

Waimate District Council Local Governance Statement 2017



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Local Governance Statement

The Local Government Act 2002 requires Council to disclose the following information in its Governance Statement:

40 Local Governance Statements

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

Section 40(1)(ba): inserted, on 14 October 2007, by section 7 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 40(1)(ja): inserted, on 5 December 2012, by section 20 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

The purpose of the Waimate District Council is to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

The following Community outcomes were agreed by Council on 30 June 2015 as part of the 2015-25 Long Term Plan.

Community Outcomes

Community Outcomes indicate the community's desire or vision for how the Waimate District should progress. They create a picture of what we are aiming for, and through Council's tasks and projects an idea on how we will achieve them.

The Community Outcomes for 2015-25 are:

Wealthy Community

- A District that provides infrastructure for economic activity
- A District that encourages development
- A District that actively promotes itself and its businesses

Safe and Healthy People

- A place where people are safe in their homes, work and public spaces
- Our services, infrastructure and environment enhance quality of life

Sustainable District and Environment

- The Waimate District is enhanced through sustainable development
- Our heritage is valued and protected
- We value the natural environment, biodiversity and landscapes

Active and Supportive Community

- People participate in our democratic processes
- District assets that provide recreation and leisure choice
- We celebrate and support the good things about our community

Electoral System

Every three years Council must review the system used for the triennial elections.

The review of the electoral system is a choice between first-past-the-post (FPP) voting and single transferable vote (STV) voting. On 19 August 2014, Council resolved to retain FPP voting for the 2016 elections. This decision was not challenged and was publicly notified in September 2014. The process for determining which electoral system Council will follow can be found in the Local Electoral Act 2001.

Representation Arrangements

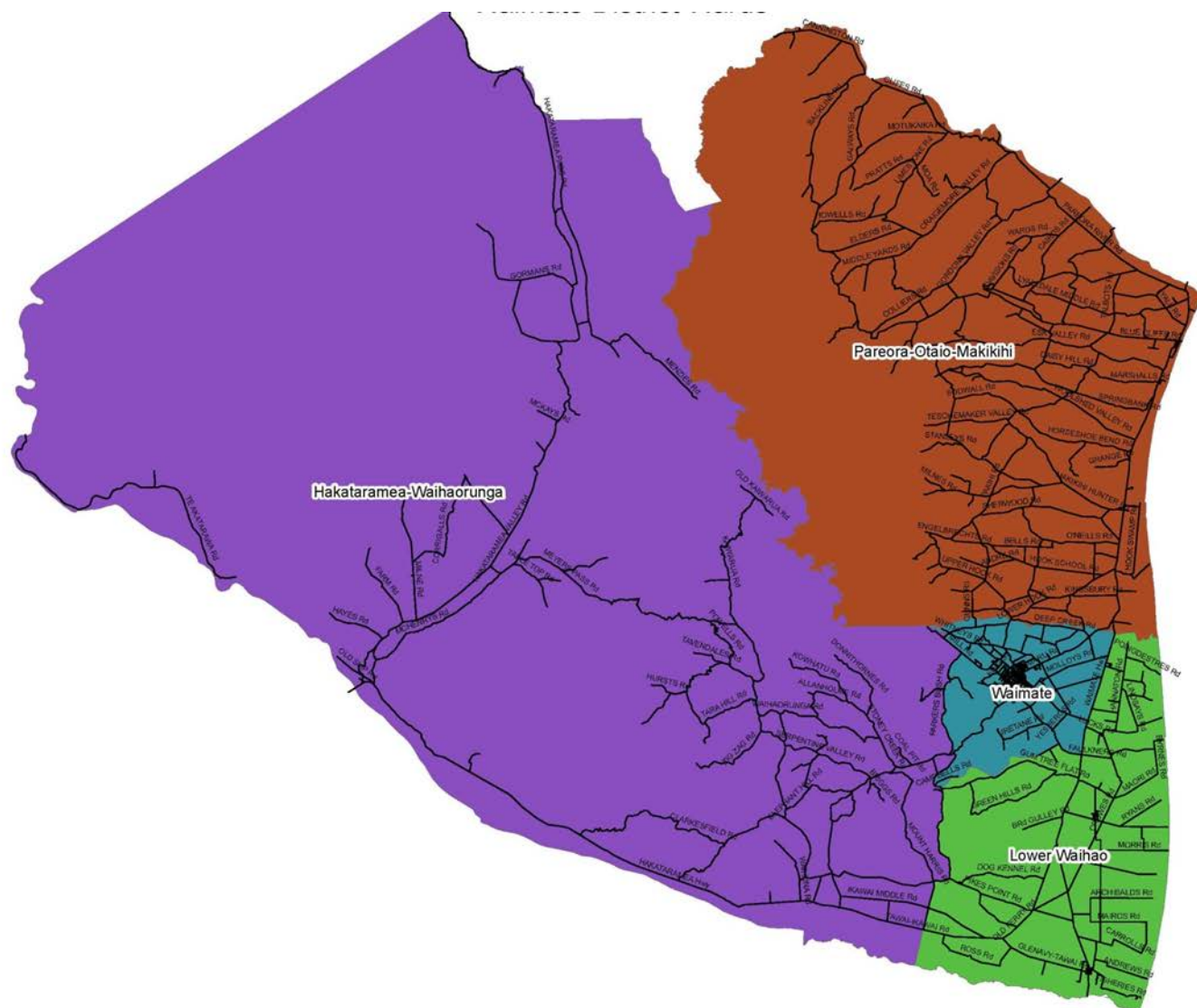
Every three to six years Council must review its representation. A review is programmed for completion in 2018 and may align with the Long Term Plan process. The review of representation involves decisions about the number of councillors to be elected, how many wards (if any) are needed to reflect community interest, and – if wards are favoured – how many members should be elected from each ward.

