



GOVERNANCE STATEMENT 2022 – 2025

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Cover image: Elected members for the 2022-2025 triennium. Back row left to right Cr Steve Nelson, Cr Maxie Kemara, Cr Tom Brooks, Cr Dean Petersen. Front row left to right Cr Barry Howe, Mayor David Moore, Deputy Mayor Shona Browne.

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Introduction

Ōpōtiki District Council's Governance Statement is a collection of information about the processes that Council uses to engage with the district's residents.

It outlines how Council makes decisions and shows how residents can influence those processes. It also promotes local democracy by providing the public with information on ways they can influence local democratic processes.

Council's governance statement is a requirement of [Section 40 of the Local Government Act 2002](#). Council is obliged to produce a new governance statement within six months of each triennial election.

Our Council

Council's Vision

Strong Community Strong Future



Representation arrangements and electoral systems

Council

In Ōpōtiki we have a Mayor elected at large for the district, and 6 councillors cover three areas of the district, known as wards. The councillors are elected on a ward basis as shown in the table below. The second table details population estimates for each ward – the larger the population, the more elected members there are to represent the community. While the councillors have been elected from their respective wards, they have an obligation and a duty to represent the interests of the district as a whole.

Ward	Number of Councillors
Coast Ward	1
Ōpōtiki Ward	3
Waioeka/Waiotahi Ward	2

Ward	Population
Coast Ward	1,610
Ōpōtiki Ward	4,530
Waioeka/ Waiōtahe Ward	2,290

*Population estimates as at 30 June 2018

Community Board

Council also operates a Coast Community Board comprising of 4 members. The coast ward Council Member was elected as Chairperson of the Coast Community Board.

Community Boards are constituted under Section 49 of the Local Government Act 2002 (LGA).

An existing Community Board can only be disestablished through a representation review process. Electors can seek the formation of a new Community Board. This is achieved by following the review process.

Māori Wards and Constituencies

The Local Electoral Act 2001 gives Council the ability to establish separate wards for Māori electors.

In completing the representation review in 2017 Council resolved not to establish Māori Wards and the final representation arrangements confirmed this position. The establishment of Māori Wards can be revisited at any time in accordance with the representation arrangements review process.

Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll on the issue. The demand for a poll can be initiated by a petition signed by 5% of electors within the District.

A non-binding referendum was undertaken as part of the 2022 local election. Council will consider establishing Māori Wards before the end of 2023.

Representation Arrangements Review

Council is required to review its representation arrangements at least once every six years through a public engagement process.

As part of the representation review a local authority can take a fresh look at the structure of its membership and the way they are elected. This could affect the total number of members, whether they come from a ward or 'at large' across the wider district, the boundaries of wards and constituencies, or the names of wards and constituencies.

Council must follow the procedure set out in the Local Electoral Act 2001 (LEA) when conducting this review and should also follow the guidelines published by the Local Government Commission.

The Act gives the community the right to make written submissions to Council, and the right to be heard if they wish in relation to a representation review. There is also a right to appeal any decisions made by Council to the Local Government Commission, which makes a binding decision on the appeal.

Further details on the matters that Council must consider in reviewing its membership and basis of election can be found in the LEA.

The next review of Council's Electoral System will be carried out in 2023 for the 2025 Triennial Election.

The electoral system

Elections for Council and the community boards are held every three years when electors have the opportunity to vote. The LEA and the Local Electoral Amendment Act 2002 provide for the conduct of elections including voting methods, voting systems, nomination requirements, electoral roll requirements, length of voting period and progressive processing period, candidate profiles, offences and campaign expenditure limits.

Council employs a 'First Past the Post' (FPP) electoral system for triennial general elections. Under FPP, electors vote by indicating their preferred candidate, and the candidate with the most votes is declared the winner, regardless of the proportion of votes that candidate obtained.

The other option permitted under the Local Electoral Act 2001 is the Single Transferable Vote System. This system is used in District Health Board Elections. Electors rank as many candidates as they choose in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes cast. The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

Changing the Electoral System

Section 27 of the LEA allows for the electoral system to be changed, provided that any change is made not later than 12 September in the year that is two (2) years before the year in which the next triennial general election is to be held. If a change is made it must remain in effect for the following two triennial elections.

There are three ways in which Council's electoral (voting) system can be changed under the Local Electoral Act 2001:

- Council can resolve to change the electoral system to be used at the next two elections; or
- Council can conduct a binding poll on the question; or
- Electors can demand a binding poll.

In the latter case a poll can be initiated at any time by not less than 5% of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for the next two triennial general elections. Council's last review of its electoral system was in 2017 when Council decided to continue to use the FPP system for the 2019 and 2022 elections. This will be reviewed again in 2023.

Reorganisation of local authorities

The LGA sets out procedures that must be followed during proposals to make changes to the district's boundaries.

Proposals for a boundary alteration or the transfer of functions from one local authority to another will be considered by one of the affected local authorities or by the Local Government Commission if the local authorities refer the proposal to the Commission. A proposal cannot be implemented without a poll of electors, unless it is only a minor boundary change.

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

Roles and conduct

Council

Elected members, acting as the council, are responsible for:

- The development and adoption of council policy
- Determining the expenditure and funding requirements of Council through the processes for developing the Annual Plan, the Long Term Plan and the Revenue and Financing Policy
- Employment and appraisal of the Chief Executive Officer's performance and monitoring the implementation of policy by him/her
- Ensuring overall compliance by the Council with its obligations and responsibilities under the LGA and all other legislation which prescribe statutory duties for territorial authorities
- Promoting good relationships with neighbouring local authorities
- Monitoring the performance of the council against its stated objectives and policies
- Prudent stewardship of council resources
- Representing the interests of the residents and ratepayers of the Ōpōtiki District Council. (On election, the members' first responsibility is to the district as a whole.)

Council may create one or more committees of Council. A committee must have a chairperson, who is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by Council.

Members, as individuals, must:

- Comply with the requirements of the Code of Conduct
- Ensure they are informed about the roles, functions and processes of the Ōpōtiki District Council

- Ensure that they become aware of the statutory obligations imposed on elected members and on councils
- Comply with those enactments and other rules of law applicable to the conduct of members
- Be adequately prepared for meetings, including reading agendas and other relevant material prior to attendance, and if appropriate and where possible putting forward questions to the CEO or relevant manager in advance
- Undertake appropriate professional development
- On entering into a term of office, declare whether the member is an undischarged bankrupt
- Recognise that they have no personal power to commit Council to any particular policy or course of action unless they have delegated authority from council or the appropriate committee to do so
- Ensure the privacy of individual staff members is preserved and not comment publicly on the management or staff of the Council by identification or by general reference
- Ensure that any public statement giving a point of view contrary to a Council decision is identified as a personal, minority view.

Members, in fulfilling their role, will focus on:

- Acting in a proper manner in accordance with the legislative framework and statutory requirements for Local Government
- Providing community leadership
- Consulting with, facilitating discussions with and representing the community
- Contributing to the collective decision making of Council
- Ensuring accountability and sound financial management
- Reporting Council work to the community.

