

# How you can have your say

Greater Wellington Regional Council's local governance statement

Approved 25 February 2008 (Updated July 2010)

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# 1. About the Council

## Introduction

Greater Wellington Regional Council (Greater Wellington<sup>1</sup>) aims to involve the region's community in its decision-making processes. As a member of the region's community, it is essential that you have the opportunity to comment on Greater Wellington's policies, activities and priorities.

There are several ways in which you can have your say:

- voting to elect a councillor(s) to represent your interests
- making formal submissions on Greater Wellington's plans
- having input into identifying community outcomes
- initiating polls on electoral systems and Māori constituencies
- submitting on and/or appealing representation arrangements
- attending and speaking at Council and committee meetings
- talking to councillors.

Keeping updated on Greater Wellington's initiatives and understanding our decision-making processes are important if you want to influence our decisions. You can access the information you require through several channels:

- our website [www.gw.govt.nz](http://www.gw.govt.nz)
- public notices in the region's main newspapers
- external communications, e.g. *Our Region* (our quarterly newspaper delivered to all letterboxes), radio advertisements and targeted communication
- talking to councillors
- contacting council officers
- official information requests.

This document aims to provide you with information about the processes through which Greater Wellington engages with the community and how we make decisions, so that you can effectively influence those processes and have your say on matters of importance.

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<sup>1</sup> Greater Wellington Regional Council is the promotional name of the Wellington Regional Council

## 1.1 Functions and responsibilities

Greater Wellington's purpose is to enable democratic local decision-making to promote the social, economic, environmental and cultural well-being of the Wellington region in the present and for the future.

In meeting this purpose Greater Wellington has a variety of responsibilities:

- managing local infrastructure, including network infrastructure:
  - public transport planning and provision of services
  - wholesale water supply to the four metropolitan cities
  - flood protection
- managing community infrastructure (regional parks, forests and recreation facilities)
- sustaining the region's natural resources:
  - developing regional policies and plans for the management of the region's natural resources
  - collecting and maintaining data
- protecting the productive capacity of land in the region and encouraging and promoting sustainable land management practices
- managing navigation and safety of the region's harbours and coastal waters
- planning for the future needs of the region
- advocating on behalf of the local community with central government, other local authorities and other agencies
- managing emergencies and reducing the impact of natural hazards
- being the "keeper", on behalf of all local authorities in the Wellington region, of the Wellington Regional Strategy.

Greater Wellington's key goal is promoting Quality for Life by ensuring our environment is protected while meeting the economic, cultural and social needs of the community. Our ten-year plan sets out the work programmes and initiatives we are undertaking to achieve that goal and fulfil our responsibilities. You can see the plan on our website [www.gw.govt.nz](http://www.gw.govt.nz) or by visiting one of our offices.

## **1.2 Legislation**

The Council's rights, obligations and responsibilities are described in statutes, regulations and bylaws. In fulfilling its purpose Greater Wellington exercises powers and fulfils responsibilities conferred on it by the following:

- local government legislation (which applies to all of local government)
- local legislation (which applies only to Greater Wellington), and
- local bylaws (which apply only to Greater Wellington).

### **Key Local Government Legislation**

This section briefly summarises how key local government legislation relates to Greater Wellington. A full list of relevant legislation is included in Appendix 1.

#### **Local Government Act 2002**

The Local Government Act (LGA) establishes the framework for local and regional government in New Zealand. It deals with:

- the purpose, powers and responsibilities of councils generally
- the structure of local government
- the planning, decision-making, consultation and accountability of councils generally
- governance and management of local authorities
- council-controlled organisations and council organisations
- obligations and restrictions on local authorities.

The LGA also provides that an elected member loses office if they are convicted of an offence punishable by a term of imprisonment of two years or more, or if they are absent without leave from four consecutive Council meetings.

#### **Local Government (Rating) Act 2002**

The Local Government (Rating) Act (usually referred to as the Rating Act) provides the mechanisms or tools councils can use to collect rates. A significant proportion of all Greater Wellington's activities are funded by the collection of rates.

### **Local Electoral Act 2001**

The Local Electoral Act sets rules in relation to the timing of local elections and the rights of individuals to vote at elections, stand for election and nominate candidates for election. The Act allows councils to choose between the First Past the Post (FPP) and Single Transferable Vote (STV) electoral systems for local elections. The Act also details the processes for determining local authority representation arrangements and enables polls to be held on the electoral system and Māori representation.

### **Local Authority (Members' Interests) Act 1968**

This Act regulates situations where a councillor's personal interests impinge, or could be seen as impinging on their duties as a councillor. For example, the Act provides that a councillor is disqualified from office if they have an interest in contracts under which payments made by Council exceed will \$25,000 (GST incl.) in any financial year.

Additionally, councillors are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where a councillor's partner has a contract with the authority or has a pecuniary interest.

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

The Local Government Official Information and Meetings Act (LGOIMA) sets out a list of meeting procedures and requirements. Of particular importance for councillors, is the fact that the chair has the responsibility to maintain order at meetings, but all councillors should accept a personal responsibility to maintain acceptable standards of address and debate.

No councillor should:

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

LGOIMA also sets out the availability to the public of official information held by local authorities and promotes the open and public transaction of business at meetings.

### **Secret Commissions Act 1910**

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

If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fined up to \$1000, or both.

### **Crimes Act 1961**

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

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

These offences are punishable by a term of imprisonment of 7 years or more. Councillors convicted of these offences will also be automatically ousted from office.

### **Securities Act 1978**

The Securities Act essentially places councillors in the same position as company directors whenever council offers stock to the public. Councillors may be personally liable if investment documents, such as a prospectus, contain untrue statements and may be liable for criminal prosecution if the requirements of this Act are not met.

### **Local legislation**

#### **Wellington Regional Water Board Act 1972**

This Act gives Greater Wellington the power to take water and carry out works necessary to supply water to local authorities in the Wellington region's metropolitan areas. The Act also gives Greater Wellington the power to set aside land for water collection and water collection purposes.

#### **Wellington Regional Council (Water Board Functions) Act 2005**

Under the Wellington Regional Water Board Act (WRWBA) 1972, the functions, powers, and duties transferred to the Wellington Regional Council are limited. The purpose of the

Wellington Regional Council (Water Board Functions) Act 2005 is to allow the Council to establish and operate electrical installations and electrical works (such as wind turbines) to meet the needs for renewable energy on land previously owned by the Wellington Regional Water Board and now vested in Greater Wellington, including water collection areas and forestry areas under the WRWBA.

