

Hauraki District Council General Policies

Sustainability

Rubbish, Reuse it don't chuck it, because your trash could be someone else's treasure. And if you chuck your trash then you will never know. But if you sell it or reuse it, then you will make some money and the world will be better off and so will you, so there's no point not reusing stuff because it's good both ways (cause you get money and your saving the planet). If people would reuse all of their rubbish or unwanted stuff, and reduce it, and recycle, then pollution would cease to exist. And the world would live on forever and ever so that our future generations can live and enjoy The Earth like we have, but in a better way, so it shall last forever.

By Matthew Price

*Hauraki Youth promoting
Sustainability in Hauraki*

*Story provided by:
Matthew Price, Kopuarahi School*

What is included in this section?

Hauraki District Council General Policies

- Significance
- Selection, Appointment and Remuneration of Directors for Council Organisations
- Partnerships with the Private Sector
- Development Contributions

Policy on Significance 2009

1. Policy on Significance 2009

2. Objective

- 2.1. Section 90 of the Local Government Act, 2002 requires the Council to:
 - develop a policy on Significance that sets out its general approach to determining the significance of proposals and decisions in relation to issues, assets or other matters; and
 - Determine Councils Strategic Assets.
- 2.2. This policy establishes thresholds, criteria and procedures that can assist Council in assessing the extent to which issues, proposals decisions or other matters are significant and lists Councils strategic assets.
- 2.3. This policy also assists the Council to determine the extent to which the decision-making requirements (Sections 77, 78, 80, 81 and 82) of the Local Government Act 2002 will be implemented.

3. Policy statements

3.1. General approach to Determining which Proposals and Decisions are Significant (Section 90(1)(A)).

- 3.1.1. When determining the question of the significance of proposals and decisions in relation to issues, assets or other matters the Council will determine the extent to which:
 - (a) The consequences or impacts of the issue, assets, or other matters, affect a large number of residents and ratepayers to a moderate extent; or
 - (b) The consequences or impacts of the issue, assets, or other matters, affect a small number of residents and ratepayers to a large extent; and,
 - (c) The issue, asset, or other matters have a history of generating wide public interest within the district, the Waikato Region or New Zealand generally.

3.2. Thresholds and Criteria for Determining which Proposals and Decisions are Significant (Section 90(1)(B)).

- 3.2.1. When undertaking a process to determine the extent to which issues, proposals, decisions or other matters are significant, the Council will use the following thresholds, criteria and procedures as an initial guide.

3.2.1(a) Thresholds:

- Individual issues, assets, or other matters that incur more than \$1,000,000 in excess of budgeted expenditure, as identified in the Annual Plan and/or Hauraki Community Plan; and/or more than \$1,000,000 of unbudgeted expenditure;

- Any transfer of ownership or control, or abandonment, of a strategic asset as defined by the Local Government Act, 2002 or listed in Part 3.4 of this policy;
- A decision that will, directly or indirectly, significantly affect the capacity of the Council to carry out any Activity identified in the adopted Long-Term Council Community Plan;
- Entry into any partnership with the private sector to carry out a significant activity.

Note: The Hauraki District Council owns a number of assets and groups of assets that it considers to be strategic as listed in Part 3.3 of this policy, however not all trading decisions made regarding these assets are regarded as significant nor do they affect the asset's strategic nature. For example the roading, land drainage, water supply, wastewater, and urban stormwater networks are strategic, but parcels of land or plant that form part of these networks may not be, and the purchase or sale of such small pieces of land or plant may not amount to significant decisions.

3.2.1(b) Criteria:

- Whether the asset is a strategic asset within the meaning of the Local Government Act, 2002 or as listed in Part 3.3 of this policy;
- The extent to which there is, or is likely to be, a change in the level of service in carrying out any significant activity;
- The extent to which there is, or is likely to be, a change in the way in which any significant activity is carried out;
- The extent to which there is, or is likely to be, a change in the capacity of the Council to provide any significant service or carry out any significant activity.