Unless otherwise provided in the LGA or in standing orders, the council can only act by majority decisions at meetings. Each member has one vote. Any individual member (including the Mayor) has no authority to act on behalf of the council unless the council has expressly delegated such authority.

Mayor

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

- Providing leadership to the other members of the territorial authority; and the people in the district of the territorial authority
- Leading the development of the territorial authority's plans (including the long term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority
- Appointing the deputy mayor
- Establishing committees of the territorial authority
- Appointing the chairperson of each committee and may appoint himself or herself as chairperson of a committee
- Presiding at Council meetings and ensuring the conduct of meetings is in accordance with standing orders
- Keeping Council informed of matters brought to his/her attention and formally presenting to Council those matters that need to be considered
- Advocacy 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

- Providing leadership and feedback to other elected members on teamwork, information sharing and chairmanship
- Assuming the role of Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about 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.

Deputy Mayor

The Deputy Mayor is appointed by the Mayor at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above).

The Deputy Mayor may be removed from office by resolution of council.

Committee Chairpersons

A Committee Chairperson exercises the same role as any other member, but has responsibility to preside over all meetings of the relevant Committee and to ensure that the Committee acts within the powers delegated to it by the Council.

Chief Executive

The Chief Executive is appointed by the council in accordance with section 42 of the LGA. 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 the 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 the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the LGA the Chief Executive employs all other staff on behalf of the local authority.

Conduct of Elected Members

Elected members have specific obligations as to their conduct as outlined in the following legislation:

- Schedule 7 of the LGA, which includes obligations for Council to act as a good employer in respect of the Chief Executive, and to abide by the current Code of Conduct and Standing Orders

- The Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way, and the use of official information for private profit
- The Local Government Official Information and Meetings Act 1987, which sets out the requirements for making information available, including public admission to meetings and the protection of certain official information
- The Financial Markets Conduct Act 2013
- The Health and Safety at Work Act 2015
- The Protected Disclosures Act 2000 (whistle blowing).

Code of Conduct

The purpose of a code is to provide guidance on the standards of behaviour expected from the Mayor and Councillors.

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

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

Council's current Code of Conduct was adopted in 2020 using the Local Government New Zealand template and guidelines. Council normally reviews the code following every triennial election and expects to review the current code in 2023.

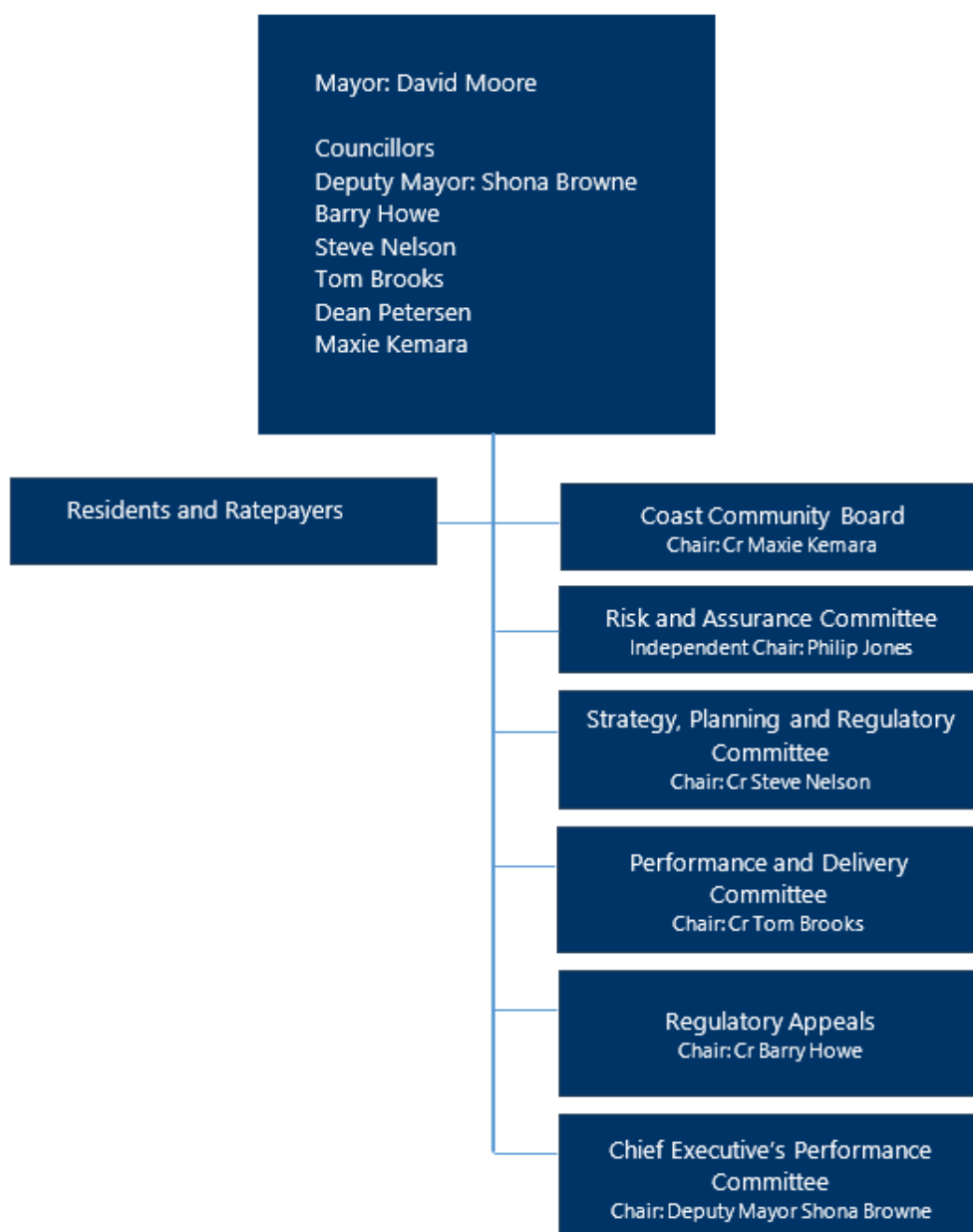
Governance Structures

Council and Committees

Ōpōtiki District Council currently has seven Councillors elected from three wards and a Mayor elected from the whole district.

The Mayor and Councillors are represented on Council committees. These committees consider and recommend policy to Council and monitor the effective and efficient implementation of policy and the operation of services relating to the committee functions.