### **Wellington Region Council (Stadium Empowering) Act 1996**

This Act allows Greater Wellington to contribute to the funding of The Westpac Stadium, a facility that benefits the public of the Wellington region.

### **Carter Observatory Act 1938**

The Carter Observatory Act sets out the operations and functions of the Carter Observatory, which is located next to the Botanic Gardens in Wellington City. The Act also provides for Greater Wellington to be represented on the Observatory Trust Board.

## Local bylaws

### **Navigation and Safety Bylaws – Adopted December 2003**

The bylaws are to ensure safe usage of the harbours and waters of the region. They apply throughout the waters of the region from the Otaki River Mouth, around to Cape Palliser and then up to the Mataikona River and extend to the coastal waters up to three miles offshore. This includes both Wellington and Porirua Harbours and Lakes Wairarapa and Onoke, but does not cover the region's rivers.

These bylaws came into effect on 11 December 2003, and are made under the Local Government Act 1974. Amendments to the bylaws were implemented on 13 November 2006 and 1 July 2009.

### **Parks, Forests and Reserves Bylaw 2009 – Adopted 2009**

The bylaws for forest, parks and recreation areas provide for the safe use of the various recreational parks and forests in the Wellington region. They facilitate Greater Wellington's administration and control of these areas, and provide the mechanisms for Greater Wellington's parks management plans and policies.

### **1.3 Roles and conduct**

This part of the governance statement describes the roles and responsibilities of regional councillors, including the Chair and Deputy Chair. It also describes the role of the Chief Executive.

#### **Roles**

##### **Councillors**

Councillors, acting together as the Wellington Regional Council (“the Council”), are responsible for:

- the development and adoption of council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of the Council’s resources
- employment of the Chief Executive
- representing your interests as a resident and/or ratepayer of the Wellington region.

In general, the Council can only act by majority decisions at meetings. Each councillor (including the Chair) has one vote and the Chair has the casting vote. No individual councillor has authority to act on behalf of Greater Wellington unless the Council has expressly delegated such authority.

As individuals, councillors are responsible for:

- making themselves familiar with the Council’s Code of Conduct and Standing Orders
- making themselves as knowledgeable as possible about the activities and processes of Greater Wellington, and the physical and social environment in which it operates
- ensuring that on a regular and timely basis the community and other stakeholders are fully and honestly informed of all material matters relating to Greater Wellington’s business
- preparing for and attending meetings
- making themselves available to attend external meetings and forums on behalf of Greater Wellington.

## **Chair**

The Chair is elected by councillors at the first Council meeting following the triennial election. As one of the elected councillors the Chair shares the same responsibilities as other councillors.

In addition to this the Chair is:

- the presiding councillor at Council meetings. The Chair is responsible for ensuring the orderly conduct of business during meetings (as determined in the Standing Orders), and may exercise a casting vote when votes are evenly split on an issue before Council.
- an advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council
- the ceremonial head of the Council
- responsible for providing leadership and feedback to other councillors on teamwork and chairing of committees
- a justice of the peace (while the Chair holds office).

The Chair is obliged to follow the same rules as other councillors with respect to making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council. The Chair may be removed from office by resolution of Council.

## **Deputy Chair**

Like the Chair, the Deputy Chair must be elected by councillors at the first meeting following a triennial election. The Deputy Chair exercises the same roles as other councillors, and if the Chair is absent or incapacitated, the Deputy Chair must perform all of the responsibilities and duties, and may exercise the powers, of the Chair (as summarised above). The Deputy Chair may be removed from office by resolution of Council.

## **Committee chairpersons**

The Council may create one or more committees of Council. At present, there are eight principal committees: Catchment Management; Finance, Audit and Risk; Regional Transport; Regulatory, Regional Sustainability, Te Upoko Taiao - Natural Resource Plan Committee,

Transport and Access; and Wellington Regional Strategy. A diagram of the committee structure, including the relevant chairpersons, can be found in section 4.5.

A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the Council, as set out in the Terms of Reference and Delegations for Council Committees (which describe the membership, objectives and responsibilities of each committee). The terms of reference for most committees provide that the committee chairperson has the power to exercise a casting vote. Committee chairpersons may be called on to act as official spokespersons on particular issues. They may be removed from office by resolution of Council.

### **Chief Executive**

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

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

## **Councillors' conduct**

Councillors have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and Standing Orders.
- The Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards that could be seen to sway them to perform their duties in a particular way.
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

## **Code of conduct**

All councillors are required to adhere to a code of conduct. Adopting such a code is a requirement of the Local Government Act 2002. Once adopted, such a code may only be amended by a 75 per cent or more vote of the Council.

The code sets out the Council's understanding and expectations of how the Council Chair and councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanctions, if any, that the Council may impose if an individual breaches the code.

The Council's full Code of Conduct is available on request from Democratic Services or from our website [www.gw.govt.nz](http://www.gw.govt.nz)

## 1.4 Management structure and relationships

The Local Government Act 2002 requires the Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of the Council to implement Council decisions and provide advice to the Council.

Under the Local Government Act 2002, the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than to councillors. The Chief Executive, Mr David Benham, can be reached on 04-802-0305 or by email:

david.benham@gw.govt.nz.