In 2012 Council resolved to retain the four wards as follows:

- Pareora-Otaio-Makikihi – 2 Councillors
- Waihao Ward – 1 Councillor
- Hakataramea-Waihaorunga Ward – 1 Councillor
- Waimate Ward – 4 Councillors

Section 24 and Schedule 3 of the Local Government Act 2002 contains provisions for reorganisation proposals, including boundary changes.

Waimate District Council Wards



Members' Roles and Conduct

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

- Setting the policy direction of Council.
- Monitoring the performance of Council.
- Representing the interests of the district. On election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the district.
- Employ the Chief Executive. Under the Local Government Act 2002 the local authority employs the Chief Executive, who in turn employs all other Council staff on its behalf.

The Mayor is elected by the District as a whole and as one of the elected members shares the same responsibilities as other members of Council. In addition the Mayor has the following roles:

- Presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in Standing Orders).
- Advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of Council.
- Ceremonial head of Council.
- Establish committees of Council and appoint the chairperson of each committee.
- Provide leadership and feedback to other elected members on teamwork and chairing committees.

The Chief Executive is appointed by Council in accordance with section 42 and clauses 33 and 34 of Schedule 7 of the Local Government Act 2002. The Chief Executive implements and manages Council's policies and objectives within the budgetary constraints established by Council. Under section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- Implementing the decisions of Council.
- Providing advice to 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 Council effectively and efficiently.
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council.
- Providing leadership for the staff of Council.
- Employing, on behalf of Council, the staff of Council in accordance with any remuneration and employment policy.
- Negotiating the terms of employment of the staff of Council in accordance with any remuneration and employment policy.

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

- Schedule 7 of the Local Government Act 2002 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.
- 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).

- 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.
- Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

All Elected Members are required to adhere to a Code of Conduct. Adopting such a Code is a requirement of the Local Government Act 2002. Once adopted such a Code may only be amended by a 75% or more vote of Council. The Code acts as a backstop sets out Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to staff, to 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 breaches the Code of Conduct. Copies of the full Code of Conduct may be obtained from Council.

Governance Structure

The following Committees of Council have been appointed pursuant to the Local Government Act, 2002. The Mayor is Ex Officio on all Committees of Council.

Council reviews its committee structures after each triennial election.

Currently Council has three Standing Committees which report to the Council. Agendas for the Council and Committee meetings can be found on Council's website www.waimatedc.govt.nz. The Committees deal with governance and policy issues associated with the functions listed below.

