



A G E N D A

Ordinary Council Meeting

Council Chambers

**Thursday 15 December 2016
commencing at 11.00 am**

His Worship the Mayor R.B. Smith
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin
Crs D.L. Carruthers, R.W. Eatwell, D.M.J. Havill,
J.A. Neale, G.L. Olson, D.C. Routhan.



ORDINARY COUNCIL MEETING

AGENDA FOR AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 15 DECEMBER 2016 COMMENCING AT 11.00 AM

Tanya Winter
Chief Executive

9 December 2016

COUNCIL VISION

Westland District Council will facilitate the development of communities within its district through delivery of sound infrastructure, policy and regulation.

This will be achieved by:

- Involving the community and stakeholders.
- Delivering core services that meet community expectations and demonstrate value and quality.
- Proudly promoting, protecting and leveraging our historic, environmental, cultural and natural resource base to enhance lifestyle and opportunity for future generations.

Purpose:

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

- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
- (b) To 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.

Health & Safety Snapshot

	Accidents	Incidents	Near Misses
November 2015	0	1	0
December 2015	0	0	0
January 2016	0	1	0
February 2016	0	0	0
March 2016	1	0	0
April 2016	0	1	0
May 2016	0	1	0
June 2016	0	1	0
July 2016	0	0	0
August 2016	1	0	0
September	0	1	0
October	0	0	0
November	0	0	0
To 9 December 2016	0	0	0

1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Apologies & Leave of Absence

1.2 Interest Register

2. CONFIRMATION OF MINUTES:

2.1 Ordinary Council Meeting – 24 November 2016. (Pages 6-19)

3. GENERAL BUSINESS:

3.1 Presentation at 12 noon – Ian Collier, Air New Zealand Update

Ian Collier, Regional Manager, Air New Zealand will be in attendance at the meeting at 12 noon to provide an update to Councillors on Air New Zealand.

4. AGENDA ITEMS FOR DECISION

4.1 November Financial Report (Pages 20-31)

4.2 Franz Josef/Waiau Wastewater Treatment Plant – Funding Arrangements (Pages 32-37)

- | | |
|------|---|
| 4.3 | Constitution and Board Appointment: Westland Holdings Ltd
(Pages 38-63) |
| 4.4 | Whataroa Cemetery Trustees – Maintenance Reimbursement Request
(Pages 64-73) |
| 4.5 | 2016-2019 West Coast Triennial Agreement
(Pages 74-84) |
| 4.6 | Sunset Point Erosion Control – Retrospective Approval for Unbudgeted Expenditure
(Pages 85-97) |
| 4.7 | 2017 Council Meeting Schedule
(Pages 98-101) |
| 4.8 | West Coast Wilderness Trail – Project Update
(Pages 102-105) |
| 4.9 | Road Stopping, 244 Upper Kokatahi Road, Kokatahi
(Pages 106-125) |
| 4.10 | Confirmation of Portfolios, and Appointments to Council Committees, CCOs and Outside Organisations
(Pages 126-139) |

5. AGENDA ITEMS FOR DISCUSSION:

- | | |
|-----|--|
| 5.1 | Plan Change – Mining as Permitted Activity |
| 5.2 | Transfer of Mining Consents to West Coast Regional Council |
| 5.3 | Annual Plan |
| 5.4 | Carnegie NBS Rating for IL2 |
| 5.5 | Cleaning of Public Toilets in Franz Josef/Waiau |

Lunch at 12:30pm

- 5.6 Franz Wastewater Treatment Plant**
- 5.7 Franz Alpine Resort Bonds**
- 5.8 Support for the extension of the Windblown Logging Legislation**
- Support for a letter to be written to MP Maureen Pugh seeking assistance in extending the windblown logging legislation with support from local millers.
- 5.9 Easter Trading Hours**
- Early clarification of Council's position on Easter Trading Hours for Hokitika, Franz Josef/Waiau, Fox Glacier and Haast due to townships being based around tourism and the

need to allow business as usual with the decision to trade or not trade to be left in the hands of the business owners.

5.10 Marks Road Reserve, Haast

5.11 Foreshore Development

6. ADMINISTRATIVE RESOLUTION:

Council is required to confirm its seal being affixed to the following documents:

6.1 Warrant of Appointment – Melissa Rose ROPER (Dog Control Officer)

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- A Dog Control Officer and Dog Ranger pursuant to Section 11 and 12 of the Dog Control Act 1996.

7. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'

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

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

7.1 Confidential Minutes

7.2 Risk Register

7.3 Tender: Kumara and Whataroa Water Treatment Plant Upgrades - 16/17/08

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
7.1	Confidential Minutes	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
7.2	Risk Register	Confidential Report	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)
7.3	Tender: Kumara and Whataroa Water Treatment Plant Upgrades - 16/17/08	Confidential Report	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)

**Date of next Ordinary Council Meeting - 26 January 2017 at the Hokitika-Westland RSA
commencing at 9.00 am**

Council Minutes

MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 24 NOVEMBER 2016 COMMENCING AT 9.00 AM

1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Members Present

His Worship the Mayor R.B. Smith
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin
Crs D.L. Carruthers, R.W. Eatwell, D.M.J. Havill, J.A. Neale, G.L. Olson,
D.C. Routhan.

Apologies:

Nil.

Staff in Attendance:

T.L. Winter, Chief Executive; G.L.J. Borg, Group Manager: Corporate Services;
V. Goel, Group Manager: District Assets; J.D. Ebenhoh, Group Manager:
Planning, Community and Environment; D.M. Maitland, Executive Assistant.

1.2 Interest Register

His Worship the Mayor circulated the Interest Register.

The Chief Executive noted that in accordance with Standing Orders, the Council meeting was being recorded on a trial basis only at this stage.

2. **Public Forum**

There was no public forum section of the meeting.

3. **CONFIRMATION OF MINUTES:**

3.1 **Inaugural Council Meeting – 25 October 2016.**

Moved Cr Havill, seconded Cr Martin and **Resolved** that the Minutes of the Inaugural Council Meeting held on the 25 October 2016 be confirmed as a true and correct record of the meeting.

3.2 **Extraordinary Council Meeting – 31 October 2016.**

Moved Cr Martin, seconded Deputy Mayor Lash and **Resolved** that the Minutes of the Extraordinary Council Meeting, held on the 31 October 2016 be confirmed as a true and correct record of the meeting.

4. **GENERAL BUSINESS:**

4.1 **Presentation to Andy Thompson and Jim Butzbach**

His Worship the Mayor presented gifts to retiring Elected Members Andy Thompson and Jim Butzbach for their service to Westland District Council as follows:

Elected Member	Years of Service
Andy Thompson	2013-2016
Jim Butzbach	2009-2016

Andy Thompson and Jim Butzbach then thanked the Council and wished the Elected Members all the best. Jim Butzbach then gave His Worship the Mayor a special presentation.

The meeting adjourned for morning tea at 10.30 am and reconvened at 11.00 am.

5. **AGENDA ITEMS FOR DECISION**

5.1 **Adoption of Standing Orders**

Moved Cr Martin, seconded Cr Havill and **Resolved** that:

A) Council amend Model Standing Orders as follows:

- a) P43. Chairperson has a casting vote be amended to: *“The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote only.”*
 - b) P29. Preparation of the agenda be amended to: *The Mayor will set the agenda in consultation with the Chief Executive who will prepare it. The agenda is to include all known items listed with information attached on the items of business to be brought before the meeting, including the names of the relevant members.*
 - c) That Council makes a decision on whether to retain or remove the provision for a public forum.
- B) Council adopt the “Westland District Council Standing Orders” as being the NZ Model Standing Orders as amended by resolution A (above).

5.2 **Quarterly Performance Report – 1 July to 30 September 2016**

The Group Manager: Corporate Services introduced the report and then handed this over to the Corporate Planner and also the Finance Manager who spoke to this report.

Moved Cr Olson, seconded Cr Neale and **Resolved** that Council receive the Quarterly Performance Report to 30 September 2016 attached to the Agenda as Appendix 1.

5.3 **Financial Performance October 2016**

The Finance Manager spoke to this report.

Moved Cr Neale, seconded Cr Martin and **Resolved** that Council receive the Financial Performance Report to 31 October 2016.

5.4 **Franz Alpine Resort: Infrastructure Issues**

The Group Manager: Planning, Community and Environment spoke to this report.

Moved Cr Havill, seconded Cr Olson and **Resolved** that Council confirms to the receivers or owners of Franz Alpine Resort that:

- A) Council has no liability in relation to the failure by the developers to put in place adequate sewerage facilities.

- B) Staff investigate the options and costs of rectifying the failure of the developer along with expected costs that will be need to be met by those affected.
- C) Staff provide Council with a report on what the bonds were to protect the completion, how many were there, by whom were they held and who authorised the discharge of the bonds.
- D) The report from the Group Manager: Planning, Community and Environment be received.

5.5 **Plan Change 7: Managing Fault Rupture Risk in Westland – Next Steps**

The Group Manager: Planning, Community and Environment spoke to this report.

Moved Cr Routhan, seconded Cr Olson that Council withdraw Plan Change 7 Managing Fault Rupture Risk in Westland.

This motion was subsequently withdrawn with the permission of the mover and seconder.

*Moved Cr Havill, seconded Deputy Mayor Lash and **Resolved by way of Amendment** that Council agrees to try to consult with the appellants to Plan Change 7, by way of invitation to the 15 December 2016 Council meeting, with a view to Council making a decision.*

The amendment was put to the meeting, became the substantive motion, was put to the meeting and was carried.

The following items were then taken out of order to the agenda papers.

5.7 **Carnegie Building – Detailed Structural Assessment**

The Group Manager: Planning, Community and Environment and also the Group Manager: District Assets spoke to this report.

A general discussion was then held regarding funding for the Carnegie Building. Cr Carruthers offered to submit an application to the Carnegie Corporation of New York which was established by Andrew Carnegie in 1911 as an innovative philanthropic foundation.

*Moved Cr Carruthers, seconded Deputy Mayor Lash and **Resolved** that:*

- A) Council supports Option 2 and approves a seismic strengthening and upgrade project for the museum buildings subject to a special consultative procedure.

- B) Council instructs the Chief Executive to investigate options for funding the strengthening and upgrade work, and that this includes any external funding that Council might be eligible for, and
- C) Council supports the decision of the Chief Executive that until the strengthening and upgrade work is complete Museum staff will operate from a temporary location
- D) Council approves an additional budget of \$10,000 to develop a detailed upgrade program for the museum buildings, in association with an approved structural engineer/consultant. This would be unbudgeted expenditure that will show as an adverse variance in the Land and Buildings operating budget.
- E) Council staff clarify whether the building is an IL2 or IL3 level and a certificate be provided from Kevin Simcock.

The meeting resumed at 10.54 am.

5.6 Franz Josef Wastewater Treatment Plant

The Group Manager: District Assets spoke to this report.

Further information had been received and circulated to Councillors from Kim Smith, Property Manager, Scenic Hotel Group and also Gavin Molloy.

The following were in attendance at the meeting and spoke regarding the Franz Josef Wastewater Treatment Plant.

- Mark Healey – Business Group Manager, Opus International Consultants
- John Crawford – Technical Principal Wastewater, Opus International Consultants.
- Susan Wallace, Tumuaki, Te Runanga o Makaawhio Inc

His Worship the Mayor thanked the above for attending the meeting and providing a presentation to Council.

Moved Cr Havill, seconded Cr Olson and **Resolved** that Council resolves that lined oxidation ponds are the preferred treatment for Franz Josef.

Cr Neale recorded her vote against the motion.

4.2 Presentation from Department of Conservation:

Mark Davies, Director, Operations – Western South Island Region, Department of Conservation attended the meeting to present on “Where the Department of Conservation fits with Council”.

His Worship the Mayor thanked Mr. Davies for attending the meeting and for his presentation to Council.

The meeting adjourned for lunch at 12.30 pm and reconvened at 1.02 pm.

Janie Annear and Carolyn Read attended the meeting and provided an informal update on work that the Local Government Commission is currently undertaking in regard to the Regional Efficiency Plans.

5.9 Council Controlled Organisations Structure

Moved Cr Olson, seconded Cr Carruthers and **Resolved** that Council resolves to disestablish Westland Holdings Limited (WHL).

Moved Deputy Mayor Martin, seconded Cr Routhan and **Resolved** that Council merge Hokitika Airport Limited and Westland District Property Limited (WDPL).

Moved Cr Eatwell, seconded Deputy Mayor Martin and **Resolved** that one elected member be appointed to Westroads Limited and also one elected member be appointed to the merged company.

Moved Cr Olson, seconded Cr Havill and **Resolved** that Cr Routhan be appointed to the board of Westland Holdings Limited (WHL) and Council request the retirement of Quintin Hix, Dr Gabrielle Wall and Kaye McNabb.

5.8 Council Controlled Organisations Director Appointment Policy Amendment

The Group Manager: Corporate Services spoke to this report.

Moved Cr Routhan, seconded Cr Olson and **Resolved** that the Director Appointment and Remuneration Policy be revoked and in the interim, all matters relating to CCO Directors and governance be referred to the full Council.

Moved Cr Eatwell, seconded Deputy Mayor Lash and **Resolved** that a new Draft Director Appointment Policy be brought back to Council to reflect the new CCO structure.

5.10 Code of Conduct

Moved Cr Martin, seconded Cr Olson and **Resolved** that Council adopts the Code of Conduct template produced by Local Government New Zealand attached to the Council Agenda.

5.11 Confirmation of Portfolios and Appointments to Council Committee, Council Controlled Organisations and Outside Organisations

This item was deferred to the 15 December 2016 Council Meeting to allow Elected Members more time to consider putting their names forward for the unfilled positions to the above organisations.

5.12 Committee Terms of Reference

Moved Cr Martin seconded Deputy Mayor Lash and **Resolved** that:

- A) Council adopts the terms of reference for the Finance, Audit and Risk Committee as attached to the Council Agenda
- B) Council instructs the Chief Executive to update Part III of the Delegations Manual – “Delegations to Standing Committees” to reflect these terms of reference.

5.13 Financial Delegations to the Chief Executive

The Chief Executive spoke to this report.

Moved Cr Martin, seconded Cr Olson and **Resolved** that Council put in place a \$5,000 cap on consultant spend and legal fees in the organisation, trialled on a 6 months basis, with any spend in excess of \$5,000 to be referred to the Mayor and Chair of the Finance, Audit and Risk Committee.

5.14 Annual Report on Dog Control Policy and Practices

The Group Manager: Planning, Community and Environment spoke to this report.

Moved Cr Carruthers, seconded Cr Neale and **Resolved** that the report on Dog Control Policy and Practices for the year ending 30 June 2016 be adopted, a copy forwarded to the Secretary for Local Government and the report be made available on Council’s website.

5.15 Elected Members Remuneration

The Group Manager: Corporate Services spoke to this report.

Moved Cr Martin, seconded Cr Havill and **Resolved** that:

- A) Council confirms a total pool of \$34,196 for elected members' additional responsibilities for the year ending 30 June 2017 and an annual communications and equipment allowance of \$400 per person.
- B) Council instructs the Chief Executive to submit to the Remuneration Authority for a determination for additional remuneration for the positions of:
 - a. Portfolio Holder with additional remuneration of \$2,280 per annum
 - b. Deputy Mayor with additional remuneration of \$3,420 per annum
 - c. Chair of the Finance, Audit and Risk Committee with additional remuneration of \$3,420 per annum
 - d. Chair of the Planning and Building Service Reform Committee with additional remuneration of \$3,420 per annum
- C) Council resolves that a mayoral car will not be purchased.

5.16 Road Naming Ferguson Place, Franz Josef

Moved Cr Olson seconded Deputy Mayor Lash and **Resolved** that Council approve the name for the road vested in the Council on deposit of DP 355773 as Ferguson Place.

5.17 West Coast Wilderness Trail Project Update

Moved Deputy Mayor Lash, seconded Cr Neale and **Resolved** that Council receives this report.

7. ADMINISTRATIVE RESOLUTIONS:

Moved Cr Havill, seconded Cr Martin and **Resolved** that Council confirm its Seal being affixed to the following documents:

7.1 Warrant of Appointment – Tjaart Joubert Bekker (Planner)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.

- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

7.2 Warrant of Appointment – Fiona Marie Scadden (Senior Planner)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

7.3 Warrant of Appointment - Pamela Louise Wilson (Engineer-Water Services)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

7.4 Warrant of Appointment – Sarah Elizabeth Hawkins (Business Support Officer: District Assets)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

6. AGENDA ITEMS FOR DISCUSSION:

6.1 Cron Street Parking

Deputy Mayor Lash spoke to this item.

Action Item:

- A) Approval was granted for the Franz Josef/Waiau Community to undertake the painting of yellow “no-parking” lines in Cron Street, Franz Josef/Waiau.

6.2 Water Supply at Franz Josef

Deputy Mayor Lash spoke to this item.

Action Item:

- A) It was noted that Council staff have been liaising with Graham Berry on monitoring what is happening with the Franz Josef water supply and that a watching brief will be kept on the water supply to ensure that Franz Josef does not run out of water.**

6.3 Freedom Camping at Franz Josef

Deputy Mayor Lash spoke to this item.

Concern had been expressed regarding non-self contained vehicles which are parking and camping in the area from the Ōkārito turnoff to the base of the Fox Glacier Hills.

Action Item:

- A) This item to be discussed further with the Franz Josef Community at the Franz Josef Working Party Meeting on the 9 December 2016 which will be attended by Elected Members and Council Staff.**

6.4 Rubbish Bins at Franz Josef

Concern was expressed at the current rubbish bin capacity and the emptying cycle in Franz Josef as the current bins are overflowing with rubbish during the busy tourist season.

Action Item:

- A) Cr Routhan to work with the Solid Waste and Development Control Officer on a solution and that it be considered further at the 2017-2018 Annual Plan process.**

The meeting adjourned for afternoon tea at 3.06 pm and reconvened at 3.24 pm.

6.5 Cleaning of Public Toilets at Franz Josef

Deputy Mayor Lash spoke to this item advising that:

- There is a concern regarding the number of times the toilets at Franz Josef are cleaned, the contract requirements around them being cleaned when the buses turn up in Franz Josef during the peak tourist times and asked that the timing of the cleaning be revisited.*
- Noted that 23 buses are expected during the tourist season.*

Action Items:

- A) Council to identify user pays and costings for cleaning of the public toilets during the busy tourist season, including writing a letter to the bus tour companies seeking a contribution towards cleaning costs.**

6.6 Development West Coast District Economic Stimulus Fund

The Community Development Advisor spoke to this item and advised that Council had received 10 expressions of interest for the District Economic Stimulus Fund prior to the meeting and it was agreed that all the applications be forwarded to Development West Coast for their consideration. If the total amount asked for exceeds \$1 million then further applications will be referred to the \$5 million Business Stimulus Fund.

Action Items:

- That the 10 applications for interest in the District Economic Stimulus Fund be referred to Development West Coast.**

6.7 Children riding bikes on the footpath to Kaniere School for safety

His Worship the Mayor spoke to this item and raised a safety concern about children riding their bikes on the busy Kaniere Road on their way to Kaniere School and advised it would be preferable for them to ride on the Kaniere footpath.

Cr Martin noted that there was a report which was to come back to Council in June 2014 regarding safety around schools.

Action Item:

- Elected Members supported this idea and supported a change to any legislation enabling children to ride their bikes on footpaths, particularly in the Westland District.**
- A report to Council be prepared on safety around schools in Westland District, including signage, speed restrictions and parking.**

6.8 Timing of Works Update

Cr Havill spoke to this item and expressed concern regarding the work that was required around Plymouth Court (Stormwater) and the amount of carry-forwards that are outstanding at this time of year, and enquired when these are due for completion.

Action Item:

- A) A list of carry forwards and their associated works to be provided to the 26 January 2017 Council meeting.**

6.9 Whataroa Cemetery Funding Application Review

Deputy Mayor Lash spoke to this item.

It was noted that the Whataroa Cemetery Trustees have been out of pocket since 2012 to the amount of \$6,000.

The Group Manager: District Assets advised that this matter was first discussed at the 28 July 2016 Council meeting. Council subsequently resolved to reimburse Cyclone Ita clean-up costs incurred by Whataroa Cemetery Trustees in 2014 to the value of \$2,475.00 (excl. GST); and that Council staff were to investigate rating options as part of the Annual Plan process.

