be developed with a working group.	May 2020	CE	Consultant appointed and work underway.
25.07.19	Carnegie Building Project	The CE to seek additional external funding to minimise or eliminate the Council additional funding commitment.	On going	CE	<p>Applications lodged with Lotteries and Regional Culture and Heritage Fund completed.</p> <p>A report to the Capital Projects and Tenders committee on 12 May 2020 resolved to hold any further works until funding application decisions.</p> <p>Lotteries have declined our application – still awaiting confirmation from Culture & Heritage Fund.</p>
22.08.19	Fox Landfill	Council support staff in progressing their investigations into the engineering methodology, financial implications and funding mechanisms of the long-term options.	Sept 2020	GM DA	A PGF funding application has been submitted for the Fox Landfill Project. Council is awaiting a formal contract for the allocated funding for 'shovel ready' infrastructure projects as announced.

Date of Meeting	Item	Action	Completion Date/Target Date	Officer	Status
					The PGF Funding application is supporting the relocation of the landfill material to Butlers Landfill plus funding to do a final sweep of Fox River for any visible remaining material.
28.11.19	Iwi representation around the Council table	Mayor to write to the Minister of Local Government seeking advice.	In progress	Mayor & CE	Response received from DIA. Further discussions to be completed on next steps.
	Rimu-Woodstock Lookout	Replace Interpretation panels, repair shed and review maintenance contract	Sept 2020	CE, GMDA	The Rimu-Woodstock Lookout infrastructure now added to the Westroads maintenance contract. All graffiti has been removed and shed cleaned. The damaged interpretation panels removed, repaired and refitted this week. Three signs lost are with local printer to be reprinted. The valley photo display damaged beyond repair. This to be reprinted with a replacement photo. The Rimu Lightning Walking Trail maintenance repairs required due to past flood damage. Council in consultation with contractors and DoC assisting with planned trail repairs.
27.08.20	Kaniere School Students – Cycle trail	Plan to be sent to Council.	Sept 2020	CE	Plans made available to council.
27.08.20	Letter to Jon Sullivan	Letter to be sent to Jon Sullivan acknowledging his statement and thanking him for his contribution.	Sept 2020	CE	Letter was compiled and sent to Mr Sullivan.

Report



DATE: 24 September 2020
TO: Mayor and Councillors
FROM: Accountant

FINANCIAL PERFORMANCE: AUGUST 2020

1 SUMMARY

- 1.1 The purpose of this report is to provide an indication of Council's financial performance for two months to 31 August 2020.
- 1.2 This issue arises from a requirement for sound financial governance and stewardship with regards to the financial performance and sustainability of a local authority.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council in May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that the Council receive the financial performance report to 31 August 2020, attached as **Appendix 1**.

2 BACKGROUND

- 2.1 The Council receives monthly financial reporting so that it has current knowledge of its financial performance and position against targets and objectives adopted in the Long Term Plan 2018-28.
- 2.2 This allows for Council to understand the impact of the decisions made through these plans.
- 2.3 The Audit and Risk Committee receives a more detailed financial report on a quarterly basis.

3 CURRENT SITUATION

- 3.1 The report for August 2020, is the second report against the annual plan 2020-21.
- 3.2 As this is the second month of reporting, there is very little information to provide around variances or forecasting, therefore the report is a more summarised version than would normally be provided.
- 3.3 The report contains a sustainability report which provides an overview of the health of Councils financial position. The sustainability report measures Councils current performance against benchmarks, which are either required through the Financial Reporting and Prudence Regulations 2014, or the Local Government Funding Agency. The sustainability report does not include the section on essential services, as this measure shows the capital expenditure for the year against the depreciation charged. Because only two months is accounted for the essential services measure would be skewed.
- 3.4 The report normally contains the standard financial statements, however for August 2020 not all statements have been included.
 - 3.4.1 Comprehensive revenue and expense, which details the operating revenue and expenses of Council. The forecast column is currently stated as the full year budget as variances at this point will only be timing differences.
 - 3.4.2 Notes are provided for each line within the statement of Comprehensive Revenue and Expense for variances over \$25,000.
 - 3.4.3 There is no statement of Financial Position as this requires the previous financial year balances to be completed, audited and approved by Council. The current audit is scheduled to take place at the end of September for a 31 October 2020 sign off within the statutory deadline required in the Local Government Act 2002.
 - 3.4.4 Reporting on projects has not been included, as these would relate to two months up to the month of August 2020 and again will be reflective of timing differences. Detailed project information is now included in the Capital Projects and Tenders Committee Meeting,
- 3.5 The Financial Performance Report to 31 August 2020 is attached as **Appendix 1** and contains the following elements:
 - 3.5.1 Sustainability Report
 - 3.5.2 Statement of Comprehensive Revenue and Expense
 - 3.5.3 Notes to the Statement of Comprehensive Revenue and Expense
 - 3.5.4 Revenue and Expenditure Graphs

4 OPTIONS

4.1 The Council can decide to receive or not receive the report.

5 SIGNIFICANCE AND CONSULTATION

5.1 The report is administrative in nature and although is of interest to the Community, the report is for information purposes only and consultation is not required.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 The report is for information only, the report is to inform the Council on the financial position, therefore financial implications are discussed within the body of the report itself.

7 RECOMMENDATION

A) **THAT** the Council receive the Financial Performance Report to August 2020

John Kagagi
Accountant

Appendix 1: Financial Performance to August 2020



Financial
Performance
For August 2020

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Sustainability Report

Total revenue	Total expenditure	Total surplus/(deficit)
\$4.00M	\$3.95M	\$0.05M
Is 12.68% more than the total budget of \$3.55M	Is 1.24% less than the total budget of \$4.0M	Is 111.7% more than the total budget of- \$0.45M

S U S T A I N A B I L I T Y

Rates to operating revenue **56.43%**

Rates Revenue	\$2.26M
Operating Revenue	\$4.00M

56.43% of operating revenue is derived from rates revenue. Rates revenue includes penalties, water supply by meter and is gross of remissions. Operating revenue excludes vested assets, and asset revaluation gains.

Balanced budget ratio **101.32%**

Operating revenue	\$4.00M
Operating expenditure	\$3.95M

Operating revenue should be equal or more than operating expenditure. Operating revenue excludes vested assets and asset revaluation gains. Operating expenditure includes depreciation and excludes landfill liability and loss on asset revaluations. Year to date revenue is 101.32% of operating expenditure.

Interest to rates revenue (LGFA Cov.) **4.16%**

Net interest and finance costs	\$0.09M
Rates Revenue	\$2.26M

4.16% of rates revenue is paid in interest. Our set limit is 25% of rates revenue. Net interest is interest paid less interest received. Rates revenue includes penalties, water supply by meter and gross of remissions.

Interest to operating revenue **2.35%**

Net Interest and finance costs	\$0.09M
Operating revenue	\$4.00M

2.35% of operating revenue is paid in interest. Our set limit is 10% of operating revenue. Net interest is interest paid less interest received.

Liquidity Risk (LGFA Cov.)	154.38%
Gross debt	\$19.62M
Undrawn committed facilities	\$3.98M
Cash and cash equivalents	\$6.69M
<p>The liquidity risk policy requires us to maintain a minimum ratio of 110% which is also an LGFA covenant. Our current liquidity risk is 154.38%</p>	

Statement of Comprehensive Revenue and Expense

Statement of Comprehensive Revenue and Expense							
For the period ended August 2020							
	Notes	Full Year Forecast (\$000)	Full Year Budget (\$000)	YTD Budget (\$000)	Actual YTD (\$000)	Variance YTD (\$000)	Var/Bud %
Revenue							
Rates		15,907	15,907	2,258	2,258	-	0.0%
Grants and subsidies	01	5,593	5,593	818	1,271	453	55.4%
Interest Revenue		43	43	7	9	2	21.2%
Fees and Charges	02	1,947	1,947	336	310	(26)	-7.7%
Other revenue	03	1,209	1,209	132	154	22	16.6%
Total operating revenue		24,700	24,700	3,551	4,002	450	12.7%
Expenditure							
Employee Benefit expenses		4,236	4,236	713	719	7	0.9%
Finance Costs	04	867	867	144	103	(42)	-28.9%
Depreciation	05	7,141	7,141	1,190	1,140	(50)	-4.2%
Other expenses	06	12,373	12,373	1,952	1,988	36	1.8%
Total operating expenditure		24,616	24,616	3,999	3,950	(50)	-1.2%
Operating Surplus/(Deficit)		84	84	(448)	52	500	-111.7%

Notes to the Statement of Comprehensive Revenue and Expense

Comments were provided on permanent variances over \$25,000 only.

01 Grants and subsidies

The variance is mainly due to carrying forward of unspent grants received in last financial year.

02 Fees and Charges

Franz Josef refuse site fees are lower than planned by \$22k due to low tourism activities in the region.

03 Other revenue

Actuals are higher than planned mainly due to timing of Dog registration income.

04 Finance costs

This variance is mainly due to lower than expected interest rate prevailing in the market and efficient liquidity management.