3.2.1(c) Procedures

- Decisions on 'significance' will be made in by the Council after considering the facts and issues that arise from completing the "assessment matrix" (which forms part of this policy – item 8.1).
- In determining the significance of a decision the Council will take the assessment matrix facts and issues and consider a report relating these to the decision making requirements of the Local Government Act, 2002. .

3.3. Strategic Assets

3.3.1. In accordance with Section 90(2) of the Local Government Act, 2002 the Council has identified the following strategic assets and groups of strategic assets as significant.

- (a) The Hauraki District Council roading network as a whole;
- (b) The Hauraki District Council land drainage network as a whole;
- (c) The Hauraki District Council wastewater network as a whole;
- (d) The Hauraki District Council water network as a whole;
- (e) The Hauraki District Council urban stormwater network as a whole;

- (f) Memorial halls in Ngatea, Paeroa and Waihi;
- (g) Pensioner housing.

3.4. Other Statutory Consultation

3.4.1. The following do not form part of the Council's Policy on Significance, however they are a range of the sort of other matters which are listed in the Act which require various levels of statutory consultation:

- (a) Establishing a Council Controlled Organisation [s.56];
- (b) Adoption, review or amendment of any bylaw [s.86];
- (c) Any proposal for an alteration in the mode by which a significant activity is undertaken by or on behalf of the Council [s 88(1)];
- (d) Adoption of the Council's Long Term Council Community Plan [s.93(2)];
Alteration to the Council's Long Term Council Community Plan [s.93(5)];
- (e) Adoption of the Council's Annual Plan [s.95(2)];
- (f) Adoption or amendment of the Council's funding and financial policies [s.102(4)];
- (g) Assessment of the Council's water and other sanitary services [s.125];
- (h) Entry into a partnership or joint venture for the provision of water services [s.137].

4. Related HDC Policies/Guidelines

- 4.1. Decision Making Matrix
- 4.2. Purchasing Policy

5. Definitions

- 5.1. Section 5 of The Local Government Act, 2002 defines Significance as follows:
- 5.2. Significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—
 - (a) The current and future social, economic, environmental, or cultural well-being of the district or region;
 - (b) Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
 - (c) The capacity of the local authority to perform its role, and the financial and other costs of doing so.
- 5.3. Significant, in relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.

6. Audience

- 6.1. The Significance Policy is designed to ensure that staff and Council have the necessary decision-making policy framework that defines the general approach, thresholds, criteria or procedures that are to be used in assessing the extent to which issues, proposals, decisions or other matters are significant.

7. Document Management

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8. Policy Guidelines

8.1. Assessment Matrix:

- 8.1.1. Is an issue/asset or other matter significant? The following matrix is to be used in assessing whether or not an issue/asset or other matter is significant or not.
- 8.1.2. If it is concluded that an issue/asset or other matter is likely to be significant then the decision-making matrix should be used in order to specify the report template to use.

Hauraki District Council General Policies

Policy on Significance 2009

Assessment Matrix

Policy	Standard	Yes	No	Matters for consideration
General Approach	Do the consequences or impacts of the issues, assets, or other matters, affect a large number of residents and ratepayers to a moderate extent?			
	Do the consequences or impacts of the issues, assets, or other matters, affect a small number of residents and ratepayers to a large extent?			
	Does the issue, asset, or other matter, have a history of generating wide public interest within the District, the Waikato Region or New Zealand generally?			
Thresholds	>\$1,000,000 above cost in approved Annual Plan and/or Hauraki Community Plan			
	> \$1,000,000 unbudgeted expenditure			
	Does it involve any transfer of ownership or control, or abandonment of a strategic asset?			
	Significant impact on Council ability to deliver HCP?			
Criteria	Private Sector partnership?			
	Does it involve a strategic asset?			
	Will there be a change in the level of service?			
	Will there be a change in the method of service delivery?			
Procedure	Will there be a change in the capacity of Council to provide the service?			
	If yes is answered to any of the general approaches, thresholds or criteria the Management Team will consider the issues and prepare a proposal as to the degree of significance to award the issue, asset or other matter by using the Decision-making matrix and associated decision-making report templates.			