Council

Chairperson: Mayor Craig Rowley

Deputy Chairperson: Deputy Mayor Sharyn Cain

Membership: All Councillors

Meetings: Every six weeks, or as timetabled

Functions: To ratify recommendations from Committees, along with other business when required, to hold Public Forums, Citizenship Ceremonies (when required)

Environmental Services and Finance Committee

Chairperson: Councillor Sharyn Cain

Deputy Chairperson: Councillor Jakki Guilford

Membership: All Elected Members

Meetings: Every six weeks, or as timetabled

Functions: Regulatory and Environmental Services, Resource Management, Building Control, Dog and Animal Control, Property, Investments and Finance, Forestry, Audit and Risk, Information Technology, all Policies relating to Environmental Services and Finance.

District Infrastructure Committee

Chairperson: Councillor Miriam Morton

Deputy Chairperson: Councillor Tom O'Connor

Membership: All Elected Members

Meetings: Every six weeks, or as timetabled

Functions: Three Waters, Waste Management, Roading and Footpaths, Rural Fire, Parks and Reserves includes Parks and Public Spaces, Swimming, Camping, Cemeteries, all Policies relating to District Infrastructure.

Community Services and Development Committee

Chairperson: Councillor Peter Collins

Deputy Chairperson: Councillor David Owen

Membership: All Elected Members

Meetings: Every six weeks, or as timetabled

Functions: Library, Promotions, Strategy, Community Support, Civil Defence Emergency Management, Economic Development, all Policies relating to Community Services and Development, Governance – Community Representation.

Other Council Committees

Council has established a number of further Committees (other than the three Standing Committees as above):

Audit and Risk Management Committee

Councillor Sheila Paul

Councillor David Anderson

Membership: Mayor and other members to be confirmed

Chief Executive Performance Review Committee

Mayor Craig Rowley

Councillor Sharyn Cain

Councillor Peter Collins

Councillor David Anderson

Dangerous & Menacing Dogs Appeal Panel

Councillor Sharyn Cain

Councillor Sheila Paul

District Licencing Committee

Mayor Craig Rowley

Councillor Sheila Paul

Waimate District Civic Awards Committee

Mrs R. Francis, Chair (Service Clubs Representative)

Mrs C. Wallace (Committee Representative)

Ivy Johnston (Rūnanga Representative)

Mayor Craig Rowley

Councillor David Owen

Grant Committees

Creative New Zealand Arts Committee

Mrs J Bell, Chair (Community Representative)
Ms S Stace (Community Representative)
Mrs C Saunders-Tack (Community Representative)
Ms W Heath (Community Representative)
Ivy Johnston (Rūnanga Representative)
Mayor Craig Rowley
Councillor Miriam Morton

Waimate District Council Sports Fund Committee

Mr JR Morrison (Sport South Canterbury Representative)
Mrs T Stevenson (Community Representative)
Mrs T Oudemans (Community Representative)
Ivy Johnston (Rūnanga Representative)
Mayor Craig Rowley
Councillor Sharyn Cain

Sport NZ Rural Travel Fund Committee

Mr JR Morrison (Sport South Canterbury Representative)
Mrs T Stevenson (Community Representative)
Mrs T Oudemans (Community Representative)
Ivy Johnston (Rūnanga Representative)
Mayor Craig Rowley
Councillor Sharyn Cain

Council Rural Water Scheme Committees

Hook Waituna Water Supply Committee

Chair/Secretary	A Boyce
Committee	R Eden, M Jensen, D Sleigh, C Struthers, M Thompson
Councillor	Tom O'Connor

Waikakahi Water Supply Committee

Chair	K Adams
Secretary	R Ponsonby
Committee	J Hurst, M Chamberlain, H Henshaw, P Dyer, R Mansfield
Councillor	Jakki Guilford