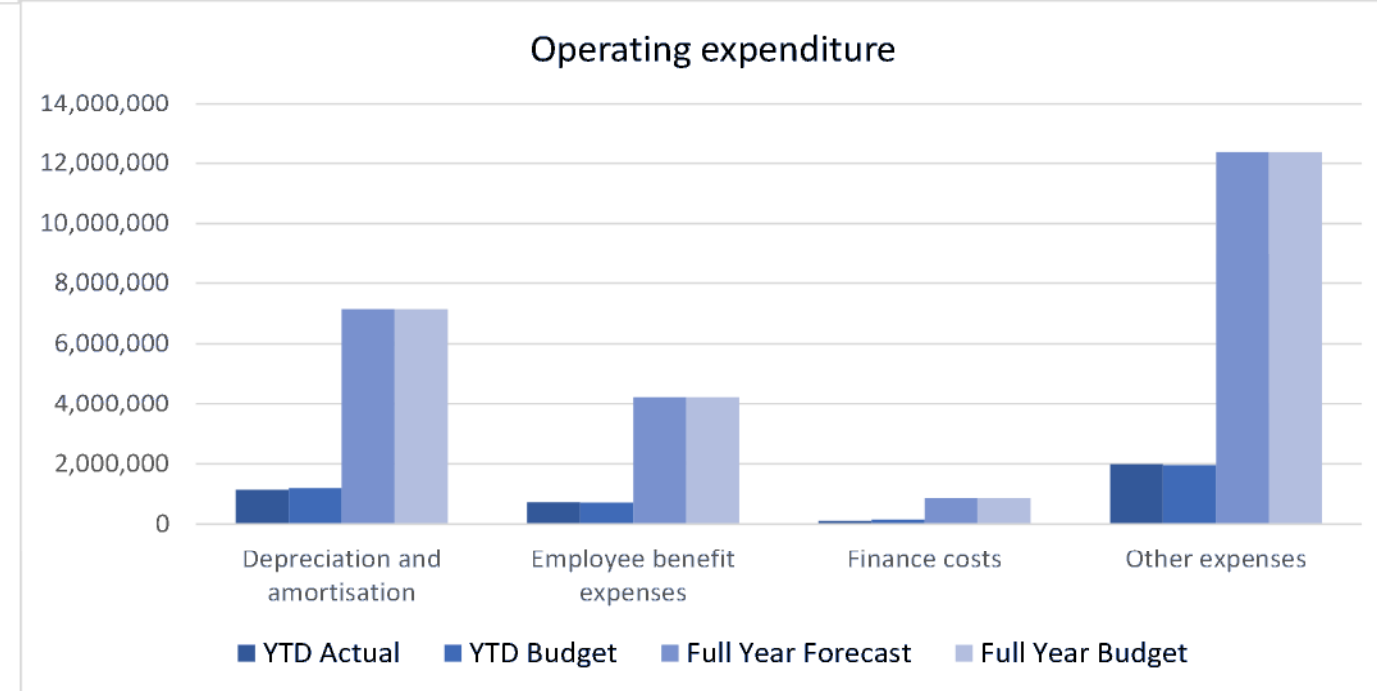
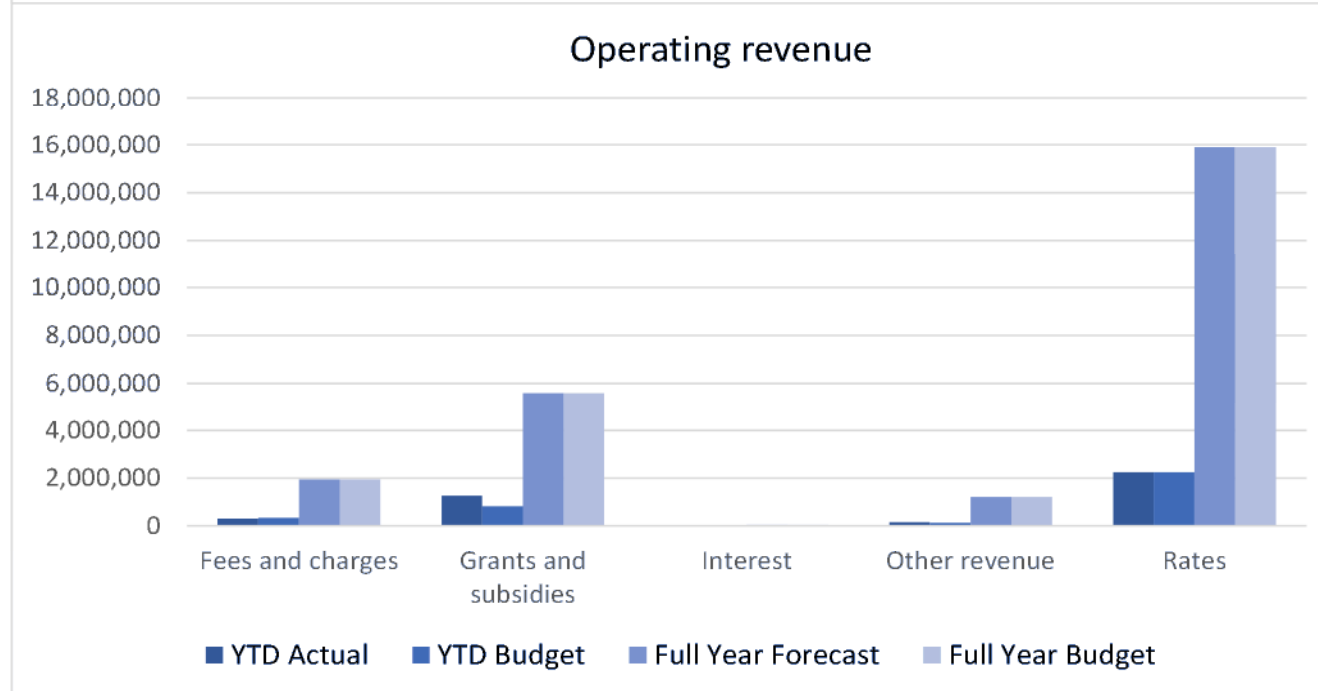
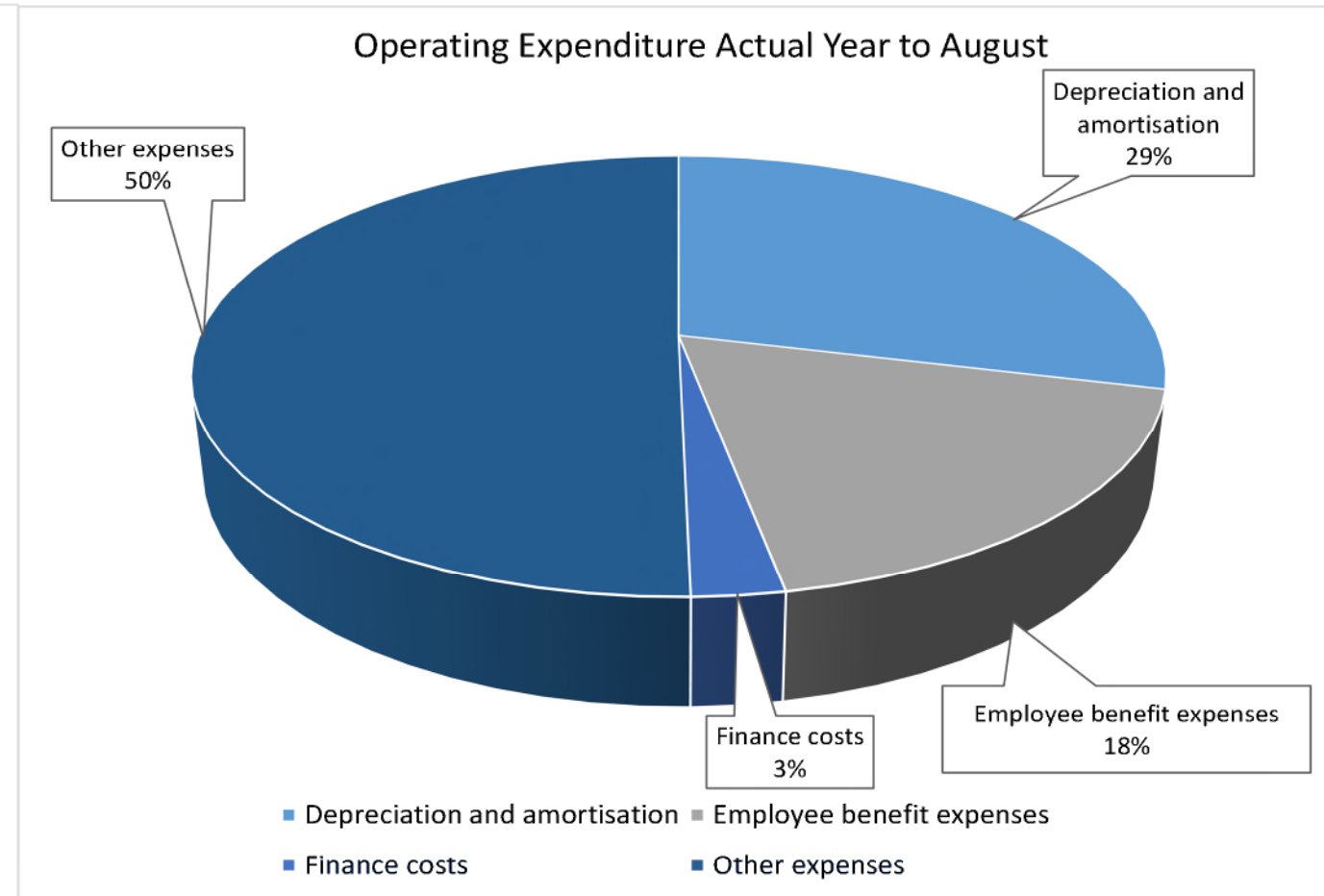
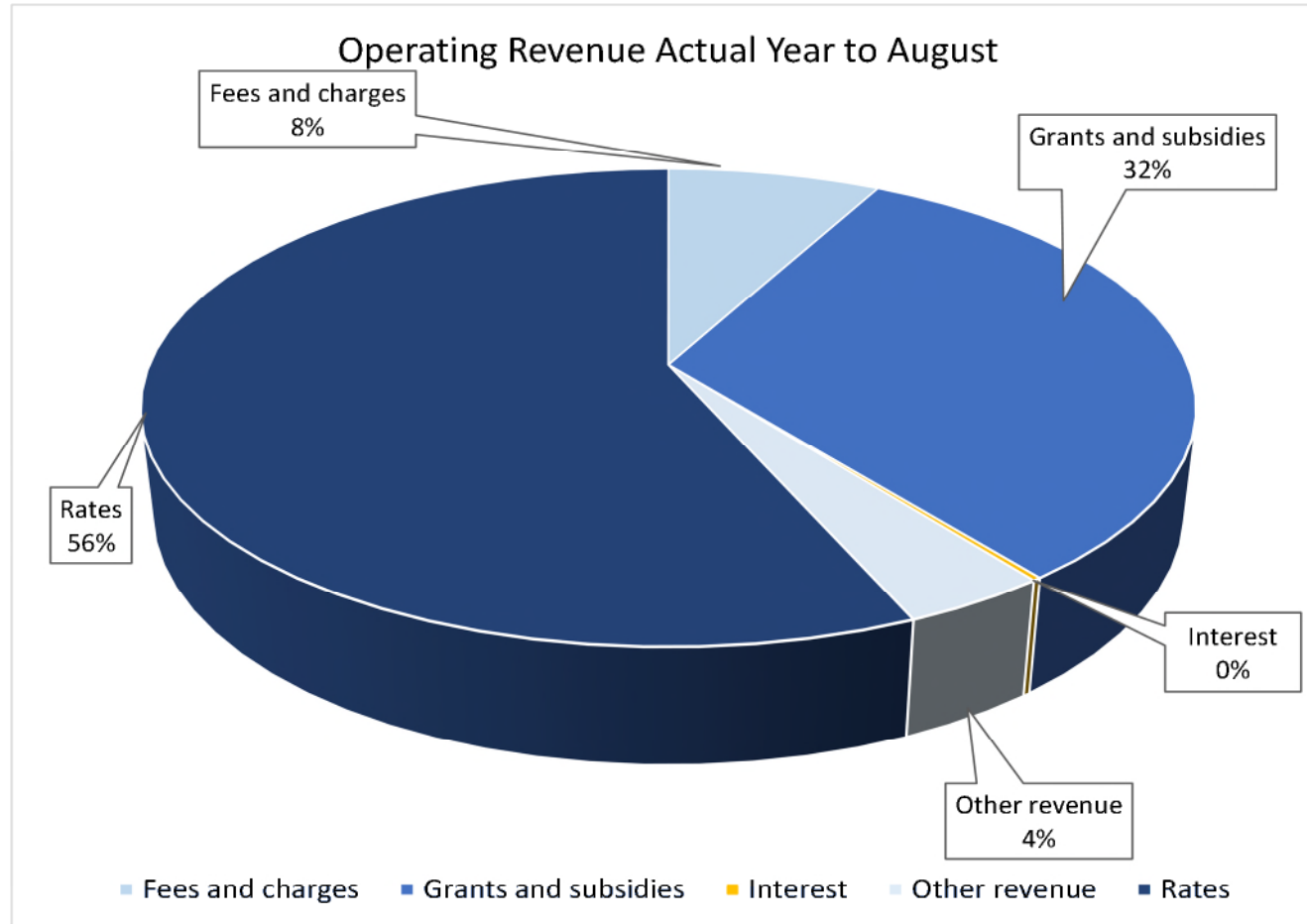
05 Depreciation and amortisation

Current year actual depreciation calculations are still in progress and will be updated after the capitalization process for 2019/2020 financial year is completed.

06 Other expenses

Mainly due to timing, invoices for the current year are still being received however we have estimated and recorded expenditure where possible.

Revenue & Expenditure Graphs



Report



DATE: 24 September 2020
TO: Mayor and Councillors
FROM: Chief Executive

CHIEF EXECUTIVE'S QUARTERLY REPORT

1 SUMMARY

- 1.1** The purpose of this report is to:
 - 1.1.1** Provide an update on the positive aspects that are happening in the Westland District.
 - 1.1.2** Updates on any Matters of Significance & Priority.
- 1.2** Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28.
- 1.3** This report concludes by recommending that Council receive the Chief Executive's report dated 24 September 2020.

2 MATTERS OF SIGNIFICANCE & PRIORITY LIST

2.1 COVID-19 Response

Since the last report the country has dropped down to Level 1 and bounced back to Level 2 due to the community outbreak in Auckland. Council's focus has been supporting ratepayers affected through this pandemic. Level 2 still has a significant impact on how the community functions and it has disrupted many planned events.

Council services are functioning at a high level with no reduction in services delivered.

2.2 Mayoral Taskforce for Jobs

Support for individuals and businesses impacted by COVID-19 is of immediate concern. The Mayor's Taskforce for Jobs (MTFJ) has been implemented in the District utilising partnership funding of up to \$500,000 (GST Exclusive) from the Ministry of Social Development, supported by Local Government New Zealand, to deliver sustainable employment for 50 people who have been displaced from their employment under Covid-19, to June 30, 2021.

The fund has enabled us to employ a fulltime Westland Workforce Coordinator to deliver the programme for a period of one year with the primary responsibility of liaison and monitoring between employee and employers.

The key focus of this role is:

- Liaise with NEETS and Youth Employment Programme Provider to ensure our vulnerable youth are engaged in the Work Ready Programme.
- Network with each of our Westland Communities to establish needs and opportunities, being a local point of focus for potential employees and employers to access.
- Liaising with the Communications Advisor to promote the MTFJ Community Recovery to enable easy access for employers and potential employees.
- Sourcing, and where appropriate, provide pastoral care for employees to ensure sustained employment outcomes.
- Ongoing liaison for a period of three months with Employers of Employees.
- Coordinate with training providers with view to creating training opportunities to increase employment placements.
- Connect with and establish working relationships with businesses, contractors and organisations.
- Financial responsibility for the programme through a one up approval system.
- Reporting and management requirements of the programme.

At the time of writing the Westland MTFJ Community Recovery Fund team has undertaken several tasks in order to create the programme and establish key working relationships within the Westland region. Whilst the outreach has not stretched to its full potential as yet we are will be striving to connect with SME and job seekers throughout the second month of the programme rollout.

To date we have met with Anne Ginty from MSD, the National MTFJ team as well as Arahura Marae and Westland High School. We look forward to building strong working relationships with all four stakeholders. We have arranged to speak at two community group meetings, meet with the Grey District MTFJ team and intend on working in conjunction with the Westland Mayor to hold a Hokitika based public information meeting. We are in the preliminary stages of working on our web presence and to date have launched the MTFJ information page on the Westland District Council website, posted this content to social media and utilised a local business contact list to promote the MTFJ Community Recovery Fund. We have found that personalised invitations to engage in the programme via email, face to face and telephone contact have generated the most successful momentum thus far.