A copy of Council’s meeting calendar is always available on our website both as a Google calendar (click on any meeting for more details such as start time and location), or as a downloadable PDF at odc.govt.nz/meetingcalendar



Ōpōtiki District Council

Chair	Mayor David Moore
Deputy Chair	Deputy Mayor Shona Browne
Membership	Full Council (Mayor and six Councillors)
Purpose	<ul style="list-style-type: none"> • To broadly monitor the wellbeing of the Ōpōtiki District and set the vision and strategic direction for the Council • Determining the expenditure and funding requirements of councils through the processes for developing the Annual Plan, Long Term Plan and the Revenue and Financing policy • Ensuring overall compliance by the Council with obligations and responsibilities under the Local Government Act 2002 and all other legislation which prescribe statutory duties for territorial authorities • To monitor and participate in relationships of strategic significance • To otherwise undertake functions, and consider matters required of the governing body, that have not been delegated.
Quorum	4
Meeting frequency	Six weekly Extraordinary meetings as required

Risk and Assurance Committee

Purpose	<ul style="list-style-type: none"> • To oversee the effectiveness of Council’s risk management, internal control environment, legal responsibilities, statutory compliance and external auditing processes.
Quorum	2
Meeting frequency	Quarterly Extraordinary meetings as required.
2022-2025 Triennium appointments	
Chair	Philip Jones (Independent Chair)
Membership	Councillor Steve Nelson Councillor Dean Petersen Councillor Tom Brooks Mayor Moore Ex Officio

Strategy, Planning and Regulatory Committee

Purpose	<ul style="list-style-type: none"> To oversee and provide recommendation to Council regarding council's strategy and policy, regulatory services and activities, and associated projects, including the processes to undertake public consultation processes (excluding the Long-Term Plan and Annual Plans).
Quorum	2
Meeting frequency	Six weekly Extraordinary meetings as required
2022-2025 Triennium appointments	
Chair	Councillor Steve Nelson
Membership	Councillor Tom Brooks Deputy Mayor Shona Browne Mayor Moore Ex Officio

Performance and Delivery Committee

Purpose	<ul style="list-style-type: none"> To monitor and provide recommendations to Council regarding the implementation of Council Infrastructure strategy, capital works programme and operational service delivery To monitor and provide recommendations to Council regarding the financial and non-financial performance of council and organisational development To monitor and provide recommendations on the overall organisational performance of Council.
Quorum	2
Meeting frequency	Six weekly Extraordinary meetings as required
2022-2025 Triennium appointments	
Chair	Councillor Tom Brooks
Membership	Councillor Steve Nelson Councillor Dean Petersen Mayor Moore Ex Officio

Regulatory Appeals Committee

Purpose	<ul style="list-style-type: none"> To provide oversight and receive outcomes of resource consent applications and objections through the hearings process under the Resources Management 1991 Act.
Quorum	2
Meeting frequency	As required
2022-2025 Triennium appointments	
Chair	Councillor Barry Howe
Membership	Deputy Mayor Shona Browne Councillor Tom Brooks

Chief Executive Performance Committee

Purpose	<ul style="list-style-type: none"> To set key performance requirements, monitor and undertake remuneration review and other related matters associated with the Chief Executive and provide recommendations to the Council.
Quorum	3
Meeting frequency	No less than 2 times per year
2022-2025 Triennium appointments	
Chair	Deputy Mayor Shona Browne
Membership	Mayor David Moore Councillor Dean Petersen Councillor Tom Brooks

Community Boards

Coast Community Board

In 2004 the Local Government Commission established a Coast Community Board, comprising of four elected members plus the Coast ward Councillor.

The role of a Community Board is specified in Section 52 of the Local Government Act 2002, as follows:

Purpose	<ol style="list-style-type: none">a. To represent, and act as an advocate for, the interests of its communityb. To consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community boardc. To maintain an overview of services provided by the territorial authority within the communityd. To prepare an annual submission to the territorial authority for expenditure within the communitye. To undertake any other responsibilities that is delegated to it by the territorial authority.
Quorum	3
Meeting frequency	6 weekly
2022-2025 Triennium appointments	
Chair	Councillor Maxie Kemara
Deputy Chair	Allen Waenga
Membership	Michael (Spike) Collier Linda Steel Tiaki (Jack) Parata

Advisory Groups

Tohe Ora - Social Development Advisory Group

Purpose	To provide advice, guidance, advocacy, and leadership in the following areas: <ul style="list-style-type: none"> • Promoting the qualities of Ōpōtiki • Winning resources for Ōpōtiki • Developing partnerships within and for Ōpōtiki • Addressing complex social issues impacting on Ōpōtiki • Maintaining support and cohesion across Ōpōtiki.
Quorum	6
Meeting frequency	To be confirmed
Chair	Councillor Maxie Kemara
Deputy Chair	Councillor Tom Brooks
2022-2025 Triennium appointments	
Membership	3x Iwi Representatives 3x Community representatives 2x Rangatahi/youth representatives

Property Advisory Committee

Purpose	To provide advice and guidance to Council in relation to Council owned property and facilities.
Quorum	2
Meeting frequency	As required
2022-2025 Triennium appointments	
Membership	Councillor Steve Nelson Deputy Mayor Shona Browne Mayor David Moore Ex Officio

Joint and External Committees and Groups

Joint Committees

COMMITTEE	MEMBERSHIP 2022-2025 TRIENNIUM
Eastern Bay of Plenty Joint Committee	Mayor David Moore Councillor Steve Nelson (alternative)
This is a joint committee of Whakatāne, Kawerau and Ōpōtiki District Councils along with the Bay of Plenty Regional Council. The purpose of the committee to form, explore and make recommendations for strategic collaborative initiatives between the partner councils.	
Regional Transport Committee	Mayor David Moore Councillor Tom Brooks (alternative)
The committee is responsible for preparing the Regional Land transport Plan or any significant variation to it.	
Civil Defence Emergency Management Group Joint Committee	Mayor David Moore Councillor Tom Brooks (alternative)
This committee was established by the Bay of Plenty Regional Council to exercise the functions, powers, and duties under the Civil Defence Emergency Management Act 2002.	
Eastern Bay of Plenty Road Safety Operations Group	Councillor Tom Brooks Mayor David Moore (alternative)
This committee provides the strategic direction, oversight, and leadership to ensure Eastern Bay roads are free of fatalities and serious injury.	
Eastern Bay District Licensing Committee	Deputy Mayor Shona Browne Councillor Tom Brooks (alternative)
This is a shared committee of the Kawerau, Whakatāne and Ōpōtiki Councils set up under the sale and supply of Alcohol act 2012 t make decisions on all licenses and managers certificates.	

External Organisation/Group Appointments

ORGANISATION / GROUP	MEMBERSHIP 2022-2025 TRIENNIUM
Creative Communities	Mayor David Moore Deputy Mayor Shona Browne
Waioeka- Ōtara Flood Scheme Liaison Group	Councillor Steve Nelson Councillor Dean Petersen
Ōhiwa Harbour Implementation Forum	Council Dean Petersen Councillor Steve Nelson
Ōpōtiki Marine Advisory Group	Mayor David Moore Councillor Barry Howe (Chair) Councillor Dean Petersen
Ōpōtiki Theatre Trust	Deputy Mayor Shona Browne
Sport NZ Rural Travel Fund	Councillor Barry Howe

Council Controlled Organisations

Council is a shareholder in BOP LASS Ltd which is defined as Council controlled organisations under the Local Government Act 2002. Established in 2007/08 BOP LASS was created to foster shared services between participating Council's which are currently Bay of Plenty Regional Council, Rotorua Lakes Council, Western Bay of Plenty District Council, Kawerau District Council, Tauranga City Council, Ōpōtiki District Council, Whakatāne District Council, Taupō District Council and Gisborne District Council. It provides a vehicle to investigate, procure, develop and deliver shared services where a clear benefit (in terms of quality of service or cost) exists for member local authorities.