Cannington- Motukaika Water Supply Committee

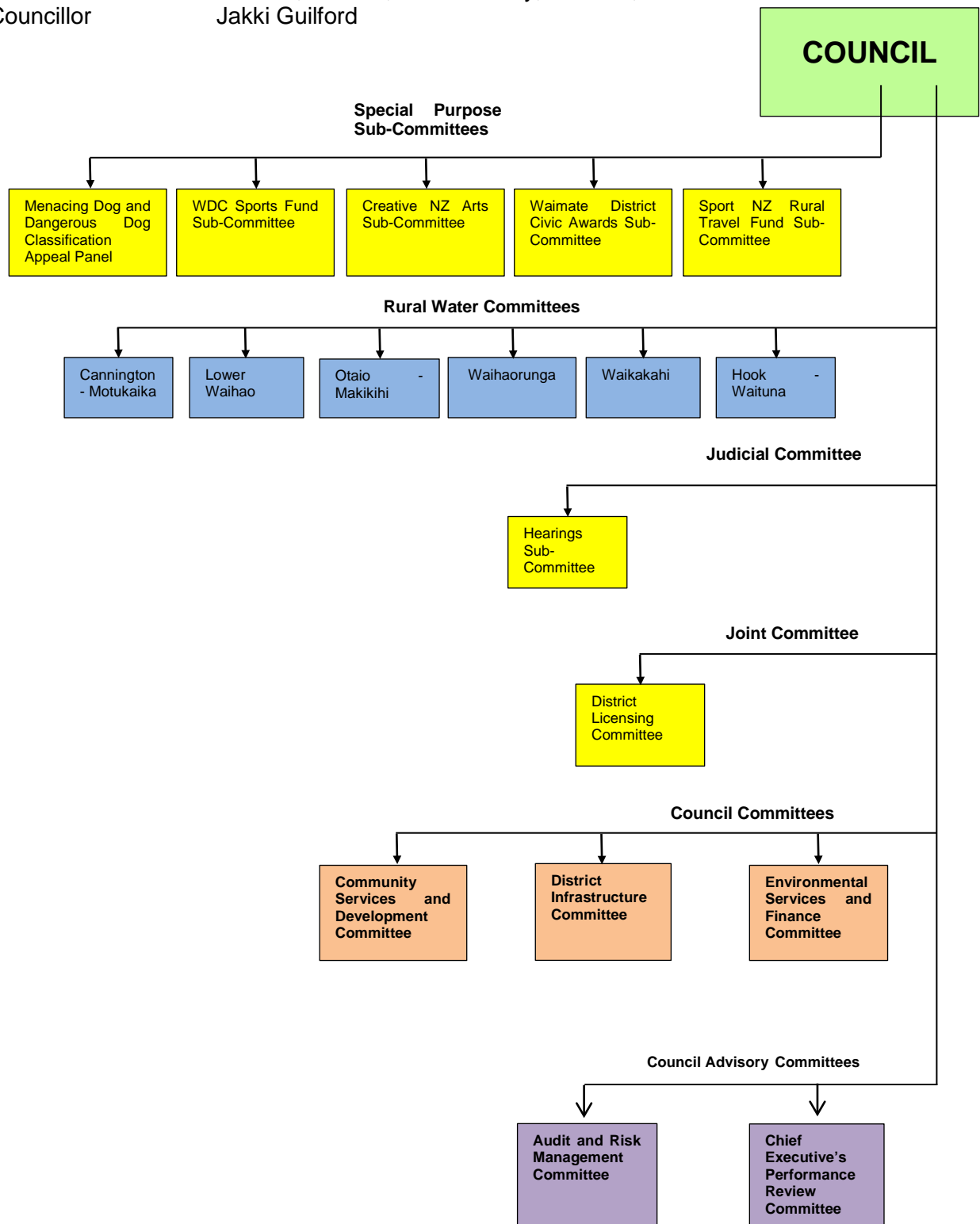
Chair	D Fowler
Secretary	V Patterson
Committee	C Crawford, R Drummond, G Patterson, P Scott, L van Vugt,
Councillor	David Anderson

Otaio- Makikihi Water Supply Committee

Chair	R Rathgen
Secretary	B Rawcliffe
Committee	T Brandreth, S Hawke, B Moyle, P Murphy, C Wilton
Councillor	David Anderson

Waihaorunga Water Supply Committee

Chair J Gibson
 Secretary J Gardner
 Committee J Colvill, J Davis, E McConway, A Petrie, G Sutton
 Councillor Jakki Guilford



Council Organisations

There are currently no Council Organisations, or Council Controlled Organisations.

Meeting Processes

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

All Council and Committee meetings must be open to the public unless there is reason to consider some items 'in committee' (public excluded items). Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council. LGOIMA contains a list of the circumstances where Councils may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order. Council's agenda is a public document, although parts may be withheld if the above circumstances apply.

The Mayor or Committee Chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order 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 three working days' notice.

During meetings the Mayor and Councillors must follow Standing Orders (a set of procedures for conducting meetings). Council approves the Standing Orders following the 2016 elections. Council may suspend Standing Orders by a vote of 75% of the members present. A copy of the Code of Conduct and Standing Orders can be obtained from Council.