WestREAP have accepted responsibility for the Youth Employability Programme (YEP) contract and the MTFJ team has allocated \$40,500.00 for its purpose. Applications for the part-time YEP facilitator role have now closed and the MTFJ Workforce Coordinator (WFC) will work in conjunction with WestREAP during the interviewing phase over the coming weeks.

Arahura Marae are hosting a Barista and Food Safety course for the purpose of industry training and retraining for job seekers. A maximum of \$7,500 per course has been allocated by the MTFJ.

To date the WFC has personally reached out to over 50 business and provided follow up liaison with 17 of the 20 registered businesses. Our team has approved \$20,080.00 in funding across four of those businesses which has in turn supported 6 employment opportunities. A further five funding applications will seek approval week ending 20th September 2020. It is thought that all five applications will be successful. This in turn will support a maximum of eight employment opportunities. There are several businesses that have not reached funding approval as yet as they are yet to engage with MSD and/or DWC. The WFC has requested eligible businesses approach these departments in the first instance and has referred on as appropriate. Following this input the WFC will work towards identifying funding gaps and work alongside these businesses to determine MTFJ funding options. Other businesses that have not reached

the MTFJ funding stage as yet are still in the preliminary stages of deciding on employment options.

The uptake from the job seekers has been somewhat slower than that of the employers. We have discussed this with MTFJ and MSD and have agreed that a MSD 'text bomb' will help establish jobseeker momentum. We currently have 15 registered job seekers.

2.3 Provisional Development Unit Funding

The following projects have been approved and funding by the Provisional Development Unit of MBIE:

2.3.1 Solid waste management: Fox Landfill Waste Removal and Butlers Landfill Cell - \$3.3M

Fox Glacier Landfill

GHD consultants are leading the extraction plan for the Fox project, which includes supply of contract / tender documents. Soil and Rock Consultants are compiling consenting material and submitting to Regional Council. Golders consulting are undertaking environmental investigations & site validation. Consent application being prepared for Extraction and Remediation for the material out of Fox. (This involves removal and clean-up of the contaminated site / NES compliance)

A 20T excavator will be on site (FOX) next Monday the 21st to confirm two boundaries of the waste material and Golders to check for any gas components underground, to meet NES requirements.

Butlers Landfill

STANTEC will be finalising the design of the new cell at Butlers and changes to the dispersion field if needed.

Regional council pre-lodgement meeting was held to ensure the correct resource consents are applied for and streamlining where able.

Variation to the existing Butlers consent for the depositing the additional material into the open landfill from Fox is being progressed by Soil and Rock. The quantity of 30k tonnes will exceed a 12 monthly total allowed by 8k tonnes.

An additional consent will be required for the earthworks and site construction at Butlers.

Fox River Remediation

The Fox River Basin Clean-Up documentation and agreements have been supplied to Fox Glacier Guides who were approached and have tentatively agreed to manage the ground clean-up of the Fox River basin.

Fox Glacier Guides have been supplied with all the planning and additional documents used via the Department of Conservation (DoC) in the initial site clean-up project from 2019. Council have reviewed available budgets and expected outcomes with them.

Glacier Guides will have a board meeting on this upcoming Wednesday where our proposal is subject to their board approval. The two managers were in support of the project but approval is required as it's not business as usual activities.

General

All consultants will have delivered a project timeline for their respective deliverables by the 16 September 2020.

Council has received a letter of support from DoC for the extraction project and awaiting another as requested from Cr Paul Madgwick & Makaawhio representative, to assist with consent applications.

2.3.2 Cron Street extension - \$1.2M / Cron Street footpath extension - \$300K

A site meeting with the developer was carried out by District Assets Staff to confirm the scope of works to be carried out. Since then the developer has been busy revising the original plans to take into account works already completed. The documentation for vesting of the land as Road Reserve is also underway. Works are set to begin as soon as the funding is made available.

2.3.3 Old Christchurch Road seal extension - \$3.2M

Contract preparation is nearing completion for this work and will be ready to go to the market for pricing soon. The tender period will be three weeks to allow for sufficient time to evaluate and award prior to the time when works must begin. This contract is a specific Design/Build project that has been split into three separable

portions. This will enable greater opportunity for collaboration from multiple parties during construction.

2.3.4 Jackson Bay wharf - \$500K (additional to \$500k already approved)

GT Liddell Contracting Ltd. has been awarded the Jackson Bay Wharf repairs project. The causeway and main wharf are in need of repairs. The first stage of the project has commenced to complete a detailed engineering assessment of the condition of the causeway and the main wharf. This is to allow accurate reporting on the scope and cost of the repairs as well as any works required to achieve a suitable loading to be able to complete pile driving and other repairs.

A Structural Engineer is completing the final checks on repairs and loading of the structure. When weather allows water blasting of piles at low tide level on the main wharf will be completed to complete diver inspections. Council will repair some piles and drive new piles where they are not structurally able to be repaired. Liddell's have also come up with a methodology to drive in new piles without removing the deck.

The new hardwoods for replacing piling and timber as required have been purchased and on the water from Australia due to be clear of customs the 5th October ready for delivery to site.

Council and Liddell's have reviewed the project scope and will be submitting the final repair methodology's, scheduling of repairs and materials costings to Council based on a fixed value contract. This will finalise the second stage for the project construction works.

In the interim Liddell are building a special piling rig ready to drive piles from the wharf and a mounting crane on a barge is ready for site delivery.

The project spend to date is \$226k to include the hardwood timbers on order, wharf condition inspections and structural engineering checks.

2.3.5 Hokitika swimming pool renovation - \$3M

Council staff have been working with architects and pool services specialists to develop a concept plan for the swimming pool upgrade.

Greymouth based Architects, Team Architecture, were selected as architectural consultants for the swimming pool renovation project. Team Architecture has members within the collective that have experience with a number of similar sized pool developments and will take the design lead for the Hokitika swimming pool renovation project.

Ian Coombes Limited has been appointed as the specialist for providing their in-house design service for a tailored and cost-effective pool filter system upgrade and pool liner installation. Ian Coombes have serviced the Westland District Council facilities in Hokitika and Ross for many years.

Council staff had a series of meetings with the core design team to work through the scoping, design and budget constraints. These meetings focused on ensuring the team making design and planning decisions are on the same page to make effective use of the available funding. Once the list of priorities was identified a rough costing was produced to help focus the key spending areas. A concept plan has been developed to show what a staged development might look like. Consultation meetings and conversations have taken place with the newly formed swimming pool users group, Hokitika Swimming Club and the swimming pool management. This covers the major user groups for the pool. The planning team is confident the key desires are understood allowing us to focus on finalising the concept and work into developed design.

The Capital and Tenders Subcommittee recently adopted the proposed development plan as Stage 1 works to be completed within the funding allocation and a Stage 2 to be included in the Long Term Plan 2021- 2031.

Construction drawings, building consent and tender documents will now be completed. Council appointed an external Project Manager to lead the project.

2.4 Fox Water Treatment Plant (WTP)

The tender process has been completed for the planned Fox Water Treatment Plant Upgrade to bring this up to operational standard following regular boiled water notices issues for this supply. The tender evaluation

and recommendation for a contractor appointment is being completed for Council endorsement.

2.5 Arahura Water Supply

Council award this contract at the Capital Projects & Tenders Committee to Process Flow Ltd on the 15th Sep. The project will deliver the following scope of work:

- A new bore to be drilled in a more appropriate location.
- A new treatment plant to be constructed with filtration, UV disinfection and the ability for chlorination (To meet the drinking water standards 2005 – revised 2018).
- A new water supply pipeline to the reservoirs and the Marae site.
- Installation of telemetry for continuous equipment monitoring.
- Generator to be installed at the treatment plant for back-up power supply.

2.6 Three Waters Reform

Tranche 1 of the Government's water reform stimulus funding offer from the Crown: WDC funding total \$6,856,307.93. The MOU with the Department of Internal Affairs has been signed for funding agreement.

Next step in the process is confirming the Delivery Plan; this has to be submitted to the Crown for endorsement by 30 Sept 2020. The Delivery Plan can include LTP capital projects and operational cost but exclude annual plan projects already approved.

The targeted requirements we are proposing for the funding is the following:

- To engage an external Project Manager function to avoid compromising current council project resources.
- Spread resources to ensure projects can be completed to include construction, consultants modelling and specialised equipment supply.
- Projects to spread across the district.
- Include Hokitika WWTP Project – scoping works and design.
- Increase 3 Waters infrastructure resilience by installing local generation and buffer capacity.
- Improved automation/ monitoring.
- Better compliance, control, safety.
- Resolve Septage acceptance & management.
- Discharge inflow and infiltration (I&I) investigation.

2.7 Tourism Infrastructure Funding (TIF) applications

2.7.1 Sunset Point

Construction work is now heading into the final phase for the completion of the reserve area. The government contribution for the works has been invoiced. The car park chip seal has been completed allowing vehicle access back into the area, this was an area of focus as the whitebait season sees a larger numbers of users at the point. Line marking, vehicle stops and signage to be completed. The toilets plumbing and electrical connection are being installed. Hydro seeding will be used to establish the large areas of grass for the reserve to be completed once the ground has settled and the soil temperature is warmer.



2.7.2 Haast Water Storage

The new Haast water reservoir works has been completed. This includes the installation of a new seismic valve to protect water storage as part of resilience improvement works.



2.7.3 Hokitika & Franz Josef Campervan Dump Station Upgrades

The Franz Josef works are on program and on budget for completion by Westroads mid-October. The dump station installation and retaining wall are complete and the installation of the lights to the area are in progress. The Hokitika upgrade works to commence late September.

2.8 West Coast Wilderness Trail - Enhancements.

Kaniere Cycle Trail Stage 1.

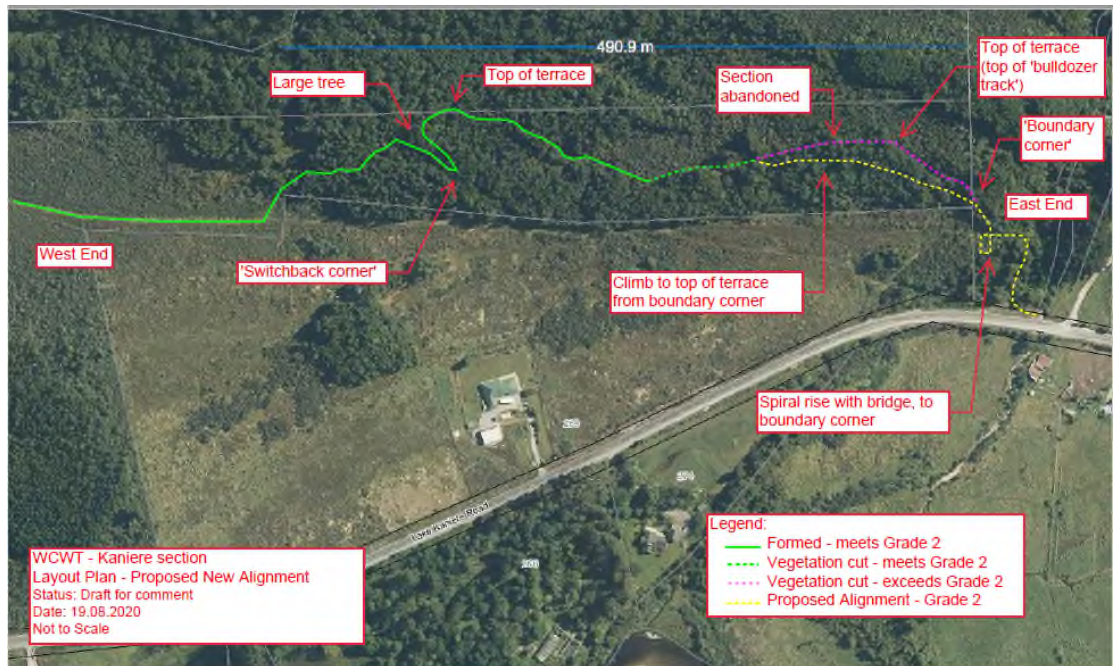
Sections 1 & 2 are essentially complete pending tidy up at completion of section 3.

Alternative route (version 3) for section 3 has now been agreed with all parties – DoC; adjacent landowner; Project Trail Master (J. Strange); Contractor WR.

Map showing this is attached.

We have liaised MBIE for a time extensions and they have agreed to a completion is the 31st October 2020. John Strange of STANTEC has been

engaged to oversee various complicated trail issues on this and other sections of the WCWT.



2.9 Carnegie Building

Carnegie Building project on hold pending the outcome of our funding application to the Culture & Heritage Fund.

2.10 Roading Activities

Allen Road Bridge Replacement works completed. A defective bridge removed and triple 1500mm diameter culverts installed with concrete spill over.