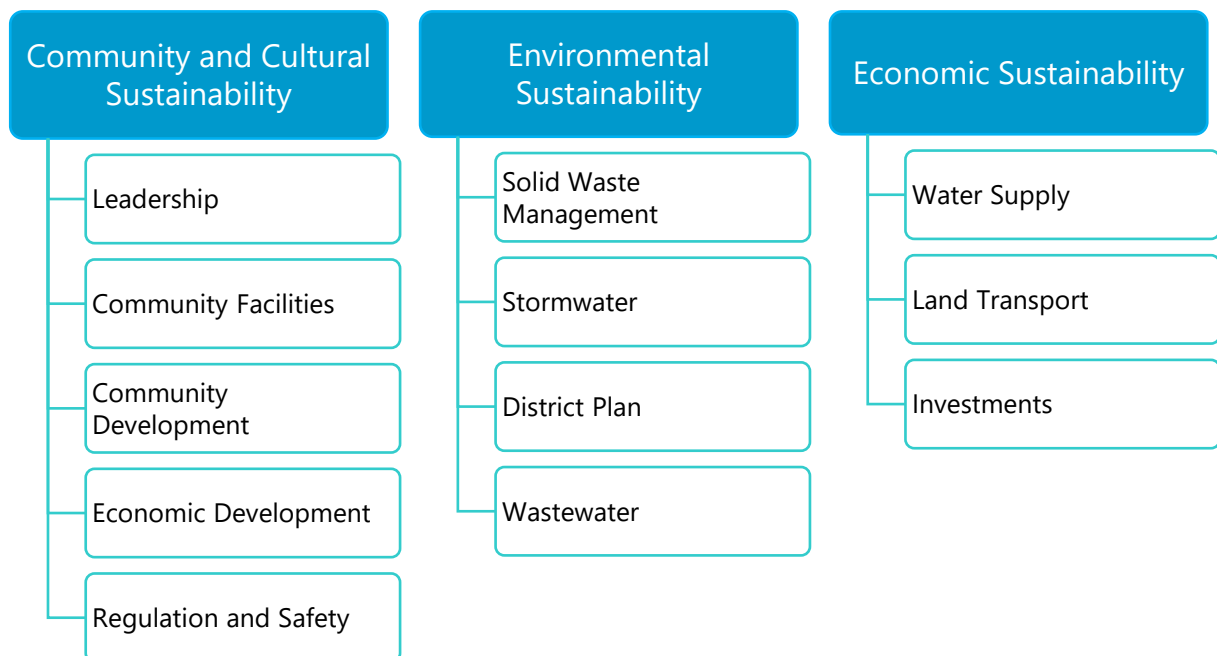
Council's Direction

Activities, purpose and responsibilities

Information on Council's activities is contained in the 10-Year Plan and the annual plan produced each year (available on Council's website). The table below provides a summary of Council activities.

All of Council's Significant Activities contribute to the future of the district and the Community Outcomes.

Our Significant Activities align with the four areas of community well-being – social, cultural, environmental and economic. Council has combined its activities into three Groups of Activities according to their contribution to the sustainable development of the well-being areas. They are:



Purpose and responsibilities

The Local Government Act 2002 defines the purpose of local government as:

- (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 (the four well-beings) in the present and for the future.

In meeting its purpose the Ōpōtiki District Council has a variety of roles:

- Facilitating solutions to local needs
- Advocacy on behalf the local community with central government, other local authorities and other agencies
- Development of local resources

- Management of local infrastructure including network infrastructure (e.g. roads, sewage disposal, water and stormwater, and community infrastructure (libraries, parks and recreational facilities and harbour development)
- Environmental management
- Planning for the future needs of Ōpōtiki District.

The Local Government Act further defines that the role of any local authority is specifically to give effect to the purpose of local government and to carry out the duties and exercise the rights conferred on it by the Act.

The Ōpōtiki District Council is a Territorial Local Authority (TA) with perpetual succession in terms of its legal definition.

For the purposes of performing its role, a TA has, subject to the Act, any other enactment, and the general law:

- (a) The full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
- (b) The full rights, powers, and privileges for the purposes of paragraph (a).

A TA must exercise its powers under this section wholly or principally for the benefit of its district.

That said, nothing in the Act prevents two or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or prevents a transfer of responsibility from one local authority to another in accordance with the Local Government Act 2002, or restricts the activities of a council-controlled organisation.

The Local Government Act 2002 also contains a number of other provisions that dictates what a TA may, or may not, do.

Local government legislation and Ōpōtiki District Bylaws

Local government is a complex business and operates in a highly regulated environment. There are a number of key statutes which drive how councils work such as the Local Government Acts 1974 and 2002, the Local Electoral Act 2001, the Local Government (Rating) Act 2002, the Resource Management Act 1991 and the Building Act 2004 to name a few. Appendix A contains a list of some of the key legislation that applies to New Zealand local authorities. For more information visit www.legislation.govt.nz.

Local legislation

Apart from local bylaws there is no local legislation applying specifically to the Ōpōtiki District.

Bylaws

Council has made Consolidated Bylaws in accordance with the Local Government Act 2002 and other relevant legislation to control or permit specific activities within the District. They are rules made by Council that affect how people live, work and play. They help Council manage problems or issues that are considered significant in a local area in a way that best meets the community's needs. Bylaws protect both our district and community's rights. They are there to make our district a safe and healthy place.

The full [Ōpōtiki District Council Consolidated Bylaws 2021](#) can be viewed on Council's website.

Council's Principles

The LGA sets out principles guiding local authorities in the way that they perform their roles.

The Ōpōtiki District Council must act in accordance with the following principles:

- Conduct its business openly, transparently and in a democratically accountable manner
- Pursue and achieve identified priorities and goals efficiently and effectively
- Be aware and take notice of the view of all its constituent communities
- Make decisions that take account of the diversity of the community, and the community's interests, within its district or region
- Take account of the interests of future as well as current communities
- Take account of the likely impacts of any decision on each aspect of the four well-beings
- Provide opportunity for Māori to contribute to the decision-making processes of Council
- Collaborate and co-operate with other local authorities and relevant organisations
- Employ sound and acceptable good business practices in its operation
- Ensure that the resources and assets of the District are managed prudently for the good of the community, present and future. The Council is given the responsibility of looking after key services and assets such as roads, water supplies and sewerage to ensure such services are there for future communities in a well-kept state
- Pursue development of the community in a way that is sustainable in the future.

The Ōpōtiki District Council is required to ensure:

- The public and elected members are aware and understand what local governance means to its community
- The public and elected members fully appreciate how an elected member is expected to conduct themselves
- That governance organisations (i.e. Council, Community Boards, etc.) and the way in which they work, are effective, efficient, open and transparent
- That wherever possible, the management of Council's regulatory responsibilities is kept separate from service activities
- That Council acts as a "good employer"
- That the relationship between the elected members and management of the ODC organisation is understood, respected and appreciated by everyone in the community.