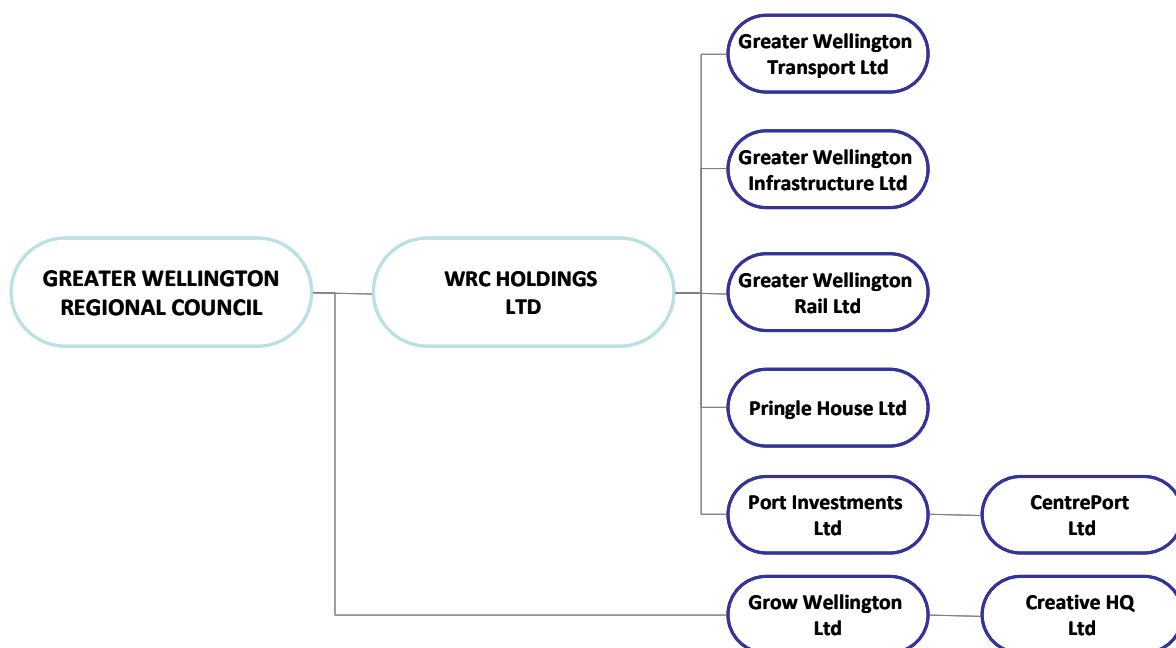
Council management is organised into seven groups. The core functions of each group and the key contacts are outlined in the table below, so you know where you can direct queries or take issues within Greater Wellington. The names of people to contact and their details for each of these groups are provided in Appendix 2.

Management Structure:

<b>DIVISION</b>	<b>FUNCTIONS</b>
<b>Catchment Management</b> Wayne O'Donnell General Manager	BioWorks Biosecurity Flood Protection Land Management Catchment Management
<b>Environment Management</b> Nigel Corry General Manager	Environmental Education Environmental Monitoring and Investigation Environmental Policy Environmental Regulation Natural Resource Management Review Coordination Harbours

<p><b>Finance and Support Services</b> Barry Turfrey Chief Financial Officer</p>	<p>Finance and Support Information, Communication and Technology Democratic Services Property</p>
<p><b>Public Transport</b> Wayne Hastie General Manager</p>	<p>Customer Service Design and Development Rail Projects Transport Procurement</p>
<p><b>Strategy and Community Engagement</b> Jane Davis General Manager</p>	<p>Communications Corporate Planning Māori Relations Strategic Planning Sustainable Transport</p>
<p><b>Utilities and Services</b> Murray Kennedy General Manager</p>	<p>Bulk Water Supply Parks and Forests Plantation Forestry Reserve Forestry Emergency Management</p>
<p><b>People and Capability</b> Leigh-Anne Buxton General Manager</p>	<p>Health and Safety Recruitment Training and Development Human Resources</p>

## 1.5 Council organisations



### The WRC Holdings Group

The WRC Holdings Group is made up of WRC Holdings Ltd and its subsidiaries. WRC Holdings Ltd and Port Investments Ltd are in essence investment holding companies. The main operating companies in the Group are CentrePort Ltd and Pringle House Ltd. Each year WRC Holdings Ltd provides to Greater Wellington, as 100% shareholder, a Statement of Intent for the WRC Holdings Group. The WRC Holdings Group structure was set up for the following reasons that are still applicable:

- Appropriate separation of management and governance
- Imposing commercial discipline on the Group's activities to produce an appropriate return by ensuring appropriate debt/equity funding and requiring a commercial rate of return
- Separation of Greater Wellington's investment and commercial assets from its public good assets

### The boards of directors

All council companies in the WRC Holdings Group have the same chairperson and five other directors. The chairperson of all the boards of directors is the Council Chair. Four of the six directors are councillors. The other two directors are external appointees. All directors are appointed by the Council, as the sole shareholder of WRC Holdings Ltd, after considering the qualifications and experience of each applicant. Directors generally serve a three-year term.

## Objectives of the companies

The objectives of the WRC Holdings Group of Companies are set out in the Statement of Intent contained in Greater Wellington's ten-year plan. The common objective for all the companies is to maximise the commercial value to shareholders and protect the shareholders' investment. Under the Companies Act 1993, directors' primary responsibility is to act in the best interests of the company. While the Council cannot lawfully 'instruct' the directors, it may comment on the Statement of Intent for the upcoming year.

## **1.6 Equal employment opportunities**

Greater Wellington is committed to the principles of equal employment opportunities and seeks to ensure that there are no barriers present which discriminate against people on the grounds of sex, age, marital status, religious or ethical beliefs, colour, race or national origins, disability, political opinion, employment status, family status and sexual orientation. All employment-related decisions are made on the basis of merit.

## 2. How to elect a councillor

### 2.1 How to and when

Councillors are elected every three years. The last election was on 13 October 2007, elections will be held again on 9 October 2010. The parliamentary electoral roll lists all the people in New Zealand who can vote in the parliamentary elections. If you are on this roll you are automatically enrolled on the relevant council's residential electoral roll, which means that you can also vote at your local regional council and city or district council elections.

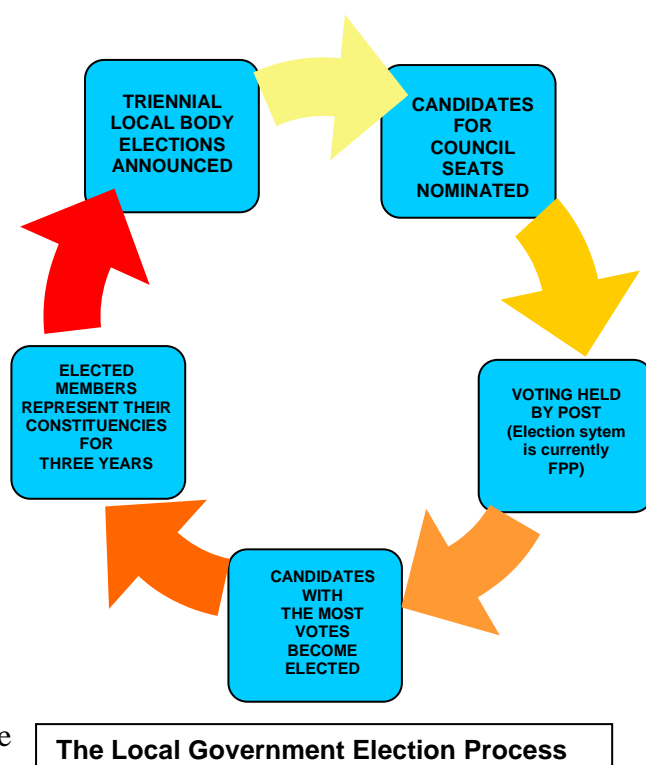
You can be a ratepayer elector and apply to get on the ratepayer roll if you own a property in the Wellington region, but live outside the region. You must also be a qualified parliamentary elector at the property in which you live.