Lake Kaniere Road dropout repairs at McKays Creek. Rock work has been completed.

Airport Drive footpath extension has been completed.

There have been some major slips along the Jackson Bay Rd over the last month. NZTA have committed further protection works against sea surge.



3 OTHER ACTIVITIES

3.1 Building, Planning and Environment

Building

This quarter the response report to MBIE is being finalised to address the recommendations made in their Technical Audit undertaken late last year. The audit covered Compliance Schedules, Notices to Fix and Swimming Pool Barriers. This is the first audit MBIE has undertaken on Westland District Council and there were many positives identified, as well as potential for continuous improvements. MBIE will now be undertaking a technical audit of Council's territory authority functions every two years. This will be offset to the bi-annual IANZ Building Consent Authority Accreditation Assessment (due again July 2021).

The team is also working through ensuring all building owners provide copies of their Building Warrant of Fitness to the Council, which relates to mainly commercial type buildings with specified systems installed for the safety of their users (fire alarms, emergency lighting, mechanical ventilation, backflow preventers, signage etc.). These were all due 30 June 2020 and the Building Act does not allow for extensions to be granted.

This quarter building consent and inspections numbers have seen a slight decrease in numbers, giving the team a chance to undertake functions for the Territory Authority that had previously been 'parked' and undertake competency assessment required training. The team has also taken this opportunity to offer and provide building consent processing support to a

neighbouring council and also a North Island council while they have an unexpected increase in consent numbers.

3.2 Corporate Services

Finance

Finance staff have been working on the Annual Report since the start of the 2020-21 financial year, the completed report will be audited from 28 September by Audit NZ.

Audit NZ have informed staff that they are unable to start the audit on the planned 21 September date, which could jeopardise the adoption of the report by the statutory deadline. This is very disappointing, staff have pushed back strongly for Audit NZ to ensure that they complete the audit as planned, and finance are working to the original timeline.

Strategy and Communications

In this quarter, the Strategy and Communications Advisor (SCA) has been focused on supporting the finance team to produce the Annual Plan 2020/2021 and Consultation Document. The SCA has also been working on providing quality and timely information through Council's media channels, assisting with advice on LGOIMA requests, and policy development. Background work for the LTP 2021-31 continues to be a core task.

Information Services

Information services have been very busy over the last few months. A project has begun to carry out a website refresh that will make searching Council information easier and have an easier to update back end process.

The Information Services Team are currently upgrading the old outdated phone system which should go live in a few weeks. The new phone system will allow for more mobility for staff in case there may need to be working from home again, there will also be a lot more flexibility in the system set up, allowing staff to be more reactive in emergency situations.

Business Analysis

The Business Analyst is leading the transformation from paper-based systems to digital document management, together with the information officer, the system is starting to be rolled out in the next couple of weeks. In order to manage the change in the organisation, this will be rolled out in a piece meal way rather than a big bang change which should be easier for staff training and confidence.

As part of the project, old paper records are undergoing an inventory and are being categorised as per Archives NZ requirements, and this will allow for sentencing and destruction of some records. Records that are required to be permanently archived are to be stored off-site at an appropriate archive facility.

Library

This quarter has seen the return of all regular library programmes and events, the start of a new Wellbeing Group, Young Adult Café Books and a writers group are in the pipeline.

Over 500 people have attended events at the library so far this quarter (down from 682 for Q1 last year). Footfall has been slow to recover after lockdown (av. 4200visits/month) and have not reached the same levels as before lockdown (av. 5500visits/month). This is partly explained by the reduction in number of overseas tourists that use the library for recreational space and to access the internet.

Library physical issues have been less affected at level 1 & 2 and e-services are returning to closer to pre-lockdown levels of use. The Book-A-Librarian service has been well used as patrons took advantage of the re-starting of this service to get help with Library Apps, Banking Apps, Email and the NZ Covid Tracer App; while the APNK continues to provide internet access and printing facilities to both residents and visitors. Community Libraries are open, and have all exchanged their pocket collections.

The Library successfully launched the new Library Delivery Service for housebound patrons and welcomed eight new volunteers to help deliver the books.

3.3 District Assets

Activity Management Plans

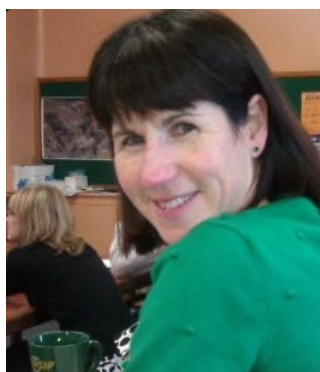
Activity management plans (AMP) are progressing well with 3 Waters, Solid Waste and Building on track to be completed by the end of the first quarter 2021. Morrison Low has been engaged to complete the 3 Waters AMP, following their peer review. Morrison Low have also been engaged to support the completion of the 30-year Infrastructure Strategy and this is expected to be ready by mid-October.

Gurden Consulting has been engaged to update the 10-year Capital Plan for the West Coast Wilderness Cycle trail, which will enable the AMP to be completed.

4 STAFFING UPDATE

4.1 Shelly Sutherland

As of the 24 July WDC decided to withdraw from the shared service relationship we had with the WCRC for delivering human resources and Health & Safety. We have brought this activity back in house and have appointed Shelley Sutherland as our new People & Capability Manager. Shelley comes with vast experience in HR services and has covered numerous roles within varying businesses. Shelley started on the 21st September.



4.2 Megan Smith

Megan started in the role of Committee Secretary and has pick up the reins and slotted in well.



4.3 Lauren Emanuel

A new Emergency Management Officer for the Westland District, Lauren Emanuel, was appointed. Lauren also covers the role of Group Welfare Manager for the West Coast.



4.4 Charlotte Bradley-Peni

Under the MTFJ we have taken a full time Program Coordinator, **Charlotte Bradley-Peni**. Her position is fully funded within the project.



5. LGOIMA UPDATE

- 5.1 In this quarter, 01 March 2020 – 30 June 2020, 23 LGOIMA requests have been received. 3 of these requests are from media outlets and 3 were from the New Zealand Taxpayers' Union. 1 request was transferred within the prescribed timeframes. Two requests remain pending as the requestor has not responded to a letter for clarification or charging.

Full year-to-date results are included in the 2019/2020 Annual Report.

LGOIMA Number of days for completion fourth quarter	
5 Days and under	10
≥6 – 10 Days	1
≥11 – 15 Days	2
≥16 – 20 Days	5
20 Days and over	1
Withdrawn	2
Pending	2

6. RECOMMENDATION

- A) **THAT** the Quarterly Report from the Chief Executive dated 24 September 2020 be received.

Simon Bastion
Chief Executive

Report



DATE: 24 September 2020

TO: Councillors

FROM: Mayor

CHIEF EXECUTIVE'S REVIEW COMMITTEE - TERMS OF REFERENCE

1 SUMMARY

- 1.1 The purpose of this report is for Council to adopt the Terms of Reference (ToR) for the Chief Executive's Review Committee. Council previously had a ToR, with the Committee reporting to the Executive Committee of Council. These ToR are now required to be updated.
- 1.2 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.3 This report concludes by recommending that Council adopt the Terms of Reference for the Chief Executive's Review Committee.

2 BACKGROUND

- 2.1 Under the Local Government Act 2002 (Act), every local authority must appoint a Chief Executive. Under Clause 34(2) of Schedule 7 of the Act, the local authority and the Chief Executive must enter into a performance agreement. It is usual for a performance agreement to provide for periodic reviews and a structure needs to be put in place for the reviews to be completed.
- 2.2 The establishment of a committee does not mean that the full Council will not be involved in the performance review process for a Chief Executive or have knowledge of various employment issues that have arisen between the Council and the Chief Executive. The Standing Committee will report to the full Council on a regular basis.

3 CURRENT SITUATION

- 3.1 The Chief Executive's Review Committee has already met and the Terms of Reference needs to be adopted by Council.
- 3.2 Meetings of the Standing Committee shall meet at least twice per year; however, the Committee may reconvene more frequently as required.
- 3.3 Meetings will be conducted in accordance with the Act, the Local Government Official Information and Meetings Act 1987 (LGOIMA), and the Council's Standing orders.
- 3.4 Members of the Committee will comprise of the Mayor, Deputy Mayor and Chairperson of the Planning and Regulatory Committee. The Mayor is the designated Chairperson of the Committee.

4 OPTIONS

- 4.1 **Option 1:** Adopt the Terms of Reference for the Chief Executive's Review Committee.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Adopting the Chief Executive's Review Committee Terms of Reference is administrative in nature, and has therefore been assessed as being of low significance.
- 5.2 Wider community engagement is not necessary.

6 ASSESSMENT OF OPTIONS

- 6.1 **Option 1:** Adopt the terms of reference for the Chief Executive's Review Committee.
 - 6.1.1 The Committee cannot function without a ToR and does not mean that further improvements cannot be made.


7 RECOMMENDATION

- A) **THAT** Council adopts the Terms of Reference for the Chief Executive's Review Committee.

Bruce Smith
Mayor

Appendix 1: Chief Executive's Review Committee - Terms of Reference

TERMS OF REFERENCE FOR THE CHIEF EXECUTIVE'S REVIEW COMMITTEE

 <p>WESTLAND DISTRICT COUNCIL</p>	Authorising Body	Local Government Act 2002
	Status	Council Committee - Standing Committee
	Title	Chief Executive's Review Committee Terms of Reference
	Approval Date	28 August 2020
	Administrative Support	Chief Executives Office

Role of the Chief Executive's Review Committee

Council employs the Chief Executive, who in turn employs and manages Council staff. Council therefore has a responsibility to set and monitor the performance of the Chief Executive.

Membership

The Chief Executive Review Committee will comprise of His worship the Mayor, the Deputy Mayor and the Chair of the Planning & Regulatory Committee (The Mayor is designated as the chairperson).

Quorum - Committee

The quorum at a meeting of the Chief Executive's Review Committee is 3 members.

Frequency of Meetings

The Chief Executive's Review Committee shall meet at least twice per year, but may convene more frequently as required.

Committees Responsibilities

The Committees responsibilities are described below:

Performance of the Chief Executive

- Review the chief executive's performance as required in the employment agreement between the Council and chief executive.
- Annually consider the CE remuneration.
- Supervise any recruitment and selection process for a chief executive.
- Consider any issues regarding the employment of the chief executive.

- The Committee may procure independent specialist advice to the value of \$25,000 per annum in accordance with Councils procurement policy and processes.

Delegations of the Committee:

- Approving the employment agreement between the local authority and the chief executive and setting key performance indicators in a performance agreement.
- Working with the chief executive on the implementation of the performance agreement.
- Conducting any performance reviews required by the performance agreement.
- Making decisions about the remuneration of the chief executive.
- Conducting any statutory performance reviews under clauses 34 and 35 of Schedule 7 of the Act.
- Deciding any other issues that may arise in the relation to the employment or performance of the chief executive.
- Fulfilling the local authority's contractual obligations to the chief executive.
- Disciplinary or performance issues that may need to be addresses/investigated relating to the chief executive.

Report



DATE: 24 September 2020
TO: Mayor and Councillors
FROM: Group Manager: Corporate Services

BECOMING A GUARANTEEING LOCAL AUTHORITY OF THE NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY LIMITED.

1 SUMMARY

- 1.1 The purpose of this report is for Council to resolve to become a guaranteeing Local Authority of the New Zealand Local Government Funding Agency (LGFA), approve the documents involved in becoming a guaranteeing Local Authority of LGFA, and to delegate authority to sign those documents.
- 1.2 This issue arises as Council's borrowings is forecast to be over \$20 million at the end of the 2020-2021 Financial year end.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2018-28.
- 1.4 This report concludes by recommending that Council resolves to;
 - 1.4.1 Receive the "Becoming a guaranteeing Local Authority of the New Zealand Local Government Funding Agency" report, and
 - 1.4.2 Notes the contents of that report, and
 - 1.4.3 Confirms the Council's intention to become a guaranteeing Local Authority of (LGFA), and
 - 1.4.4 Resolves that the Council become a guaranteeing Local Authority of LGFA, and
 - 1.4.5 Approves the documents that are attached to the "Becoming a guaranteeing Local Authority of New Zealand Local Government Funding Agency Limited" and that are referred to below, and
 - 1.4.6 Authorises any two of the Councils elected members to execute the following deeds for the purposes of recommendations 1.4.3 and 1.4.4 above;
 - (a) Accession Deed to Guarantee and Indemnity; and

- (b) Accession Deed to Equity Commitment Deed.
- 1.4.7 Delegates authority to the Chief Executive to execute the following documents for the purposes of the recommendations 1.4.3 and 1.4.4 above;
 - (a) Security Stock Certificate (in relation to the LGFA Equity Commitment Deed);
 - (b) Security Stock Certificate (in relation to the LGFA Guarantee and Indemnity); and
 - (c) Stock Issuance Certificate (in relation to the documents noted at 1.4.7 (a) and 1.4.7 (b) above).
- 1.4.8 Authorises the Chief Executive to execute the Chief Executive Certificate and Officers Certificate and such other documents and take such other steps on behalf of the Council as the Chief Executive considers it is necessary or desirable to execute or take to give effect to recommendations 1.4.3 and 1.4.4 above.