Action Items:

- A) A report come back to the 15 December 2016 Council meeting with a view to Council reimbursing the Whataroa Cemetery Trustees any outstanding costs.**

6.10 Sealing Contracts – Review process before the next round

Cr Havill spoke to this item and enquired as to how the sealing contracts are let. Concern was expressed at the noted decrease in the amount of seal that is undertaken each year in Westland District.

Action Items:

- A) The Group Manager: District Assets provided an update on the tender evaluation process and how this is currently undertaken.**
- B) Elected Members to advise if they would like Council staff to run a workshop on the process undertaken when tenders are evaluated.**

6.11 Access to information of Council by Councillors – Mayor

His Worship the Mayor spoke to this item.

Councillors were advised that they have access to all information within Council with the exception of staffing information.

6.12 Local Government Commission Relationship Agreement – Mayor

His Worship the Mayor spoke to this item.

Action Item:

- A) That the Local Government Commission Relationship Agreement be signed.

6.13 West Coast Councils Triennial Agreement – Mayor

His Worship the Mayor spoke to this item.

Action Item:

- A) That the West Coast Council's Triennial Agreement be signed.

6.14 Whataroa and Kumara Water Upgrades

Deputy Mayor Lash and Cr Routhan spoke to this item.

The Group Manager: District Assets advised that Council is currently going through a tender process to install a UV system and also doing a pipe upgrade, with an open day planned in December.

8. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'

Moved Cr Martin, seconded Deputy Mayor Lash and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 3.45 pm.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

8.1 Risk Register

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

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
8.1	Risk Register	Confidential Report	Good reasons to withhold exist under Section 7	Section 48(1)(a) & (d)

This resolution is made in reliance on Section 48(1)(a) and 48(2)(a)(i) and (ii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that Act which would be prejudiced

by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

No.	Item	Section
8.1	Protection of privacy of natural persons/organisations.	Section 7(2)(a)

Moved Deputy Mayor Lash, seconded Cr Martin and **Resolved** that the business conducted in the "Public Excluded Section" be confirmed and accordingly the meeting went back to the open part of the meeting at 4.06 pm.

MEETING CLOSED AT 4.06 PM

Confirmed by:

Bruce Smith
Mayor

Date

Date of next Ordinary Council Meeting
15 December 2016
commencing at 11.00 am

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Finance Manager

FINANCIAL PERFORMANCE: NOVEMBER 2016

1 SUMMARY

- 1.1 The purpose of this report is to provide an indication of Council's financial performance for one month to 30 November 2016.
- 1.2 This issue arises from a requirement for sound financial governance and stewardship with regards to the financial performance and sustainability of a local authority.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receives the financial performance report to 30 November 2016, attached as **Appendix 1**.

2 BACKGROUND

- 2.1 Council receives monthly financial reporting so that it has current knowledge of its financial performance and position against targets and objectives adopted in the Long Term Plan 2015/25.

3 CURRENT SITUATION

- 3.1 Council now receives a monthly financial summary report in a consistent format.
- 3.2 The Financial Performance Report to 30 November 2016, is attached as **Appendix 1** and contains the following elements:

- 3.2.1 Segmental graphs for net cost of services, operating revenue and expenditure with the addition of the actual and forecast amounts.
- 3.2.2 Update on Rates Debtors.
- 3.2.3 Whole of Council Cost of Service Statement, including Full Year Forecast.
- 3.2.4 Variance analysis
- 3.2.5 Debt report including budget, forecast debt and actual debt.
- 3.2.6 Projects 2016-17
- 3.2.7 Carryover schedule
- 3.2.8 Balance Sheet

4 OPTIONS

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

5 SIGNIFICANCE AND CONSULTATION

- 5.1 This report is for information only and, while feedback is invited from Council in order for staff to continuously improve the quality of information provided, no assessment of significance or consultation and no options analysis is required.

6 RECOMMENDATION

- A) **THAT** Council receives the Financial Performance Report to 30 November 2016

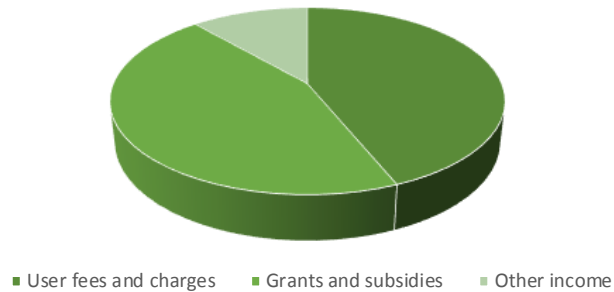
Lesley Crichton
Finance Manager

Appendix 1: Financial Performance November 2016

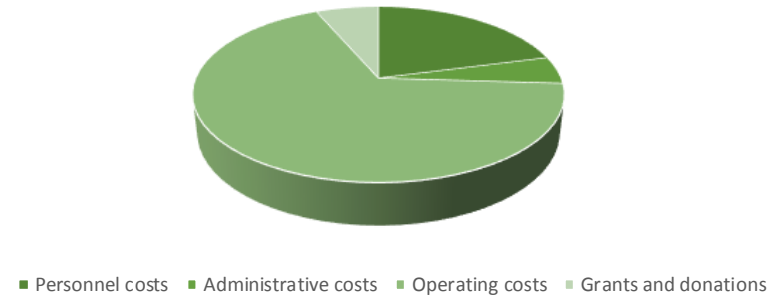


Financial Performance November 2016

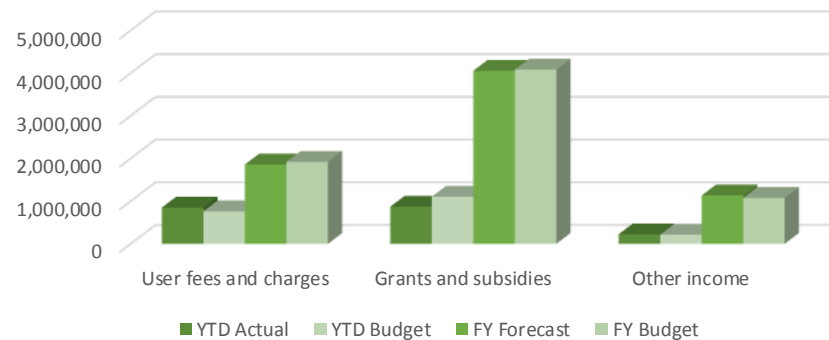
Operating revenue
Actual year to November



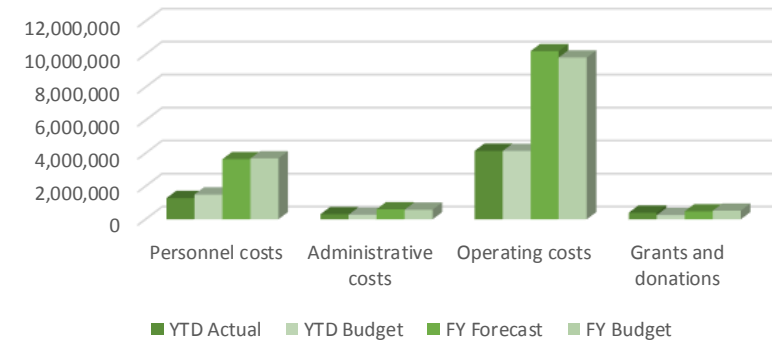
Operating expenditure
Actual year to November



Operating revenue



Operating expenditure



	User fees & Charges	Grants & Subsidies	Other Income
Actual YTD	849,497	868,768	222,484
Budget YTD	759,810	1,102,055	212,761
Variance	89,687	(233,288)	9,723
Forecast FY	1,859,044	4,052,726	1,132,438
Budget FY	1,918,351	4,082,876	1,076,546

	Personnel	Administration	Operating	Grants & subsidies
Actual YTD	1,287,138	309,539	4,150,508	401,376
Budget YTD	1,500,794	276,158	4,141,267	254,166
Variance	(213,656)	33,381	9,241	147,210
Forecast FY	3,644,797	608,112	10,191,117	485,070
Budget FY	3,692,808	583,305	9,801,863	525,000

Rates Debtors

Rates debtors at 31 October 2016	3,818,722
Rates installment	
Less payments received	-2,471,161
paid in advance	185,324
Write off's	-18,769
Penalties	-1,368
Court costs awarded	973
	-2,305,001
Total rates debtors 30 November 2016	1,513,721
Arrears included above at November 2016	1,513,721
Arrears at November 2015	1,794,433
increase/(decrease) in arrears	-280,712

Since April 2016 awarded court costs are now being accounted for as part of outstanding rates debt.

Rates debtors:

- 276 final demands were sent out
- 32 accounts (value: \$90,000) were sent to debt recovery

Rates debt - Aged at November 2016

Financial Year	Nov-16	Nov-15	Oct-16
Pre 2013	124,289	228,969	134,011
2013-14	79,292	206,312	89,080
2014-15	132,987	468,185	162,372
2015-16	354,749	890,967	442,642
Current	822,404		2,990,618
	1,513,721	1,794,433	3,818,722

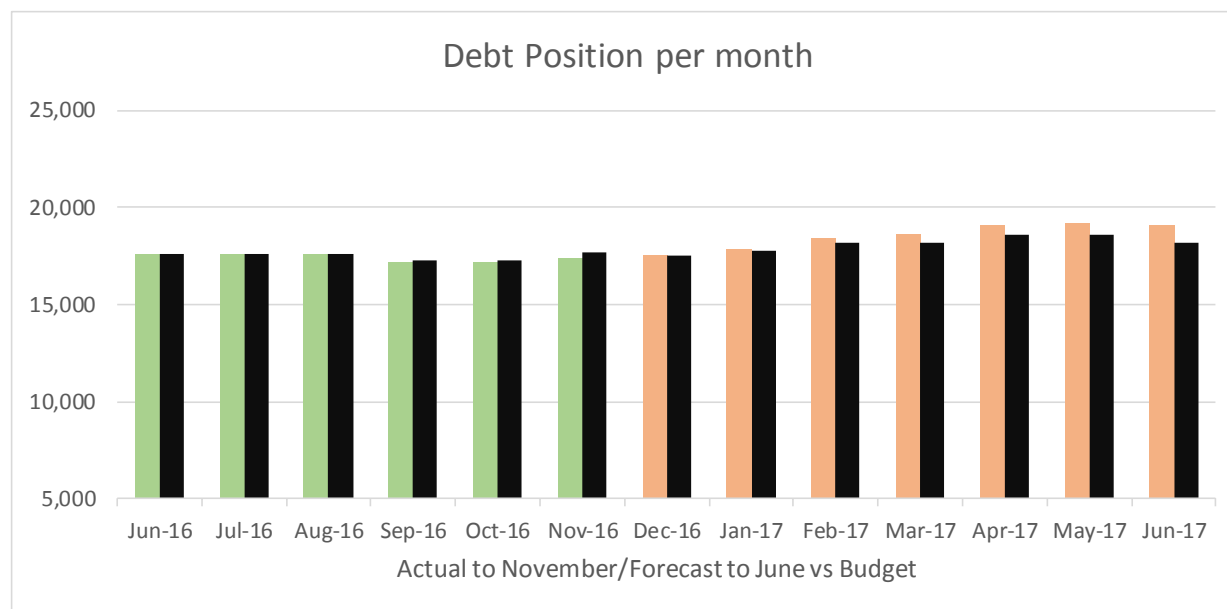
WESTLAND DISTRICT COUNCIL	Year to November			Full year 2016-2017	
	Actual	Budget	Variance	FY Forecast	Budget
Operating revenue					
Rates (includes targeted rates and metered water)	6,789,480	6,535,278	254,202	14,651,857	14,721,081
User fees and charges	849,497	759,810	89,687	1,857,661	1,918,351
Grants and Subsidies	868,768	1,102,055	(233,288)	4,052,726	4,082,876
Other income	222,484	212,761	9,723	1,126,979	1,076,546
Overhead recoveries	2,411,042	2,796,548	(385,505)	6,422,796	6,751,733
Total revenue (A)	11,141,271	11,406,451	(265,180)	28,112,019	28,550,587
Operating expenditure					
Personnel costs	1,287,138	1,500,794	(213,656)	3,644,797	3,692,808
Administrative costs	309,539	276,158	33,381	574,639	583,305
Operating costs	4,150,508	4,141,267	9,241	10,208,292	9,801,863
Grants and donations	401,376	254,166	147,210	485,070	525,000
Overheads	2,389,208	2,831,690	(442,482)	6,340,969	6,796,057
Total operating expenditure (B)	8,537,769	9,004,074	(466,305)	21,253,768	21,399,033
Net operating cost of services - surplus/(deficit) (A - B)	2,603,502	2,402,377	201,125	6,858,252	7,151,554
Other expenditure					
Interest and finance costs	265,409	262,159	3,250	679,022	671,272
Depreciation	1,513,438	2,199,053	(685,615)	5,005,428	5,276,728
(Gain)/loss on investments	2,208	0	2,208	6,042	0
(Gain)Loss on swaps	(188,853)	(57,412)	(131,441)	(137,788)	(137,788)
(Gain)Loss on disposals	1,917	0	1,917	0	0
Total other expenditure (C)	1,594,120	2,403,800	(809,680)	5,552,705	5,810,211
Total expenditure (D = B + C)	10,131,889	11,407,875	(1,275,986)	26,806,473	27,209,244
Net cost of services - surplus/(deficit) (A - D)	1,009,382	(1,423)	1,010,806	1,305,547	1,341,343

Variance Analysis
























































Operating Revenue	
Rates revenue	Metered water charges higher than budgeted.
	\$14k unbudgeted WCWT Partner contributions for 2016-17.
	Refuse site fees are \$50k higher than expected, however this is seasonal and is expected to balance out over the financial year.
	Building consent revenue is \$16k above budget.
User fees and charges	The below are expected to be timing differences. \$30k higher than anticipated cost recoveries for resource consents. \$13k liquor licence revenue. Offset by \$22k changes to the food fees by splitting registration, audit and monitoring fees. Registration fee will be charged in early 2017. \$16k lower revenue in dog registration as the registration process was delayed for new policy, expected to catch up in the next few months
Grants and Subsidies	NZTA subsidy lower than budgeted at end of Quarter 1 due to budget phasing. Claim is made in arrears
Operating expenditure	
Personnel costs	Positive variance due to unfilled vacancies
	Budgeted operating costs still tracking below budget, this is offset by some unbudgeted costs.
Operating costs	Unbudgeted spend for the cost of Hokitika Swimming pool assessment and costs of temporary Building control officer due to unfilled vacancy
Grants and Donations	\$150k Kumara endowment reserve funding for memorial gardens. Offset by council grants for toilet cleaning not yet requested.
Other expenditure	
Depreciation	Assets were revalued at the end of the financial year and asset lives and depreciation rates were updated to reflect this new information




























































Forecast Debt Position per LTP 2016-17
















































Forecast as at	Jul-16	Nov-16
Opening Balance	17,600	17,600
Loan funded capex forecast	3,196	3,071
Forecast repayments 2016-17	-1,611	-1,611
Forecast balance June 2017	19,185	19,060



	Debt Position per month												
	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17
Budget	17,600	17,600	17,600	17,250	17,300	17,699	17,526	17,753	18,181	18,175	18,567	18,596	18,213
Forecast at 1 July 2016	17,600	17,600	17,667	17,394	17,536	17,926	17,921	18,316	18,867	19,019	19,539	19,568	19,185
Actual + Forecast	17,600	17,600	17,600	17,200	17,200	17,382	17,487	17,882	18,433	18,584	19,105	19,134	19,060
Waste Management loan	2,554	2,554	2,554	2,513	2,513	2,524	2,481	2,481	2,511	2,499	2,499	2,499	2,427
Water Supply loan	2,369	2,369	2,369	2,328	2,328	2,328	2,356	2,426	2,496	2,524	2,594	2,594	2,552
Waste water loan	0	0	0	0	0	0	117	233	233	233	233	233	233
Holding Company loan	8,295	8,295	8,295	8,233	8,233	8,233	8,170	8,170	8,170	8,108	8,108	8,108	8,045
Stormwater loan	0	0	0	0	0	52	195	338	481	624	769	769	769
Other loan	56	56	56	55	54	174	203	232	427	623	818	847	874
Hokitika Water supply upgrade	4,326	4,326	4,326	4,071	4,071	4,071	3,816	3,816	3,816	3,561	3,561	3,561	3,051

As at 30/11/2016							Legend - Key	
								 Project Delayed - Will not be completed by 30th June 2017
								 Project on-Track - Will be completed by 30th June 2017
								Project Complete - 100% Progress
Project / Activity	YTD exp	2016-17	Forecast	Budget Track	Progress / Track	Progress comments		
	\$0	\$0	\$0					
Corporate Services								
Corporate Services - Replacement Councilors tablets	13,268	10,000	13,268			Complete, overspend due to upgraded specification		
Council HQ - Roof over skylights	-	20,000	20,000					
Information Management - Shelving	-	10,000	10,000			Stock take commenced November 2016		
Information Management - DMS	-	200,000	200,000			Scoping and discovery phase to commence January 2017		
Council website	-	35,000	35,000			Scoping commenced October 2017		
	13,268	275,000	278,268					
Library								
Kotui Library system	65,783	70,000	65,783			Complete		
Library - Audio/Visual Resource	225	4,000	4,000			eBooks and Junior audios to be purchased before 30.06.17		
Library - Free Adult Books	5,750	13,000	13,000			Spending on track		
Library - Adult Non Fiction	5,664	17,500	17,500			Spending on track		
Library - Junior Publications	3,928	11,500	11,500			Spending on track		
Library - Large Print Books	1,974	6,000	6,000			Spending on track		
	83,325	122,000	117,783					
WATER SUPPLY								
Kumara - Water treatment plant	-	420,000	420,000			Tenders advertised - Approval report on 15 Dec Council meeting		
Kumara - Water treatment plant - seismic valves	-	30,000	30,000			Tenders advertised - Approval report on 15 Dec Council meeting		
Hokitika - Pumps Replacement	0	50,000	50,000			Project will commence after Hokitika SW Capital Project.		
Hokitika - River Intake	15,588	0	15,588			This project now on hold - To be included in 2017/18 AP.		
Ross - Mains Upgrade	490	0	490			Pothole for location and size of Ross water main		
Whataroa - Water treatment plant	-	220,000	220,000			Tenders advertised - Approval report on 15 Dec Council meeting		
Whataroa - Seismic valves	-	20,000	20,000			Reassessing the need of the project		
	16,078	740,000	756,078					
WASTEWATER								
Hokitika - Mains upgrade	11,146	150,000	150,000			Scheduled to commence in Feb/March 2017		
Franz Josef - New WWTP	102,630	200,000	200,000			Final invoices yet to be included.		
Fox Glacier - WWTP upgrade	-	100,000	100,000			Not started a syet. Partial De-sludging		
Haast - Mains upgrade	-	20,000	20,000			Scoping in progress		
Haast - De-sludge oxidation ponds	-	150,000	150,000			Not started a syet. Partial De-sludging		
	113,776	620,000	620,000					
STORMWATER								
Sewell Street Pump	83,886	-	83,886			Previous year emergency Work.		
Hokitika - Tancred, Bealey and Rolleston street upgrades	3,934	769,000	769,000			The expenditure is related to previous year...		
	87,820	769,000	852,886					