If you are not on the ratepayer roll, but you qualify as a ratepayer elector and are interested in voting in the area in which you own property, you will need to apply to go on the ratepayer roll. You can do this by contacting the electoral officer at the city or district council in the area you own property.

If you believe that having your details recorded on the publicly available parliamentary electoral roll could threaten your personal safety, you may request that your particulars not be shown on the roll. You will need to make a separate application to be included on the unpublished (confidential) roll. Application papers are available from your local registrar of electors.

### 2.2 Voting Method

The Council currently employs postal voting for its elections; three weeks out from election day you will be sent your voting papers in the mail. The completed voting documents must be received by 12 noon on the election day by the relevant Electoral Officer (an envelope will be supplied with the voting papers).



## **2.3 Electoral Systems**

The way you vote depends on the electoral system used by the Council. The Local Electoral Act 2001 (LEA) allows councils to use one of two electoral systems for their elections: the First Past the Post (FPP) or Single Transferable Vote (STV) electoral systems.

### **First past the post– the Council’s current electoral system**

Greater Wellington currently operates its elections under the FPP electoral system. Electors vote by indicating their preferred candidate(s). Voters are able to cast up to as many votes as there are vacancies to be filled. If there are three vacancies, voters can tick three candidates on their voting paper. The candidates receiving the most votes are declared elected.

### **Single transferable vote – an option for the Council**

The other option permitted under the Local Electoral Act 2001 is the STV system. This system must be used in the district health board elections and has been chosen more recently by some councils. Under the STV electoral system electors rank the candidates in order of preference. To be elected, a candidate must reach a “quota” of votes. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes.

### **Choosing the Council’s electoral system**

Under the Local Electoral Act 2001, the Council can either:

- resolve to change the electoral system to be used at the next two elections, or
- conduct a binding poll on the question.

Alternatively, electors can demand a poll on which electoral system is to be used. A poll can be initiated by at least 5 per cent of electors signing a petition demanding that a poll be held on the matter. The result of the poll is binding.

Councils must give public notice of the right of 5 per cent of electors to demand a poll on the future electoral system for the next two triennial elections. If a council resolution on the electoral system has been made before the notice is published, then this must be included in the notice.

If there is a poll to choose the electoral system, the electoral system that is chosen must be used for at least two triennial general elections. If the Council resolves to change the electoral system

then the Council's decision takes effect until a further resolution is made by Council or a poll of electors is held.

The Council last reviewed its electoral system in 2008. No change was made to the electoral system. Council can resolve to either change the system for the 2013 elections or to conduct a poll, or electors could demand a poll.

## **2.4 Representation arrangements**

### Representation review

Councils are required to review their representation arrangements at least once every six years.

This review must consider:

- the number of elected members (within the legal requirement to have a minimum of 6 and a maximum of 14 members)
- the boundaries and names of each constituency
- the number of members that will represent each constituency.

Councils must follow the procedures set out in the Local Electoral Act 2001 when conducting their representation review. They should also follow the guidelines published by the Local Government Commission.

The Local Electoral Act gives you the right to make a written submission to the Council on its proposed representation arrangements, as well as the right to be heard if you wish. You also have the right to appeal or object to any decisions on our representation arrangements. The Local Government Commission will then make a binding decision on the appeal.

Further details on the matters that councils must consider in reviewing their membership and basis of election can be found in the Local Electoral Act 2001. The Council last conducted a review in 2006 for the 2007 local elections. The Council will undertake its next review by 2012, for the 2013 elections.

## **2.5 Māori constituencies**

The Local Electoral Act 2001 gives councils the ability to establish separate Māori constituencies for Māori electors. Councils may pass a resolution on the matter or resolve to conduct a poll on the matter.

Alternatively, the community may demand a poll. The demand for a poll can be initiated by 5 per cent of electors within the region. The result of such a poll is binding.

Greater Wellington does not currently have a separate Māori constituency.

### **3. How to make a submission**

*Please note that the procedure for submissions concerning resource management consent applications varies slightly from that set out below. For the guidelines concerning resource management submissions, please see the Greater Wellington website ([www.gw.govt.nz](http://www.gw.govt.nz)) or come into one of our offices.*

From time to time, the Council will ask for public submissions on particular issues. While there is no set format that a submission should take, you should aim to present your submission in a way that is both ordered and easy to understand.

You can lodge your submission with Greater Wellington in person, or by post, email or fax. Make sure you include your name, address and phone number in your submission and clearly state whether or not you would like to make an oral presentation in support of your submission.

Please also note that any submission you make may become publicly available if a request for it is made under the Local Government Official Information and Meetings Act 1987. If you are making a submission as an individual, Greater Wellington will consider removing your personal details if you request this in your submission.

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

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

## **4. Attending/speaking at meetings**

### **4.1 How to, when and where**

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA). These are reflected in Greater Wellington's Standing Orders.

#### **Public participation at meetings**

All Council and committee meetings are open to the public to attend unless the Council has reason to exclude the public from an item. You can speak in the public participation part of these meetings, which is generally held at the beginning of each meeting.

## **4.2 Procedure for speaking at a meeting**

If you would like to participate in a meeting it is preferable that you advise Democratic Services in advance, although you may simply turn up at the beginning of the meeting. You can discuss any ideas or concerns that you feel have relevance to items on the agenda in the public participation part of the meeting. Your contribution should be made to the most appropriate committee – the committee structure is set out in section 4.5.

Most meetings are held in the Council Chamber, Level 5, the Regional Council Centre, 142 – 146 Wakefield Street, Wellington, although some meetings are held in the Council’s Masterton office and at territorial authority offices. You can check the venue of a meeting on the Council’s website or by contacting Democratic Services.