2 BACKGROUND

- 2.1 WDC joined the LGFA in 2018 as a borrower only, this was because Council debt was under \$20 million.
- 2.2 Once Council debt is greater than \$20 million, Council will need to either borrow from a bank at a higher pricing or become a guaranteeing Local Authority of LGFA.
- 2.3 In May 2020 Council resolved to direct staff to start the process of becoming a guaranteeing Local Authority of LGFA.

3 CURRENT SITUATION

- 3.1 Council staff directed Simpson Grierson to act on Council's behalf and Simpson Grierson have been working with LGFA's lawyers on the accession.
- 3.2 The accession documentation has been received and to complete the accession, Council must approve the documentation and delegate authority to two Councillors to sign the two deeds and authorise the Chief Executive to sign various certificates (as referred to below).
 - 3.2.1 Accession Deed to Guarantee and Indemnity (x2) to be signed by two Councillors. Attached as **Appendix 1**
 - 3.2.2 Accession Deed to Equity Commitment Deed (x2) to be signed by two Councillors. Attached as **Appendix 2**
 - 3.2.3 Chief Executive Certificate attached as **Appendix 3**, Officers Certificate attached as **Appendix 4**, Stock Issuance Certificates attached as

Appendix 5 and Appendix 6, and Security Stock Certificates attached as Appendix 7 and Appendix 8.

4 OPTIONS

- 4.1 Option 1: Do nothing
- 4.2 Option 2: Execute the recommendations to become a guaranteeing Local Authority of LGFA as stated in point 1.4 above.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 In accordance with Council's policy on Significance and Engagement the report is administrative in nature and does not require consultation.
- 5.2 Council is not required to consult for becoming a guaranteeing Local Authority of LGFA.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: Do Nothing, Council will still be in a position to obtain debt through the current MOCL facility in place with Councils bank Westpac up to \$4 million. There is an option to increase this facility if required.
Bank facilities are generally shorter term which means Council would not have access to the longer debt terms which it has access to with the LGFA. Longer term intergenerational debt matches closer with infrastructure expenditure which generally has a longer life.
Council could decide not to continue before signing the Guarantee and Indemnity, and Equity Commitment Deed at only the cost of legal fees already incurred.
- 6.2 Option 2: Council resolved at the 28 May 2020 Council meeting to direct staff to start the process of becoming a guaranteeing Local Authority of LGFA. This report is the result of that direction.
Council debt will be increasing rather than decreasing, short term debt may also be required as Council adopted the Annual Plan 2020-2021 with a zero-rate increase.
The financial implications of this option have already been incurred at the time Council directed staff to start the process to become a guaranteeing Local Authority of LGFA.
Council could decide not to continue before signing the Guarantee and Indemnity and the Equity Commitment Deed at only the cost of legal fees.

7 PREFERRED OPTION AND REASONS

7.1 The preferred Option is 2: The LGFA is in a strong position and was set up specifically to allow for Local Authorities to have access to funds that they would not have access to by themselves by way of the Local Government Act 2002.

With debt increasing and the possibility of Council also needing to short term fund to cover operating costs occasionally over at least the next 12 months, access to longer term debt and potential lower cost of that debt is necessary to reduce the burden on ratepayers. There are no financial implications to the recommendation to approve the documents and delegate authority, as costs to accede were approved when Council directed staff to start the process to become a guaranteeing Local Authority of LGFA.

8 RECOMMENDATION

A) **THAT** Council resolves to; (numbering reflects the clauses itemised in 1.4 above).

1.4.1 Receive the “Becoming a guaranteeing Local Authority of the New Zealand Local Government Funding Agency Limited” report, and

1.4.2 Notes the contents of that report, and

1.4.3 Confirms the Council’s intention to become a guaranteeing Local Authority of the New Zealand Local Government Funding Agency (LGFA), and

1.4.4 Resolves that the Council become a guaranteeing Local Authority of the LGFA, and

1.4.5 Approves the documents that are attached to the “Becoming a guaranteeing Local Authority of the New Zealand Local Government Funding Agency Limited” that are referred to below, and

1.4.6 Authorises any two of the Councils elected members to execute the following deeds for the purposes of recommendations 1.4.3 and 1.4.4 above;

(a) Accession Deed to Guarantee and Indemnity; and

(b) Accession Deed to Equity Commitment Deed.

1.4.7 Delegates authority to the Chief Executive to execute the following documents for the purposes of the recommendations 1.4.3 and 1.4.4 above;

(a) Security Stock Certificate (in relation to the LGFA Equity Commitment Deed);

(b) Security Stock Certificate (in relation to the LGFA Guarantee and Indemnity); and

(c) Stock Issuance Certificate (in relation to the documents noted at 1.4.7 (a) and 1.4.7 (b) above).

1.4.8 Authorises the Chief Executive to execute the Chief Executive Certificate and Officers Certificate and such other documents and take such other steps on behalf of the Council as the Chief Executive considers it is necessary or desirable to execute or take to give effect to recommendations 1.4.3 and 1.4.4 above.

Lesley Crichton

Group Manager: Corporate Services

Appendix 1: Accession Deed to Guarantee and Indemnity.

Appendix 2: Accession Deed to Equity Commitment Deed.

Appendix 3: Chief Executive Certificate.

Appendix 4: Officers Certificate.

Appendix 5: Stock Issuance Certificate in relation to Point 1.4.7 (a)

Appendix 6: Stock Issuance Certificate in relation to Point 1.4.7 (b).

Appendix 7: Security Stock Certificate 10.

Appendix 8: Security Stock Certificate 11.

Accession Deed to Guarantee and Indemnity

PARTIES

Westland District Council

Additional Guarantor

TEL Security Trustee (LGFA) Limited

Security Trustee

DEED dated

2020

GRANTED

Westland District Council
("Additional Guarantor")

IN FAVOUR OF

TEL Security Trustee (LGFA) Limited
("Security Trustee")

INTRODUCTION

- A. Each of the Local Authorities listed in schedule 1 to this deed ("**Guarantors**") is (as at 10 September 2020) party to a guarantee and indemnity ("**Guarantee**") dated 7 December 2011 (as amended and restated on 6 July 2020) in favour of the Security Trustee (whether as a party to the original Guarantee or by becoming a Guarantor pursuant to a deed equivalent to this deed).
- B. The Additional Guarantor is to become a Guarantor under the Guarantee by entering into this deed.

COVENANTS

- 1. **Definitions:** In this deed, capitalised terms shall have the meanings given to them in the Guarantee unless they are defined in this deed.
- 2. **Deemed to be a Guarantor:** With effect from the date of this deed, the Additional Guarantor will be deemed to be named as a Guarantor under the Guarantee as if originally included and named in the Guarantee.
- 3. **Guarantee:** The Additional Guarantor guarantees to the Security Trustee, for the benefit of the Guaranteed Creditors, the due payment or delivery by the Principal Debtor of the Principal Debt. The provisions of the Guarantee shall apply to the guarantee given by the Additional Guarantor under this deed in the same manner, and to the same extent, as if the same had (with all necessary modification) been set out in full in this deed.
- 4. **Representations and warranties:** The Additional Guarantor makes the representations and warranties in clause 9.1 of the Guarantee in relation to itself to the Security Trustee by reference to the facts and circumstances then existing (and as though each reference in clause 9.1 to Guarantor was to the Additional Guarantor and each reference to the Transaction Documents included this deed).
- 5. **Attorney:** The Additional Guarantor irrevocably appoints the Security Trustee and every officer of the Security Trustee, individually, to be the attorney of the Additional Guarantor ("**Attorney**") (with full power to delegate the Attorney's powers to any person for any period and to revoke any such delegation) to, on behalf of the Additional Guarantor, do anything which, in the Attorney's opinion, is desirable to protect the Security Trustee's or any other Guaranteed

Creditor's interests under this deed and/or the Guarantee, and the Additional Guarantor hereby ratifies anything done by the Attorney or any delegate in accordance with this clause 5.

6. **Implied provisions:** For the purposes of section 14 of the Property Law Act 2007, the Additional Guarantor acknowledges that this deed is, and for all purposes and at all times shall be construed as being, supplemental to the Guarantee.

7. **Address for notice:** The initial address, email address and contact person (if any) of the Additional Guarantor for the service of notices is:

Delivery Address: Westland District Council
36 Weld St
Hokitika 7810

Attention: Group Manager: Corporate Services

Email: council@westlanddc.govt.nz

Postal Address: 36 Weld St, Hokitika 7810

8. **Governing law:** This deed shall be governed by, and construed in accordance with the laws of New Zealand, and the parties hereby submit to the non-exclusive jurisdiction of the courts of New Zealand.

9. **No Crown guarantee:** The obligations and liabilities of the Additional Guarantor under this deed and the Guarantee are not guaranteed by the Crown.

EXECUTED AS A DEED

Additional Guarantor

WESTLAND DISTRICT COUNCIL by:

Signature of Elected Member

Signature of Elected Member

Name of Elected Member

Name of Elected Member

**SCHEDULE 1
EXISTING GUARANTORS**

1. Ashburton District Council
2. Auckland Council
3. Bay of Plenty Regional Council
4. Canterbury Regional Council
5. Christchurch City Council
6. Far North District Council
7. Gisborne District Council
8. Gore District Council
9. Hamilton City Council
10. Hastings District Council
11. Hauraki District Council
12. Hawke's Bay Regional Council
13. Horowhenua District Council
14. Hurunui District Council
15. Hutt City Council
16. Invercargill City Council
17. Kaipara District Council
18. Kapiti Coast District Council
19. Manawatu District Council
20. Manawatū-Whanganui Regional Council
21. Marlborough District Council
22. Masterton District Council
23. Matamata-Piako District Council
24. Nelson City Council
25. New Plymouth District Council
26. Northland Regional Council
27. Ōtorohanga District Council
28. Palmerston North City Council
29. Porirua City Council
30. Queenstown-Lakes District Council
31. Rotorua District Council
32. Ruapehu District Council
33. Selwyn District Council
34. South Taranaki District Council
35. South Waikato District Council
36. South Wairarapa District Council
37. Stratford District Council

38. Taranaki Regional Council
39. Tararua District Council
40. Tasman District Council
41. Taupo District Council
42. Tauranga City Council
43. Thames-Coromandel District Council
44. Timaru District Council
45. Upper Hutt City Council
46. Waikato District Council
47. Waikato Regional Council
48. Waimakariri District Council
49. Waipa District Council
50. Waitomo District Council
51. Wellington City Council
52. Wellington Regional Council
53. Western Bay of Plenty District Council
54. Whakatane District Council
55. Whanganui District Council
56. Whangarei District Council

Accession Deed to Equity Commitment Deed

PARTIES

Westland District Council

Additional Guarantor

New Zealand Local Government Funding Agency Limited

Company

DEED dated

2020

PARTIES

Westland District Council
("Additional Guarantor")

New Zealand Local Government Funding Agency Limited
("Company")

INTRODUCTION

- A. Each of the Local Authorities listed in schedule 1 to this deed ("**Guarantors**") is (as at 10 September 2020) party to an equity commitment deed with the Company ("**EC Deed**") dated 7 December 2011 (as amended and restated on 4 June 2015) (whether as a party to the original EC Deed or by becoming a party pursuant to a deed equivalent to this deed).
- B. The Additional Guarantor is to become a Guarantor under the EC Deed by entering into this deed.

COVENANTS

- Definitions:** In this deed, capitalised terms shall have the meanings given to them in the EC Deed unless they are defined in this deed.
- Deemed to be a Guarantor:** With effect from the date of this deed, the Additional Guarantor will be deemed to be named as a Guarantor under the EC Deed as if originally included and named in the EC Deed.
- Warranties and undertakings:** The Additional Guarantor makes the representations, warranties and undertakings in clause 6.1 and 6.2 of the EC Deed in relation to itself to the Company by reference to the facts and circumstances then existing (and as though each reference in clause 6.1 and 6.2 to Guarantor was to the Additional Guarantor).
- Implied provisions:** For the purposes of section 14 of the Property Law Act 2007, the Additional Guarantor acknowledges that this deed is, and for all purposes and at all times shall be construed as being, supplemental to the EC Deed.
- Address for notice:** The initial address, email address and contact person (if any) of the Additional Guarantor for the service of notices is:

Delivery Address: Westland District Council
36 Weld St
Hokitika 7810

Attention: Group Manager: Corporate Services

Email: council@westlanddc.govt.nz

Postal Address: 36 Weld St, Hokitika 7810

- Governing law:** This deed shall be governed by, and construed in accordance with the laws of New Zealand, and the parties hereby submit to the non-exclusive jurisdiction of the courts of New Zealand.