As at 30/11/2016						Legend - Key	
		Forecast on Budget			Project Delayed - Will not be completed by 30th June 2017		
		Forecast over Budget			Project on-Track - Will be completed by 30th June 2017		
					Project Complete - 100% Progress		
Project / Activity	YTD exp	2016-17	Forecast	Budget Track	Progress / Track	Progress comments	
	\$0	\$0	\$0				
CEMETERIES							
Cemetery - Hokitika upgrade & expansion	-	10,000	10,000			Works in Feb/March 2017	
Cemetery - Hokitika improvements	4,254	25,000	25,000			Works in Feb/March 2017	
	4,254	35,000	35,000				
Community Township Development							
New footpaths - Franz	-	25,000	25,000			To be disussed with Community	
Footpath upgrades - Hokitika	-	27,000	27,000			Part of NZTA program	
Footpath upgrades - Kumara	-	5,000	5,000			Using carry forward first	
Footpath upgrades - Franz	-	15,000	15,000			To be disussed with Community	
	0	72,000	72,000				
Elderly Housing							
Elderly Housing - Roof repairs	14,760	40,000	40,000				
Information Services							
IT equipment Renewals	-	30,000	30,000				
Office Equipment							
Inspection Administration	700	-	700			Upgrades to workstations and screens	
Resource Management	1,705	-	1,705			Upgrades to workstations and screens	
In House Professional Services	5,654	-	5,654			Upgrades to workstations and screens	
Events Coordination	566	-	566			Upgrades to workstations and screens	
Corporate Services	2,135	-	2,135			Upgrades to workstations and screens	
Chief Executive	1,988	-	1,988			Upgrades to workstations and screens	
Operations Administration	1,193	-	1,193			Upgrades to workstations and screens	
	13,942	0	13,942				
Motor Vehicles							
Ford Kuga JFF992	2,927	-	2,927			Civil Defence equipment	
Wildfoods Festival							
Replacement of promotional assets	-	20,000	20,000				
Land & Buildings							
Carnegie Building	17,446	-	17,446			Unbudgeted works	
Ross Memorial Hall	93,111	-	93,111			Last year expenditure	
Land & Buildings - carparking	-	15,000	15,000				
	110,557	15,000	125,557				
Parks & Reserves							
Reserves - Cass Square - Repairs to Statues	-	5,000	5,000				
Reserves - Cass Square - Grandstand	-	30,000	30,000			Scoping in progress. - Off-season works after Wild foods event	
Reserves - Cass Square - Playground equipment upgrade	-	25,000	25,000			Scoping in progress. - Off-season works after Wild foods event	
Reserves - Marks Road Reserve	-	10,000	10,000			Funds are for recreation purpose. Not scoped as yet.	
Reserves - Hokitika Waterfront Development	-	100,000	100,000			Using carry forward first	
Reserves - Hokitika Heritage trail signs	-	3,500	3,500			Staff currently liaising with Heritage Hokitika members.	
	0	173,500	173,500				

As at 30/11/2016						Legend - Key	
		Forecast on Budget				 Project Delayed - Will not be completed by 30th June 2017	
		Forecast over Budget				 Project on-Track - Will be completed by 30th June 2017	
						 Project Complete - 100% Progress	
Project / Activity	YTD exp	2016-17	Forecast	Budget Track	Progress / Track	Progress comments	
	\$0	\$0	\$0				
Transportation							
Unsealed Pavement Maintenance	391	-	391			Annual Road Maintenance program. On-Track	
Routine Drainage Mtce	14,980	-	14,980			Annual Road Maintenance program. On-Track	
Environmental Maintenance	9,000	-	9,000			Annual Road Maintenance program. On-Track	
Traffic Services Mtce	1,460	-	1,460			Annual Road Maintenance program. On-Track	
4th Street Kumara	23,280	-	23,280			Costs are from the previous year - Complete works	
Unsealed Road Metalling	89,461	278,000	278,000			Annual Road Maintenance program. On-Track	
Sealed Road Resurfacing	2,828	875,500	875,500			Annual Road Maintenance program. On-Track	
Maintenance - Drainage Renewals	35,001	154,500	154,500			Annual Road Maintenance program. On-Track	
Structures Component Replace	24,474	206,000	206,000			Annual Road Maintenance program. On-Track	
Traffic Services Renewals	9,237	123,500	123,500			Annual Road Maintenance program. On-Track	
Routine Drainage Maintenance	9,680	-	9,680			Annual Road Maintenance program. On-Track	
Sealed Road Resurfacing	-	154,500	154,500			Annual Road Maintenance program. On-Track	
Drainage Renewal	-	26,000	26,000			Annual Road Maintenance program. On-Track	
Structures Component Replace	84,592	51,500	51,500			Annual Road Maintenance program. On-Track	
Traffic services renewals	641	10,500	10,500			Annual Road Maintenance program. On-Track	
Minor Improvements	-	184,500	184,500			Annual Road Maintenance program. On-Track	
Minor Improvements	-	28,000	28,000			Annual Road Maintenance program. On-Track	
Sealed Road Pavement Rehabilitation	-	300,000	300,000			Annual Road Maintenance program. On-Track	
Associated Improvements	-	1,000,000	1,000,000			Annual Road Maintenance program. On-Track	
Whitcome valley road widening,seal and extention	24,951	500,000	500,000			Annual Road Maintenance program. On-Track	
Ross Hall car park seal	-	35,000	35,000			Ross Car Park - Community has undertaken some works. Works to be completed by Feb 2017.	
	280,865	3,927,500	3,937,180				
Total	741,572	6,839,000	7,075,121				

Carry Over Schedule to 2016-17									
Activity	Detail	Funded by	Approved	Actual	Forecast	Balance	Approved variance in 201	Status	Year
Museum	Retail Development	Depreciation	17,000	18,338	18,338	- 1,338	Capital	Approved amount in LTP was \$30,000.	From 2015-16 Budget Year
Township Development	Upgrade footpaths and driveways over next three years	Depreciation	5,000	4,154	5,000	-	Capital	Community projects?	From 2015-16 Budget Year
Township Development	Repairs and Maintenance to Hokitika Statues	Depreciation	5,000	-	5,000	-	Capital	Discussion with contractor and Heritage Hokitika taking place in New Year	From 2015-16 Budget Year
Water Supply	Replace Water meters (on-going) - Hokitika	Depreciation	190,000	-	190,000	-	Capital	Initial scoping done. Now in detailed scoping. The budget is for Franz and Hokitika. Currently Fox is in progress on meters replacement.	From 2015-16 Budget Year
Water Supply	Replacement of Water Meters - Fox G	Depreciation	5,712	20,954	20,954	- 15,242	Capital	Work is in progress.	From 2015-16 Budget Year
		Total depreciation funded carryovers	222,712	43,446	239,292	- 16,580			
Museum	Museum Donations - for Exhibitions	Donations	10,871	-	10,871	-	Operating adverse		From 2015-16 Budget Year
		Total donations carryovers	10,871	-	10,871	-			
Community Development	SPARC Travel Grant	External Grant	1,117	1,117	1,117	-	Operating adverse		From 2015-16 Budget Year
Community Development	Creative Communities Grant	External Grant	7,573	4,932	7,573	-	Operating adverse		From 2015-16 Budget Year
Community Development	Taxi Chits	External Grant	600	600	600	-	Operating adverse		From 2015-16 Budget Year
		Total external grant funded carryovers	9,290	6,649	9,290	-			
WCWT	Completion of Trail	Subsidy	479,000	35,501	479,000	-		Project Plan approved by MBIE, Project Manager appointed, Project on track	
			479,000	35,501	479,000				
Solid Waste	Landfills - Butlers Site Shed - Hazardous Washdown Facility	Loan Funding	15,000	-	15,000	-	Capital	Budgets seem to be not fitting the estimates for the works. Rescoping the works now.	From 2015-16 Budget Year
Solid Waste	Intermediate Capping for Butlers	Loan Funding	50,000	-	50,000	-	Capital	More than likely that capping will be towards the end of the financial year.	From 2015-16 Budget Year
Solid Waste	Landfill- Haast - Digout new Cell	Loan Funding	10,000	-	10,000	-	Capital	Works in progress now.	From 2015-16 Budget Year
Solid Waste	Haast intermediate cap current cell	Loan Funding	10,000	-	10,000	-	Capital	Works in progress now.	From 2015-16 Budget Year
Solid Waste	Franz Josef Landfill	Loan Funding	25,000	-	25,000	-	Capital	On-hold pending future direction on Franz River issues.	From 2014-15 Budget Year
Parks & Reserves	Cass Square - Turf Upgrades	Loan Funding	120,000	42,088	120,000	-	Capital	Works in Progress - Last Stage of completion	
		Total loan funded carryovers	230,000	42,088	230,000	-			
Parks & Reserves	Repairs and Maintenance to Hokitika Statues	Rates YE 2014	2,709	-	2,709	-	Capital	\$1,000 committed to Oscar Bottom memorial	From 2013-14 Budget Year
Parks & Reserves	Repairs and Maintenance to Hokitika Statues	Rates YE 2015	5,000	-	5,000	-	Capital	Discussion with contractor and Heritage Hokitika taking place in New Year	From 2014-15 Budget Year
Museum	Research Development Centre	Rates YE 2016	22,000	-	22,000	-	Capital		From 2015-16 Budget Year
		Total rates funded carryovers	29,709	-	29,709	-			
Township Development	Franz Josef Urban Revitalisation plan	Recreation Contributions	100,000	-	100,000	-	Capital		From 2015-16 Budget Year
Waterfront carryforward	Hokitika Waterfront Development	Recreation Contributions	25,240	12,034	25,240	-	Capital	Expecting workign drawings on the project by December end. Possibly looking for procurement to commence in New Year - 2017	From 2015-16 Budget Year
Franz Josef Cycle Trail	Franz Josef Cycle Trail	Recreation Contributions	48,000	15,885	48,000	-	Operating adverse	Franz Josef Community Council responsible for this project now.	From 2013-14 Budget Year
		Total recreation contribution carryovers	173,240	27,919	173,240	-			
Township Development	Hari Hari Township Development fund	Reserves	8,971	5,000	8,971	-	Operating adverse		From 2013-14 Budget Year
		Total reserves funded carryovers	8,971	5,000	8,971	-			
West Coast Wilderness Trail	Cycle Trail - Partner Programme Revenue	Stakeholder Contribution 2015-16	13,275	-	13,275	-	Operating adverse	This money has been transferred to the WCWT Trust	From 2014-15 Budget Year
		Total stakeholder contribution carryovers	13,275	-	13,275	-			
			1,177,068	160,604	1,193,648	- 16,580			

Balance Sheet as at 30 November 2016		Council		
	Actual Nov-16 \$'000	Budget Jun-17 \$'000	Actual Jun-16 \$'000	
Assets				
Current assets				
Cash and cash equivalents	4,140	4,113	1,875	
Debtors and other receivables	2,586	2,754	3,764	
Other financial assets	38	0	1,000	
Inventory	0	0	0	
Work in progress	0	0	0	
Total current assets	6,763	6,867	6,639	
Non-current assets				
Property, plant and equipment	432,003	419,290	433,498	
Intangible assets	74	71	74	
Derivative financial instruments	0	0	0	
Council Controlled Organisations	8,695	8,695	8,695	
Other Financial Assets	817	1,133	40	
Investment property	0	0	0	
Term inventory	0	0	0	
Assets under construction	917	0	651	
Total non-current assets	442,506	429,189	442,958	
Total assets	449,270	436,056	449,596	
Liabilities				
Current liabilities				
Creditors and other payables	870	2,331	2,112	
Derivative financial instruments	0	0	0	
Borrowings	3,940	3,750	0	
Employee entitlements	240	296	240	
Provisions	0	0	0	
Tax payable	3	3	3	
Other current liabilities	979	193	280	
Total current liabilities	6,033	6,573	2,634	
Non-current liabilities				
Derivative financial instruments	582	160	771	
Borrowings	13,452	18,873	17,600	
Employee entitlements	28	29	28	
Provisions	1,251	1,644	1,251	
Deferred Tax	30	30	30	
Total non-current liabilities	15,343	20,736	19,680	
Total liabilities	21,376	27,309	22,314	
Net assets	427,893	408,747	427,282	
Equity				
Retained earnings	153,186	155,011	153,182	
Restricted reserves	5,098	6,152	4,491	
Revaluation reserves	269,545	247,584	269,545	
Other comprehensive revenue and expense reserve	64	0	64	
Net assets	427,893	408,747	427,282	

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Karen Jury, Corporate Planner

FRANZ JOSEF WASTEWATER TREATMENT PLANT – FUNDING ARRANGEMENTS

(Risk Reference id: 54)

1 SUMMARY

- 1.1 Council is being asked to confirm a preferred (rating) funding mechanism for the new Franz Josef wastewater facility. A decision from Council about this matter will enable it to move forward with its financial modelling for 2017/18.
- 1.2 This decision is only about how the new facility will be funded. The continued planning and commissioning of the facility itself is a separate matter.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council confirm that the preferred funding mechanism for the new Franz Josef wastewater facility is a “user pays” system, and that the Chief Executive should identify a range of supplementary funding methods to support the user pays mechanism.

2 BACKGROUND

- 2.1 The previous Council undertook extensive public and stakeholder consultation about this issue (in April 2016 and again in August 2016).

The outcome being the previous Council confirmed that a version of a “user pays” system should be explored further as the preferred funding mechanism for the new Franz Josef wastewater facility, and that the Chief

Executive should identify a range of supplementary funding methods that could be used to support the user pays mechanism:

Decision made by Council 29 October 2016:

Funding a Wastewater Treatment Plant at Franz Josef – Outcome of the Consultation Process

The Corporate Planner spoke to this report.

*Moved Cr van Beek, seconded Cr Butzbach and **resolved** that:*

- A) Council has received and taken account of the submissions to the funding proposal.*
- B) Council confirms that a version of a “user pays” system should be explored further as the preferred funding mechanism for the new Franz Josef wastewater facility, and*
- C) Council instructs the Chief Executive to identify a range of supplementary funding methods that could be used to support the user pays mechanism.*

- 2.2 The previous Council was aware that the incoming Council would have the opportunity to re-assess the funding mechanism. It can, if it desires, reinitiate the matter.

This action will require introduction of a concurrent proposal to both ‘change the Long Term Plan’ and ‘introduce a different funding mechanism in Council’s Annual Plan 2017/18’. The full Special Consultative Procedure will need to be followed.

- 2.3 An upgrade or replacement of the Franz Josef wastewater treatment facility is included in Council’s Long Term Plan 2015-2015 (LTP). The forecast capital costs were shown as \$9 million, with \$6 million to be funded by loan. The repayment of the loan was planned to start in 2017/18, by way of a harmonised rating system, the repayments spread out over 20 years. This financial modelling also assumed financial input from the Government.

The consultation undertaken by the previous Council changed these details:

- The expected total cost of the new facility to \$6.2 million
- The timing for introducing the new facility is 2016/17, a year earlier than stated in the LTP
- The manner in which it will be paid for was recommended to be a user pays system.

- 2.4 The public and in particular members of the Franz Josef community, have participated in two rounds of consultation about the funding matter. The

final outcome is a preference from the district community for a user pays system to be adopted. This funding mechanism was acknowledged as reasonable by many Franz Josef based submitters.

- 2.5 The incoming Council has not yet adopted the previous Council's recommended funding mechanism. It has however confirmed that it intends the cost to be under the \$6.2 million budgeted and the timing for beginning installation is still 2016/17.
- 2.6 At its November 2016 meeting, the Council addressed the type of facility to be built:

Franz Josef Wastewater Treatment Plant

The Group Manager: District Assets spoke to this report.

Further information had been received and circulated to Councillors.

The following were in attendance at the meeting and spoke regarding the Franz Josef Wastewater Treatment Plant.

- John Crawford from Opus
- Mark Healey from Greymouth Office.
- Susan Wallace and Jackie from Makaawhio as well.

*Moved Cr Havill, seconded Cr Olson and **resolved** that Council resolves that lined oxidation ponds are the preferred treatment for Franz Josef.*

It was noted that prices would be sought from contractors.

Cr Neale recorded her vote against the motion.

3 RISK ANALYSIS

- 3.1 There is a risk to Council's business continuity and its reputation if it does not accept the funding mechanism that the public has identified. The public may lose confidence in Council's consultation processes.
- 3.2 Council has applied correct legal procedures and its own management policies to the task of identifying and evaluating a suitable funding mechanism. Those people and organisations who may be affected by, or perceive themselves to be affected by, a funding mechanism decision have had the opportunity to participate in the decision-making process.
- 3.3 Council has been clear and certain that its intention is to have a new funding system in place for the draft Annual Plan 2017/18. It is a risk that the timing of delivering the new facility in Franz Josef will be impacted if Council

chooses to not utilise the funding mechanism that has been identified through the previous public consultation processes.

4 CURRENT SITUATION

- 4.1 Council is moving forward with the planning of the actual facility. It intends to begin construction work as soon as possible.
- 4.2 It must include a funding mechanism in its draft Annual Plan 2017/18.
- 4.3 Council has already indicated that it will explore supplementary funding methods to pay for the District wastewater service, such as increasing septic tank disposal charges.

5 OPTIONS

- 5.1 Option 1: Council can confirm that a user pays funding mechanism will be modelled for the Annual Plan 2017/18.
- 5.2 Option 2: Council can choose to reassess the type of funding mechanism for the new Franz Josef wastewater facility.

6 SIGNIFICANCE AND ENGAGEMENT

- 6.1 In accordance with Council's Policy on Significance and Engagement, direction from Council, at this time, about a preferred funding mechanism is not deemed to be of significance. This is because the current Council is giving direction about a matter previously consulted on.
- 6.2 The progression of decision-making about a funding mechanism is important in regard to the continued planning for the facility itself.
- 6.3 A final decision (which will be expressed in the Annual Plan 2017/18) has the potential to set a precedent for future Council decision-making about the funding of infrastructure projects in the district, particularly those where tourism has generated the demand.
- 6.4 Consultation has been extensive as the issue of paying for large infrastructure involves most of the district ratepayers. Community interest in the matter was evident by the number and range of submissions received and the level of other communications that have occurred during the consultation period e.g. newspaper letters and meetings being held.

- 6.5 Council has special regard to the views of Poutini Ngai Tahu and has consulted with representatives about the funding mechanism. Franz Josef/Waiau is the rohe of Te Runanga o Makaawhio. Te Runanga o Ngati Waewae have an interest in the implications of a funding change on the general Westland population.

7 ASSESSMENT OF OPTIONS

7.1 OPTION 1:

Council can confirm that a user pays funding mechanism will be modelled in the Annual Plan 2017/18.

This will complete the work done to date, as this has proven to be the public's preferred funding mechanism. In addition, as a result of the extensive consultation undertaken it is evident that a range of supplementary funding methods also need to be explored, to support the user pays mechanism. This work needs to be undertaken soon.

A user pays system of funding the infrastructure has been accepted by Franz Josef submitters as reasonable, as long as the mechanism:

- Is representative of the additional impact on the infrastructure from the 'tourism industry'. This being tourism operators across the board, not just accommodation providers. Rather than a per pan charge, a water use charge was suggested (with differentiation between residential and commercial users).
- Is affordable i.e. The Franz Josef community has signalled that it is prepared to pay for the most suitable option of wastewater treatment.

7.2 OPTION 2:

Council can choose to reassess the type of funding mechanism to be used to pay for the new Franz Josef wastewater facility.

This action may leave the public Council with a level of uncertainty about process and may result in a delay in installing the new facility.

8 PREFERRED OPTION AND REASONS

8.1 OPTION 1 is the preferred action for Council to take.

8.2 Council resources have been used and the public have provided their time and commitment towards identifying a solution. It was anticipated by

Council (and communicated to the public throughout the consultation period) that the consultation would conclude with elected members making a decision about a preferred funding method.

- 8.3 If Council chooses instead to identify a different funding mechanism (to a user pays rating method) it will need to explain its reasoning so the public understands its choice.
- 8.4 The preferred option presents a lower risk level in accordance with Council Risk Management Policy.

9 RECOMMENDATIONS

- 9.1 **THAT** Council confirms that a version of a “user pays” system is the preferred funding mechanism for the new Franz Josef wastewater facility, and
- 9.2 **THAT** Council instructs the Chief Executive to identify a range of supplementary funding methods that could be used to support the user pays mechanism.

Karen Jury
Corporate Planner

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Group Manager: Corporate Services

CONSTITUTION AND BOARD APPOINTMENT: WESTLAND HOLDINGS LTD

1 SUMMARY

- 1.1 The purpose of this report is for Council to consider an updated constitution; and an appointment to the Board of Directors; for Westland Holdings Ltd (WHL).
- 1.2 This issue arises because, following resignations, the number of directors is currently below that prescribed by the company's constitution and because the constitution otherwise requires revision following direction received from Council.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopts the updated constitution of WHL attached as **Appendix 1**; and appoints Cr Carruthers to the Board.

2 BACKGROUND

- 2.1 At the 24 November 2016 Ordinary Council Meeting, Council:
 - 2.1.1 revoked its Policy on Appointment and Remuneration of Directors of Council Organisations (COs) and Council Controlled Organisations (CCOs),
 - 2.1.2 undertook to investigate a proposal to reorganise the group structure of its CCOs, and
 - 2.1.3 appointed Cr Routhan to the Board of WHL.