You should contact Democratic Services at least 24 hours prior to the meeting to advise that you would like to speak at the meeting. Please also inform Democratic Services of:

- your name and contact details
- the organisation you represent, if any
- the subject of your statement.

You should arrive just prior to the commencement of the meeting and sit at the back of the Council Chamber. Before the meeting begins the Committee Advisor will ask for your name and seek confirmation of the topic you will be speaking on. If you are not approached, then please alert the Committee Advisor of your presence and your wish to make a contribution, before the meeting commences.

The chairperson of the meeting will open the meeting and once they reach the public participation part of the meeting, they will introduce you and ask you to come forward and speak, indicating where you should stand or sit. Meeting procedures allow members of the public to speak for approximately three minutes each.

This is an opportunity for you to have your say and for members of the committee or Council to listen to you. Councillors are always keen to hear what members of the public have to say and may ask questions to ensure they understand what you are saying. If, at the meeting, you make a request for information, your request will be followed up and a communication will be sent to you from Greater Wellington.

### **4.3 Reasons for excluding the public**

Greater Wellington must allow members of the public to attend meetings and listen to the material discussed at the meeting, unless there is good reason to do otherwise. LGOIMA contains a list of the circumstances where councils may exclude members of the public from their meetings or parts of them. These circumstances relate to the:

- protection of personal privacy
- protection of legally privileged or commercially sensitive information
- protection of waahi tapu locations or avoidance of serious offence to tikanga Māori, in the case of an application for resource consent, water conservation order or heritage order
- maintenance of public health, safety and order
- effective conduct of public affairs
- prevention of information being used for improper gain or improper advantage.

## **4.4 Meetings**

### **Meeting agendas**

The Council meeting agenda is a public document, although parts of it may be withheld if any of the above circumstances apply. Greater Wellington's website [www.gw.govt.nz](http://www.gw.govt.nz), public reception areas at the Council's Wellington and Masterton offices, and Democratic Services have meeting agendas which members of the public can access.

### **Notice of meetings**

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

### **Standing orders and maintaining order at meetings**

Standing orders are a set of procedures for conducting meetings. They include rules on who can speak and when, and contain procedures for voting and making decisions. The Council Chair and councillors must follow the standing orders. The Council may suspend standing orders temporarily during a meeting by a vote of 75 per cent of the members present. The reason for the suspension shall be noted in the minutes of that meeting.

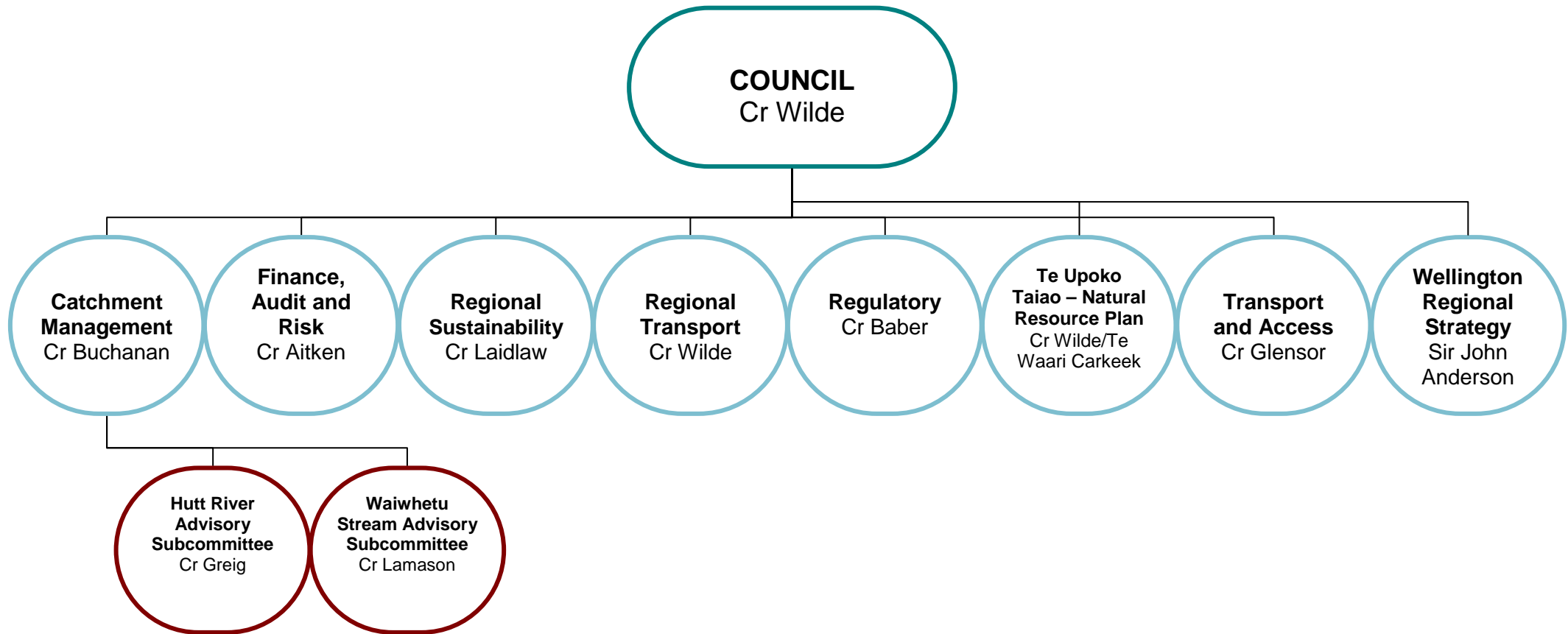
A copy of the Greater Wellington Regional Council's Standing Orders can be obtained from Democratic Services. It is available on our website [www.gw.govt.nz](http://www.gw.govt.nz).

The Council Chair and committee chairpersons are responsible for maintaining order at the meetings they chair and may, at their discretion, order the removal of any member of the public for disorderly conduct, or remove any member of the Council who does not comply with the Greater Wellington Regional Council's Standing Orders.

### **Minutes of meetings**

Minutes of meetings must be kept as evidence of the proceedings of each meeting. These must be made publicly available, subject to the provisions of LGOIMA. Unconfirmed minutes are posted on our website with the agenda of the next meeting. To find out what decisions were made at a particular meeting you can also contact Democratic Services.