Key Strategies, Plans and Policies

Council sets its direction through strategies, plans and policies.

Council has key planning and policy documents as detailed below, copies of which are available from Council offices or on the Council website. The development and review process for these varies. For some there are statutory processes and reviews, such as for long term plans (every three years) and district plans (every ten years). For some statutory policies the review is usually every three or five years. Others are discretionary but as long term planning and strategies help drive the long term and annual plans, they may be subject to review as part of that process.

- Long Term Plan
- Annual Plan
- Annual Report
- Ōpōtiki District Plan
- Waste Management and Minimisation Plan
- Asset Management Plans
- Water and Sanitary Assessment
- Group and local Civil Defence Emergency Management Plans
- Waioeka / Otara Rivers Management Plan
- Coastal Access Report
- Economic Development Strategy
- Ōpōtiki District Visitor Strategy - The potential economic benefits of the Harbour Development Project to the local visitor industry
- Coastal and Sportsfields Reserves Management Plans
- Rating Policies
- Remissions
- Māori Freehold land
- Significance and Engagement Policy
- Eastern Bay Spatial Plan
- Regional Land Transport Plan

Strategy and planning

Long term plan

Council's major planning and strategic document for the future of Ōpōtiki District is the Long Term Plan. It describes what Council is going to do, when it is going to be done, and how it will be paid for. It lists Council's activities for the next 10 years and sets the budget for the next decade.

Council has to make sure resources are used in a sustainable manner, which means taking into account both current needs and those of future generations. Affordability is a major consideration. Sustainability, affordability and well-being must be balanced and there will be times when Council needs to make decisions to promote aspects of well-being that may have a significant negative effect elsewhere. These details are included in the Long Term Plan for the community to consider.

While the Plan covers a ten year period it is reviewed and republished every three years. In the interim years, Council produces an Annual Plan which is based on information from the 10-year Plan. There is a public consultation process in relation to the long term plan but amendments to the LGA mean Council

does not need to use the Special Consultative Procedure (see Appendix B) to formally consult on an Annual Plan each year if the changes from the 10 Year Plan are not significant or material.

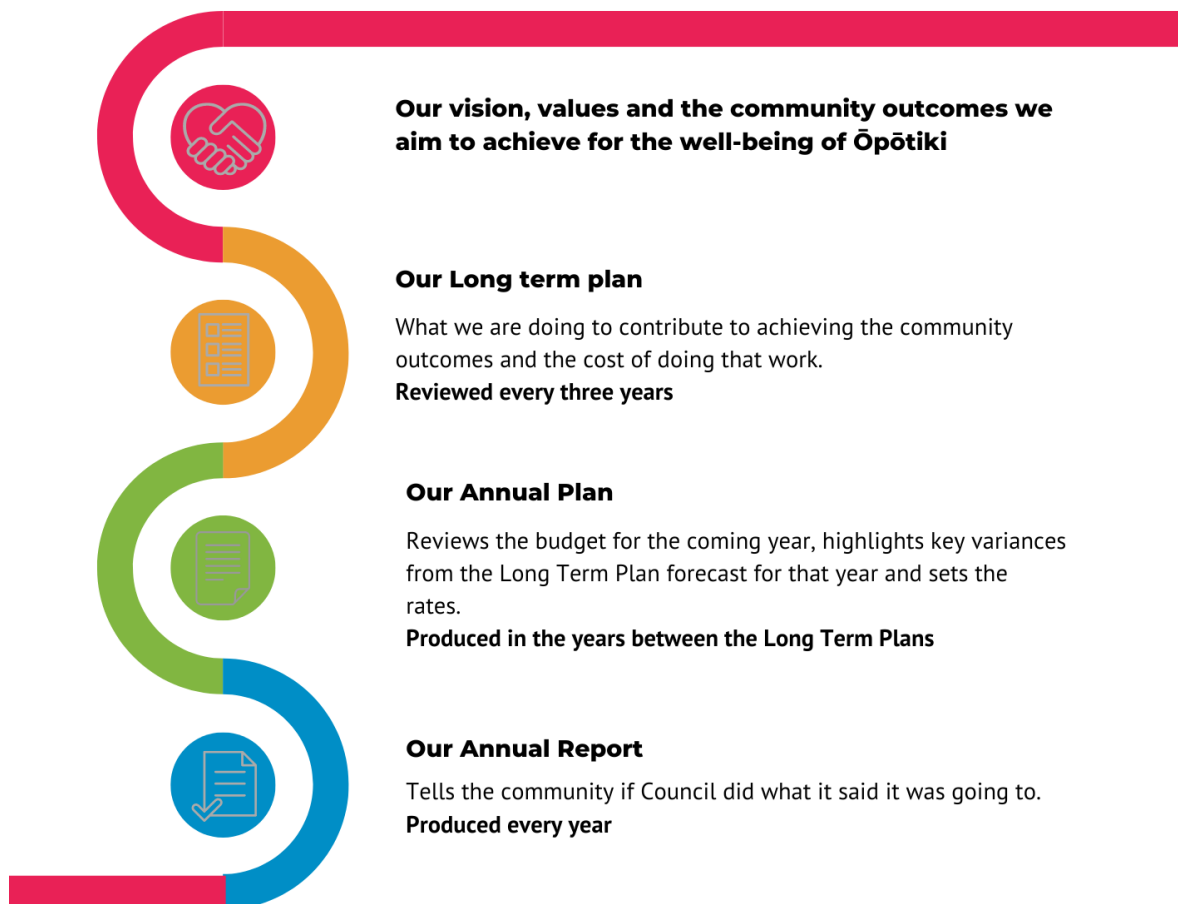
Annual Plan

Annual plans support long term plans and provide the basis for setting and assessing rates for the year to which they relate. The Annual Plan process focuses on year-to-year budgets and sets Council’s direction for the next year. It outlines key projects and priorities and sets out what Council will do to move towards achieving its goals. These plans are adopted before the start of the financial year in July.

Annual Report

Council’s management, through monitoring and review of progress on the Annual Plan, works towards the achievement of Council’s Objectives, Policies, and Performance Targets. The annual report tells the community whether the council has done what the LTP or Annual Plan said the council intended to do, and details what has been spent. Annual reports must be adopted by 31 October each year.

Reports are regularly presented to Council. Council publishes an Annual Report each year which contains audited accounts and states its financial position and summarises progress made during the year against the financial and non-financial performance measures for that year. The following diagram shows the relationship between the three documents/processes.



Community Engagement

Public access to Council

Contact details for Ōpōtiki District Council:

Ōpōtiki District Council
108 St John Street
PO Box 44
ŌPŌTIKI 3198
Phone 07 315 3030
Fax 07 315 7050
Email: info@odc.govt.nz
Web: www.odc.govt.nz

Council are also on:

Facebook: facebook.com/ŌpōtikiDistrictCouncil
LinkedIn: linkedin.com/company/opotiki-district-council
Issuu: issuu.com/opotikidistrictcouncil
Antenno – Download from the [app store](#) or [Google Play](#)
[Connect | Hono Mai](#) – Engagement platform
my.odc.govt.nz – Customer portal

The Mayor, Councillors, the Chief Executive and relevant Council officers may be contacted throughout the year if you have information to contribute or areas of concern you wish to discuss.