- 2.2 At the same meeting Council stated its preference for elected member representation on the Boards of its CCOs and for independent directors to be based on the West Coast.
- 2.3 Four of the existing five directors of WHL resigned on 30 November 2016.

3 CURRENT SITUATION

- 3.1 It is anticipated that Council will consult on a proposal to reorganise its CCOs in early 2017.
- 3.2 An updated Policy on Appointment and Remuneration of Directors will be drafted when this process has concluded. The Mayor has endorsed the appointment of Cr Carruthers to the Board of WHL until that time.
- 3.3 On 29 September 2016 Council adopted an updated constitution for WHL. The primary reason for this was to update legislative references and language, and to remove or modify standard clauses that were not relevant to a CCO. However, the document included, at clause 5.3a, provisions that no directors may be a councillor or Mayor of the Council. The revised constitution attached as **Appendix 1** limits the number to 2 elected members.
- 3.4 There are currently two directors on the Board of WHL. This is contrary to the constitution of the company, both current and proposed, and is not a sufficient number to form an effective quorum.

4 OPTIONS

- 4.1 A) Constitution of WHL
 - 4.1.1 Option 1: Adopt the revised constitution attached as **Appendix 1**.
 - 4.1.2 Option 2: Do nothing
 - 4.1.3 Option 3: Adopt a constitution with further revisions
- 4.2 B) Appointment to the Board of WHL
 - 4.2.1 Option 1: Appoint Cr Carruthers.
 - 4.2.2 Option 2: Make an alternative appointment.
 - 4.2.3 Option 3: Conduct a recruitment process
 - 4.2.4 Option 4: Do nothing

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The decisions to adopt a constitution and to appoint a director to a CCO for an interim period is administrative in nature and therefore is assessed as having a low level of significance.
- 5.2 Direct engagement with the Board of WHL has been ongoing. Wider community engagement is not necessary on this matter.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 A) Constitution of WHL.
 - 6.1.1 Option 1: The constitution as proposed is fit for purpose for WHL's current remit and reflects Council's intentions.
 - 6.1.2 Under Option 2 the existing constitution would remain effective and appointments of elected members to the Board would be in conflict with this.
 - 6.1.3 Option 3: A comprehensive review of the constitution was completed in September 2016. Any further work in this area would be unnecessary at this time.
- 6.2 B) Appointment to the Board of WHL
 - 6.2.1 Option 1: Subject to 6.1, Cr Carruthers would be eligible to be appointed and has confirmed his availability.
 - 6.2.2 Option 2: Council is at liberty to consider the appointment of any fit and proper person. This may extend the period during which there is a vacancy.
 - 6.2.3 Option 3: As Council is due to consult on a structural review of its group of subsidiaries, a full recruitment process would be an unnecessary expense and may delay the review.
 - 6.2.4 Under Option 4 WHL would continue with a Board representation that conflicts with its constitution on two counts. This may present difficulties for the review of the group structure.

7 PREFERRED OPTIONS AND REASONS

- 7.1 The preferred options are A1: Adopt the revised constitution attached as **Appendix 1** and B1: Appoint Cr Carruthers to the Board of Westland Holdings Ltd.
- 7.2 This combination is the most efficient and economic measure that enables WHL to function properly constituted in its governance role on behalf of Council and while the review of the group structure proceeds.

8 RECOMMENDATIONS

- A) **THAT** Council adopts the updated constitution of Westland Holdings Ltd, attached as **Appendix 1**.
- B) **THAT** Council appoints Cr Carruthers to the Board of Westland Holdings Ltd.

Gary Borg
Group Manager: Corporate Services

Appendix 1: Updated constitution of Westland Holdings Ltd

15 December 2016

**CONSTITUTION OF
WESTLAND HOLDINGS LIMITED**

This is a certified true copy of the Constitution of Westland Holdings Limited and was adopted by the shareholders of Westland Holdings Limited by special resolution.

Director

CONSTITUTION OF WESTLAND HOLDINGS LIMITED

1. STATUS, DEFINITIONS AND INTERPRETATION

Registration

- 1.1 The Company is registered under the Companies Act 1993 and is regulated by the Act and this constitution. It is a wholly owned subsidiary of the Westland District Council (the "Council") and any change in ownership of the Company or any of its shares can only be approved by resolution of the Council. The Company is a council-controlled organisation and its activities, rights and obligations will be determined in its Statement of Intent, approved by the Council.

Powers and capacity

- 1.2 Subject to the Act, the Local Government Act or any other applicable law, this constitution and the Statement of Intent, the Company has, both within and outside New Zealand, the capacity, rights, powers and privileges to carry on or undertake any business or activity, do any act or enter into any transaction.

Definitions

- 1.3 In this constitution, the following words and expressions have the meanings set out next to them:

"Act"	means the Companies Act 1993.
"Board"	means the directors numbering not less than the required quorum acting as the Board of directors of the Company and where one director is a quorum it means that director.
"Company"	means Westland Holdings Limited.
"constitution"	means this constitution, as altered from time to time.
"council-controlled organisation"	has the same meaning as in section 6 of the Local Government Act.
"director"	means a person appointed and continuing in office for the time being, in accordance with this constitution, as a director of the Company.
"dividend"	means a distribution by the Company other than a distribution to which section 59 (acquisition of Company's own shares) or section 76 (financial assistance in acquisition of Company's shares) of the Act applies.
"local authority"	has the same meaning as in section 2 of the Local Government Act.
"Local Government Act"	means the Local Government Act 2002.
"majority"	means more than 50%.
"ordinary resolution"	means a resolution of shareholders approved by a simple majority of the votes of those shareholders entitled to vote and voting on the question.
"special meeting"	means any – meeting (other than an annual meeting) of shareholders entitled to

vote on an issue, called at any time by the Board or by any other person who by this constitution is entitled to call meetings of shareholders.

"special resolution" means a resolution of shareholders approved by a majority of 75 percent of the votes of those shareholders entitled to vote and voting on the question.

"Statement of Intent" means the statement to be completed by the Board in accordance with section 64 of the Local Government Act and which meets the requirements of Schedule 8 of the Local Government Act.

"working day" has the meaning set out in section 2 of the Act.

Conflict

1.4 If there is any conflict between:

- a. a provision in this constitution and a mandatory provision in the Act or the Local Government Act; or
- b. a word or expression defined or explained in the Act or the Local Government Act and a word or expression defined or explained in this constitution

the provision, word or expression in the applicable act prevails.

Interpretation

1.5

- a. Words importing the singular number include the plural number and vice versa.
- b. A reference to a person includes any partnership, firm, company or other body corporate, association, trust, local or regional authority, public authority, or council-controlled organisation.
- c. Reference to any legislation or to any provision of any legislation (including regulations and orders) includes:
 - (i) that legislation or provision as from time to time amended, re-enacted or substituted;
 - (ii) any statutory instruments, regulations, rules and orders issued under that legislation or provision.
- d. Subject to the above, expressions contained in this constitution bear the same meaning as in the Act, at the date on which this constitution becomes binding on the Company.
- e. A reference to a clause means a clause of this constitution.
- f. The clause headings are included for the purposes of convenience and do not affect the construction of this constitution.

2. DISTRIBUTIONS TO SHAREHOLDERS

The Board may authorise distributions.

Subject to the Act and the Statement of Intent the Board may, with the prior written approval of the shareholders by special resolution, authorise a distribution by the Company to shareholders.

Dividends on shares not fully paid up to be paid pro rata

2.1

- a. All dividends on shares not fully paid up must be authorised and paid in proportion to the amount paid to the Company in satisfaction of the liability of the shareholder to the Company in respect of the shares. This provision does not apply where shares have been issued with special rights as to dividends.
- b. No amount paid or credited as paid on a share in advance of calls is to be treated for these purposes as paid on the share. All dividends are to be apportioned and paid proportionately to the amounts paid or credited as paid on the shares during any portion or portions of the period in respect of which the dividend is paid, but if any share is issued on terms providing that it ranks for dividend as from a particular date that share ranks for dividend accordingly.

Method of Payment

2.2

Any dividend, interest, or other money payable in cash in respect of shares may be paid in such manner as the Board thinks fit to a Shareholder, or to such other person and in such manner as such Shareholder may in writing direct.

No interest

2.3

No dividend bears interest against the Company.

Unclaimed dividends

2.4

- a. All dividends unclaimed for 1 year after having been authorised may be invested or otherwise made use of by the Board for the benefit of the Company until claimed. All dividends unclaimed for 5 years after having been declared may be forfeited by the Board for the benefit of the Company.
- b. The Board may, however, annul any such forfeiture and agree to pay a claimant who produces, to the Board's satisfaction, evidence of entitlement to the amount due to such claimant, unless in the opinion of the Board such payment would embarrass the Company.

3. COMPANY PURCHASING OWN SHARES

Acquisition of Company's own shares

3.1

The Company may make an offer and purchase shares issued by it in accordance with the Act.

Company may not hold its own shares uncanceled

3.2

The Company may not hold its own shares uncanceled.

4. SHAREHOLDERS RIGHTS AND OBLIGATIONS

Annual meetings

- 4.1 The Company must hold annual shareholder meetings in accordance with section 120 of the Act unless in the case of any annual meeting, everything required to be done at that meeting (by resolution or otherwise) is done by resolution in writing signed in accordance with section 122 of the Act.

Special meetings

- 4.2 A special shareholder meeting:
- a. may be called by the Board at any time; and
 - b. must be called by the Board on the written request of shareholders holding shares carrying together not less than 5% of the voting rights for such shares.

Proceedings at meetings

- 4.3 The provisions of the First Schedule to this constitution shall govern proceedings at meetings of shareholders.

5. DIRECTORS

Board's Power to Manage the Company

- 5.1 The business or affairs of the Company must be managed by, or under the direction or supervision of the Board, in accordance with the applicable provisions of this constitution, the Statement of Intent, the Local Government Act and any applicable policy of the Shareholder governing directors appointments.

Number of directors

- 5.2 The minimum and maximum number of directors may be determined from time to time by the shareholders by ordinary resolution and unless so determined, the minimum number is three and the maximum number is 10.
- 5.3 No directors may be person employed by the Council. A maximum of 2 elected members of Council may be directors at any one time.

Appointment by shareholders

- 5.4
- a. The directors of the Company are such person or persons as may from time to time be appointed either by the shareholders by ordinary resolution or by notice in writing to the Company signed by the holder or holders of a majority of the shares in the capital of the Company but so that the total number of directors must not at any time exceed the maximum number, if any, fixed pursuant to clause 10.2 (Number of Directors).
 - b. Any shareholder will be entitled to appoint from time to time the number of Directors (rounded to the nearest whole number or, where there is no nearest whole number, rounded down) that represents the same proportion of the number of Directors determined under clause 10.2, as the proportion which the percentage of voting rights to which the appointing shareholder is then entitled bears to the then total number of voting rights attaching to the shares of the Company.
 - c. Every director holds office subject to the provisions of this constitution and may at any time be removed from office by ordinary resolution of the shareholders or by notice in

writing to the Company signed by the holder or holders of a majority of the shares in the capital of the Company.

- d. Directors may be appointed individually or together unless the shareholders by ordinary resolution require any director's appointment to be voted on individually.

Alternate directors

5.5

- a. Each director has the power from time to time to nominate any person not already a director and who is acceptable to the majority of other directors, and with the prior written approval of the shareholders by ordinary resolution, to act as an alternate director in his or her place. An alternate director can be appointed either for a specified period or generally during the absence from time to time of such director. A director can remove an alternate director that director has nominated.
- b. Unless otherwise provided for by the terms of his or her appointment, an alternate director has the same rights, powers and privileges (including the right to receive notice of meetings of directors but excluding the power to appoint an alternative director) and will discharge all the duties of and must be subject to the same provisions as the director in whose place he or she acts.
- c. An alternate director cannot be remunerated otherwise than out of the remuneration of the director in whose place he or she acts and automatically vacates office if and when the director in whose place he or she acts vacates office.
- d. Any notice appointing or removing an alternate director may be given by delivering it or by sending it through the post or by facsimile or email to the Company and is effective as from the time of its receipt as determined in accordance with clause 14.

Proceedings of the Board

- 5.6 The provisions of the Third Schedule to the Act are deleted and replaced as set out in the Second Schedule of this constitution.

Directors' indemnity

- 5.7 The Company is expressly authorised to indemnify and insure any director or employee to the extent permitted by the Act, and to enter deeds of indemnity with such directors or employees, provided all such deeds are in a form approved by the shareholders by Ordinary Resolution.

Vacation of Office

- 5.8 The office of a Director will be vacated if the Director:
 - a. dies;
 - b. becomes a mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992;
 - c. becomes disqualified from being a Director pursuant to s 151 of the Act;
 - d. resigns in accordance with clause 10.9 (Director's Resignation Procedure); or
 - e. is removed from office in accordance with clause 10.4(c) (Appointment by Shareholders).

Removal following employment by Local Authority

Without limiting clause 10.8, if at any time the Board is comprised of more than one person who is or becomes either a member of a local authority or a person employed by a local authority, the

Shareholders shall exercise their power under clause 10.4(c) to remove any one or more directors (selected at the Shareholders' discretion) as are required in order to comply with clause 10.3 (Number of Directors) of this constitution.

Director's Resignation Procedure

- 5.9 A Director may resign office by delivering a signed written notice of resignation in writing to the address for service of the Company. The notice is effective when it is received at the address or at a later time specified in the notice.

Director's Remuneration and Other Benefits

- 5.10 The Board will not exercise any of the powers contained in or implied by s 161 of the Act without the prior written approval of the shareholders provided that payments or other benefits of the kind referred to in s 161 of the Act which are approved by the Board as at the date of adoption of this constitution are confirmed.

Validity of actions

- 5.11 An act or decision of the Board shall not be invalid by reason only of:
- a. a fault, default or irregularity in or in connection with the appointment of a Director; or
 - b. a vacancy in the number of Directors including a vacancy arising because of the failure to appoint a Director.

6. DUTIES OF DIRECTORS AND BOARD

Statement of Intent

- 6.1 The business of the Company should be managed by the Board in accordance with the Statement of Intent.

Interest of Shareholders

- 6.2 For the purposes of s 131(2) of the Act but subject to the Statement of Intent each Director of the Company is expressly permitted to act in a manner which he or she believes is in the best interests of the shareholders even though it may not be in the best interests of the Company.

7. INTERESTED DIRECTORS

Directors must Disclose their Interest

- 7.1 As soon as a Director becomes aware of the fact that he or she is interested in a transaction or proposed transaction with the Company, then unless the Act provides otherwise or all entitled persons have agreed to or concur in the Company entering into the transaction, that Director must cause to be entered in the Interests Register, and disclosed to the Board:
- a. the nature and monetary value of his or her interest (if the monetary value of the interest is able to be quantified); or
 - b. the nature and extent of his or her interest (if the monetary value of the interest cannot be quantified).

General Disclosure in Certain Cases will Suffice

- 7.2 For the purposes of clause 12.1 a general notice entered in the Interests Register and disclosed to the Board to the effect that a Director:
- a. is a shareholder, Director, officer, or trustee of another named Company or other person; and

- b. is to be regarded as interested in any transaction which may, after the date of the entry or disclosure, be entered into with that other Company or person, will be a sufficient disclosure of that interest in relation to such transaction.

Failure to Disclose Does Not Affect Validity of Transaction

- 7.3 Any failure by a Director to comply with clause 12.1 does not affect the validity of a transaction entered into by the Company or the Director. However, the transaction may be avoided under clause 12.4.

Company May Avoid Transaction if Director Interested

- 7.4 Where the Company enters into a transaction in which a Director is interested, the Company, if it is permitted to do so by the Act, may avoid that transaction in accordance with the Act. However, if all entitled persons have agreed to or concur in the Company entering into such a transaction then this clause will not apply.

Interested Director May Not Vote

- 7.5 A Director of the Company who is interested in a transaction entered into, or to be entered into by the Company may not (subject to clauses 12.5.a and b) vote on a matter relating to the transaction, but may:
 - a. vote on any matter to which clause 10.7 or 10.11 applies;
 - b. attend a meeting of Directors at which a matter relating to the transaction arises, and be included among the Directors present at the meeting for the purpose of a quorum;
 - c. sign a document relating to the transaction on behalf of the Company; and
 - d. do anything else as a Director in relation to the transaction, as if he or she were not interested in the transaction.
- 7.6 The shareholders may by Ordinary Resolution suspend or relax the prohibition on interested Directors voting to any extent in respect of any particular transaction.

8. ACCOUNTS

Availability of Information

- 8.1 In addition to complying with the provisions of the Act the Company will also comply with s.74 of the Local Government Act.

Statement of Intent

- 8.2 In each financial year of the Company the Directors will deliver to its shareholders a Statement of Intent in accordance with s.64 of the Local Government Act.

Accounts to be Prepared

- 8.3 Within 2 months after the end of the first half of each financial year of the Company the Directors will deliver to its shareholders a report of the Company's operations during that half year. Such half year report will include the information required by the Statement of Intent to be included.

Reports to be Delivered to Members

- 8.4 Within 3 months after the end of each financial year of the Company the Directors will deliver to the shareholders and make available to the public:

- a. a report of the operations of the Company and those of its subsidiaries during the financial year; and
- b. audited consolidated financial statements for the financial year in respect of the Company and its subsidiaries; and
- c. an auditor's report on:
 - i. those financial statements; and
 - ii. the performance targets and other measures by which performance has been judged in relation to the objectives as contained in the Statement of Intent.

Contents of Operations Report

8.5 Every report under clause 13.4 will:

- a. contain such information as is necessary to enable an informed assessment of the operations of the Company and its subsidiaries including:
 - i. a comparison of the performance of the Company and its subsidiaries with any relevant Statement of Intent; and
 - ii. an explanation of any material variances between that performance and the Statement of Intent; and
 - iii. the information required to be included by its Statement of Intent; and
- b. state the dividend (if any) recommended to be payable by the Company in respect of its equity securities (other than fixed interest securities) for the financial year to which the report relates.

Contents of Financial Statements

8.6 The audited consolidated financial statements under clause 13.4.b must be prepared in accordance with generally accepted accounting practice.

Auditor

In accordance with section 70 of the local Government Act the Auditor-General will be the auditor of the Company

9. NOTICES

Service

9.1 A notice may be served by the Company upon any director or shareholder either by:

- a. delivering it personally to the director or shareholder, including delivery by courier to the address of the director or shareholder;
- b. posting it by fast post in a prepaid envelope or package addressed to such director or shareholder at such person's last known address; -
- ;
- c. facsimile to the facsimile number of such director or shareholder; or

- d. email to an electronic address used by the director or shareholder.

Time of service by delivery

- 9.2 A notice delivered to a director or shareholder is deemed to have been served upon handing the notice to the director or shareholder or on the Working Day following delivery of the notice by courier to the last known address of the director or shareholder.

Time of service by facsimile

- 9.3 A notice served by facsimile is deemed to have been served on the working day following completion of its transmission.

Time of service by post

- 9.4 A notice sent by post is deemed to have been served:
 - a. In the case of a person whose last known address is in New Zealand, at the end of 3 working days after the envelope or package containing the same was duly posted in New Zealand; and
 - b. In the case of a person whose last known address is outside New Zealand, at the expiration of 7 working days after the envelope or package containing the same was duly posted by fast post in New Zealand.

Time of service by email

- 9.5 A notice served by email is deemed to have been served on the working day following the day on which it was sent.

Proof of service

- 9.6 In proving service by post or delivery by courier it is sufficient to prove that the envelope or package containing the notice was properly addressed and posted or delivered with all attached postal or delivery charges paid. In proving service by facsimile, it is sufficient to prove that the document was properly addressed and sent by facsimile. In proving service by email, it is sufficient to prove that the email was properly addressed and properly sent to that email address. Provided that a document is not deemed to be served or sent or delivered to a person if that person proves that, through no fault of the person's part, the document was not received within the time specified.

Service on joint holders

- 9.7 A notice may be given by the Company to the joint holders of a share by giving the notice to the joint holder first named in the share register in respect of the share.

Service on representatives

- 9.8 A notice may be given by the Company to the person or persons entitled to a share in consequence of the death or bankruptcy of a shareholder by addressing it to such person or persons by name or by title or by any appropriate description, at the address, if any, within New Zealand supplied for the purpose by the person or persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which it might have been given if the death or bankruptcy had not occurred.