Hauraki District Council General Policies

Policy on Significance 2009

Conclusion

To be completed with the final recommendation on and the reasoning behind that recommendation

Recommendation

Rationale

Consultation Requirements

Hauraki District Council General Policies

Selection, Appointment and Remuneration of Directors for Council Organisations Policy

Selection, Appointment and Remuneration of Directors for Council Organisations Policy

1. Selection, Appointment and Remuneration of Directors for Council Organisations Policy

2. Objective

- 2.1 Hauraki District Council (the Council) is required by Section 57 of the Local Government Act 2002 (the Act) to adopt a Policy for the Selection, Appointment and Remuneration of Directors of Council Organisations.
- 2.2 Council is required to adopt a policy that sets out an objective and transparent process for:
 - (a) the identification and consideration of the skills, knowledge and experience required of directors of a Council Organisation; and
 - (b) the appointment of directors to a Council Organisation; and
 - (c) the remuneration of directors of a Council Organisation.

3. Policy statements

- 3.1 Prior to Council deciding to appoint a member, trustee, director or manager to any organisation, Council's involvement will be assessed against the following principles:
 - (a) The organisation's goals and objectives must fit with Council's directions as stated in its Long-Term Council Community Plan.
 - (b) Appointments must provide good governance to the organisation.
 - (c) The benefits of appointing a director or directors must outweigh other methods of achieving Council's objectives.
- 3.2 **Council Organisations (CO's)**
 - 3.2.1. Appointments to CO's are made for a number of reasons and are usually at the request of an organisation for a representative from Council.
 - 3.2.2. Council has a non-controlling interest in a number of Organisations. These are mainly not for-profit bodies. Appointments are made by Council to these Organisations for a number of reasons. These include:
 - (a) to provide a means of monitoring where the Council has made a grant to that body;
 - (b) to enable Council involvement where the CO's activity is relevant to the Council;

Hauraki District Council General Policies

Selection, Appointment and Remuneration of Directors for Council Organisations Policy

- (c) to satisfy a request from the Organisation that the Council appoint a representative;
 - (d) to meet statutory requirements.
- 3.2.3 Appointments to CO's are generally for a three year term, and are made at a meeting of Council shortly after the triennial election of Council.
- 3.2.4 The Council will endeavour to minimise the number of appointments where the benefit to the Council of such an appointment is minimal.
- 3.2.5 All appointments will be at the pleasure of Council.
- 3.3. Council-Controlled Organisations (CCO's)**
- 3.3.1. A CCO is a CO where Council (alone or together with other councils) controls 50% or more of the voting rights or appoints 50% or more of the directors. If Council is a shareholder it has a statutory requirement to monitor and evaluate the performance of CCO's as detailed in Sections 65 to 69 of the Local Government Act, 2002.
- 3.3.2. Appointments to a CCO may be for any term but will generally be made for three years and made after the triennial Council elections.
- 3.4 Council-Controlled Trading Organisations (CCTO)**
- 3.4.1. CCTO's all operate at arms length from Council and transactions between the Organisation and the Council are on a purely commercial basis to meet the requirements for transparency. Council and every CCTO will annually agree to a statement of intent which will allow the Council to outline its expectations of the CCTO.
- 3.4.2. If Council is a shareholder, it has a statutory requirement to monitor and evaluate the performance of CCTO's and is empowered under this policy to appoint directors to their own subsidiaries or associates in accordance with their own policies.
- 3.5. Appointment of Members to a CO**
- 3.5.1. Appointments to CO's are usually made at the beginning of each triennium and are generally elected members. Vacancies may occur during a triennium, or new organisations may seek a Council representative on their organisation. In such cases the appointments will be made by way of resolution of Council, having regard to the criteria specified in this policy.
- 3.6. Appointment of Councillors as Directors of a CCO or CCTO**
- 3.6.1. Care should be taken when appointing Councillors as directors of CCO's as this may create a conflict between their obligations to the CCO and their obligations to Council.
- 3.6.2. All Councillors are eligible to be included in the list of potential directors, subject to the processes of this Policy.
- 3.6.3. A Councillor appointment must add value to the work of the Board and is not a substitute for a formal monitoring relationship between the Council and the subsidiary. Any elected member must have the required skills as identified in this policy.