Consultation

The Local Government Act 2002 sets out certain consultation principles and policy procedures that local authorities must follow when making decisions. The principles for consultation are found in section 82 of the Local Government Act 2002. Council has a Significance and Engagement Policy, which provides guidance to Council on how it might consult with the community.

The Special Consultative Procedure is used for major decisions or departures from plans or policies such as the Long Term Plan.

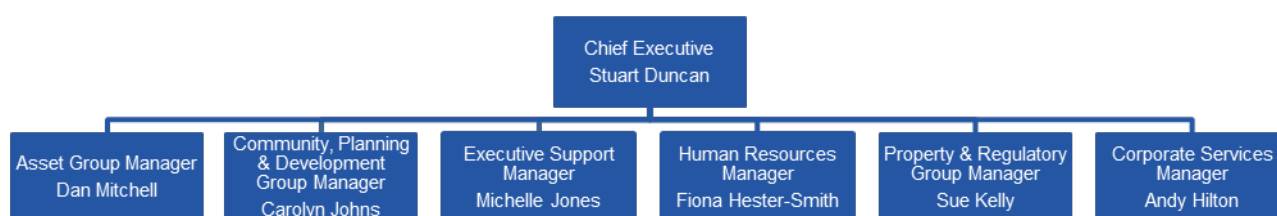
Council can and does consult outside of the Special Consultative Procedure. When it is adopting its Long Term Plan, Annual Plan or District Plan, Council may hold formal meetings with community groups and other interested parties. At these meetings Council may seek views on matters Council considers to be important and identify issues of concern to the community.

Council acknowledges Maori as people with whom there is a special relationship. Council is committed to giving effect to the principles and intent of the Treaty of Waitangi, and to engaging in genuine and appropriate consultation with Te Rūnanga o Waihao.

Council has in place protocols for ensuring Tangata Whenua are consulted with in regard to decisions made under the Resource Management Act 1991, Local Government Act 2002.

Management Structure

The Local Government Act 2002 requires Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of Council in accordance with any remuneration and employment policy, 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 the Mayor or Councillors.



Council Leadership Team

Chief Executive

Stuart Duncan

Phone (03) 68900000

Cell 027 6890023

stuart.duncan@waimatedc.govt.nz

Executive Support Manager

Michelle Jones

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Michelle.jones@waimatedc.govt.nz

Asset Group Manager

Dan Mitchell

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Corporate Services Group Manager

Andy Hilton

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Community, Planning and Development Group Manager

Carolyn Johns

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Carolyn@waimatedc.govt.nz

Human Resources Manager

Fiona Hester-Smith

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Property and Regulatory Group Manager

Sue Kelly

DDI (03) 6890041

Cell 027 3416537

Sue@waimatedc.govt.nz

Equal Employment Opportunities

The Waimate District Council is committed to the principles and practices of Equal Employment Opportunity (EEO) as a means of ensuring that its current and potential employees have an equal opportunity to achieve their potential.

The Council therefore strives to implement a purposeful programme of action to ensure its recruitment policies and procedures, conditions of employment and employee training, and promotion opportunities are carried out with an awareness of and an intent to eliminate any unfair discrimination on the grounds of gender, marital status, religion, ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family responsibilities, or sexual orientation.

The Council hopes that by fostering a diverse range of employees who reflect the social mix within the community we serve, that Council staff will better understand customer needs, thus creating a better quality and more responsive service for the people of the Waimate District.

Key Approved Planning and Policy Documents

Council have approved the below key planning and policy documents.

Long Term Plan

Sets out the direction for the District over the next ten years. Council reviews the Long Term Plan every three years and it provides information on all Council activities, how these will be delivered, cost and how they will be paid for. The next review begins in 2017 and will result in the 2018-28 Long Term Plan.

It provides a process to review the detailed budgets contained in the Long Term Plan with changes to budgets and services made if required. Significant and material changes to the Long Term Plan are consulted on with the community via the Annual Plan process.