10. LIQUIDATION

Distribution of surplus assets

10.1

- a. Subject to the terms of issue of any shares in the Company and to clause 15.2 (Distribution in Specie), upon the liquidation of the Company the assets, if any, remaining after payment of the debts and liabilities of the Company and the costs of liquidation ("the surplus assets") will be distributed among the shareholders in proportion to their shareholding.
- b. The holders of shares not fully paid up must receive only a proportionate share of their entitlement being an amount which is in proportion to the amount paid to the Company in satisfaction of the liability of the shareholder to the Company in respect of the shares either under the constitution of the Company or pursuant to the terms of issue of the shares.

Distribution in specie

10.2

- a. Upon a liquidation of the Company, the liquidator, with the sanction of an ordinary resolution of shareholders and any other sanction required by law, may divide amongst the shareholders in kind the whole or any part of the assets of the Company (whether they consist of property of the same kind or not) and may for that purpose set such value as the liquidator deems fair upon any property to be so divided and may determine how the division is to be carried out as between the shareholders or different classes of shareholders.
- b. The liquidator may, with the same sanction, vest the whole or any part of any such assets in trustees upon such trusts for the benefit of the shareholders as the liquidator thinks fit, but so that no shareholder will be compelled to accept any shares or other securities in relation to which there is any liability.

11. REMOVAL FROM THE NEW ZEALAND REGISTER

Directors may apply for removal

11.1 In the event that:

- a. The Company has ceased to carry on business, has discharged in full its liabilities to all its known creditors, and has distributed its surplus assets in accordance with its constitution and the Act; or
- b. The Company has no surplus assets after paying its debts in full or in part, and no creditor has applied to the Court under section 241 of the Act for an order putting the Company into liquidation,

the Board of directors may in the prescribed form request the Registrar to remove the Company from the New Zealand register.

12. METHOD OF CONTRACTING

12.1 A contract or other enforceable obligation may be entered into by the Company as follows:

- a. An obligation which, if entered into by a natural person, would by law, be required to be by deed, may be entered into on behalf of the Company in writing signed under the name of the Company by:

- i. two or more directors of the Company;
 - ii. a director or other person or class of persons appointed by the Board whose signature or signatures must be witnessed; or
 - iii. one or more attorneys appointed by the Company in accordance with section 181 of the Act.
- b. An obligation or contract, which is required by law to be in writing and any other written obligation or contract which is to be entered into by the company, may be signed on behalf of the company by a person acting under the company's express or implied authority.
- c. An obligation or contract which, if entered into by a natural person, is not required to be in writing, may be entered into on behalf of the company in writing or orally by a person acting under the companies express or implied authority.

SCHEDULE 1

PROCEEDINGS AT MEETINGS OF SHAREHOLDERS

1. CHAIRPERSON

Chairperson to be Chairperson of the Board

- 1.1 If the shareholders have appointed or the directors have elected a chairperson of the Board, and the chairperson of the Board is present at a meeting of shareholders, he or she must chair the meeting.

Election of Chairperson

- 1.2 If no chairperson of the Board has been appointed or elected, or if at any meeting of shareholders the chairperson of the Board is not present within 15 minutes of the time appointed for the commencement of the meeting, the directors present may elect one of their number to be chairperson of the meeting. If at any meeting no director is willing to act as chairperson, or if no director is present within 15 minutes of the time appointed for holding the meeting, the shareholders present must choose one of their number to be chairperson of the meeting.

2. NOTICE OF MEETINGS

Notice in writing

- 2.1 Written notice of the time and place of a meeting of shareholders must be sent to every shareholder entitled to receive notice of the meeting and to every director and, if required, an auditor of the Company not less than 10 working days before the meeting.

Contents of notice

- 2.2 The notice must state:
- a. The nature of the business to be transacted at the meeting in sufficient detail to enable a shareholder to form a reasoned judgment in relation to it; and
 - b. The text of any special resolution to be submitted to the meeting.

Irregularities in notice

- 2.3 An irregularity in a notice of a meeting is waived if all the shareholders entitled to attend and vote at the meeting attend the meeting without protest as to the irregularity, or if all such shareholders agree (whether before, during or after the meeting) to the waiver.

Adjournment

- 2.4 The chairperson may, and if so directed by the meeting must, adjourn the meeting from time to time and from place to place, but no business can be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 30 days or more, notice of the adjourned meeting must be given as in the case of an original meeting. Except as so provided, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

Accidental omission to give notice

- 2.5 The accidental omission to give a notice of a meeting to, or the non-receipt of a notice of a meeting by, any person entitled to receive notice does not invalidate the proceedings at that meeting.

3. METHODS OF HOLDING MEETINGS

- 3.1 A meeting of shareholders may be held either:

- a. By a number of shareholders, who constitute a quorum, being assembled together at the place, date, and time appointed for the meeting; or
- b. By means of audio, or audio and visual, communication by which all shareholders participating and constituting a quorum, can simultaneously hear each other throughout the meeting.

4. QUORUM

Necessity for quorum

- 4.1 Subject to subclause 4.3 of this clause, no business may be transacted at a meeting of shareholders if a quorum is not present.

Numbers for quorum

- 4.2 A quorum for a meeting of shareholders is present if shareholders or their proxies are present who are between them able to exercise a majority of the votes to be cast on the business to be transacted by the meeting.

No quorum

- 4.3 If a quorum is not present within 30 minutes after the time appointed for the meeting:

- a. In the case of a meeting called under section 121(b) of the Companies Act, the meeting is dissolved;
- b. In the case of any other meeting, the meeting is adjourned to the same day in the following week at the same time and place, or to such other date, time, and place as the chairperson may appoint, and, subject to the constitution of the Company, if, at the adjourned meeting, a quorum is not present within 30 minutes after the time appointed for the meeting, the shareholders or their proxies present are a quorum.

5. VOTING

Voting method

- 5.1 In the case of a meeting of shareholders held under clause 3.1.a of this Schedule, unless a poll is demanded, voting at the meeting shall be by whichever of the following methods is determined by the chairperson of the meeting:

- a. Voting by voice; or
- b. voting by show of hands.

Voting method - audio, audio/visual

- 5.2 In the case of a meeting of shareholders held under clause 3.1b of this Schedule, unless a poll is demanded, voting at the meeting shall be by the shareholders signifying individually their assent or dissent by voice.

Evidence that resolution carried

- 5.3 A declaration by the chairperson of the meeting that a resolution is carried by the requisite majority is conclusive evidence of that fact unless a poll is demanded in accordance with subclause 5.4 of this Schedule 1.

Who may demand poll

- 5.4 At a meeting of shareholders a poll may be demanded by:
- a. Not less than 5 shareholders having the right to vote at the meeting; or
 - b. A shareholder or shareholders representing not less than 10 percent of the total voting rights of all shareholders having the right to vote at the meeting; or
 - c. By a shareholder or shareholders holding shares in the Company that confer a right to vote at the meeting and on which the aggregate amount paid up is not less than 10 percent of the total amount paid up on all shares that confer that right.

When poll may be demanded

- 5.5 A poll may be demanded either before or after the vote is taken on a resolution.

Counting of votes

- 5.6 If a poll is taken, votes must be counted according to the votes attached to the shares of each shareholder present in person or by proxy and voting.

Equality of votes

- 5.7 In the case of an equality of votes, whether voting is by voice or show of hands or poll, the chairperson of the meeting is not entitled to a second or casting vote.

Proxy holder may demand poll

- 5.8 For the purposes of this clause, the instrument appointing a proxy to vote at a meeting of a Company confers authority to demand or join in demanding a poll and a demand by a person as proxy for a shareholder has the same effect as a demand by the shareholder.

Voting entitlement

- 5.9 Subject to any rights or restrictions for the time being attached to any class of shares, every shareholder present in person or by proxy and voting by voice or on a show of hands has one vote.

Chairperson may demand poll

- 5.10 The chairperson may demand a poll on a resolution, either before or after a vote on such resolution, by voice or on show of hands.

Withdrawal of demand

- 5.11 The demand for a poll may be withdrawn.

Poll to be taken as chairperson directs

- 5.12 Except as provided in subclause 5.13, if a poll is duly demanded it must be taken in such manner as the chairperson directs, and the result of the poll will be deemed to be the resolution of the meeting at which the poll was demanded.

Poll on election of chairperson

- 5.13 A poll demanded on the election of a chairperson or on a question of adjournment must be taken forthwith. A poll demanded on any other question may be taken at such time and place as the chairperson of the meeting directs, and any business other than that upon which a poll has been demanded may be proceeded with pending the taking of the poll.

6. PROXIES

Right to vote by proxy

- 6.1 A shareholder may exercise the right to vote either by being present in person or by proxy.

Right of proxy to attend

- 6.2 A proxy for a shareholder is entitled to attend and be heard at a meeting of shareholders as if the proxy were the shareholder.

Appointment of proxy

- 6.3 A proxy must be appointed by notice in writing signed by the shareholder and the notice must state whether the appointment is for a particular meeting or a specified term not exceeding 12 months.

Proxy form to be sent with Notice of Meeting

- 6.4 A proxy form must be sent with each notice calling a meeting of the Company.

Proxy form

- 6.5 An instrument appointing a proxy must be in the following form or a form as near thereto as circumstances admit:

**WESTLAND HOLDINGS LIMITED
INSTRUMENT APPOINTING A PROXY**

I/We _____
 of _____
 being a member of _____ LIMITED
 hereby appoint _____ [print name of proxy]
 of _____
 or failing him/her _____ of _____
 as my/our proxy to vote for me/us on my/our behalf at the ___ the Annual/Special Meeting of the
 Company to be held at _____
 on _____ commencing at _____ am/pm
 [or all meetings of the Company held within 12 months of the date of this proxy] and at any
 adjournment of any such meeting.
 Signed on _____ <Year> _____
 [Usual signature/s]"

- 6.6 Where it is wished to give shareholders an opportunity of voting for or against a resolution, the instrument appointing a proxy must be in the following form or a form as near to it as circumstances admit:

LIMITED
INSTRUMENT APPOINTING A PROXY

I/We _____
of _____
being a member of _____ LIMITED
hereby appoint _____ [print name of proxy]
of _____
or failing him/her _____ of _____
as my/our proxy to vote for me/us on my/our behalf at the __ the Annual/Special Meeting of the
Company to be held at _____
on _____ commencing at _____ am/pm
and at any adjournment of any such meeting.

I/We direct my/our proxy to vote in the following manner

Resolutions	Vote with a tick	
	For	Against
1. _____	—	
2. _____	—	
	—	
	—	

Signed on _____ <Year> _____
[Usual signature/s]"

Validity of Vote

- 6.7 A vote given in accordance with the terms of an instrument of proxy is valid notwithstanding the previous death or loss of capacity of the appointor or revocation of the proxy or revocation of the authority under which the proxy was executed, or the transfer of any share in respect of which the proxy is given, if no notice in writing of such death, loss of capacity, revocation or transfer has been received by the Company before the start of the meeting or adjourned meeting at which the proxy is used.

Deposit of Proxy

- 6.8 The instrument appointing a proxy and a power of attorney or other authority, if any, under which it is signed or a certified copy of that power or authority must be deposited at the registered office of the Company or at such other place within New Zealand as is specified for that purpose in the notice convening the meeting not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote or, in the case of a poll, not less than 24 hours before the time appointed for the taking of the poll. If it is not, the instrument of proxy is invalid.

7. POSTAL VOTES

- 7.1 A shareholder may not exercise the right to vote at a meeting by casting a postal vote.

8. MINUTES

Minutes must be kept

- 8.1 The Board must ensure that minutes are kept of all proceedings at meetings of shareholders.

Evidence

- 8.2 Minutes which have been signed correct by the chairperson of the meeting are prima facie evidence of the proceedings.

9. SHAREHOLDER PROPOSALS

Notice of matter for discussion or resolution

- 9.1 A shareholder may give written notice to the Board of a matter the shareholder proposes to raise for discussion or resolution at the next meeting of shareholders at which the shareholder is entitled to vote.

Notice of shareholder proposal at Company's expense

- 9.2 If the notice is received by the Board not less than 20 working days before the last day on which notice of the relevant meeting of shareholders is required to be given by the Board, the Board must, at the expense of the Company, give notice of the shareholder proposal and the text of any proposed resolution to all shareholders entitled to receive notice of the meeting.

Notice of shareholder proposal at shareholder's expense

- 9.3 If the notice is received by the Board not less than 5 working days and not more than 20 working days before the last day on which notice of the relevant meeting of shareholders is required to be given by the Board, the Board must, at the expense of the shareholder, give notice of the shareholder proposal and the text of any proposed resolution to all shareholders entitled to receive notice of the meeting.

Notice of late shareholder proposal to be given if practicable

- 9.4 If the notice is received by the Board less than 5 working days before the last day on which notice of the relevant meeting of shareholders is required to be given by the Board, the Board may, if practicable, and at the expense of the shareholder, give notice of the shareholder proposal and the text of any proposed resolution to all shareholders entitled to receive notice of the meeting.

Proposing shareholder's written statement

- 9.5 If the directors intend that shareholders may vote on the proposal by proxy or by postal vote, they must give the proposing shareholder the right to include in or with the notice given by the Board a statement of not more than 1000 words prepared by the proposing shareholder in support of the proposal, together with the name and address of the proposing shareholder.

Limits on obligation to include statement

- 9.6 The Board is not required to include in or with the notice given by the Board a statement prepared by a shareholder which the directors consider to be defamatory, frivolous, or vexatious.

Payment by shareholder of costs

- 9.7 Where the costs of giving notice of the shareholder proposal and the text of any proposed resolution are required to be met by the proposing shareholder, the proposing shareholder

must, on giving notice to the Board, deposit with the Company or tender to the Company a sum sufficient to meet those costs.

10. CORPORATIONS MAY ACT BY REPRESENTATIVES

- 10.1 A body corporate (including, for the avoidance of doubt, a Local Authority or Council-Controlled Organisation) which is a shareholder may appoint a representative to attend a meeting of shareholders on its behalf in the same manner as that in which it could appoint a proxy.

11. VOTES OF JOINT HOLDERS

- 11.1 Where 2 or more persons are registered as the holder of a share, the vote of the person named first in the share register and voting on a matter must be accepted to the exclusion of the votes of the other joint holders.

12. LOSS OF VOTING RIGHTS IF CALLS UNPAID

- 12.1 Subject to the constitution of a Company, if a sum due to a Company in respect of a share has not been paid, that share may not be voted at a shareholder's meeting other than a meeting of an interest group.

13. RESOLUTIONS IN LIEU OF MEETING

- 13.1 A shareholders' resolution in lieu of meeting authorised by section 122 of the Act may consist of several documents in like form, each signed by one or more shareholders. Facsimile or scanned and emailed copies of any such signed resolution is as valid and effectual as the original signed document with effect from completion of its transmission.

14. OTHER PROCEEDINGS

- 14.1 Except as provided in this Schedule, and subject to the constitution of the Company, a meeting of shareholders may regulate its own procedure.

20
SCHEDULE 2

PROCEEDINGS OF THE BOARD

1. CHAIRPERSON

Election of chairperson

- 1.1 The shareholders may appoint, but in the event of their not doing so, the directors may elect one of their number as chairperson of the Board.

Terms of office

- 1.2 The director elected as chairperson holds that office until he or she dies or resigns or the directors (or shareholders under subclause 1.1 of this Schedule 2) elect a chairperson in his or her place.

Election of chairperson for particular meetings

- 1.3 If no chairperson is elected, or if at a meeting of the Board the chairperson is not present within 5 minutes after the time appointed for the commencement of the meeting, the directors present may choose one of their number to be chairperson of the meeting.

2. NOTICE OF MEETING

Convening meetings

- 2.1 A director or, if requested by a director to do so, an employee of the Company may convene a meeting of the Board by giving notice in accordance with this clause.

Period of notice

- 2.2 Not less than 2 working days notice of a meeting of the Board must be given to every director who is in New Zealand, and the notice must include the date, time and place of the meeting and the matters to be discussed.

Irregularity in notice

- 2.3 An irregularity in the giving of notice of the meeting is waived if all directors attend the meeting without protest as to the irregularity or if all directors entitled to receive notice of the meeting attend the meeting without protest as to the irregularity or agree (whether before, during or after the meeting) to the waiver.

Means of giving notice

- 2.4 Notice of a meeting may be given by any means, including in person, by telephone or email. Notice will be deemed to have been given as determined by clause 14 of this constitution, Provided that notice given by oral communication will be deemed to have been given at the time of notification.

3. METHOD OF HOLDING MEETINGS

3.1 A meeting of the Board may be held either:

- a. by a number of directors sufficient to form a quorum being assembled together at the place, date and time appointed for the meeting; or
- b. by means of audio, or audio and visual, communication by which all the directors participating in the meeting and constituting a quorum can simultaneously hear each other throughout the meeting.

4. QUORUM

Number constituting quorum

4.1 A quorum for a meeting of the Board is a majority of the directors.

No business without quorum

4.2 No business may be transacted at a meeting of directors if a quorum is not present.

Alternate director may be included

4.3 In accordance with clause 10.5 of this constitution an alternate director present at a meeting may be included for the purpose of establishing a quorum.

5. VOTING

Number of votes

5.1 Every director has one vote.

Chairperson does not have casting vote

5.2 The chairperson does not have a casting vote.

Majority

5.3 A resolution of the Board is passed if it is agreed to by all directors present without dissent or if a majority of the votes cast on it are in favour of it.

Presumption as to voting

5.4 A director present at a meeting of the Board is presumed to have agreed to, and to have voted in favour of a resolution of the Board, unless he or she expressly dissents from, or votes against the resolution at the meeting.

Alternate director may vote

5.5 An alternate director may attend and vote at meetings of the Board in accordance with and subject to clause 10.5a of this constitution if the director that has appointed the alternate director is absent from the meeting.

6. MINUTES

- 6.1 The Board must ensure minutes are kept of all proceedings at meetings of the Board.

7. RESOLUTIONS

Written resolution

- 7.1 A resolution in writing, signed or assented to by a majority of directors then entitled to receive notice of a Board meeting, is as valid and effective as if it had been passed at a meeting of the Board duly convened and held.

Forms of resolution

- 7.2 Any such resolution may consist of several documents (including facsimiles or scanned and emailed copies or other similar means of communication) in like form each signed or assented to by one or more directors.

Resolution to be kept in minute book

- 7.3 A copy of any such resolution must be entered in the minute book of Board proceedings.

Copy of resolution to be sent to directors not signing or assenting

- 7.4 The Company must, within 5 working days after any resolution is passed in accordance with this subclause 7, send a copy of the resolution to each director who has not signed or assented to the resolution.

8. NO NOTICE TO DIRECTORS OUTSIDE NEW ZEALAND

- 8.1 It is not necessary to give notice of a meeting of the Board to any director for the time being absent from New Zealand but if a director is resident outside New Zealand, or to the knowledge of the Company is temporarily absent from New Zealand and the director has appointed an alternate director under the provisions of this constitution, notice must (subject to clause 10.5b of this constitution) be given to the alternate director.

9. CONTINUING DIRECTORS

- 9.1 The continuing directors will continue to comprise the Board notwithstanding any vacancy in the number of directors but if their number is reduced below the number fixed by or pursuant to this constitution as the minimum number of directors, the continuing directors will comprise the Board only for the purpose of increasing the number of directors to the minimum number or for summoning a special meeting of the Company.

10. OTHER PROCEEDINGS

- 10.1 Except as provided in this Schedule the Board may regulate its own procedure.