7. **No Crown guarantee:** The obligations and liabilities of the Additional Guarantor and Company under this deed and the EC Deed are not guaranteed by the Crown.
8. **Counterparts:** This deed may be signed in any number of counterparts, all of which together constitute one and the same instrument, and any of the parties may execute this deed by signing any such counterpart.

EXECUTED AS A DEED

Additional Guarantor

WESTLAND DISTRICT COUNCIL by:

Signature of Elected Member

Signature of Elected Member

Name of Elected Member

Name of Elected Member

Company

**NEW ZEALAND LOCAL GOVERNMENT
FUNDING AGENCY LIMITED** by:

Signature of director

Signature of director

Name of director

Name of director

**SCHEDULE 1
EXISTING GUARANTORS**

1. Ashburton District Council
2. Auckland Council
3. Bay of Plenty Regional Council
4. Canterbury Regional Council
5. Christchurch City Council
6. Far North District Council
7. Gisborne District Council
8. Gore District Council
9. Hamilton City Council
10. Hastings District Council
11. Hauraki District Council
12. Hawke's Bay Regional Council
13. Horowhenua District Council
14. Hurunui District Council
15. Hutt City Council
16. Invercargill City Council
17. Kaipara District Council
18. Kapiti Coast District Council
19. Manawatu District Council
20. Manawatū-Whanganui Regional Council
21. Marlborough District Council
22. Masterton District Council
23. Matamata-Piako District Council
24. Nelson City Council
25. New Plymouth District Council
26. Northland Regional Council
27. Ōtorohanga District Council
28. Palmerston North City Council
29. Porirua City Council
30. Queenstown-Lakes District Council
31. Rotorua District Council
32. Ruapehu District Council
33. Selwyn District Council
34. South Taranaki District Council
35. South Waikato District Council
36. South Wairarapa District Council
37. Stratford District Council

38. Taranaki Regional Council
39. Tararua District Council
40. Tasman District Council
41. Taupo District Council
42. Tauranga City Council
43. Thames-Coromandel District Council
44. Timaru District Council
45. Upper Hutt City Council
46. Waikato District Council
47. Waikato Regional Council
48. Waimakariri District Council
49. Waipa District Council
50. Waitomo District Council
51. Wellington City Council
52. Wellington Regional Council
53. Western Bay of Plenty District Council
54. Whakatane District Council
55. Whanganui District Council
56. Whangarei District Council

CHIEF EXECUTIVE CERTIFICATE

I, Simon Bastion, the Chief Executive of Westland District Council (**Council**) certify as follows:

1. RESOLUTIONS

1.1 The Council has, by all necessary resolutions duly passed (**Resolutions**):

- (a) approved the transactions contemplated by the documents referred to in the schedule to this certificate (**Documents**), or delegated sufficient authority to the person(s) who has approved those transactions to give that approval; and
- (b) authorised execution of the Documents by the Council, or delegated sufficient authority to the person(s) who authorised execution of the Documents to give that authorisation.

1.2 The Resolutions remain in full force and effect.

2. COMPLIANCE WITH THE ACT

For the purposes of section 118 of the Local Government Act 2002 (**Act**), in entering into the Documents and performing its obligations under the Documents, and all other documentation contemplated by or entered into in connection with the Documents, the Council has complied with the Act.

3. DUE EXECUTION

The Documents have been properly executed by the Council.

This certificate is given by me in my capacity as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this certificate.

Dated: 2020

Simon Bastion
Chief Executive
Westland District Council

SCHEDULE "Documents"

Words and expressions defined in the Multi-issuer Deed dated 7 December 2011 (as amended and restated on 6 July 2020) between New Zealand Local Government Funding Agency Limited and various local authorities ("**Multi-issuer Deed**") have the same meanings in this certificate.

1. Accession Deed to Equity Commitment Deed dated on or about the date of this certificate between the Council and New Zealand Local Government Funding Agency Limited and the Equity Commitment Deed (as amended and restated on 4 June 2015).
2. Accession Deed to Guarantee and Indemnity dated on or about the date of this certificate granted by the Council in favour of TEL Security Trustee (LGFA) Limited and the Guarantee (as amended and restated on 6 July 2020).
3. Security Stock Certificate in favour of New Zealand Local Government Funding Agency Limited in relation to the Council's obligations under the Accession Deed to Equity Commitment Deed and the Equity Commitment Deed.
4. Security Stock Certificate in favour of TEL Security Trustee (LGFA) Limited as Security Trustee in relation to the Council's obligations under the Accession Deed to Guarantee and Indemnity and the Guarantee.
5. Stock Issuance Certificate in respect of the issue of Security Stock evidenced by the Security Stock Certificate at 3. above.
6. Stock Issuance Certificate in respect of the issue of Security Stock evidenced by the Security Stock Certificate at 4. above.

Officer's Certificate

TO: **New Zealand Local Government Funding Agency Limited**

AND TO: **TEL Security Trustee (LGFA) Limited**

I, Simon Bastion, a duly authorised officer of Westland District Council (**Council**), hereby certify that all necessary regulatory or statutory authorisations, consents, approvals and licences in relation to:

- a) the Council's entry into the Accession Deed to Equity Commitment Deed (**ECD Accession Deed**) dated on or about the date of this certificate between the Council and New Zealand Local Government Funding Agency Limited (**LGFA**) and the Equity Commitment Deed (as amended and restated on 4 June 2015);
- b) the Council's entry into the Accession Deed to Guarantee and Indemnity (**Guarantor Accession Deed**) dated on or about the date of this certificate granted by the Council in favour of TEL Security Trustee (LGFA) Limited and the Guarantee (as amended and restated on 6 July 2020); and
- c) the issuance of Security Stock and Security Stock Certificates in respect of the Council's obligations under:
 - i. the ECD Accession Deed and the Equity Commitment Deed; and
 - ii. the Guarantor Accession Deed and the Guarantee,

have been obtained and are current and satisfactory.

Words and expressions defined in the Multi-issuer Deed dated 7 December 2011 (as amended and restated on 6 July 2020) between LGFA and various local authorities and subsequently acceded to by the Council have the same meanings in this certificate.

DATED: 2020

SIGNED:

Simon Bastion
Chief Executive
Westland District Council

STOCK ISSUANCE CERTIFICATE

I, Simon Bastion, the Chief Executive of Westland District Council (the "**Council**") hereby certify that:

1. the issue of Security Stock to New Zealand Local Government Funding Agency Limited (the "**new Stock**") under the Debenture Trust Deed dated 29 March 2018 (the "**Trust Deed**") has been duly authorised by the Council, or has been authorised by a person or persons within the delegated authorities approved by the Council;
2. no Enforcement Event has occurred and remains unremedied;
3. for the purposes of section 115(3) of the Act, the loans or obligations secured by the new Stock have been raised for the benefit of all of the Council's district; and
4. for the purposes of section 118 of the Act, the Council has complied with the Act in entering into and the performance of its obligations under the Trust Deed, the Agency Agreement and all other obligations entered into by the Council in connection with the Council's borrowing and granting security under the Trust Deed, including in respect of the new Stock.

This Certificate is given by me as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this Certificate.

Unless otherwise defined or the context otherwise requires, terms with a defined meaning in the Trust Deed shall have the same meaning where used in this Certificate.

Dated:

Chief Executive
Westland District Council

STOCK ISSUANCE CERTIFICATE

I, Simon Bastion, the Chief Executive of Westland District Council (the "**Council**") hereby certify that:

1. the issue of Security Stock to TEL Security Trustee (LGFA) Limited (the "**new Stock**") under the Debenture Trust Deed dated 29 March 2018 (the "**Trust Deed**") has been duly authorised by the Council, or has been authorised by a person or persons within the delegated authorities approved by the Council;
2. no Enforcement Event has occurred and remains unremedied;
3. for the purposes of section 115(3) of the Act, the loans or obligations secured by the new Stock have been raised for the benefit of all of the Council's district; and
4. for the purposes of section 118 of the Act, the Council has complied with the Act in entering into and the performance of its obligations under the Trust Deed, the Agency Agreement and all other obligations entered into by the Council in connection with the Council's borrowing and granting security under the Trust Deed, including in respect of the new Stock.

This Certificate is given by me as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this Certificate.

Unless otherwise defined or the context otherwise requires, terms with a defined meaning in the Trust Deed shall have the same meaning where used in this Certificate.

Dated:

Chief Executive
Westland District Council

SECURITY STOCK CERTIFICATE

Security Stock Certificate No: 10

WESTLAND DISTRICT COUNCIL (the "**Council**")

Principal Office: Westland District Council
36 Weld Street
Hokitika 7810

Stock Transfer Office: Link Market Services Limited
Level 11, Deloitte Centre
80 Queen Street
Auckland 1010
(the "**Agent**")

The Security Stock referred to in this certificate is Security Stock constituted and secured by a Debenture Trust Deed (the "**Debenture Trust Deed**") dated 29 March 2018 between the Council and Covenant Trustee Services Limited and is issued with the benefit and subject to the provisions of the Debenture Trust Deed.

THIS IS TO CERTIFY THAT

1. New Zealand Local Government Funding Agency Limited (the "**holder**") is the registered holder of Specific Security Stock.
2. The Stock is issued as continuing security for the payment and performance on demand or otherwise of any indebtedness or other obligations of the Council of any nature arising under:
 - (a) the Accession Deed to Equity Commitment Deed between the Council and the holder dated on or about the date of this certificate; and
 - (b) the Equity Commitment Deed between various local authorities and the holder dated 7 December 2011 (as amended, supplemented or restated from time to time),

whether:

- (a) present or future;
- (b) actual or contingent;
- (c) on account of any guarantee, principal moneys, interest, bank fees or charges, tax or otherwise; or
- (d) incurred before or after the issuance of the Stock,

that is due, owing, payable or remaining unpaid by the Council to the holder on any account whatever (in each case whether alone or together with any other person or as principal, guarantor, surety or otherwise).

3. Upon any distribution of the money available to Holders under clause 15.1 of the Debenture Trust Deed the Stock shall entitle the holder to payment pari passu with the other Holders in respect of their Secured Money.
4. The holder is entitled to the benefit of, is bound by, and is deemed to have notice of, all the provisions of the Debenture Trust Deed (including the relevant Conditions), which may be inspected at the Principal Office of the Council.

Capitalised terms used in this certificate have the same meaning as in the Debenture Trust Deed unless otherwise defined or the context otherwise requires.

Dated:

SIGNED for and on behalf of
WESTLAND DISTRICT COUNCIL

Simon Bastion
Chief Executive

Witness:

Signature of witness

Full name of witness

Occupation of witness

Address of witness

SECURITY STOCK CERTIFICATE

Security Stock Certificate No: 11

WESTLAND DISTRICT COUNCIL (the "**Council**")

Principal Office: Westland District Council
36 Weld Street
Hokitika 7810

Stock Transfer Office: Link Market Services Limited
Level 11, Deloitte Centre
80 Queen Street
Auckland 1010
(the "**Agent**")

The Security Stock referred to in this certificate is Security Stock constituted and secured by a Debenture Trust Deed (the "**Debenture Trust Deed**") dated 29 March 2018 between the Council and Covenant Trustee Services Limited and is issued with the benefit and subject to the provisions of the Debenture Trust Deed.

THIS IS TO CERTIFY THAT

1. TEL Security Trustee (LGFA) Limited (the "**holder**") is the registered holder of Specific Security Stock.
2. The Stock is issued as continuing security for the payment and performance on demand or otherwise of any indebtedness or other obligations of the Council of any nature arising under:
 - (a) the Accession Deed to Guarantee and Indemnity granted by the Council in favour of the holder dated on or about the date of this certificate; and
 - (b) the Guarantee and Indemnity granted by various local authorities in favour of the holder (for the benefit of any Guaranteed Creditor as defined in the Guarantee and Indemnity) dated 7 December 2011 (as amended, supplemented or restated from time to time),

whether:

- (a) present or future;
- (b) actual or contingent;
- (c) on account of any guarantee, principal moneys, interest, bank fees or charges, tax or otherwise; or
- (d) incurred before or after the issuance of the Stock,

that is due, owing, payable or remaining unpaid by the Council to the holder on any account whatever (in each case whether alone or together with any other person or as principal, guarantor, surety or otherwise).

3. Upon any distribution of the money available to Holders under clause 15.1 of the Debenture Trust Deed the Stock shall entitle the holder to payment pari passu with the other Holders in respect of their Secured Money.
4. The holder is entitled to the benefit of, is bound by, and is deemed to have notice of, all the provisions of the Debenture Trust Deed (including the relevant Conditions), which may be inspected at the Principal Office of the Council.

Capitalised terms used in this certificate have the same meaning as in the Debenture Trust Deed unless otherwise defined or the context otherwise requires.