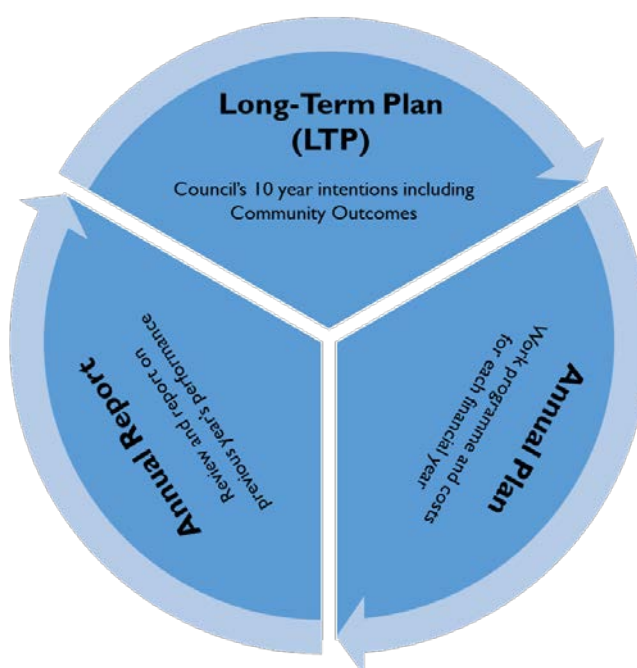
Annual Plan

The Annual Plan provides information on activities, services and projects that Council proposes to undertake during the year. It shows the cost of those activities and how they are paid for.

Annual Report

The Annual Report provides the actual performance of Council against what was planned in the Annual Plan and Long Term Plan. This includes reporting on the achieved work programme, performance measures and financial targets and accountability.

The Annual Report is for each financial year. The Annual Report must be completed and adopted by Council resolution within four months after the end of the financial year to which it relates. The Annual Report and Annual Report Summary must be made publicly available within one month after its adoption by Council. It is a requirement under section 98 of the Local Government Act 2002. The Annual Report is audited by Audit New Zealand.



Revenue and Financing Policy

The Revenue and Financing Policy summarises Council's view on the equitable funding of Council's activities. It addresses all potential revenue and funding sources open to Council and how and when Council uses these sources. In choosing funding sources Council takes account of many factors including community outcomes, benefit, affordability, equity, simplicity, efficiency, transparency, accountability and overall community wellbeing. It addresses Council's assessment of equity between current and future generations. It

Council's assessment this policy represents the fairest and most equitable use of the funding sources available to meet operating expenses.

Funding Impact Statement

The Funding Impact Statement contains information on the rating mechanisms used by Council for its activities. The Funding Impact Statement should be read in conjunction with the Revenue and Financing Policy and Rating Policies, which are available, on request, from the Council office, 125 Queen Street, Waimate.

District Plan

The District Plan is prepared by Council to assist it carry out its functions under the Resource Management Act 1991 and is the means by which the use, development and protection of the District's natural and physical resources will be managed into the future.

The District Plan was prepared under the Resource Management Act 1991 and became operative on 28 February 2014.

The District Plan is available on Council's website: www.waimatedc.govt.nz

Significance and Engagement Policy

Outlines the thresholds for which issues/decisions of Council are subject to public consultation, including the Special Consultative Procedure.

Reviews and changes to key planning and policy documents may be subject to legislative requirements and the process for such reviews is likely to involve following a Special Consultative Procedure.

Public Access to Council and Elected Members

The main administrative office of the Council is in Waimate:

125 Queen Street, Waimate 7924

P.O. Box 122, Waimate 7960

Phone (03) 6890000

Fax (03) 6898075

Council@waimatedc.govt.nz

www.waimatedc.govt.nz

Freephone within Waimate rating district 0800 11 50 50

Official Information Requests

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from Council. Any request for information is a request made under LGOIMA. You do not have to say you are making a request under LGOIMA. Once a request is made, Council must supply the information unless a reason exists for withholding it. LGOIMA states that information may be withheld if release of the information would:

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

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

Bylaws

Bylaws are rules created by a local authority specifically for the regulation of the area of responsibility and for the benefit of the community as a whole.

Waimate District Council's bylaws are available on Council's website: www.waimatedc.govt.nz

Legislation

Waimate District Council exercises powers and fulfils responsibilities as described and conferred by government legislation and subsequent amendments.

We have included only primary legislation in this list, some of the legislation has subordinate legislation (i.e. regulations) associated (such as the Local Electoral Regulations 2001). Disclaimer: Some legislation below may have been amended.