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Group Manager: District Assets

WHATAROA CEMETERY TRUSTEES – REIMBURSEMENT REQUEST **(Risk Reference ID: 55)**

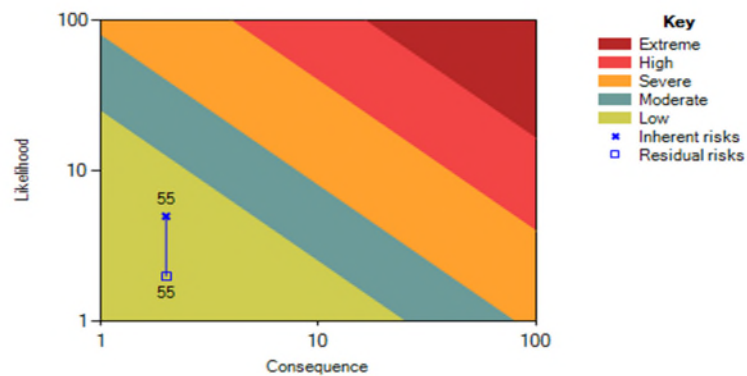
This report is presented again on the agenda at the request of Council. The report was first tabled on 28 July 2016 Council meeting. The Council at that time resolved THAT:

- (a) Council approves to reimburse Cyclone Ita clean-up costs incurred by Whataroa Cemetery Trustees in 2014 to the value of \$2,475.00 (excl. GST) and this will be a variance against the Cemetery Budget for the year ended 30 June 2017.*
- (b) Council direct management to investigate rating options, including community rates and management agreements for the management of community-managed cemeteries, and reports back to the Council as part of the preparation of the 2017-2018 Draft Annual Plan.*

The version of this report is revised on Option 3, which in previous report suggested to reimburse Cyclone Ita clean-up costs. That has since happened as per the resolution above.

1 SUMMARY

- 1.1 The purpose of this report is to consider a maintenance costs reimbursement request from Whataroa Cemetery Trustees for Whataroa Cemetery.
- 1.2 This issue arises as a result of a request received from Whataroa Cemetery Trustees for reimbursement of costs for maintaining Whataroa Cemetery for the period March 2012 – March 2016.
- 1.3 The assessment for the risk associated with issue as per Council Risk Management Policy is:



- 1.4 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.5 This report concludes by recommending that Council considers including annual maintenance grants for community managed cemeteries in Westland in the 2017/18 Annual Plan.

2.0 BACKGROUND

- 2.1 Council owns several cemeteries in Westland District. Some of these cemeteries are managed by Council, and others are managed by local communities.
- 2.2 The table below summaries the current status of the known cemeteries in Westland.

Cemetery	Status (Open/Close)	Managed by:
Kumara	Open	Council
Stafford	Closure process underway	Community
Hokitika	Open	Council
Ross	Open	Council
Harihari	Open	Community
Whataroa	Open	Community
Okarito	Closed	Community
Fox Glacier	Open	Community

Karangarua (South of Fox Glacier)	Open	Community
Haast – Okuru	Open	Community

Table 1: Current known status of the Cemeteries in Westland

- 2.3 Until 2012/2013 Council had on an ad-hoc basis reimbursed maintenance costs for community managed cemeteries. There are no formal agreements in place to support this arrangement, and more recently no grants or allowances have been made for such costs.
- 2.4 In July 2016 Council received a request for reimbursement for maintenance costs from the Whataroa Cemetery Trustees. The request was to consider all costs from March 2012 to March 2016. No reimbursement had been made by Council to the Trustees since March 2012. Copies of the information submitted is attached in **Appendix 1** to this report.

3 RISK ANALYSIS (Staff Assessment for Inherent and Residual Risk)

	<i>Inherent</i>	<i>Residual</i>
<i>Risk Score</i>	<i>10/Low</i>	<i>4/Low</i>
Likelihood	5	2
	Unlikely	Rare
Consequence	2	2
Financial/Economical	Insignificant	Insignificant
Environment	No impact	No impact
Governance/Reputation/Image	Insignificant	Insignificant
Business Disruption	No impact	No impact
Legal Compliance	No impact	No impact
Built Assets/Operational Capability	No impact	No impact
Human Resources	No impact	No impact
Information Systems and Information Management	No impact	No impact

The risk has been associated at a low acceptable level and hence is mitigated as an acceptable form of risk. No further assessments of options have been undertaken. The matter is more operational.

4 CURRENT SITUATION

- 4.1 The request from the Whataroa Cemeteries Trustees (the Trustees) for reimbursement of historical maintenance costs totalled \$6,052.86

- 4.2 The Trustees also requested reimbursement for the clean-up costs associated with Cyclone Ita in 2014. Following resolution by Council this invoice for \$2,475.00 (excl GST) was paid.
- 4.3 The request for reimbursement presents a wider issue related to the management of cemeteries in Westland District.
- 4.4 As per Table 1 above, a large number of cemeteries are managed by local communities. Council staff have from time to time received requests for assistance with works at these cemeteries in some form. This includes financial requests and one-off maintenance requests.
- 4.5 Staff believe that Council has an opportunity to consider this matter in the context of the wider Westland Community and to consider making allowance in the next 2017/18 Annual Plan for the maintenance of community-managed cemeteries.
- 4.6 Drafting of the budget for 2017/18 commences in December 2016

5 OPTIONS

For the purpose of this report, staff are presenting brief options related to the matter, i.e. the reimbursement request from the Whataroa Cemeteries Trustees.

Council may choose to resolve now to include the maintenance allowance in the next Annual Plan (2017/18) or instruct staff to bring a detailed assessment report for maintenance and management of cemeteries in Westland at a later date for consideration.

- 5.1 **Option 1:** Council approves the reimbursement of historical maintenance costs requested by Whataroa Cemetery Trustees. This could be part or all of the requested amount.
- 5.2 **Option 2:** Do nothing
- 5.3 **Option 3:** Council considers an annual maintenance allowance for community managed cemeteries in 2017/18 Annual Plan.
- 5.4 Council could also consider a mixture of Option 1 and Option 3.

6 SIGNIFICANCE AND ENGAGEMENT

- 6.1 In accordance with Council policy on Significance and Engagement, the matter is considered to be of low significance for the following reasons:

Area of significance	Applies (yes or no?)
Does it involve a Council Strategic Asset?	Yes
Impacts Service levels/ rates, and or Debt?	No
Degree of impact on community/individual/groups?	Minor impact
Cultural impact?	No
High Degree of public interest?	Not evident
Reversible Decision?	Yes.

7 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 7.1 **Option 1:** Council approves the reimbursement of historical maintenance costs requested by Whataroa Cemetery Trustees.

This is **NOT** a preferred option.

Advantages of the option:

- a. The local community would be very happy and would have reserve monies in their account for future maintenance and needs of the cemetery.

Disadvantages of the option:

- a. This option would set a precedent with other local communities, and Council could expect similar requests coming in the future.
- b. The option does not present a balanced approach for management of the activity.
- c. Any approvals are un-budgeted and not allowed for in the current budgets.

- 7.2 **Option 2:** Do nothing.

This is **NOT** a preferred option.

Advantages of the option:

- a. There are no costs associated with this proposal.

Disadvantages of the option:

- a. Council will be perceived to take a hard-line approach.
- b. Does not present a solution in the wider context of management of cemeteries.
- c. Whataroa Cemetery Trustees could claim hardship and inability to maintain the cemetery in the long term.

7.3 **Option 3:** Council considers an annual maintenance allowance for community managed cemeteries in 2017/18 Annual Plan.

This is **THE PREFERRED** option.

Advantages of the option:

- a. Considering an allowance in future Annual Plans for future management of cemeteries presents a balanced approach for Council.
- b. The option is not biased towards any particular community; all other communities are being considered as well in the wider context. A precedent would be avoided along with an expectation for Council to consider any other retrospective claims.
- c. This option enables Council to engage with the entire community on an emotive subject.

Disadvantages of the option:

- a. Whataroa Trustees would still feel at a financial loss, having only received a partial reimbursement
- b. In accordance with Council's Revenue and Financing Policy any grants approved would be funded via an increase in the general rate.

8 PREFERRED OPTIONS AND REASONS

- 8.1 Option 3 is the preferred option.
- 8.2 The Trustees have already received some reimbursement in respect of the Cyclone Ita recovery costs.
- 8.3 Option 3 enables Council to take a holistic view of the delivery and funding of the cemeteries activity and to consult with the community at large.

9 RECOMMENDATIONS

- 9.1 **THAT** Council considers of the inclusion of grants for community managed cemeteries in the preparation of the 2017/18 Annual Plan.

Vivek Goel

Group Manager: District Assets

Appendix 1: Information and request from Whataroa Cemetery Trustees.

Your Ref CEM 4

Whataroa Cemetery Trustees,
% P. S. Northcroft,
106 Purcell Rd,
RD 1,
Whataroa 7886.

24 May 2016

Westland District Council,
Private Bag 704,
Hokitika.

Attention: V. Goel

Dear Sir,

WHATAROA CEMETERY FUNDING

Following on from a conversation I had with Gary Borg on Thursday 19th, the Whataroa Cemetery Trustees would like to make the following comments in support for funding for the Whataroa Cemetery.

- Since 2003 the Whataroa Cemetery Trustees have been applying to Council and receiving reimbursement for the maintenance costs of the Whataroa Cemetery (2003, 2008 and 2012).
- Although we do not have a written undertaking from Council for ongoing funding, we have been given verbal advise from Maureen Pugh (when Mayor) and Council staff to continue claiming costs.
- In the past Council have agreed that cemetery rates have been collected and the Whataroa Cemetery should be receiving funding for running costs.
- The Whataroa Cemetery serves the communities of Whataroa, Franz Josef and Okarito.
- According to the 2014/15 Draft Annual Plan under Leisure and Culture (page 15), there is Cemetery funding of \$112 361 which is stated as being 1.1% of the rate take.
- Although this Cemetery is not Council run, the Council are using rates to support cemeteries in the Westland District and therefore Whataroa should not be excluded.
- There is a huge amount of work done in the Cemetery by a few people to keep the grounds in their current state which is neither paid nor is funding being sort.
- Before the new Trustee's took over from the old Trustee's in 2003, it is our understanding that they received no reimbursement for all the work that was done voluntarily and that they struggled to maintain the Cemetery to a high standard.

- The present Trustees are now doing catch up work, like new paths, berms, fencing and mowing, repairing sunken graves plus damage to graves because of Cyclone Ita. The storm put our vision for the Cemetery behind by 5 years as we do most of the work ourselves to keep costs down.

This said, I firmly believe that the future funding for the Cemetery should be made readily available with the approval of the financial controller and should not have to go before the full Council to be approved as a Grant.

I trust that you will give due consideration to the above statements and find in favour of funding The Whataroa Cemetery as part of the Councils funding initiatives.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Phillip Northcroft', written over a horizontal line.

Phillip Northcroft
Secretary

Your Ref CEM 4

Whataroa Cemetery Trustees,
% P. S. Northcroft,
106 Purcell Rd,
RD 1,
Whataroa 7886.

23 May 2016

Westland District Council,
Private Bag 704,
Hokitika.

Attention : V. Goel

Dear Sir

WHATAROA CEMETERY MAINTENANCE REIMBURSEMENT

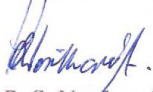
In line with previous years, we are seeking reimbursement for the running costs of the Whataroa Cemetery. The last reimbursement was to March 2012 and therefore we request payment of costs incurred from that date to 31 March 2016.

I have attached copies of those invoices which total \$6,052.83.

In addition to the above, we also have an outstanding invoice (\$2846.25) for work undertaken to clean up damage the cemetery in the wake of Cyclone Ita in 2014 which requires payment. As we currently do not have sufficient funds available, I would like to discuss with you how this can be dealt with.

If you require further information, please do not hesitate to contact me on ph 753 4150 or 0274 534 150, email at phil.northcroft@xtra.co.nz or atb the address above.

Yours faithfully



P. S. Northcroft
Secretary

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Chief Executive

2016-2019 WEST COAST TRIENNIAL AGREEMENT

1.0 SUMMARY

- 1.1 The purpose of this report is to adopt the 2016-19 West Coast Triennial Agreement.
- 1.2 This issue arises from [s.15](#) of the Local Government Act 2002 which requires all Councils to adopt a triennial agreement by 1 March after the local body election.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
 - (a)
- 1.4 This report concludes by recommending that Council adopts the 2016-19 West Coast Triennial Agreement.

2.0 BACKGROUND

- 2.1 The Local Government Act 2002 places certain requirements on Councils after the local body elections. Adopting a triennial agreement is one of these.
- 2.2 The document includes protocols for communication and co-ordination, and a statement of the process for consultation on proposals for new regional council activities.

3.0 CURRENT SITUATION

- 3.1 The West Coast Regional Council have made some minor changes to update the triennial agreement from 2013-2016 that reflects the current situation and

future focus. The changes are highlighted and a copy is attached as **Appendix 1**. A “clean” copy of the agreement with the changes accepted is attached as **Appendix 2**.

- 3.2 The main change between the 2013-16 triennial Agreement and this one is the removal of the section on the Regional Policy Statement (RPS) Review, as this work has now been undertaken. A clause on the work the Local Government Commission is doing in collaboration with the four West Coast Councils, and the Regional Growth Study have been added.
- 3.3 If Council adopts this Agreement, it will be the second of the four councils to do so. Buller District Council has adopted it already with Grey District and West Coast Regional Councils considering it in February 2017.

4.0 OPTIONS

- 4.1 **Option 1:** Adopt the triennial agreement as attached.
- 4.2 **Option 2:** Don’t adopt the agreement.
- 4.3 **Option 3:** Amend the agreement.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This matter is one of legislative compliance and as such is deemed to be of low significance.
- 5.2 Consultation and engagement with the community is not required for this decision.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 A Triennial Agreement **must** be adopted. It is a legislative imperative under the LGA.
- 6.2 Adopting the proposed Triennial Agreement provides a formal indication to the other West Coast councils that Westland District Council supports the regional co-operation signified by this document. This is a high level intention only and does not commit Council to anything more.
- 6.3 If Council chooses not to adopt the agreement, it would need to give a clear explanation to the other councils as to why it has decided not to.
- 6.4 If Council chooses to amend the agreement, the changes would need to be notified to the other councils and a process of discussion and negotiation with them would be required.

7.0 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is Option 1. This would ensure that Council meets the statutory deadline, and is ready to participate in discussions on regional issues.

8.0 RECOMMENDATION

- A) **THAT** Council adopts the 2016-19 West Coast Triennial Agreement attached as **Appendix 2**.

Tanya Winter
Chief Executive

Appendix 1: 2016-2019 West Coast Triennial Agreement with changes highlighted

Appendix 2: 2016-2019 West Coast Triennial Agreement with changes incorporated

2016 – 2019 West Coast Triennial Agreement

Our Purpose

This triennial agreement has been prepared in accordance with and to satisfy the requirements of s14,15 &16 of the Local Government Act 2002.

The parties to this agreement commit to working for the good governance of their towns, district or region by acting collaboratively and ensuring that issues in common are determined in a manner that is inclusive and avoids unnecessary duplication.

This agreement will ensure appropriate levels of consultation and co-ordination are maintained between the local authorities of this region, and between individual local authorities as might be notified.

The Agreement

The parties:

- Buller District Council
- Grey District Council
- Westland District Council
- West Coast Regional Council

agree to work in good faith together for the good governance of their localities and the region. As signatories to this agreement each local authority will ensure:

- Early notification to affected local authorities, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision making authority. ~~This specifically includes the further development of consultation policies and policies on significance;~~
- The application of a 'no surprises' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before key public announcements are made;
- The parties agree to refrain from expressing criticism of each other publicly, through the media or any other form. While it is accepted that disagreements will occur from time to time, it is preferable to deal with the issues by open discussion between the parties rather than via the media;
- Opportunities for involvement by affected local authorities in the development of policies or plans that have inter-jurisdictional or cross boundary implications, including the identification of outcomes and priorities;
- That where practicable processes for engaging with communities and agencies in order to identify community outcomes, and prioritise those outcomes, are undertaken jointly or in a collaborative manner which avoids unnecessary duplication; and
- Opportunities for other local authorities, whether party to this agreement or not, to work jointly on the development of strategies and plans for the achievement of identified outcomes and priorities.

Scope and Issues

The parties agree that, in addition to the general obligations under this agreement to consult, the local authorities will meet together to develop common approaches on the following issues identified as priorities for the region:

- Economic development;
- Emergency management and disaster recovery, including lifelines;
- Natural hazards;
- Shared services;
- Regional Transport planning and road safety;
- ~~Waste management;~~
- Supporting work on the regional growth study
- ~~Rural fire (this is an issue for the territorial authorities only).~~

A Commitment to Working Together Collaboratively

The parties agree to, through the regular Mayors' and Chair forum, work together collaboratively and cooperatively as a means to improve effectiveness and efficiency and to, in particular:

- Identify, deliver and fund facilities or services that benefit more than one district;
- Develop and implement joint governance arrangements and associated terms of reference;
- Maintain this commitment, and in the event of one of the parties taking a decision that is inconsistent with this commitment, such party shall advise the other parties of the inconsistent decision and the reasons for it.

This section reflects the new section 15 of the Local Government Act and all parties will, through the Mayors' and Chair forum, annually review their compliance with this provision.

The Councils will work through the outcomes of the Local Government Commission work into Planning and Roading, with a view to finding opportunities to benefit the rate payers of the West Coast.

Significant New Activities Proposed by the West Coast Regional Council

The parties agree that should the West Coast Regional Council or its Council Controlled Organisations wish to undertake a significant new activity or undertake an activity currently undertaken or proposed to be undertaken by one or more of the other parties, the West Coast Regional Council will consult with the other parties as required by s16 of the Local Government Act 2002.

Form

Consultation in relation to this agreement will take the following forms:

- A forum, of Mayors and the regional council Chairman, and their Chief Executive Officers will occur at least once every three months to review the performance of the agreement and discuss any other topical issues where a collaborative approach may add value;
- Meetings between staff as necessary to achieve communication and co-ordination on issues identified in the agreement.

Servicing

The parties agree that responsibility for servicing this agreement shall be shared, with responsibility passing from local authority to local authority following the triennial election. Servicing involves:

- Providing those secretarial services required; and
- Acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.

The West Coast Regional Council will be the local authority responsible for servicing this agreement from 2016 – 2019.

Delegations

The meeting will act as a collective and no member will have a delegation to act on behalf of the group unless specifically mandated to do so by the meeting on a case by case basis.. Submissions made on behalf of the collective will be on letterhead displaying the four logo's and where agreed, will be signed by the Mayors and WCRC Chairperson.

Regional Policy Statement (RPS) Review

The regional council became aware of clause 3A of the Resource Management Act (RMA) in November 2014. Clause 3A RMA specifically requires content in this Triennial Agreement – specifically an agreement on a consultation process with the district councils regarding any RPS review or change process. Although this triennial agreement was not reviewed to include this section prior to RPS consultation commencing, it now describes the consultation that occurred, retrospectively. This section was included in December 2014, prior to the RPS being formally notified for public submissions.

When the West Coast Regional Council commenced a review of its Regional Policy Statement it was made clear at the Mayors and Chairs forum that the regional council was committed to ensuring the views and interests of the three district councils in the region were thoroughly considered, particularly given the RMA now requires district plans to 'give effect to' policies within an RPS.

The Regional Policy Statement review commenced with a discussion document circulated in November 2013, and the district councils were all invited to comment on it. In December 2013 the Council held an economic summit and invited all elected members of the district councils to attend. At this summit the regional council Chairman again invited feedback on the RPS discussion document.

Following the discussion document feedback, the regional council then prepared a draft RPS for consultation, under clause 3 of the first schedule of the RMA. The regional council Chairman spoke about the draft RPS with all three district councils, at their ordinary meetings, in early 2014. Councillors were all asked to: "Please ensure that we are not proposing anything in the RPS that conflicts with direction of the District Council". Feedback has since been received by all three district councils and is currently being worked into the next version of the RPS, to be notified formally for public submissions in early 2015.

The Mayors of the three district councils all agree that the consultation process described above was fit for purpose and they also acknowledge they may make submissions and further submissions on the RPS when it is formally notified in 2015.

Agreement to Review

The parties agree to review the terms of this agreement within 4 (four) weeks of a request by one of the parties made in writing to the local authority delegated responsibility to service this Agreement.

Resolving Disagreement

In the event of a disagreement over the terms of this agreement the parties agree to refer the issue ~~of disagreement to arbitration for non-binding resolution. If no agreement on an arbitrator is forthcoming to~~ a mediator ~~will be~~ appointed by the ~~P~~resident of ~~Local Government New Zealand~~the Westland District Law Society.

Authority

This agreement is signed on this _____ day of _____ 2016, by the following on behalf of their respective authorities.

Council

Signature

Buller District Council

.....
Garry Howard
Mayor

Grey District Council

.....
Tony Kokshoorn
Mayor

Westland District Council

.....
~~Mike Havill~~Bruce Smith
Mayor

West Coast Regional Council

.....
Andrew Robb
Chairman

2016 – 2019 West Coast Triennial Agreement

Our Purpose

This triennial agreement has been prepared in accordance with and to satisfy the requirements of s14, 15 & 16 of the Local Government Act 2002.