#### 4.5 Committee structure and chairpersons



## **5. Initiating a poll**

### **5.1 How to and on what**

Throughout this document, there are notes referring to issues on which a poll can be conducted. When the Council passes a decision, it will put out a notice which outlines the public's right to demand a poll on the matter. In these cases, a petition from at least 5% of electors within the region is needed in order to initiate the poll.

In some cases, Greater Wellington is legally obliged to advertise the right to demand a poll. These situations are in relation to the electoral system, and when the Council has resolved to establish or disestablish Māori constituencies.

#### **Electoral systems**

If any changes are made to the electoral system by the Council, it is required under the Local Government Electoral Act 2001 to publicly notify the right to demand a poll on the issue. Similarly, at any time, the public may initiate a poll concerning the election system. Both of these polls require 5% of the electorate to be behind the initiation. The results of these polls are binding.

#### **Māori constituencies**

The Local Electoral Act 2001 gives councils the ability to establish separate Māori constituencies for Māori electors. Councils may pass a resolution on the matter or resolve to conduct a poll on the matter. Alternatively, the community may demand a poll. The demand for a poll can be initiated by 5 per cent of electors within the region. The result of such a poll is binding.

## **Sourcing information**

### **5.2 Your rights to obtaining information**

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA), you are entitled to request information from Greater Wellington. We are required to treat any request you make for information as a request made under LGOIMA (whether you refer to the Act or not).

Once you have made a request for information, we are required to supply the information to you as soon as practicable within 20 working days (although there are certain circumstances where this timeframe may be extended). We will do this unless we do not hold such information or reason exists for withholding the information under LGOIMA.

In general LGOIMA says we can only withhold information if its release would:

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

Greater Wellington is entitled to charge for information which it supplies to you. Our charging policy is based on Ministry of Justice guidelines. Information on how we charge can be found by contacting Democratic Services. If you are unsure of exactly what information you are after, feel free to call the Council offices so that we can help clarify your request.

You can request information from any officer of Greater Wellington. However, so that we can ensure any request is dealt with as quickly as possible, we ask that you write to us at:

Official Information Requests

Greater Wellington

PO Box 11-646

WELLINGTON

Alternatively, you can email us at [info@gw.govt.nz](mailto:info@gw.govt.nz)

### **5.3 Key approved planning and policy documents**

At Greater Wellington, we also have a number of planning documents that provide details on our functions and goals and how we plan to achieve them. In addition to the documents listed in this section, Greater Wellington's long term plan, a sustainable region, details several Council policies that relate to financial management, and rates remission and postponement.

#### **Community Outcomes**

Community outcomes must be identified at least every six years. Greater Wellington identified fifteen community outcomes in 2006, after consultation with the region's community. As a result of this process, ten 'quality for life' elements were identified where the Council had a major role to play, each including targets to be achieved. These elements form the basis of the Council's work programme. Together, they aim to bring social, economic and environmental benefits to the region.

The community will have the opportunity to identify its outcomes again by 2012.

#### **Greater Wellington Regional Council's adopted ten-year plan 2009–2019**

The Council must prepare and adopt a long-term plan every three years. Greater Wellington adopted its current plan in 2009, following a special consultative process (which is outlined in section 6.1 of this document). The plan details the work programmes that will be undertaken between 2009 and 2019 to achieve the targets set out in the ten 'quality for life' elements and includes forecast annual budgets for the ten-year period.

The long-term plan must be reviewed every three years, with a particular emphasis every six years when community outcomes are identified. The long term plan may also be amended at any other time, although only after following the special consultative procedure. The Council would only amend the plan if it contemplated a significant change to the work programme, or purchase or disposal of a significant asset.

The figures and work programme for each year are updated through the Council's annual plan for that year.

## Annual Plan

Each year Greater Wellington prepares and adopts its annual plan. The annual plan updates the budget and work programme for that year and compares them to those outlined in the ten-year plan. It may also include updated projections for the ten-year plan. The annual plan is adopted each year following a formal submission process, which usually takes place sometime between April and June.

## Regional Policy Statement

The regional policy statement (RPS) is prepared under the Resource Management Act, 1991. It sets out the objectives, policies and methods to achieve the integrated management of natural and physical resources across the Wellington region. All district and regional plans must give effect to the RPS. Resource consents must have regard to it. The RPS also sets out actions and programmes that need to be done to make progress towards achieving the objectives.

In 2005 the Council began the process of reviewing the operative RPS (1995) and since then, discussions have been held with people throughout the region about the state of our region's environment, what the issues are, and what areas of resource management people want to see changed. Greater Wellington released a draft proposed Regional Policy Statement in March 2008 for public comment which contributed to the proposed Regional Policy Statement which was publicly notified in March 2009. The proposed RPS represents significant work in collaboration with the local authorities and other agencies in the Wellington Region. It is expected to come into effect at a yet to be determined date in 2010.

## Regional Plan for Discharges to Land

The Regional Plan for Discharges to Land contains objectives, policies, and methods (including rules) to manage all discharges to land, including discharges at landfills, and discharges of sewage. The plan became operative in 1999 and must be reviewed within ten years. It was amended in 2003.

## Regional Soil Plan

The Regional Soil Plan contains objectives, policies, and methods (including rules) to manage the effects of soil disturbance and vegetation clearance in the region. The plan became operative in 2000 and must be reviewed within ten years. The document was amended in September 2003.

## Regional Coastal Plan

The Regional Coastal Plan contains objectives, policies, and methods (including rules) to manage all activities in the coastal marine area. The coastal marine area is the foreshore, seabed and coastal water, and the air space above the water, between the outer limits of the territorial sea and the line of mean high water springs. The plan became operative in 2000 and must be reviewed within ten years. The document was amended in July 2008.

## Regional Air Quality Management Plan

The Regional Air Quality Management Plan contains objectives, policies, and methods (including rules) to manage all discharges to air in the region, except for the coastal marine area. Discharges from mobile sources, such as vehicles, are not regulated by the plan. The plan became operative in 2000 and must be reviewed within ten years. It was amended in September 2003.

## Regional Freshwater Plan

The Regional Freshwater Plan contains objectives, policies, and methods (including rules) to manage all fresh water in the region, including water in rivers, lakes, streams, ponds, aquifers and artificial water courses. It also applies to all land in river and lake beds. The plan became operative in 1999 and must be reviewed within ten years. This document was amended in December 2002, May 2006 and May 2009.