3.6.4. The Council makes an appointment by resolution.

3.7. Appointment of Council's Chief Executive Officer or Employees as Directors of a CCO or CCTO

3.7.1. Care should be taken when appointing Council's Chief Executive Officer or employees as directors of CCO's as this may create a conflict between their obligations to the CCO and their obligations to Council.

3.7.2. Any employee of Council must have the required skills as identified in this policy.

3.7.3. Council will make the appointment by resolution.

4. Identification of Required Skills, Knowledge and Experience

4.1. CO Members

4.1.1. The Council may appoint a person as a member of a CO only if the Council considers the person has the skills, knowledge and experience to:

- (a) guide the organisation given the nature and scope of its activities; and
- (b) contribute to the achievement of the objectives of the organisation.

4.1.2. The Council considers that any person that it appoints to be a member of a CO should, as a minimum, have the following skills:

- (a) an understanding of governance issues;
- (b) either business experience or other experience that is relevant to the activities of the organisation (or both);
- (c) sound judgement;
- (d) intellectual ability;
- (e) a high standard of personal integrity;
- (f) the ability to work as a member of a team.

4.2. CCO and CCTO Appointments

4.2.1. In addition to the skills identified in 2.8.1 for appointment to a CO appointments to a CCO or CCTO shall also have the following skills:

- (a) either business experience or other experience that is relevant to the activities of the organisation (or both).

4.3. Conflict of Interest

4.3.1. The Council expects that any appointments to any CO, CCO or CCTO will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations, the Council requires Directors to follow the provisions of Council's Code of Conduct or, in the absence of a Code of Conduct, the New Zealand Institute of Directors' Code of Ethics.

Hauraki District Council General Policies

Selection, Appointment and Remuneration of Directors for Council Organisations Policy

- 4.3.2. All members are appointed "at the pleasure of the Council" and may be dismissed for breaches of the Code of Conduct, Code of Ethics or of this Policy.

5. Remuneration

- 5.1. Remuneration of Council appointments to CO's, CCO's and CCTO's is a matter of public interest.
- 5.2. CO appointments will be paid in accordance with Council's remuneration policy except as otherwise formally resolved by Council.
- 5.3. For CCO's and CCTO's, Council, in conjunction with other shareholders, will set the directors' remuneration by resolution at the Annual General Meeting of the CCO or CCTO. On reaching a view on the appropriate level of remuneration for directors the shareholders' representative will consider the following factors:
- (a) the need to attract and retain appropriately qualified people to be directors;
 - (b) the level and movement of salaries in comparable organisations;
 - (c) the past performance of the organisation;
 - (d) the financial position of the organisation;
 - (e) the objectives of the CCO (in particular whether or not the CCO operates on a charitable basis).
- 5.4. CCO directors appointed by the Council will receive the remuneration (if any) offered by that body. Only if no remuneration is offered, will directors who are Councillors be entitled to receive normal Council meeting allowances.
- 5.5. In the event of Council's Chief Executive Officer or employee being appointed to a CCO where remuneration is paid, the fees for that appointee shall be paid to Council, unless the Council determines there are special circumstances.

6. Monitoring and Reporting

- 6.1. Directors have statutory requirements to monitor and report on the performance of the CO, CCO or CCTO they have been appointed to and Council can require additional monitoring and reporting requirements as it sees appropriate.
- 6.2. CCO's and CCTO's**
- 6.2.1. The requirements for monitoring and reporting for CCO's and CCTO's are set out in Sections 65 to 71 and Clause 16 of Schedule 10 of the Local Government Act, 2002 and Council will additionally require its appointed director(s) to report in a timely fashion on any matter of interest to the Council and its policies, objectives and strategic directions as detailed in its current Long Term Council Community Plan.
- 6.3. CO's**
- 6.3.1. For CO's, the Council will require the organisation to which Council has appointed a director to undertake to provide to Council within three months of the end of each

Hauraki District Council General Policies

Selection, Appointment and Remuneration of Directors for Council Organisations Policy

financial year an audited set of accounts and a copy of the organisation's budget for the subsequent year.