The parties to this agreement commit to working for the good governance of their towns, district or region by acting collaboratively and ensuring that issues in common are determined in a manner that is inclusive and avoids unnecessary duplication.

This agreement will ensure appropriate levels of consultation and co-ordination are maintained between the local authorities of this region, and between individual local authorities as might be notified.

The Agreement

The parties:

- Buller District Council
- Grey District Council
- Westland District Council
- West Coast Regional Council

agree to work in good faith together for the good governance of their localities and the region. As signatories to this agreement each local authority will ensure:

- Early notification to affected local authorities, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision making authority;
- The application of a 'no surprises' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before key public announcements are made;
- The parties agree to refrain from expressing criticism of each other publicly, through the media or any other form. While it is accepted that disagreements will occur from time to time, it is preferable to deal with the issues by open discussion between the parties rather than via the media;
- Opportunities for involvement by affected local authorities in the development of policies or plans that have inter-jurisdictional or cross boundary implications, including the identification of outcomes and priorities;
- That where practicable processes for engaging with communities and agencies in order to identify community outcomes, and prioritise those outcomes, are undertaken jointly or in a collaborative manner which avoids unnecessary duplication; and
- Opportunities for other local authorities, whether party to this agreement or not, to work jointly on the development of strategies and plans for the achievement of identified outcomes and priorities.

Scope and Issues

The parties agree that, in addition to the general obligations under this agreement to consult, the local authorities will meet together to develop common approaches on the following issues identified as priorities for the region:

- Economic development;
- Emergency management and disaster recovery, including lifelines;
- Natural hazards;
- Shared services;
- Regional Transport planning and road safety;
- Waste management;
- Supporting work on the Regional Growth Study

A Commitment to Working Together Collaboratively

The parties agree to, through the regular Mayors' and Chair forum, work together collaboratively and cooperatively as a means to improve effectiveness and efficiency and to, in particular:

- Identify, deliver and fund facilities or services that benefit more than one district;
- Develop and implement joint governance arrangements and associated terms of reference;
- Maintain this commitment, and in the event of one of the parties taking a decision that is inconsistent with this commitment, such party shall advise the other parties of the inconsistent decision and the reasons for it.

This section reflects the new section 15 of the Local Government Act and all parties will, through the Mayors' and Chair forum, annually review their compliance with this provision.

The Councils will work through the outcomes of the Local Government Commission work into Planning and Roading, with a view to finding opportunities to benefit the rate payers of the West Coast.

Significant New Activities Proposed by the West Coast Regional Council

The parties agree that should the West Coast Regional Council or its Council Controlled Organisations wish to undertake a significant new activity or undertake an activity currently undertaken or proposed to be undertaken by one or more of the other parties, the West Coast Regional Council will consult with the other parties as required by s16 of the Local Government Act 2002.

Form

Consultation in relation to this agreement will take the following forms:

- A forum, of Mayors, Regional Council Chairman and Chairman of Development West Coast, and their Chief Executive Officers will occur at least once every three months to review the performance of the agreement and discuss any other topical issues where a collaborative approach may add value;
- Meetings between staff as necessary to achieve communication and co-ordination on issues identified in the agreement.

Servicing

The parties agree that responsibility for servicing this agreement shall be shared, with responsibility passing from local authority to local authority following the triennial election. Servicing involves:

- Providing those secretarial services required; and
- Acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.

The West Coast Regional Council will be the local authority responsible for servicing this agreement from 2016 – 2019.

Delegations

The meeting will act as a collective and no member will have a delegation to act on behalf of the group unless specifically mandated to do so by the meeting on a case by case basis. Submissions made on behalf of the collective will be on letterhead displaying the four logo's and where agreed, will be signed by the Mayors and WCRC Chairperson.

Agreement to Review

The parties agree to review the terms of this agreement within 4 (four) weeks of a request by one of the parties made in writing to the local authority delegated responsibility to service this Agreement.

Resolving Disagreement

In the event of a disagreement over the terms of this agreement the parties agree to refer the issue to a mediator appointed by the President of Local Government New Zealand.

Authority

This agreement is signed on this _____ day of _____ 2016, by the following on behalf of their respective authorities.

Council

Signature

Buller District Council

.....
Garry Howard
Mayor

Grey District Council

.....
Tony Kokshoorn
Mayor

Westland District Council

.....
Bruce Smith
Mayor

West Coast Regional Council

.....
Andrew Robb
Chairman

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Group Manager – District Assets

SUNSET POINT EROSION CONTROL – RETROSPECTIVE APPROVAL FOR UNBUDGETED EXPENDITURE

1 SUMMARY

- 1.1 The purpose of this report is to seek retrospective Council approval for the expenditure incurred to resolve the erosion issue at Sunset Point in Hokitika.
- 1.2 This issue arises as a result of a directive from the Council to commence the protection and remediation works around Sunset Point in Hokitika.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in September 2014, which will be set out in the next Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that:
 - 1.4.1 Council retrospectively approves the accepted quotation of \$187,458.96 (GST Excl.) plus contingencies (\$18,745 excl. GST) for the works, and
 - 1.4.2 Council approves a contingency of \$18,745 in addition to the above quotation, and
 - 1.4.3 Acknowledges that the above expenditure will reflect as an adverse variance in the current year (2016/17) financial reports.

2 BACKGROUND

- 2.4 Hokitika Sunset Point (Commonly referred to as “the Tip”) has been subject to extreme erosion over the last 8 months.

- 2.5 The Council in the previous triennium indicated that their intentions were to 'let nature take its course'. However, the new Council instructed the staff to investigate the options and seek quotes to undertake rock protection works to address the erosion problems.
- 2.6 Access to the area due to the erosion was restricted and is currently restricted, for public safety reasons.

3 CURRENT SITUATION

- 3.4 Quotes were requested from contractors experienced in undertaking these type of works. The procurement process, while undertaken quickly, was conducted in compliance with good practice and Council's current procurement policy.
- 3.5 A number of options were considered and a site meeting was called on 3 November 2016. Appendix 3 includes the details of the options considered and the response received from the contractors.
- 3.6 After receiving the quotes, staff undertook a preliminary investigation to assess the level of possible contamination due to historic deposition of waste around this site.
- 3.7 Following the investigations elected members instructed staff to proceed with their preferred option, which was to cart in rock armour to fill in the eroded areas around the "Tambo" and top of the "Tip".
- 3.8 The lowest quote received is as below:
 - 3.8.1 Quantity of rock : 6500 tonnes
Gravel: 2592 /m³
Lump Sum price: \$187,458.96 (Excl. GST)

Tonnage rate for extra rock if required: \$24.90 per tonne.
For Gravel: \$9.88/ m³
- 3.9 Further instructions were received on 17 November 2016 to proceed with the above option. The approval is attached in Appendix 2 of this report. Works are now nearing completion.

4 OPTIONS

- 4.4 OPTION: Retrospectively approve the unbudgeted expenditure, and the associated variance.

The works have already commenced at the instruction of Council. The approval is now considered administrative. Other options were evaluated at the time.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.4 In accordance with Council policy on significance and engagement the matter is deemed to be of moderate significance as this work was not budgeted for in the Long Term Plan 2015-25 or Annual Plan 2016-17, and there is considerable public interest related to the erosion matters at Sunset Point.
- 5.5 No formal engagement has been undertaken with any stakeholders. However regular information has been provided through social media – particularly the Mayor’s Facebook page.

6 ASSESSMENT OF OPTION (INCLUDING FINANCIAL IMPLICATIONS)

- 6.4 The work is in progress and the final costs will be known only after the completion. This is due to the contingencies for any unknown works.
- 6.5 The works are not budgeted and will be reflected as a variance in the current financial year 2016/17. Subject to cash flows this could translate into additional debt or a lower repayment; or the deferral of other projects.
- 6.6 The current works and the option to restore Sunset Point in this way is supported by the West Coast Regional Council (WCRC).
- 6.7 Council has a current resource consent from the WCRC to undertake rock armouring around this area.
- 6.8 A land use consent may be required from Council, which is being assessed. If required, it will be applied for retrospectively.

7 PREFERRED OPTIONS AND REASONS

- 7.1 Council has considered the options and works have commenced.

8 RECOMMENDATIONS

- 8.1 **THAT** Council retrospectively approves the accepted quotation of \$187,458.96 (GST Excl.) plus contingencies (\$18,745.00 excl. GST) for retrospective protection works undertaken at Sunset Point.
- 8.2 **THAT** Council acknowledges that the above expenditure will reflect as an adverse variance in the current year (2016/17) financial reports.

Vivek Goel.

Group Manager – District Assets

- Appendix 1: Email dated 9 November 2016 - CE request for approval to elected members
Appendix 2: Email dated 17 November 2016 – Mayor’s approval to proceed
Appendix 3: Email 4 November – Group Manager – District Assets – Recommendation and options.

Vivek Goel

From: Tanya Winter
Sent: Wednesday, 9 November 2016 4:37 p.m.
To: Cr David Carruthers; Cr Des Routhan; Cr Durham Havill; Cr Graeme Olson; Cr Gray Eatwell; Cr Helen Lash; Cr Jane Neale; Cr Latham Martin; Mayor Bruce Smith
Cc: Vivek Goel; Alistair McPhee; John Bainbridge
Subject: FW: Sunset Point - Direction forward and Approval for Test Trenches
Attachments: Sunset Point.pdf

Importance: High

Hi everyone

Please see the email below. Unless I hear anything to the contrary we plan on getting the digger and the WCRC on site down there tomorrow to start digging the trench. Sunset Point will be closed off to the public while this is being done, at the point where the thick black line on the attached map indicates.

Cheers,

Tanya

Tanya Winter
Chief Executive
Westland District Council

36 Weld Street, Private Bag 704, Hokitika 7842 | www.westlanddc.govt.nz
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From: Vivek Goel
Sent: Wednesday, 9 November 2016 4:02 p.m.
To: Tanya Winter
Cc: Alistair McPhee; John Bainbridge
Subject: Sunset Point - Direction forward and Approval for Test Trenches
Importance: High

Hi Tanya

Given the recent developments with WCRC – I along with my team (Alistair and John B) comment as below:

1. Immediate works:

Tomorrow morning (Subject to WCRC representatives available) we intend to undertake the test trench work to ascertain the extent of refuse and the quality of refuse which may be present. I am pleased that at least this direction is agreed to.

2. District Assets recommendation:

Obviously elected members are aware of the recent discussions John and Alistair had with Birchfields. Our recommendation still stands – What needs to be done is

a) Protect the immediate erosion around the Tambo. i.e. Option 2.

b) Once protected with imported rock – Stop access on the road at this point and rehabilitate the turnaround area at the tip. This will involve scraping off the top seal (Whatever is left) – backfill the trenches with gravel and hardfill, install diagonal drainage system(this well engineered option) or gradient needs to be allowed for. This is long term. May also involve some lifting. I strongly believe along with my staff that all this is possible to achieve within \$500k

Option 1 – may end up costing close to \$500k as well.

Anyways – Do we have the approval to proceed with Immediate works – i.e. test trenches in the presence of WCRC staff? Costs – unknown – Can be a range of \$2500 - \$3000 – Unbudgeted. Scope can vary depending on what we find.

Regards

Vivek Goel

Group Manager: District Assets
Westland District Council

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Vivek Goel

From: Bruce Smith <raycemanagement@xtra.co.nz>
Sent: Thursday, 17 November 2016 9:13 a.m.
To: Vivek Goel; Tanya Winter; Gary Borg
Cc: raycemanagement@xtra.co.nz; David Carruthers; Des Routhan; durham@aratuna.co.nz; Graham olson; Gray Eatwell; Helen Lash; Jane Neale; ljm154@uclive.ac.nz; Tanya Winter
Subject: Sunset point approval

Good Morning Vivek.

I have now had confirmation back from all Councillors except Jane and Gray supporting your recommendation B.

On this basis can you now urgently get Birchfield and the contractor to start work as soon as possible at Sunset point.

Regards
Bruce Smith
Westland Mayor
021-922860

Vivek Goel

From: Tanya Winter
Sent: Friday, 4 November 2016 6:57 p.m.
To: Cr David Carruthers; Cr Des Routhan; Cr Durham Havill; Cr Graeme Olson; Cr Gray Eatwell; Cr Helen Lash; Cr Jane Neale; Cr Latham Martin; Mayor Bruce Smith
Cc: Vivek Goel; Alistair McPhee; John Bainbridge
Subject: FW: Sunset Point - Erosion Matters
Attachments: 20161102_133307.jpg; 20161102_133926.jpg; 20161102_134156.jpg; 20161102_134205.jpg; 20161102_134305.jpg; 20161102_140032.jpg; 20161102_140325.jpg; Hokitika Beachfront - Amended Typical Cross Section - 15 July 2013.png; img-Y04140112-0001.pdf; img-Y04160856-0001.pdf

Importance: High

Good evening Mayor and Councillors

We have done a lot of work on Sunset Point since Council direction was provided on Monday. Please see the email below from Vivek that provides an update and a recommended course of action.

We are recommending Option 2 and the price of the preferred tender is below. There is already a Resource Consent in place from the Regional Council for this work. I will send a separate email with Regional Council advice on the options.

Because this is unbudgeted expenditure and I do not have a Council resolution for this work I need a response from all elected members. Council does not have an "emergency fund" therefore this work would be funded by debt. Council will need to include provision to repay this debt in the Annual Plan 2017-18. Since this is maintenance of a reserve, this would be typically paid for through the Hokitika Community Rate.

The options are:

1. You are happy for us to proceed with Option 2
2. You want us to investigate another course of action
3. You want us to put a halt on this until Council has had a chance to discuss it fully on 24 November.

Can I please have your response by **5pm Monday 7 November**. I will not be proceeding until I have heard from all elected members.

Thank you and have a great weekend.

Tanya

Tanya Winter

Chief Executive
Westland District Council

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Be green - read on the screen

From: Vivek Goel
Sent: Friday, 4 November 2016 4:42 p.m.
To: Tanya Winter
Cc: John Bainbridge; Alistair McPhee
Subject: Sunset Point - Erosion Matters
Importance: High

Hi Tanya

As per the instructions, Council staff yesterday met with potential contactors at Sunset point and a site briefing was undertaken. Contractors were briefed and asked to provide quotations by 12:00 P.M. today on 2 options:

Option 1 :-

To Retreat or cut off the end of the point and relocate the rock, back to fill in the erosion location to the east of the Tambo for approx. 108m

Option 2:

To import material and amour up and fill the erosion area.

Copies of the sketch plans provided to contractors are attached to this email. Prior to the site visits test pits were dug to ascertain if there is any evidence of historic deposition/landfill at the current site. Photos of the matter found are also attached.

The following contractors submitted quotes:

- MBD contracting
- WCL contracting
- Blakely Contracting
- Henry Adams Contracting

Blakely Contracting did not price Option 2.

At this stage – in discussions with my team and also WCRC – I cannot recommend going ahead with Option 1. This option while priced by all above has got tags associated with it. None of the contractors are willing to accept the responsibility with any refuse under the land. There are RMA issues, health and safety issues, risks of exposing a historic landfill site and we will need a separate resource consent. Also WDC will have to manage an unprotected portion of land in future with option 1 as it will leave the refuse exposed or on a minimum will have to be carted away – as getting consents to landfill again or backfill does not look like a possibility.

Option 2 is the recommended option. The quotes received on option 2 range from \$187,458.96 to \$211,190 (GST Excl) and the quantities of rock associated with it range from 2126 tonnes to 6500 tonnes. After analysis and taking into account the cost of extra rock if required above the quoted price including the backfill gravel, the best price is below:

Quantity of rock : 6500 tonnes
Gravel : 2592 m³
Lump Sum price: \$187,458.96 (Excl GST)

Plus approximately \$20,000 for the Geotextile fabric

Tonnage rate for extra rock if required: \$24.90 per tonne.
For Gravel : 9.88 m³

I recommend to proceed with **Option 2** – and get Council approval for the above expenditure – as unbudgeted works. It will be worth advising Council that at this stage these works are recommended as the risks of exposing the

refuse if the erosion continues are real, though manageable at this cost. Council may then later also decided how to remediate the area further if they wish to maintain the access beyond the TAMBO towards the end.

Regards
Vivek

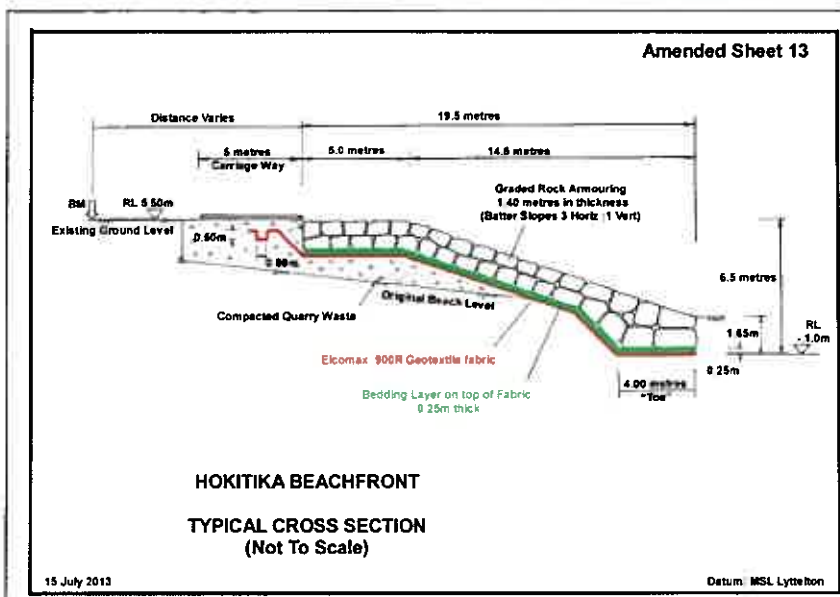
Vivek Goel

Group Manager: District Assets
Westland District Council

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“Westland – The Last Best Place”

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Be green - read on the screen



Scale 1:1000.

Sunset point 2015

Created By: Alister McPhee
Print Date: 27/11/2015
Print Time: 6:11 AM

WESTLAND



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Projection:
NZGD49 / New Zealand Map Grid
Bounds:
2247001 5446 1401 500055 21445072

Scale: 1:1000
Original Sheet Size A3

Sunset Mont - Hokitika



Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Chief Executive

2017 COUNCIL MEETING SCHEDULE

1 SUMMARY

- 1.1 The purpose of this report is to provide a listing of Council Meetings for 2017 for confirmation by Council.
- 1.2 This issue arises from the requirement to adopt a schedule of Council Meetings for 2017.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopt the meeting schedule attached as **Appendix 1**.

2 BACKGROUND

- 2.1 The Council has historically adopted meeting schedules for the following year at their December Council meeting. This is to ensure that elected members, staff and the community are provided with the dates in advance and can plan their diaries accordingly.

3 CURRENT SITUATION

- 3.1 Council meetings are currently held on the fourth Thursday of every month. Staff are not proposing to change this.
- 3.2 The Audit, Risk and Finance Committee, and also the Planning and Building Services Reform Committee have not yet adopted a work plan with

scheduled regular committee meetings, however Council has indicated its preference is that these Committees meet the same day as the Council.

3.3 A proposed timetable of meetings is attached as **Appendix 1**.

4 OPTIONS

4.1 **Option 1** - Adopt the meeting schedule.

4.2 **Option 2** – Amend the meeting schedule and adopt it.

4.3 **Option 3** - Do not adopt the meeting schedule.

5 SIGNIFICANCE AND CONSULTATION

5.1 Council meetings are legislatively required and part of the decision-making process of local government provided for in the Local Government Act 2002. When assessed against Council's Policy on Significance and Engagement however, this decision is administrative in nature and therefore of a low level of significance.

5.2 Council has agreed that all Council meetings be held in the Council Chambers, 36 Weld Street, Hokitika. The exception to this is the January Council Meeting as the Hokitika-Westland RSA have invited Council to hold their meeting at the new premises in Sewell Street, Hokitika.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 The advantages of holding meetings in the Council Chambers is that technology and staff are available and the cost to Council is negligible as there is no meeting room hire and most elected members live close to the Council building. There are still catering costs and travel costs for those elected members who meet the travel criteria.