## Regional Natural Resource Plan

In an historic step for Greater Wellington, a new committee (Te Upoko Taiao – Natural Resource Plan Committee) will take a bottom-up approach to developing a regional plan. Regional plans are essentially “rule books” for managing the region’s natural resources and are reviewed by regional

councils every 10 years. Te Upoko Taiao has seven Regional Councillors and seven people appointed by our Council from the region's "mana whenua" iwi.

Te Upoko Taiao was named by Ara Tahi, Greater Wellington's inter-iwi representative group. "Upoko", meaning "head", refers to both the Wellington region and the quality of leadership. "Taiao" refers to the environment.

Consultation and community engagement work on this plan begins in 2010.

### Resource Management Charging Policy

This policy contains the regime for resource management charges in the Wellington region. The charges cover the costs of processing consent applications and undertaking compliance monitoring. The policy came into force 1 July 2007 and was amended in July 2008 and July 2009.

### Regional Pest Management Strategy

This document outlines Greater Wellington's 20-year strategy to manage regionally significant plant and animal pests. It must be reviewed every five years. The strategy was last amended in February 2009.

### Rating Classification for River Schemes

The river schemes relate to the Wairarapa rivers within the Ruamahanga catchment. Each scheme agrees a set of standards for river management and a rating system to pay for the works carried out by Greater Wellington. The standards are developed in consultation with the relevant landowners and aim to produce a fair and equitable rating system that is based on the benefits that landowners receive from the river management works the Council undertakes. All river schemes are reviewed on a rolling basis.

### Regional Land Transport Strategy

This document provides a strategic framework and forward plan for the region's land transport network. It contributes to the overall aim of achieving an integrated, safe, responsive and

sustainable land transport system. A comprehensive review of the strategy has been undertaken and a draft strategy has been consulted on in 2010.

### Floodplain Management Plans and Environmental Strategies

The following plans detail the Council's priorities for flood protection works for specific rivers in the region and set a vision for managing those river corridors in relation to recreation and environmental matters. All plans take effect for the ten years following their adoption.

- Hutt River Floodplain Management Plan and Environmental Strategy – This plan was adopted in 2001.
- Waikanae Floodplain Management Plan and Environmental Strategy – This plan was adopted in 1997.
- Otaki Floodplain Management Plan and Environmental Strategy – This plan was adopted in 1998.

There are also several documents that relate to the management of the small watercourses in the Western part of the region.

### Water Asset Management Plan – Water Collection Areas

This plan provides guidance and direction for the management of the region's current water catchment areas. The plan is reviewed regularly.

### Forest Lands Management Plan

This plan provides guidance and direction for the management of the region's future water catchment areas. The plan is reviewed every five years with the next review being undertaken in 2010.

### Plantation Forest Working Plan

This plan contains the working plans for the Council's forestry operations for the ten-year period 2000 - 2010. It specifies the area from which forest produce will be taken, the quantity harvested

and the protection and development operations to be carried out. The plan was updated and approved by the Minister of Forests on 18 July 2005.

### Regional Parks Network Management Plan

The Regional Parks Network Management Plan, which sets out the general policies found in individual park management plans, has been in place since 2003 and is due for review. In addition, Greater Wellington recently developed a Parks Network Strategy, which provides the vision and goals for our parks and forests. To align the policies in the management plans with the strategy, Greater Wellington intends to combine our individual parks and forests plans into one document to form a “one stop plan”. This will be a 10-year document.

Most of the parks plans will be reviewed so that they include the following:

*Parks Network Strategy, Regional Parks Network Management Plan for regional parks, the individual parks and forests management plans, and the Forest Lands Management Plan.*

Currently, management plans are in place for the following areas: East Harbour Regional Park, Battle Hill Farm Forest Park, Queen Elizabeth Park, Belmont Regional Park, Kaitoke Regional Park, and a single plan covering Pakuratahi Forest and Akatarawa Forest. The Wainuiomata Recreation Area will have some policies included in the document. The Hutt River Trail will not form part of the review as it covered by the Hutt River Floodplain Management Plan.

The aim of the review process is to incorporate all of these plans into the one document with the overarching policy for all the parks in the front section, followed by each of the park plans containing their own policies, concept plans, individual features and values.

A draft for public comment in was published in May 2010.

### Port & Harbour Risk Assessment and Safety Management System

In conjunction with Marico Marine and Centreport, Greater Wellington has completed a risk assessment for Wellington harbour.

This is as a result of Maritime New Zealand recommending that NZ ports adopt similar standards to those developed in the UK, known as the Port and Harbour Safety Code. The code is intended to

assist port operators (Centreport) and regulators (Greater Wellington) identify real and potential risks to all users of the harbour and to manage these risks.

This was a lengthy process and the risk assessment was a significant first step. Following on from the risk assessment there is now a draft Wellington port and harbour safety management system (PHSMS) developed by both Greater Wellington and Centreport.

### Significance Policy

This policy outlines the Council's general approach on determining the degree of importance of decisions and proposals. The level of significance will guide the Council as to the appropriate level of consultation. The Significance Policy is detailed in the Council's ten-year plan.

## **6. How we engage with you**

### **6.1 Consultative procedure**

The Local Government Act 2002 sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, the special consultative procedure, is regarded as a minimum process for these decisions. The Council can and does consult outside of the special consultative procedure. We have a range of more and less formal processes all geared to understanding the priorities and concerns of the community. These range from targeted, specific consultation processes, for example looking at the relatively local issue as to the preferred approach to take to reduce risks of flooding, to more open issues such as using focus groups to help to gain different perspectives on regional issues. We use many different media to give information and receive feedback, including web-based processes and the encouragement of oral submissions.

The special consultative procedure consists of the following steps:

#### **Step 1: Preparing of a statement of proposal and a summary**

The Council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and must be available for inspection at the Council offices and may be made available elsewhere. The Council also has to prepare a full and fair summary of the proposal, which must be distributed as widely as the Council considers to be reasonably practicable. That statement must be included on an agenda for a Council meeting.

#### **Step 2: Notifying the public**

The Council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken. This notice will seek submissions from interested persons.

### **Step 3: Receiving submissions**

The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. The Council must allow at least one month (from the date of the notice) for submissions.