- 6.3.2. It shall also provide a written report to Council on what it planned to achieve in the financial year, what it actually achieved and what it hopes to achieve for the subsequent year. These reports shall be presented to Council by the appointed Director with additional support if required.

7. Review Requirements

- 7.1. Council's involvement in these organisations will be reviewed within three months following each triennial election.
- 7.2. Council's policy for the selection, appointment and remuneration of directors will be reviewed following the 2010 triennial election or earlier at Council's discretion.

8. Definitions

The following definitions are provided for in Section 6 of the Act:

8.1. Directors

- 8.1.1. Section 6(3)(b) of the Act defines a director as including company directors, trustees, members, managers and office holders of an organisation.

8.2. Organisation

- 8.2.1. Includes partnerships, trusts, arrangements for sharing profits, unions of interest, co-operations, joint ventures and similar arrangements.

8.3. Company

- 8.3.1. Means a Body Corporate

8.4. Council Organisation (CO)

- 8.4.1. CO means—

- (a) a company -
- (i) in which equity securities carrying voting rights at a meeting of the shareholders of the company are -
 - (a) held by 1 or more local authorities; or
 - (b) controlled, directly or indirectly, by 1 or more local authorities;or
 - (ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 1 or more of the directors (however described) of the company; or
- (b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons, -
- (i) control, directly or indirectly, of 1 or more of the votes at any meeting of the members or controlling body of the entity; or

Hauraki District Council General Policies

Selection, Appointment and Remuneration of Directors for Council Organisations Policy

- (ii) the right, directly or indirectly, to appoint 1 or more of the trustees, directors, or managers (however described) of the entity”.

8.5. Council-Controlled Organisation (CCO)

8.5.1. CCO means a council organisation that is -

- (a) a company -
 - (i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are -
 - (A) held by 1 or more local authorities; or
 - (B) controlled, directly or indirectly, by 1 or more local authorities;or
 - (ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or
- (b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons, -
 - (i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the entity; or
 - (ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the entity.

8.6. Council-Controlled Trading Organisation (CCTO)

8.6.1. CCTO means a council-controlled organisation that operates a trading undertaking for the purpose of making a profit.

Note: The exact form of CCO formed will depend on the objectives that the partners wish to achieve (e.g. should the CCO operate with the intent of making a surplus or with some other non-profit objective in mind).

9.0 Audience

9.1. The general audience for this policy is the private sector involved with Council. However to ensure that the public are involved with decisions made by Council, the general community are also users of the policy, along with Councillors and staff.

10. Document Management

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Partnerships with the Private Sector Policy

1. Partnerships with the Private Sector Policy

2. Objective

- 2.1. Section 102 of the Local Government Act 2002 requires Hauraki District Council to have a policy on committing resources to partnerships between the Council and the private sector.
- 2.2. Section 107 then defines what must be included in the policy.
- 2.3. Section 107(2) defines partnership with the private sector as “any arrangement or agreement that is entered into between one or more local authorities and one or more persons engaged in business.”
- 2.4. Business does not include local authorities, Council Controlled Organisations or any contract for the supply of goods or services to a local authority.

3. Policy Statements

3.1. Formation of a Partnership with the Private Sector

- 3.1.1. Formation of a partnership that meets the conditions of this policy will be by ordinary Council resolution unless authority to form a partnership is delegated to a committee, subcommittee or Council officer, in which case the partnership must meet the conditions of this policy.
- 3.1.2. Formation of a partnership that does not meet the conditions of this policy will be by ordinary Council resolution only after appropriate and required consultation under the Long Term Council Community Plan or Annual Plan, an Amendment to a Long Term Council Community Plan process and due consideration of the issues raised by that consultation.