Dated:

SIGNED for and on behalf of
WESTLAND DISTRICT COUNCIL

Simon Bastion
Chief Executive

Witness:

Signature of witness

Full name of witness

Occupation of witness

Address of witness

Report



DATE: 24 September 2020

TO: Mayor and Councillors

FROM: Group Manager, Corporate Services

RESERVES CONTRIBUTION FUND

1 SUMMARY

- 1.1 The purpose of this report is to provide Council with an understanding of the Reserves Contribution Fund and to approve designated zones for use of the funds.
- 1.2 This issue arises due to Council collecting financial contributions for recreation facilities as through the district plan.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receive the Report on Reserves Contribution Fund and approves the recommended designated zones.

2 BACKGROUND

- 2.1 Council collects financial contributions towards recreation facilities where development has taken place, as allowed for under the District Plan 7.7.12, Resource Management Act 1991 (RMA) and Councils policy on Financial Contributions as required under the Local Government Act 2002 (LGA).
- 2.2 Council recognises that Westland has an abundance of open spaces which can be used for recreation purposes, therefore Council policy direction in this regard is to upgrade existing recreational facilities.

- 2.3 Contributions toward recreation facilities are detailed in the schedule of fees and charges in the long term plan.

3 CURRENT SITUATION

- 3.1 Council staff have carried out a reconciliation of the reserve development fund up to 30 March 2020, detailing the location of where the funds were received from and which location have benefited from those funds.
- 3.2 The next step is to determine zones to which the funds should be applied. This is to ensure that all areas of the district can benefit.
- 3.3 Historically the reserve development funding has been used as and when a project has arisen as identified in a long term or annual plan process, however this means that some areas of the district that have contributed to the fund have not benefited from it, therefore designating zones will allow for focus when identifying projects that can benefit from the fund.
- 3.4 Staff have used the Community Rating Zones to reconcile the reserve and recommend that these Community Rating Zones are used to apply the funding fairly throughout the district.
- 3.5 Reserve development fund reconciliation

Community rating zone	Contributions received	Interest	Total	Funds applied	Committed
Hokitika (inc wider Hokitika area)	1,022,488	184,463	1,206,951	1,252,501	178,403
Kumara (inc Kumara Junction)	189,825	34,245	224,070	119,261	-
Ross	24,140	4,355	28,495	5,000	-
Hari Hari	34,194	6,169	40,363	194,253	-
Whataroa (inc Okarito)	33,731	6,085	39,816	47,750	-
Franz Josef	338,385	61,047	399,431	53,000	100,000
Fox Glacier	35,470	6,399	41,869	304,903	-
Bruce Bay	44,488	8,026	52,513	7,472	-
Haast (inc Jackson Bay)	271,592	48,997	320,589	-	10,000
Total	1,994,313	359,785	2,354,098	1,984,140	288,403
				Balance after committed	81,555

- 3.6 It can be seen from the reconciliation table above that some areas of the district have benefited more than other areas from the use of this fund.

- 3.7 The committed expenditure for Hokitika is for the Beachfront development, Franz Josef is for revitalisation and Haast is for the Marks road reserve.
- 3.8 The interest applied has been determined by the percentage of the contributions received for each zone.

4 OPTIONS

- 4.1 **Option 1:** Receive the report on Reserves Contribution Fund and; Approve the Community Rating Zones as the designated zones for application of the funds.
- 4.2 **Option 2:** Do not approve the Community Rating Zones.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Under Councils significance and engagement policy the report is administrative and therefore of low significance. No consultation is required with the community.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 **Option 1:** There is no reason for Council not to receive the report as it allows for sound stewardship over Council reserves. There are no financial implications to receiving the report.
Spend of the fund is determined through Annual and long term plans.
By using the Community Rating Zones as the designated zones provides consistency and allows fairness in returning the contribution to the area from which it was funded.
- 6.2 **Option 2:** Council could direct staff to use different zones or no zones at all. This would mean that Council would use the funds on specific projects as identified through the Councils annual and long term plans, however some areas of the Community may not then have the opportunity to benefit from the funds for upgrades of facilities in their areas.
Some areas of the district have benefited more than others in use of the fund, zoning would provide a way of focusing on identifying areas that could benefit from the fund and ensuring some areas are not overspent.

7 PREFERRED OPTION(S) AND REASONS

7.1 The preferred option is **Option 1**, all areas of the district have contributed to the fund and therefore should be able to benefit from the fund. By designating zones, Council can ensure that this funding is used appropriately.

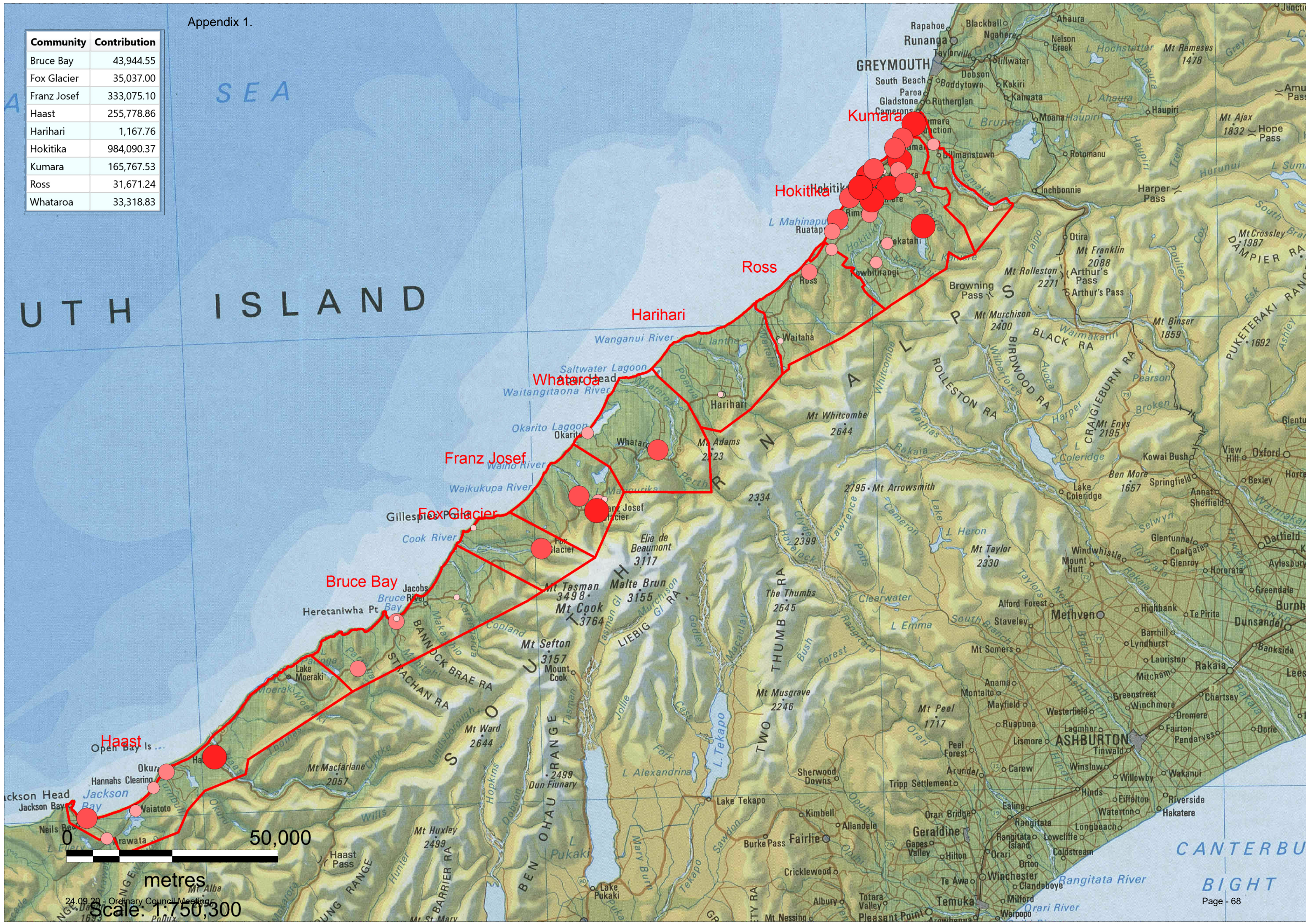
8 RECOMMENDATION(S)

- A) **THAT** Council receives the Report on Reserves Contribution Fund
- B) **THAT** Council approves using the Community Rating Zones as designated zones.

Lesley Crichton
Group Manager, Corporate Services

Appendix 1: Community Rating Zone map including the areas that have contributed to the Reserves Development Fund.

Community	Contribution
Bruce Bay	43,944.55
Fox Glacier	35,037.00
Franz Josef	333,075.10
Haast	255,778.86
Harihari	1,167.76
Hokitika	984,090.37
Kumara	165,767.53
Ross	31,671.24
Whataroa	33,318.83



Report



DATE: 24 September 2020

TO: Mayor and Councillors

FROM: Transportation Manager

SPEED LIMIT REVIEW CONSULTATION DOCUMENT APPROVAL

1 SUMMARY

- 1.1 The purpose of this report is to seek Council approval for the Speed Limit Review Consultation Document.
- 1.2 This issue arises from Council's decision in September 2019 to carry out a district wide speed limit review.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in May 2018, which are set out in the Long Term Plan 2018-28. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that the Council approves the public consultation document.

2 BACKGROUND

- 2.1 Presently any road within the district that does not have a specifically gazetted speed limit carries the national default open road speed limit of 100km/h. For many of Council's roads this limit is inappropriate or impractical.
- 2.2 Following initial speed limit trials carried out early in 2019, Council expressed a desire to review speed limits within the district.
- 2.3 There is currently a proposed new rule out for consultation that will replace the present Land Transport Rule: Setting of Speed Limits 2017, this draft rule is expected to be signed in early 2021. This new rule will require the creation of a Regional Speed Management plan that will be led by the Regional Land Transport Committee. This will mean that speed limits for local roads will be

reviewed/set by the committee for the entire region and not just each Council on a district wide basis.

3 CURRENT SITUATION

- 3.1 Following the resolution in September 2019 consult with the public, a more detailed review of the roading network and speeds has been carried out in order to create the list of roads and speeds to be consulted on.
- 3.2 This review formed a list of 87 roads where speed limit changes are proposed. These 87 roads comprise approximately 329km (or 48%) of Council's maintained roading network.
- 3.3 The consultation document contains a detailed list of all roads affected by the proposed speed limit changes and the reasons for this consultation.

4 OPTIONS

- 4.1 **Option 1:** Approve the speed limit review consultation document and carry out the public consultation process as required under the Land Transport Rule: Setting of Speed Limits 2017.
- 4.2 **Option 2:** Discontinue the speed limit review process until such time as the current bylaw requires its next formal review in 2023.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The nature of the proposal will effect residents and visitors to the district. Some may perceive these effects to be significant and others may consider them only minor; as some of the proposals are likely to be quite polarising it is considered that the significance of the decision will be high.
- 5.2 In line with the present rules around speed limit reviews full public consultation for this activity is required to be carried out prior to alteration of any speed limit. This engagement is wide ranging and not just limited to residents and ratepayers, it also extends to other transport industry parties and community groups, as such the nature of this engagement is considered significant.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: Approve the speed limit review consultation document and carrying out the public consultation process as required under the Land Transport Rule: Setting of Speed Limits 2017. Achieves a result now while Council still retains majority control of the process for setting of speed limits. This is still a hot topic for ratepayers and has been expected for some time. Not all roads have been reviewed at this point in time but a significant portion of the network has been targeted. This will help to create a more consistent expectation for other portions of the network when they are reviewed at a later date. The expected cost for this option is \$80-100k and is budgeted for this financial year.
- 6.2 Option 2: Discontinuing the speed limit review process until such time as the current bylaw requires its next formal review in 2023 delays the overall process. The final outcome will be the same but carried out at a later date. At that time (2023) Speed Bylaws will be superseded by a new Regional Speed Management Plan that will be administered by the Regional Transport Committee. It is expected that the cost of this option will be greater (in the \$120-160k range) as the entire network will be considered. As such there will be more signs required to implement the final outcome. This will be carried out during the next National Land Transport Programme for 2021-2024 and funding will be made available through Council and Waka Kotahi.

7 PREFERRED OPTION(S) AND REASONS

- 7.1 Option 1 is the preferred option as it achieves Council's desire to review and alter speed limits without further delays.

8 RECOMMENDATION(S)

- A) **THAT** Council receives the report
- B) **THAT** Council resolves to adopt Option 1 and approves the speed limit review consultation document for public release.

Karl Jackson
Transportation Manager

Appendix 1: Statement of Proposal 2020 Review of WDC Speed Limits Register



Draft Statement of Proposal
under Special Consultative Procedure as per
Section 83 of Local Government Act 2002:

2020 Review of Westland District Council Speed
Limits Register

THE PROPOSAL:

Following a resolution at the September 2019 Council Meeting to review speed limits within the district, the Westland District Council proposes a range of amendments to the Speed Limits Register as held as a Schedule to the current Westland District Council Speed Limits Bylaw 2006.