System for requesting Council service

Requests for Council service can be lodged in various ways including:

- Visiting, phoning or writing (including emails)
- By completing an online request form on Council's website
- By sending a report through the Antenno app
- Contact details for our Library and i-SITE and the after-hours contacts for Council, Animal and Noise Control are listed in the phone book, in local publications, and on [Council's website](#)
- Contact details for elected members are available on the [Council website](#) and below.

Elected members contact details

Member	Ward	Contact details
Mayor David Moore	District	PH 07 315 3030 Mobile 027 244 2628 davidm@odc.govt.nz
Deputy Mayor Shona Browne	Ōpōtiki	Mobile 027 477 3761 shonab@odc.govt.nz
Councillor Barry Howe	Ōpōtiki	PH 07 315 6003 (home) PH 07 315 6335 (work) Mobile 027 315 6345 barryh@odc.govt.nz
Councillor Tom Brooks	Ōpōtiki	Mobile 021 0231 3107 tomb@odc.govt.nz
Councillor Steve Nelson	Waioeaka/Waiōtahe	Mobile 027 637 0549 steven@odc.govt.nz
Councillor Dean Petersen	Waioeaka/Waiōtahe	Mobile 027 622 7009 deanp@odc.govt.nz
Councillor Maxie Kemara	Coast	Mobile 021 569 963 maxiem@odc.govt.nz

Coast Community Board contact details

Member	Contact details
Chairperson Maxie Kemara	PH Home 07 325 2809 Mobile 021 569 963 maxiem@odc.govt.nz
Deputy Chairperson Allen Waenga	PH 07 315 5516 Mobile 021 123 2513 ajwaenga@yahoo.co.nz
Michael (Spike) Collier	Mobile 027 429 2432 spikeopotiki@gmail.com
Linda Steel	Mobile 027 348 6237 lindasteel@teahou.org.nz
Tiaki (Jack) Parata	PH 07 325 2772 (home) Mobile 027 498 9213 jack@apanui.co.nz

Public forum

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority. The Public forum is usually a period of up to 30 minutes.

Requests to speak in the public forum should be made to the Governance Lead at least one full day before the meeting by phoning 07 3153030 or emailing gaef@odc.govt.nz. Speakers can speak for up to five minutes.

Full details on Public forum rules including time limits, restrictions, questions, resolutions and recording and responding to public forum matters is available in Council's [Model Standing Orders](#) which is available on Council's website.

Any member of the public is welcome to attend the public section of any Council meeting.

A full calendar of meetings can be found on [council's website](#).

Conduct of meetings

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA). All Council and committee meetings must be open to the public unless there is reason to consider some item 'in committee' (i.e., these items are deemed to be confidential, and members of the public will be asked to leave the room until discussion on the item has been completed).

The LGOIMA contains a list of the circumstances where Council may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order. The Council agenda is a public document, although parts of it may be withheld if the above circumstances apply.

Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council in accordance with Standing Orders.

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

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

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

During meetings the Mayor and Councillors must follow Standing Orders (a set of procedures adopted by Council for conducting its meetings). Council may suspend Standing Orders by a vote of 75% of the members present and voting.

Council workshops

From time-to-time council will hold workshops. The purpose of a workshop or briefing is to prepare councillors with the appropriate background and knowledge to make robust decisions for their communities, and to allow discussion among and between elected members and council staff. Workshops are part of an educative phase of the council's decision-making process. Workshops cannot be used to make final decisions, as final decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting.

It is intended that all workshops are open to the public in accordance with requirements of the Local Government Act 2002, that '...a local authority should conduct its business in an open, transparent and democratically accountable manner....'

The reasons for excluding the public from a workshop are detailed in [Section 7 of the Local Government Official Information Meetings Act 1987](#).

Council publishes notes from workshops on its [website](#).

Request for Official Information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from Council. All requests for information are deemed to be a request made under LGOIMA. (You do not have to say you are making a request under LGOIMA.). Once a request is made, Council must supply the information within 20 working days unless there is a reason for withholding it or an extension of time has been requested. If the provision of a response will take longer than 20 working days the applicant is to be advised in writing stating the length of, and reason for, the delay.

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

- Endanger the safety of any person
- Prejudice maintenance of the law
- Compromise the privacy of any person
- Reveal confidential or commercially sensitive information
- Cause offence to tikanga Māori or would disclose the location of waahi tapu
- Prejudice public health or safety
- Compromise legal professional privilege
- Disadvantage Council while carrying out negotiations or commercial activities
- Allow information to be used for improper gain or advantage.

If a request for information is declined the applicant must be advised in writing of the reason for withholding that information under LAGOIMA. A response is to be provided within 20 working days.

Applicants who are advised in writing of a delay or decline of application must be advised of their right (Section 28(3) LGOIMA) to make official complaint to an ombudsman.

Council may charge for official information under guidelines set down in Section 15 of the LGOIMA or by the Ministry of Justice. The fee incurred reflects research and collation time, and is not a charge for the information itself. Information on Council's fees and charges is available on Council's website or by contacting Council.

Requests for official information should be addressed to:

In writing	In person	By Email	Online
Stace Lewer Chief Executive Officer Ōpōtiki District Council PO Box 44 ŌPŌTIKI 3162	108 St John Street Ōpōtiki District Council	info@odc.govt.nz	online.odc.govt.nz

Council decisions

Council must make all decisions in accordance with the requirements set out in sections 77 to 82 of the Local Government Act 2002.

The key sections require that for any decision Council should:

- seek to identify all reasonably practicable options for the achievement of the objective of the decisions;
- consider the views and preferences of the community at all stages of the decision-making, particularly persons likely to be affected by or interested in the matter, and the views of Māori (especially where land or water is affected);
- make provision for the contribution to decision-making processes by Māori;
- consult prior to making any decision or pre-determining an option.;
- have regard to the purpose of local government (section 10 LGA);
- provide reasons for decisions made, and identify and explain any inconsistency with other Council plans or policies.

Significance and Engagement Policy

Council is required by the Local Government Act 2002 to have a Significance and Engagement Policy.

The objectives of this policy are:

- to ensure consistency when determining the significance of proposals, assets and decisions
- to identify the extent and type of public engagement required before a decision is made
- to build positive relationships with the community, tangata whenua and stakeholders
- to encourage cooperation, respect and a mutual understanding of other points of view
- to comply with Section 76AA of the Local Government Act 2002 (LGA).

Under Council's Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance is determined by the criteria set out in section 12 of the Significance and Engagement Policy.

In considering the degree of significance of every issue requiring a decision, Council will be guided by the following principles:

- Council will be consistent, genuine and transparent in how it engages with the public
- Council will consider the language, accessibility and cultural needs in any engagement
- Council will ensure that it involves the community in its decisions, and recognises the importance of the community in any engagement it holds.