Council is bound under a number of legislative Acts as listed below:

Airport Authorities Act 1966
 Animal Welfare Act 1999
 Arts Council of New Zealand Toi Aotearoa Act 1994
 Auctioneers Act 1928
 Bill of Rights Act 1990
 Biosecurity Act 1993
 Building Act 2004
 Building Research Levy Act 1969
 Burial and Cremation Act 1964
 Bylaws Act 1910
 Cadastral Survey Act 2002
 Charities Act 2005
 Citizenship Act 1977
 Civil Aviation Act 1990
 Civil Defence Emergency Management Act 2002
 Civil List Act 1979

Climate Change Response Act 2002
Commerce Act 1986
Companies Act 1993
Conservation Act 1987
Consumer Guarantees Act 1993
Copyright Act 1994
Counties Insurance Empowering Act 1941
Crimes Act 1961
Disabled Persons Community Welfare Act 1975
District Courts Act 1947
Dog Control Act 1996
Earthquake Commissions Act 1993
Electricity Act 1992
Employment Relations Act 2000
Energy Companies Act 1992
Environment Act 1986
Environmental Protection Authority Act 2011
Equal Pay Act 1972
Fair Trading Act 1986
Fees and Travelling Allowances Act 1951
Fencing Act 1978
Fencing of Swimming Pools Act 1987
Finance Act (No. 2) 1941
Financial Reporting Act 1993
Fire Services Act 1975
Food Act 2014
Forest and Rural Fires Act 1977
Freedom Camping Act 2011
Gambling Act 2003
Gas Act 1992
Goods and Services Tax Act 1985
Government Roding Powers Act 1989
Hazardous Substances and New Organisms Act 1996
Health Act 1956
Health and Safety in Employment Act 1992
Historic Places Act 1993
Holidays Act 2003
Housing Act 1955
Human Rights Act 1993
Impounding Act 1955
Income Tax Act 2007
Insolvency Act 2006
Interpretation Act 1999
KiwiSaver Act 2006
Land Act 1948
Land Drainage Act 1908
Land Transfer Act 1952
Land Transport Act 1998
Land Transport Management Act 2008
Limitation Act 2010
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
 Machinery Act 1950
 Major Events Management Act 2007
 Marine and Coastal Area (Takutai Moana) Act 2011
 Maritime Transport Act 2004
 Minimum Wage Act 1983
 Municipal Insurance Act 1960
 National Provident Fund Restructuring Act 1990
 New Zealand Bill of Rights Act 1990
 New Zealand Geographic Board (Nga Pou Taunaha o Aotearoa) Act 2004
 New Zealand Library Association Act 1939
 New Zealand Public Health and Disability Act 2000
 Oaths and Declarations Act 1957
 Occupiers Liability Act 1962
 Ombudsmen Act 1975
 Parental Leave and Employment Protection Act 1987
 Plumbers and Gasfitters and Drain Layers Act 2006
 Privacy Act 1993
 Property Law Act 2007
 Prostitution Reform Act 2003
 Protected Disclosures Act 2000
 Public Bodies Contracts Act 1959
 Public Bodies Leases Act 1969
 Public Transport Management Act 2008
 Public Works Act 1981
 Queen Elizabeth the Second National Trust Act 1977
 Railway Safety and Corridor Management Act 1992
 Rating Valuations Act 1998
 Rates Rebate Act 1973
 Reserves Act 1977
 Residential Tenancies Act 1986
 Resource Management Act 1991
 River Boards Act 1980
 Sale and Supply of Alcohol Act 2012
 Second hand Dealers and Pawnbrokers Act 2004
 Secret Commissions Act 1910
 Securities Transfer Act 1991
 Smoke-free Environments Act 1990
 Soil, Conservation and Rivers Control Act 1941
 Sovereign's Birthday Observance Act 1952
 Standards Act 1988
 Statutory Land Charges Registration Act 1928
 Summary Offences Act 1981
 Tax Administration Act 2004
 Te-Ture Whenua Maori Act 1993
 Telecommunications Act 2001
 Treaty of Waitangi Act 1975
 Trespass Act 1980
 Trustees Act 1956
 Unit Titles Act 1972
 Utilities Act 2010
 Valuers Act 1948
 Wages Protection Act 1983
 Walking Access Act 2008

Waste Minimisation Act 2008
Weathertight Homes Resolution Services Act 2006
Wild Animal Control Act 1977
Wildlife Act 1953

Mayor and Councillors Contact Details

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