Submissions open 8am, Tuesday 29 September 2020

Submissions close 5.00pm, Friday 30 October 2020

DRAFT

Reason for the Proposal

Council is seeking to review a significant number of speed limits within the district and seeks to set appropriate speed limits for more roads within the roading network. Currently, any road that does not have a specified speed limit can be driven on at the open road speed of 100km per hour. Reducing speed limits on appropriate roads will have little effect on travel times as most drivers currently drive to similar speeds as the proposed changes.

Council received positive public feedback following testing of alternative speed limits that were set and trialled around the district in early 2019. This successful test lead Council to resolve in September 2018 to consult on further speed limit changes within the Westland roading network.

Road quality in Westland is something that Council is working on improving, but it is expensive to bring a road up to a higher standard. This cost is something that ratepayers cannot afford on any large scale. Using speed management and posting more appropriate speed limits for the road environment is affordable and achievable. Council will continue a work programme to improve the quality of roads, but in the meantime reducing speed will improve road safety.

The district also has a large proportion of domestic and international visitor drivers on the roads. Visitors often navigate using GPS units, which display Gazetted speed limits for all sections of the road. This indicates that a road may be “safe” to drive at 100km/h when in fact that is not always the case.

Westland does not have a high crash rate, however, if a crash does occur and the driver is travelling at a lower speed the outcome is likely to be better than a high-speed crash. This is true no matter how new and safe a car is. Council wants visitors and other road users to have positive experiences and be safe on the district’s road.

What is being reviewed?

In this instance Council is reviewing the Register of Speed Limits attached as a schedule to the Speed Limit Bylaw 2006. A copy of the Register of Speed Limits being reviewed is included in this Statement of Proposal, and available at <https://www.westlanddc.govt.nz/speed-limit-review-consultation-submission-form>

Council is required to determine if the adoption of each bylaw (including the review of any bylaw) is the most appropriate way of addressing a perceived problem (s 155, Local Government Act 2002).

The Speed Limit Bylaw 2006 was reviewed in 2008 and 2018 and assessed by Council as being an appropriate way of addressing speed limits within the district. No concerns have been raised by the community that the bylaw is an inappropriate method of addressing the problem. Under Section 158 of the Local Government Act 2002 (the Act), a bylaw must be reviewed within five years of being adopted. It is not due for review again until 2023. However, a bylaw can be reviewed at any time Council considers it necessary.

In general, the bylaw gives Council a toolkit to assist in dealing with road safety matters for setting of appropriate speed limits across the Westland District roading network. It also provides the police with a legal mechanism for enforcement of road safety regarding speed and safe driving.

New Zealand Bill of Rights Act 1990

The Council must determine whether the bylaws made under the Local Government Act 2002 give rise to any implications under the New Zealand Bill of Rights Act 1990. The reviewed bylaw has come under different forms of scrutiny in the past and is similar to bylaws used by other territorial local authorities, and there is no legislative commentary reviewed that would suggest Bill of Rights implications. The proposed bylaw content is considered to reflect a suitable balance between personal freedoms and community protection, and is not considered to have discriminatory effects.

What amendments have been proposed?

The following is a summary of the changes proposed to Register of Speed Limits as part of this review. The Speed Limits Bylaw 2006 and Register of Speed Limits schedule are available at www.westlanddc.govt.nz/bylaws-and-policies, for comparison of the changes proposed.

The revisions will generally take effect the day after the decision is made by Council.

Table of Proposed Speed Limit Alterations

30km/h 40km/h 50km/h 60km/h 70km/h 80km/h 100km/h							
Road Name	Section Start	Section End	Current Posted Speed	SAAS (Safe and Appropriate Speed)	Mean Speed	Proposed Speed	Already Trialled Y/N
Adair Road	0	End	100	60	40-44	60	N
Adair Road (Haast)	Marks Rd	End	60	40	30-34	30	N
Arahura Valley Road	0	End	100	80	60-64	80	N
Arthurstown Road	SH6	80km/h Zone	100	80	60-64	80	N
Awarua Place (Haast)	Nyhon Pl	End	50	40	<30	30	N
Ballarat Rise	Gillams Gully	End	100		<30	60	N
Batson Place (Franz)	Kamahi Pl	End	50	40	<30	30	N
Beach Road	0	End	100	80,60	35-39	60	N
Beach Street (CBD)	Stafford St	Gibson Quay	50	40	<30	30	Y
Bold Head Road	0	End	100	60	35-39	60	N
Callaghans Road	Stafford Loop Road	End	100		<30	60	N
Camelback Road	0	End	100	60	40-44	60	N
Camp Street (CBD)	Revell St	Tancred St	50	40	<30	30	Y
Camp Street (Kaniere)	Kaniere Rd	End	70	40	<30	30	N

Road Name	Section Start	Section End	Current Posted Speed	SAAS (Safe and Appropriate Speed)	Mean Speed	Proposed Speed	Already Trialled Y/N
Condon Street (Franz)	SH6	Cron St	50	40	<30	30	N
Cook Flat Road	Lake Mathieson Road	End	100	80	55-64	80	N
Cowan Place (Franz)	SH6	End	50	40	<30	30	N
Craig Road	Arthurstown Road	End	100	50		50	N
Cron Street (Franz)	0	End	50	40	<30	30	N
Cropp Road	0	End	100	80	60-64	80	N
Dents Road	Kaniere Rd	End	70	40	35-39	40	N
Dorothy Falls Road	0	End	100	60	35-39	40	Y
Douglas Drive (Franz)	SH6	Cron St	50	40	<30	30	N
Duffers Creek Road	Old Christchurch Road	Stafford Loop Road	100		<30	60	N
Ford Road South	0	End	100	80	55-59	80	N
Forks-Okarito Road	0	End	100	80	55-59	60	N
Fox Road	Old Christchurch Road	End	100		<30	60	N
German Road	0	End	100	80	60-64	80	N
Gibson Quay (CBD)	Doc Office	Sunset Point	50	40	<30	30	Y
Gillams Gully Road	Stafford Loop Road	End	100		40-44	60	N
Gillespies Beach Road	0	End	100			60	Y
Golf Links Road	0	End	100	80	50-54	80	N
Graham Place (Franz)	Cowan Pl	End	50	40	<30	30	N
Haast Jackson Bay Road	From 300m past Neils Beach Road	100m Towards Neils Beach from Jackson Bay Wharf	100	80	60-64	60	N

Road Name	Section Start	Section End	Current Posted Speed	SAAS (Safe and Appropriate Speed)	Mean Speed	Proposed Speed	Already Trialled Y/N
Haast Jackson Bay Road	100m Towards Neils Beach from Jackson Bay Wharf	End	60	60	<30	30	N
Hackells Mill Road	0	End	100		50-54	60	N
Hamilton Street (CBD)	Revell St	Sewell St	50	40	<30	30	Y
Hau Hau Road	2480	4948	100	60	40-54	60	Y
Hokitika-Kaniere Tramway	Kaniere Rd	Pine Tree Rd	70	40	35-39	40	Y
Humphreys Gulley	0	End	100	80	60-64	80	N
Jackson River Road	Haast Jackson Bay Road	End	100	60	30-34	60	N
Johnston Road	0	End	100	80	50-59	80	N
Kamahi Crescent (Franz)	Cron St	End	50	40	<30	30	N
Kaniere Road	0	End	80,70	80,60	65-74	60	Y
Kaniere-Kowhitirangi Road	0	10228	100	80	85-89	80	N
Kaniere-Kowhitirangi Road	10228	End	100	80	60-64	80	N
Keoghans Road	0	End	100	80	40-44	60	N
Lake Arthur Road	0	End	100	60	45-49	60	N
Lake Kaniere Road	0	582	70	60	45-49	60	Y
Lake Kaniere Road	582	12500	100	80	75-79	80	Y
Lake Mathieson Road	Cook Flat Road	End	80	80	35-39	40	N

Road Name	Section Start	Section End	Current Posted Speed	SAAS (Safe and Appropriate Speed)	Mean Speed	Proposed Speed	Already Trialled Y/N
Loopline Road	Stafford Loop Road	Old Christchurch Road	100		30-34	60	N
MacArthur Road	0	End	100	60	40-44	80	N
Marks Road (Haast)	SH6	SH6	60	40	30-34	30	N
Mehrtens Road	0	End	100	60	<30	60	N
Milltown Road	0	End	100	60	35-39	60	Y
Mulvaney Road	0	End	100	60	40-44	80	N
Municipal Road	0	End	100	80	60-64	80	N
Neilson Road	0	End	100	60	60-64	80	N
Nielson Road	0	End	100	60	60-64	80	N
Nyhon Place (Haast)	Tahutahi Rd	End	50	40	<30	30	N
Old Chch Road	0	Duffers Creek Road	100	80	75-79	80	Y
Old Chch Road	Duffers Creek	End	100	60	40-44	60	Y
One Mile Line Road	0	End	100	80	60-64	80	N
Opuka Place (Haast)	Tahutahi Rd	End	50	40	<30	30	N
Pauareka Road (Haast)	Tahutahi Rd	Nyhon Pl	50	40	<30	30	N
Pine Tree Road	Kaniere Rd	Hokitika-Kaniere Tramway	70	40	35-39	40	Y
Pine Tree Road	Kaniere Rd	End	70	60	35-39	60	Y
Providence Drive	0	End	100	60	<30	60	N
Racecourse Terrace	Hau Hau Road	End	None			50	N
Railway Terrace (CBD)	Weld St	Stafford St	50	40	<30	30	Y
Revell Street (CBD)	Hampden St	Gibson Quay	50	40	<30	30	Y
Sanctuary Place	0	End	100	60	35-39	50	N

Road Name	Section Start	Section End	Current Posted Speed	SAAS (Safe and Appropriate Speed)	Mean Speed	Proposed Speed	Already Trialled Y/N
Seddons Terrace Road	0	End	100	60	<30	30	Y
Sewell Street (CBD)	Hampden St	Gibson Quay	50	40	<30	30	Y
Southernwood Road	Arthurstown Road	End	100	50		50	N
St Albans Street (Kaniere)	Camp St	Kaniere Rd	70	40	<30	30	N
Stafford Loop Road	0	End	100	80,60	40-74	60	N
Stafford Road	0	End	100	60	55-59	60	N
Stafford Street (CBD)	Railway Tce	Revell St	50	40	<30	30	Y
Station Road	0	End	100	80	60-64	80	N
Stopbank Road	0	End	100	80	30-44	40	N
Tahutahi Road (Haast)	Marks Rd	End	50	40	<30	30	N
Takutai Road	0	End	100	60	40-44	80	N
Tancred Street (CBD)	Hampden St	Gibson Quay	50	40	<30	30	Y
Upper Kokatahi	0	2800	80	60	70-74	60	N
Upper Kokatahi	2800	End	100	80	70-74	80	N
Wall Road	0	End	100	80	55-59	80	N
Wallace Street (Franz)	SH6	End	50	40	<30	30	N
Weld Street (CBD)	Fitzherbert St	Revell St	50	40	<30	30	Y
Wharf Street (CBD)	Camp St	Gibson Quay	50	40	<30	30	Y
Whitcombe Valley Road	0	End	100	80	60-64	80	N
Woodstock Rimu Road	3700	SH6	100	80	80-84	80	N

KEY DATES

SUBMISSIONS OPEN: 8am, TUESDAY 29 SEPTEMBER 2020

SUBMISSIONS CLOSE: 5pm, FRIDAY 30 OCTOBER 2020

HEARING, DELIBERATION AND DECISION: 16 NOVEMBER 2020 (and 17 November if required)

Revisions applied: The revisions will generally take effect the day after the decision is made by Council.

The Speed Limits Bylaw 2006 and Register of Speed Limits schedule can be found here:

www.westlanddc.govt.nz/bylaws-and-policies

SHARE YOUR FEEDBACK

IN PERSON If you make a submission in writing, online, or over the phone, you also have the option to speak to Council during the hearing on 16 November 2020. Tick the box on the submission form, or advise that you would like to speak at the hearing, and we will get in touch with you.

ONLINE You can make your submission online. Go to <https://www.westlanddc.govt.nz/speed-limit-review-consultation-submission-form>

IN WRITING You can make a written submission by post or by sending us an email, or complete, scan and email the printable submission form.

POST: Westland District Council, 36 Weld Street, Hokitika 7811

EMAIL: consult@westlanddc.govt.nz

OVER THE PHONE: If using the online submission form or sending an email is not an option, you can make a submission by calling Council on the number below.

PHONE: 03 756 9010

FREEPHONE: 0800 474 834

Please note, submissions will be publicly available on the council's website, through inclusion in council agendas, and/or retrievable by request under the Local Government Official Information and Meetings Act 1987. Contact details will be redacted under the Privacy Act 1993.

All enquiries (not submissions) to be directed to the Transportation Manager: Karl Jackson, at 03 756 9032 or karl.jackson@westlanddc.govt.nz.