Council will use the flowchart below to determine the significance of a decision. A decision will be considered to be of high significance by Council if one of the following applies:

- It involves the transfer of the ownership or control, or the construction, replacement or abandonment of a strategic asset to or from Council; or
- It is inconsistent with Council plans or policies and meets one of the following thresholds (as set out in the significance flowchart):

Financial thresholds: The proposal or project will incur net operational or capital expenditure exceeding 10% of total Council annual expenditure in the year commenced.

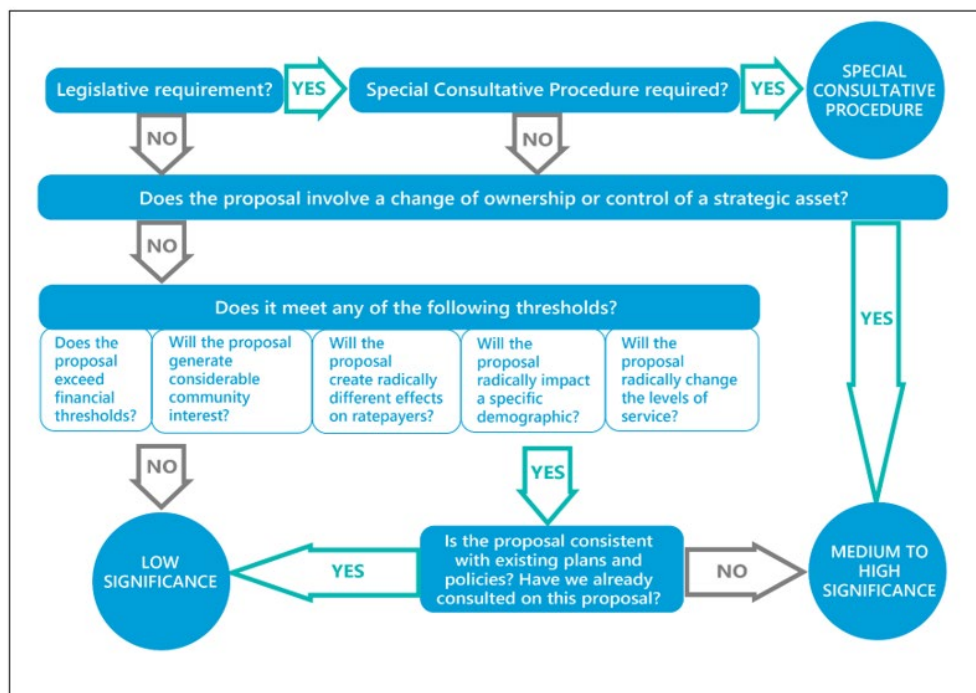
Community interest: The proposal will generate considerable interest or render the community deeply divided.

Effect on ratepayers or communities: The proposal will have a major and long term impact on ratepayers, and/or groups who reflect the makeup of the District's community.

Levels of Service: The change to the current level of service will be major and long-term.

It is important to note that the LGA requires council to engage with the community for certain matters using the Special Consultative Procedure (s83 LGA 2002), regardless of the significance of the decision. Examples include changes to Bylaws, the Long Term Plan or the Annual Plan.

Significance flowchart








Once the significance has been determined, the Council will use the International Association for Public Participation (IAP2) framework to determine the appropriate level of engagement.

Where required, Council will undertake engagement at the level prescribed by legislation (e.g., when required by the Special Consultative Procedure, or by the Resource Management Act 1991).

The framework that council will use to determine the type of engagement it will use is shown in the framework below.

5.2 Engagement framework

SIGNIFICANCE	LOW	MEDIUM	HIGH	MAXIMUM	
LEVEL OF ENGAGEMENT	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
What does it involve?	One-way communication providing balanced and objective information to assist understanding about something that is going to happen	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposal to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we may use this for	Water restrictions; temporary road closure; adopting annual report; emergency works	Regulation policy such as Local Alcohol Policy; developing and adopting a Bylaw; adopting the LTP or the Annual Plan	Review of the Ōpōtiki District Plan	Sub-regional Spatial Plan	Election voting systems (MMP, STV or FPP)
Tools that Council might use	Websites Information flyer Public notices	Formal submissions and hearing	Workshops Focus groups	External focus groups	Binding referendum Local body elections
					

Council shall use an appropriate method(s) of engagement that correspond to the degree of significance decided, more than one option can be utilised.

When engaging with the community, Council will:

- seek out and encourage contributions from people who may be affected by or interested in a decision
- provide accurate, relevant, timely and balanced information so people can contribute in a meaningful way
- provide a variety of appropriate ways for people to have their say
- tell the community what the Council decision is and the reasons for that decision.

A full copy of Council's Significance and Engagement Policy can be found on council's [website](#).

Consultation principles

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.

Council will use the Special Consultative Procedure for the following issues requiring decisions:

- The development and review of a Local Alcohol Policy
- The development and review of a Local Approved Product (Psychoactive Substances) Policy

- The review of a Rating Policy
- Decisions on transferring the ownership or control of strategic assets which are not outlined in the Long Term Plan.

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

For the following specific issues requiring decisions Council will develop consultation documents fulfilling the requirements of Section 82A of the LGA 2002, will make these documents available to the public, allow written submissions for a period of up to 4 weeks and will consider all submissions prior to making decisions:

- Establishing a Council-Controlled Organisation
- Adopting a Revenue and Financing policy
- For the following specific issue Council will develop the process fulfilling the requirements of Schedule 1 of the Resource Management Act 1991
- Review of the Ōpōtiki District Plan

Further information on Special Consultative Procedure can be found in Appendix B.

Relationships with Māori

Council embraces the principles of the Treaty of Waitangi and values its relationship with local hapu and iwi.

To help promote communication, understanding and working together effectively and efficiently Council has formed working relationships with iwi and hapu of the district throughout the organisation, within both elected members and staff levels of the Council. The iwi of the district are generally invited to be represented on Council's committees and is promoting tangata whenua as a strategic partner in regional social and economic initiatives.

Management

Management structures and relationships

Council is supported by a professional corporate organisation, led by the Chief Executive. Officers provide Council with policy advice and are responsible for implementing Council's policies to achieve the results Council wants.

The Chief Executive and staff are responsible for managing day-to-day issues and implementing Council's decisions and policies. The organisation is structured under four groups, each of which is headed by a group manager. They are:

- Finance and Corporate Services
- Community Services and Development
- Regulatory and Planning
- Engineering and Services

The Management team comprises the managers of the four groups and is headed by the Chief Executive. The Management Team considers organisation-wide issues and provides a key linkage between Councillors and staff. They ensure that what is undertaken within the four groups is consistent with Council's mission and goals and the decisions of Council.

The elected members and Council staff work together at different levels to decide what activities should be done to achieve the community's vision and goals, and to plan how they can best be undertaken. This takes place within a framework of competing priorities, timeframes, resources, decisions of Council, and within the overall goal of growing and developing the district in sustainable social, cultural, economic and environmental wellbeings.

Chief Executive

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

Stace Lewer is Council's Chief Executive Officer.