### **Step 4: Deliberating in public**

All meetings where the Council deliberates on the proposal or hears submissions must be open to the public (unless there is some reason to exclude the public under LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.

### **Step 5: Following up**

A copy of the decision and a summary of the reasons must be provided to submitters. There is no prescribed format for such a summary.

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

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

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

## 6.2 Liaising with Māori

Local government legislation requires councils to take account of the perspective(s) of Māori on many matters. Initially, councils' key requirements came from the Resource Management Act 1991. This Act contains obligations for councils to consult with iwi on resource management matters. The Local Government Act 2002 contains provisions that are broader in definition and scope. The Act requires councils to take appropriate account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) and maintain and improve opportunities for Māori to contribute to local decision-making processes.

### Ara Tahi – inter-iwi representative group

In 1994 the Council set up an advisory group, called Ara Tahi, which is comprised of two representatives from the Council and two representatives from each of the seven iwi authorities of the Wellington Region. The group was set up to help meet the Council's requirements under the Resource Management Act 1991. The key objective of Ara Tahi was to provide advice to the Council on issues relating to resource management. Ara Tahi now also has a more general liaison role between the Council and the region's iwi to identify appropriate processes for input into a broader number of areas of the Council's work.

The Council has a Charter of Understanding with the individual iwi represented on the group, which reflects the Council's commitment to the principle of partnership with the region's tangata whenua. Details on Ara Tahi and the charter of understanding are available at [www.gw.govt.nz](http://www.gw.govt.nz).

### Developing Māori capacity

Greater Wellington is developing Māori capacity by:

- including an iwi appointee to hearing committees where this is appropriate
- holding technical workshops for iwi and Council staff
- supporting iwi projects
- operating a Māori Relations team to provide enhanced assistance and advice

- appointing one Māori representative recommended by Ara Tahi to each of Greater Wellington's committees. This does not include the Wellington Regional Strategy Committee or the Regional Land Transport Committee, as these have their own individual mechanisms in place for appointing Māori interest representatives.
- appointing seven persons to Te Upoko Taiao – Natural Resource Plan Committee for their skills, attributes or knowledge relevant to the work of the committee and including their knowledge of the rohe of the relevant iwi authority to which they belong.

There are also a number of activities to increase the capacity of councillors and staff to appreciate and understand Māori culture and perspectives.

Greater Wellington hopes that building capacity through these avenues will enable Māori to contribute to decision-making processes. We continue to work on ways we can build stronger relationships with Māori and meet our new obligations under the Local Government Act 2002.

## Appendix 1: Legislation

Greater Wellington Regional Council is constituted under the Local Government (Wellington Region) Reorganisation Order 1989, and its functions and responsibilities are set out in that Order and in various Acts of Parliament. Some of the more important legislation affecting Greater Wellington includes:

- Biosecurity Act 1993
- Building Act 2004
- Bylaws Act 1910
- Carter Observatory Act 1938
- Civil Defence Emergency Management Act 2002
- Crimes Act 1961
- Hazardous Substances and New Organisms Act 1996
- Health and Safety in Employment Act 1992
- Land Transport Management Act 2003
- Local Authority (Members' Interests) Act 1968
- Local Electoral Act 2001
- Local Government Act 1974
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Local Government Official Information and Meetings Act 1987
- Maritime Transport Act 1994
- New Zealand Bill of Rights Act 1990
- New Zealand Public Health and Disabilities Act 2000
- Privacy Act 1993
- Public Transport Management Act 2008
- Rating Valuations Act 1998
- Reserves Act 1977
- Resource Management Act 1991
- Secret Commissions Act 1910
- Securities Act 1978
- Soil Conservation and Rivers Control Act 1941
- Wellington Regional Council (Stadium Empowering ) Act 1996
- Wellington Regional Council (Water Board Functions) Act 2005
- Wellington Regional Water Board Act 1972

## Appendix 2: Key contact details

<b>Head Office</b>	<p>Greater Wellington Regional Council  142-146 Wakefield Street  P O Box 11-646  Wellington  Phone: (04) 384 5708  Fax: (04) 385 6960</p> <p><b>FREEPHONE: 0800 496 734</b></p>
<b>Wairarapa Office</b>	<p>Greater Wellington Regional Council – Wairarapa  34 Chapel Street  P O Box 41  Masterton  Phone: (06) 378 2484  Fax: (06) 378 2146</p>
<b>Website</b>	www.gw.govt.nz
<b>General email</b>	info@gw.govt.nz
<b>Chief Executive Officer</b>	<p>David Benham  Chief Executive Officer  Greater Wellington Regional Council  Ph: (04) 802 0305</p>
<b>General Managers</b>	<p>Leigh-Anne Buxton, People and Capability  Ph: (04) 381 7733</p> <p>Nigel Corry, Environment Management  Ph: (04) 802 0334</p> <p>Jane Davis, Strategy and Community Engagement  Ph: (04) 802 0301</p> <p>Wayne O’Donnell, Catchment Management  Ph: (06) 380 5624</p> <p>Wayne Hastie, Public Transport  Ph: (04) 802 0311</p> <p>Murray Kennedy, Utilities and Services  Ph: (04) 381 7791</p> <p>Barry Turfrey, Chief Financial Officer  Ph: (04) 802 0308</p>

<b>Council Chair</b>	Fran Wilde Ph: (04) 802 0346
<b>Councillors</b>	<p>Judith Aitken Ph: (04) 475 8969</p> <p>Sally Baber Ph: (04) 476 3116</p> <p>Paul Bruce Ph: (04) 972 8699</p> <p>Ian Buchanan Ph: (06) 304 9553</p> <p>John Burke Ph: (04) 233 0377</p> <p>Barbara Donaldson Ph: (04) 237 0773</p> <p>Peter Glensor (Deputy Chair) Ph: (04) 586 4119</p> <p>Sandra Greig Ph: (04) 586 0847</p> <p>Rex Kirton Ph: (04) 528 4751</p> <p>Chris Laidlaw Ph: (04) 934 3143</p> <p>Prue Lamason Ph:(04) 566 7283</p> <p>Nigel Wilson Ph: (04) 905 0583</p> <p>Full contact details for councillors can also be obtained from Democratic Services or from our website: <a href="http://www.gw.govt.nz">www.gw.govt.nz</a></p>

**FOR FURTHER INFORMATION**

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