3.2. Consultation Requirements

- 3.2.1. The Hauraki District Council will consult on this ‘Policy on Partnerships with the Private Sector’ as part of its Long Term Council Community Plan or an Amendment to a Long Term Council Community Plan consultation process.
- 3.2.2. When reviewing this policy through such processes Council is specifically looking for community input to the following:
 - (a) The circumstances under which the Council will enter into a partnership;
 - (b) Any general conditions that must be met by the business in partnership agreements;
 - (c) The Council’s approach to assessing and managing risk in any partnership it might enter into;
 - (d) The procedure to be used to monitor the use of funds and other resources under the partnership agreement; and

- (e) The methods by which the Council will monitor how strategic objectives and community outcomes were, or are being, achieved by the partnership.
- 3.2.3. Given that this policy will be adopted only after community-wide consultation through the Special Consultative Procedure required by the Local Government Act, 2002 any further consultation on any partnership will only occur where a partnership proposal:
- (a) Is assessed against the Significance Policy of Hauraki District Council and consultation is found to be necessary; or
 - (b) Is considered of such interest to the community that the Council resolves that public consultation will occur, irrespective of its compliance with this policy.
- 3.2.4. Any partnerships falling under the above two criteria should, where possible, be consulted on through the Long Term Council Community Plan or an Amendment to a Long Term Council Community Plan process.

3.3. Circumstances

- 3.3.1. Council will consider partnerships with the private sector where:
- (a) They contribute to achieving strategic objectives and community outcomes as outlined in any adopted Long Term Strategic Plan, Long Term Council Community Plan or Annual Plan;
 - (b) The private sector is unwilling to provide sufficient resources for the achievement of one or more of those strategic objectives or community outcomes without Council support;
 - (c) The benefits to the district, as measured by an assessment of the four well beings, exceed the costs.

3.4. Partnership Conditions

- 3.4.1. In considering a proposal the Hauraki District Council will require that:
- (a) The partnership proposal will contribute to the community's strategic objectives as set out in the Long-Term Council Community Plan or other adopted strategic planning documents; and
 - (b) The partner is encouraged to conform with Council's Purchasing Policy, where possible.
 - (c) The benefit from the partnership (including progress on one or more well beings) exceeds the costs; and
 - (d) The legal status of the private sector partner will be that of a private individual, business, or registered company; and
 - (e) The partner is able to demonstrate that it is able to meet the terms of any agreement between the Council and itself; and
 - (f) The partnership and its proposed business are lawful; and
 - (g) Any necessary consents, licences or other approvals have been obtained; and
 - (h) Any other matter the Council considers appropriate is addressed to the satisfaction of Council.

3.5. Risk Management and Assessment

- 3.5.1. On setting up a partnership, the potential risks to the Hauraki District Council will be outlined and where the risks are considered significant, in terms of probability and potential effect, a risk management strategy will be put in place to appropriately minimise or provide cover for that risk to the satisfaction of Council.
- 3.5.2. Risk will be assessed by calculating the probability of an adverse outcome multiplied by the cost/impact of that adverse outcome while taking into account mitigating strategies and associated costs.
- 3.5.3. Risk factors that will be considered will be:
- (a) Reputation and standing of the partner;
 - (b) Safety;
 - (c) Risk to the reputation of the Council and District;
 - (d) Financial risk;
 - (e) Risk to the capacity of the Council to carry out its activities, now and in the future;
 - (f) Risk to property;
 - (g) Protection of any intellectual property; and
 - (h) Any other identified potential loss.

3.6. Monitoring and Reporting

- 3.6.1. Monitoring and reporting requirements will be as appropriate to the significance of the proposal and the amount of resources allocated to the partnership.
- 3.6.2. Monitoring and reporting will include the following where applicable:
- (a) Quarterly financial reports;
 - (b) Quarterly reports on outputs produced;
 - (c) Annual financial reports;
 - (d) Annual performance reports on the achievement of those community strategic objectives that are applicable and on any impacts on community well-being in terms of the social, economic, environmental and cultural dimensions; and
 - (e) Report on specifically agreed outcomes and objectives.

4. Audience

- 4.1. The general audience for this policy is the private sector involved with Council. However to ensure that the public are involved with decisions made by Council, the general community are also users of the policy, along with Councillors and staff.

5. Document Management

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