His contact details are:

Chief Executive
Ōpōtiki District Council
PO Box 44
ŌPŌTIKI 3162

Email: stacel@odc.govt.nz

Phone: 07 315 3030

Management Structure



Stace Lewer

Chief Executive Officer

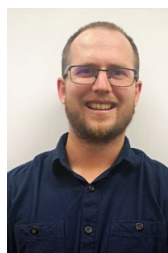
The chief executive appoints a range of skilled staff to carry out the activities the council undertakes on behalf of the community. This is the organisational arm of local government. Through the chief executive they implement the decisions of Council, provide advice to Council on managing the activities of the organisation effectively and efficiently, plan and provide accurate reports of the financial and service performance of Council and employ and provide leadership.



Anna Hayward

Group Manager - Community Services and Development

Social Development, Community Engagement, Relationships Management, Strategic Development, Customer Services, Communications, Events, Facilities, i-SITE Information Centre, Library, Property



Nathan Hughes

Group Manager - Engineering Services (Interim)

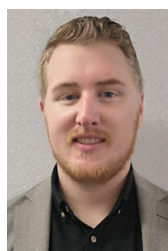
Consultancy BU, Roading, Sewerage, Solid Waste, Stormwater, Water Supply



Gerard McCormack

Group Manager - Planning and Regulatory

Airport, Animal Control, Building Control, Bylaw Compliance, Cemetery, Civil Defence, Emergency Management, Environmental Health, Liquor Licensing, Parks, Reserves, Resource Management, Noise Control, Planning



Peter Bridgwater

Group Manager - Finance and Corporate Services

Cash Receipting, Creative New Zealand, Accounts Receivables/Payables, Economic Development, Accounting and Financial Reporting, Governance Support, Insurance, Investments, Payroll, Treasury and Public Debt, Rates, Sports co-ordination, Tourism, Water Billing

Employment Policies

Equal Employment Opportunities

The Ōpōtiki District Council acknowledges the benefit to employees, Council and its customers that result from equal opportunity in employment of new personnel.

Council is committed to the principles of equal opportunity in recruitment, employment, training and promotion of its employees and has an adopted Equal Employment Opportunities Policy.

In all its dealings with current and prospective employees, Council will not discriminate on any of the grounds of discrimination contained in the Human Rights Act 1993 and its amendments. In addition, Council is committed to:

- Ensuring all employees are treated fairly and have their differences respected and valued
- Identifying and eliminating any barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any person or group of persons
- Ensuring that all its policies and practices uphold the principle of equal employment opportunity
- Ensuring that all employee appointments are made solely on the basis of merit, and that all promotions, advancements, salary reviews and professional/career development opportunities are based on merit
- Taking into consideration the demographic makeup of the community it serves when delivering its services
- Investigating and resolving without delay any complaint of discrimination under this policy or the Human Rights Act 1993.

Council Remuneration

Elected members' remuneration is set by the Remuneration Authority who have implemented a "governance pool" system which is allocated to each Council aligned with the ranking of a Council based on a size index and within a framework of the Local Government pay scale. The governance pool provides the total amount that must be paid in remuneration to Councillors (aside from the Mayor). The salary of the Mayor is set separately by the Authority and Council are unable to make changes to that salary. Council can decide how it wishes to allocate its pool according to its own priorities and circumstances and this decision is then sent to the Remuneration Authority for a final determination.

The current remuneration determination was issued in July 2022.

Appendix A – Acts applying to local government

An Act is a law passed by Parliament (before it is passed, it is called a Bill). Many Acts have supporting regulations, which are laws made under an Act of Parliament. Regulations generally deal with matters of detail or administration, or matters that are subject to frequent change.

Current Acts that apply to local government include:

- Animal Welfare Act 1999
- Arts Council of New Zealand Toi Aotearoa Act 2014
- Biosecurity Act 1993
- Building Act 2004
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Bylaws Act 1910
- Citizenship Act 1977
- Civil Defence Emergency Management Act 2002
- Disabled Persons Community Welfare Act 1976
- Dog Control Act 1996
- Fencing Act 1978
- Food Act 2014
- Forest and Rural Fires Act 1977
- Freedom Camping Act 2011
- Gambling Act 2003
- Government Rooding Powers Act 1989
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Health and Safety at Work Act 2015
- Heritage New Zealand Pouhere Taonga Act 2014
- Impounding Act 1955
- Land Drainage Act 1908
- Land Transport Act 1998
- Land Transport Management Act 2003
- Litter Act 1979
- Local Authorities (Members' Interests) Act 1968
- Local Electoral Act 2001
- Local Government Act 1974
- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Local Government (Rating) Act 2002
- New Zealand Library Association Act 1939
- Privacy Act 1993
- Property Law Act 2007
- Protected Disclosures Act 2000
- Prostitution Reform Act 2003
- Public Records Act 2005
- Public Works Act 1981
- Racing Act 2003
- Rates Rebate Act 1973
- Rating Valuations Act 1998
- Reserves Act 1977
- Residential Tenancies Act 1986
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Te Ture Whenua Māori Act 1993
- Trespass Act 1980
- Unit Titles Act 2010
- Waste Minimisation Act 2008
- Weathertight Homes Resolution Services Act 2006.

Appendix B – Special Consultative Procedure

The LGA has specific procedures that Council must follow when making certain types of decisions. The special consultative procedure (consultation sections 82-90) is regarded as the minimum process that Council must use when making decisions that trigger criteria within the Act, or in Council's Significance and Engagement Policy.

This procedure is set out in the LGA and will be used where:

- legislation specifies that it should be used
- the Council proposes to adopt or amend the Long-Term Plan
- the Council proposes to adopt, review or amend any Bylaws
- the Council proposes to alter the mode of delivery of a significant activity as defined in the Council's Significance and Engagement Policy
- the Council decides it is appropriate to use a consultative procedure (e.g. the issue may be particularly topical so that the Council wishes to add a degree of formality to the process).

What is the Special Consultative Procedure?

1. The Council must prepare and adopt a Statement of Proposal and if the local authority considers that it is necessary to enable public understanding of the proposal, include a Summary of Information in the statement. The summary must:

- be a fair representation of the major matters in the statement in a form determined by the Council; and
- indicate where the Statement of Proposal is available.

2. State the period within which persons interested in the proposal may present their views to the local authority. The timeframe must be at least one month from the date the statement is issued. The Council must make the statement of proposal and a description of how the Council will provide persons interested in the proposal with an opportunity to present their views to the local authority.

3. The Council must make a statement of the period within which views on the proposal may be provided to the Council.

4. The Council must make the summary of information contained in the statement of proposal (or the statement of proposal, if a summary is not prepared) as widely available as reasonably practicable as a basis for consultation.

5. The Council must provide an opportunity for persons to present their views to the Council and that those persons are given a reasonable opportunity to do so; and are informed about how and when they may take up that opportunity. Council may allow persons to present their views to Council by way of an audio link or audio-visual link.

If the Council is intending to adopt or amend Bylaws the LGA specifies some additional requirements that are part of the process. These are found in section 86 of the LGA