6.2 The disadvantages of holding meetings in the Council Chambers is that people in remote communities are disadvantaged due to travelling distances, however Council has a portfolio system in place and this should alleviate any perceived disconnect with the communities.

7 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is that Council adopt the meeting schedule attached as **Appendix 1**. This will mean that all meetings for 2017 will be held in Hokitika.

8 RECOMMENDATION

- A) **THAT** the schedule of Council Meetings for 2017 attached as Appendix 1 be adopted.

Tanya Winter
Chief Executive

Appendix 1: Council Meetings 2017.

APPENDIX 1

COUNCIL MEETINGS 2017

Month	Meeting Date	
January	26	Hokitika-Westland RSA
February	23	Chambers
March	23	Chambers
April	27	Chambers
May	25	Chambers
June	22	Chambers
July	27	Chambers
August	24	Chambers
September	28	Chambers
October	26	Chambers
November	23	Chambers
December	14	Chambers

Public Holidays 2017

- Sunday 1 January or Tuesday 3 January - New Year's Day
- Monday 2 January - Day after New Year's Day
- Monday 6 February - Waitangi Day
- Friday 14 April - Good Friday
- Monday 17 April - Easter Monday
- Tuesday 25 April - ANZAC Day
- Monday 5 June - Queen's Birthday
- Monday 23 October - Labour Day
- Monday 25 December - Christmas Day
- Tuesday 26 December - Boxing Day

Anniversary Day 2017

- Westland Anniversary Day - Monday 4 December

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Project Manager: West Coast Wilderness Trail

WEST COAST WILDERNESS TRAIL – PROJECT UPDATE

1.0 SUMMARY

- 1.1 The purpose of this report is to provide an update to Council on the West Coast Wilderness Trail (WCWT) project.
- 1.2 This report arises from the obligation to keep Council fully informed on the progress of the project. In particular it aims to provide Council with reassurance that the adopted Project Completion Plan and project management framework is in place for the remaining milestones that require completion in order for it to be declared officially open.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receives the report.

2.0 BACKGROUND

- 2.1 A report was submitted to council in September 2016 providing an update status on the outstanding cycleway activities required to be actioned for completion by mid-August 2017. This included five (5) projects identified by MBIE that need to be actioned. Four (4) of those projects requiring action relate directly to the trail being on State Highway 6 and the need for a safer trail alignment.
- 2.2 Monthly report updates will continue to be provided to council for the period of the Project Completion Plan which is to be delivered by August 2017, and the trail will then be capable of achieving 'Great Ride' status.

- 2.3 The Nga Haerenga (the journeys) Great Rides currently consists of 22 trails throughout New Zealand covering 2,600km. In addition to the 'Great Rides' there are also 2,600km of 'Heartland Rides', a vision to link the trails with the support of NZ Cycle Trail Inc (NZCT) and NZ Transport Agency (NZTA).

3.0 CURRENT SITUATION

Project Completion Plan

- 3.1 Item 1 Taramakau. Meetings with NZTA have been very productive and agreement reached on the construction process for the bushland section as Stage 1 and the Boardwalk as Stage 2. Final details of the physical work process are being negotiated between the contractor and NZTA, with almost all major physical works costs being borne by NZTA and their bridge management team. It is anticipated that the bushland section will commence before 16th December, subject to NZTA signoff.
- 3.2 Item 2 Hokitika-Kaniere Tramway. A Land Use consent has been lodged with council and all adjoining land-owners have provided written support of the cycleway construction. Further documentation is required to be lodged with Heritage NZ which is expected to cause some delay on the start date of this project. A contract document is currently being prepared for the major physical works and will be advertised for tender by 16th December.
- 3.3 Item 3 Golf Links Road. This short trail section on State Highway 6 has been identified by NZTA as a project they will now undertake and fund. There is still final agreement between parties to be reached about who will carry out the physical works. The design criteria has also yet to be agreed but will be actioned in early 2017.
- 3.4 Item 4 Mahinapua. The preferred off-road trail alignment has been given full support by Ngai Tahu and a draft easement agreement submitted. Another affected land owner has shown major support and the new trail alignment has recently been revised to accommodate their requirements. This trail will require significant volunteer input to keep the budget allocation at a realistic level. Further input from DoC and Fish & Game is also required.
- 3.5 Item 5 Ruatapu. There has been no progress on this trail section due to project prioritisation. This section may be affected by a major proposal in conjunction with DoC to have an off-road lake alignment that would bypass the need for a significant portion of on-road construction.

Financial

- 3.6 There has been minimal capital expenditure on the West Coast Wilderness Trail in recent months.

- 3.7 An internal finance and risk audit process has been implemented consisting of the Chief Executive, Group Manager: Corporate Services and Project Manager.

General

- 3.8 A community group has constructed and installed a new Ganger Shed on the Ross trail section at Camp Creek (see **Appendix 1**). Another Ganger Shed is to be installed at Papakamai in the near future.
- 3.9 The first of five Trail Shelters has been constructed and installed at Kawhaka weir with the permission of the land owner Trustpower (see **Appendix 1**). Another shelter will be constructed in the next fortnight for installation before the Christmas break.
- 3.10 Recent meetings with Mawhera and Trustpower have shown good faith between all parties for land access and agreement arrangements that require updating or synchronising.
- 3.11 Land access registration of easement over Cowboy Paradise has been formalised.

4.0 OPTIONS

- 4.1 The options available to Council are that Council can choose to receive this report or not receive it.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This matter is of low significance as it merely provides Council with an update on progress on a project that is already approved and funded.
- 5.2 Engagement and consultation is not required.

6.0 RECOMMENDATION

- 6.1 **THAT** Council receives this report.

David Inwood

Project Manager: West Coast Wilderness Trail

Appendix 1: Photos of new trail shelters



New Camp Creek (Ross) Ganger Shed



New Trail Shelter (1 of 5 to be erected)

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Group Manager – District Assets

ROAD STOPPING, 244 UPPER KOKATAHI ROAD, KOKATAHI

1 SUMMARY

- 1.1 The purpose of this report is to seek Council approval to proceed with a Road Stopping process for a section of legal road in front of 244 Upper Kokatahi Road, Kokatahi defined as Section 1 on SO 499076.
- 1.2 This issue arises as a result of a road stopping application made by the owners of 244 Upper Kokatahi Road.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by the Council in September 2014, which will be set out in the next Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that:
 - 1.4.1 The portion of road identified as Section 1 on SO 499076 on the attached plan appendix 1 be stopped and a road stopping process be approved to commence in accordance with Section 342 of the Local Government Act 1974, and
 - 1.4.2 The stopped section be sold to the owners of 244, Upper Kokatahi Road at market value.

2 BACKGROUND

- 2.1 The dwellings on 244 Upper Kokatahi Road were constructed in the 1970s.
- 2.2 The legal access to this parcel of land is from Upper Kokatahi Road.

- 2.3 The plan attached in appendix 1 shows part of the dwelling, a farm shed, a small garage, driveway, septic tank and fencing located on unformed legal road.

3 CURRENT SITUATION

- 3.1 The current owner wishes to sell the property and needs to resolve the occupation of legal road with respect to the current dwellings.
- 3.2 A road stopping application has been received to resolve the situation and is attached in appendix 2 to this report.

4 OPTIONS

- 4.1 Option 1: Status quo / Do Nothing
- 4.2 Option 2: The occupation on the legal road be removed/demolished
- 4.3 Option 3: Stop the occupied portion of the road and sell to the occupier at market value.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 In accordance with Council policy on significance and engagement the matter is deemed to be of low significance, however the roads are classified a strategic assets and consultation is required under Section 342, Local Government Amendment Act 1978.
- 5.2 No other consultation has taken place on the matter.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: Status quo / Do Nothing

This option is NOT RECOMMENDED.

The option does not provide a solution to the occupation of legal road issue. The current occupier of the legal road, may not be able to sell the dwellings, as the occupation is classified as not legal.

- 6.2 Option 2: The occupation on the legal road be removed/demolished

This option is NOT RECOMMENDED.

The option presents considerable expense to Council. The demolitions or removals will have to be undertaken at Council's expense and considerable expenditure can be foreseen in terms of legal costs.

Also this option, does not represent goodwill with the current owners. The current occupation of the road does present any threat to the road users.

- 6.3 Option 3: Stop the occupied portion of the road and sell to the occupier at market value.

This option is the RECOMMENDED option.

The road is currently wide enough and stopping the section leaves adequate width for the legal road to be formed to provide access to adjacent land if this is ever required in the future.

The stopped section if proposed to be sold to the occupiers at market value.

The land owner will be able to market their property with correct legal description and status.

7 PREFERRED OPTIONS AND REASONS

7.1 Option 3 is the preferred option.

7.2 The option presents a manageable resolution to formalise a historic occupation of the legal road.

8 RECOMMENDATION(S)

8.1 **THAT** Council approves the application to stop the road as identified in Appendix 2

8.2. **THAT** The portion of road identified as Section 1 on SO 499076 on the attached plan appendix 1 be stopped and a road stopping process be approved to commence in accordance with Section 342 of the Local Government Act 1974, and

8.3 **THAT** The stopped section be sold to the owners of 244, Upper Kokatahi Road at market value.

Vivek Goel

Group Manager – District Assets

Appendix 1, Plan.

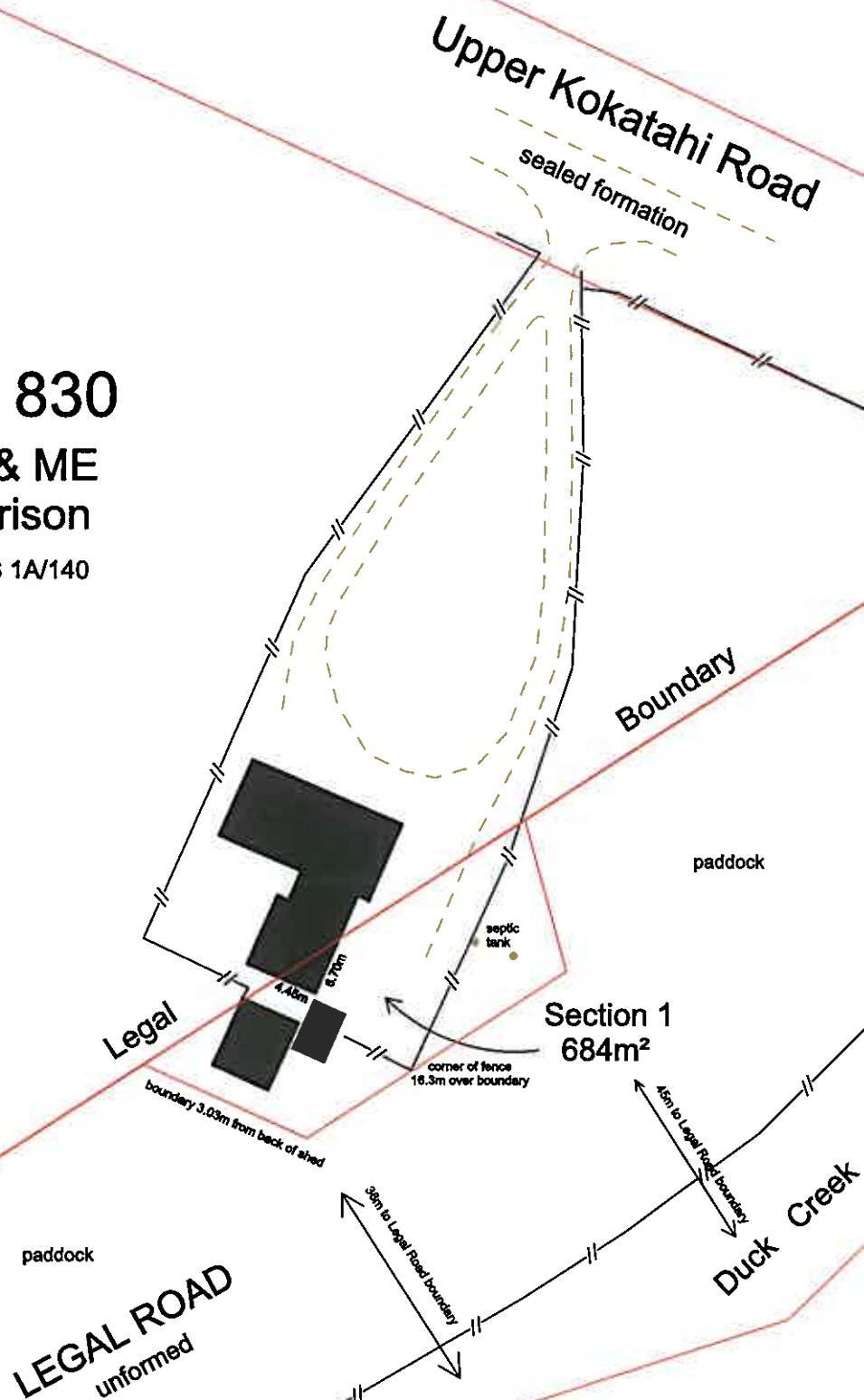
Appendix 2, Coastwide Surveys, Application

Appendix 3, Quotable Land Value, Valuation.

RS 830

JM & ME
Morrison

CT WS 1A/140



Scale 1:750 @A4

Survey and Plan by:

Coastwide Surveys Ltd

P O Box 194

Hokitika

ph 03 756 8305

coastwide@minidata.co.nz



COASTWIDE SURVEYS LTD

LAND SURVEYORS

Your Ref:

Our Ref:

1140

4 August, 2016



Ground Floor, Como House
51 Tancred Street
PO Box 194
Hokitika, New Zealand
Phone (03) 756 8305
Fax (03) 756 8302
email: coastwide@minidata.co.nz

David Inwood
Manager Operations
Westland District Council
Private Bag 704
HOKITIKA

Dear Sir

APPLICATION FOR ROAD STOPPING: James Morrison at 244 Upper Kokatahi Road

Please find enclosed a Legalisation plan SO 499076, a Schedule of Areas, a copy of the certificate of title for RS 830, and a diagram plan showing the occupation on RS 830, Section 1 and the Legal Road.

James and Marion Morrison own RS 830, at 244 Upper Kokatahi Road. The house on RS 830 extends over the boundary onto the unformed Legal Road along the bank of Duck Creek. There are also 2 sheds that are fully on the road reserve, as well as the septic tank and soakhole. The extent of occupation on the Legal Road is shown on the enclosed diagram.

James and Marion have asked us to make an application to the Council for the portion of road reserve that he is occupying to be stopped under Schedule 10 of the Local Government Act 1974. The portion of road proposed to be stopped has been surveyed and defined as Section 1 on SO 499076.

Current Occupation

The house and sheds were constructed in the 1970s and have been continually occupied since this time. The landowner also occupies most of the Legal Road for grazing, to a fence near the bank of Duck Creek.

Current formation

The Legal Road is not formed, and has never been formed. The proposed section of Road to be stopped is more than 60 metres from Upper Kokatahi Road.

Proposed Boundaries

The proposed south-western boundary is 3m from the back of the shed, this complies with the yard requirements in the rural zone. The proposed south-eastern and north-eastern boundaries have been defined to include the fenced area around the house, and to be more than 2 metres clear from the existing septic tank and soakhole.

The legal width of the Legal Road is more than 50 metres in this vicinity, so there will still be a 36 metre wide corridor at its narrowest point. This is more than adequate to accommodate a sealed minor rural road in accordance with the Westland District Council's Code of Practice for Engineering Works if a road was ever required in the future.

Zoning

As the underlying road is zoned rural, if the road stopping is successful, the stopped road will be zoned rural. The proposed section is 684 m². As the house crosses the boundary between RS 830 and Section 1, it is proposed that Section 1 be amalgamated with the title to RS 830.

The road stopping application will not change the land use on the site.

Services

There are no existing Council services within the proposed boundaries.

The house has roof-water collection and storage tanks for water use, and a septic tank effluent disposal system that is contained within the proposed section.

Access

The house on RS 830 has existing access to Upper Kokatahi Road. The Legal Road provides one of two legal accesses to Lot 1 DP 1888, which currently accesses through an adjoining property. The proposed road stopping leaves adequate width for the Legal Road to be formed to provide access to Lot 1 DP 1888 if this is ever required in the future. The proposed road stopping does not affect walking access along the bank of Duck Creek.

Consultation

The proposal has been submitted to the New Zealand Walking Access Commission, an email confirming that they have no issues with the proposal is attached.

Please contact me if you require any further information.

Yours faithfully



Lynda Watson
Licensed Cadastral Surveyor



Quotable Value Limited
www.qv.co.nz

244 Upper Kokatahi Road
Kokatahi

MARKET VALUATION
For
James Morrison and Westland District Council



Como House, Level 1
51 Tancred Street
Hokitika

PO Box 109
Hokitika 7842

Phone: 03 755 8685
Fax: 03 341 1635
Email: Hokitika@qv.co.nz



Our Ref: 25760/41700 (585779)

1 December 2016

Westland District Council
PO Box 22
HOKITIKA

James Morrison
25 Lake Kaniere Road
Hokitika

Attention: Peter Oliver

VALUATION

Instruction details

Property address: 244 Upper Kokatahi Road
Kokatahi

Inspection: A property inspection was completed on 21 November 2016.

Purpose of valuation: Area of reserve to be added to adjoining title.

Instructed by: Peter Oliver of Westland District Council

Other instructions: Land value on the basis of proposed subdivision and addition to adjoining title.

Valuation as at 21 November 2016

The property valued comprises 684 m² of unformed legal road which is partly occupied by the adjoining property which has been surveyed and is to be purchased by the adjoining owner. The land is part of a larger area which has been utilised as part of the adjoining lifestyle holding for many years.

Based on sales evidence detailed within this report, together with our knowledge of this locality, we consider the market value of the subject property, as unencumbered by any mortgage or charge, to be as follows:

Land value	\$	3,500
Value of improvements	\$	0
Market value	\$	3,500

This valuation is inclusive of Goods and Services Tax, if any. This valuation is subject to the attached valuation conditions. The valuer has no financial interest or otherwise in the property and no relationship with the vendors, purchasers or agents.

The valuation is based on the accepted 'before and after' methodology which considers the effect on the value of the property as a result of the change in land area.

Market evidence

In order to establish the market value for the subject property we have, in accordance with normal valuation practice, considered and analysed a number of sales.

The method of valuation used is usually referred to as the direct comparison approach. This approach involves the analysis of sales and making comparisons with the subject property after allowance for differences such as location, dwelling size, quality, views, other buildings, layout, other improvements, building platform, land size, contour and special features.

A selection of the sales considered is summarised as follows:

Address	Sale date	Gross price
Blue Spur Rd, Blue Spur	Oct 2016	\$125,000
Milltown Rd, Lake Kaniere	Aug 2016	\$69,000
Pine Tree Rd, Kaniere	May 2016	\$175,000
Blue Spur Rd, Blue Spur	Apr 2016	\$20,000
80 Seddon Tce Rd, Rimu	Apr 2016	\$80,000

Full details of these sales including photographs are included in the Sales Evidence section.

Comments on subject property and sales

The proposal is to add an area of 684 m² from the adjoining unformed legal road onto the adjoining property currently owned by James and Marion Morrison. The land has very little utility except for use by the adjoining owners and could not be sold separately.

Throughout the Westland District demand for undeveloped lifestyle and residential land is low with potential purchasers discounting section values due to the costs involved in developing the land for building. The rural market has also been subdued with the low returns from dairy farming impacting on confidence. However there appears to be some confidence returning to the property market in general.

The valuation provided is based on the before and after method of valuation which assesses the added value of the additional land to the original property.

After considering current market conditions and analysis of recent sales the valuation of the property has been determined at **\$3,500** inclusive of GST if any.

All costs involved with this process will be the responsibility of the purchaser.

PROPERTY DESCRIPTION

Legal description – current situation – Morrison Title

Appellation	Rural Section 830
Computer register (Certificate of Title)	WS1A/140
Land area	3.2374 ha
Tenure	Fee Simple
Owner	James Murdoch Morrison and Marion Elizabeth Morrison

Please refer to the attached Certificate of Title for any interests noted.

The Certificate of Title appears free of any detrimental registrations or encumbrances that may affect value or negotiability.

Land description

The existing Morrison property is a slightly irregular shaped lifestyle holding of 3.2374 hectares with a frontage of 242 metres to the Upper Kokatahi Road. The width decreases to the rear boundary which is 128 metres in length.

The land is fully cleared and established in pasture and is used for farming purposes. An area of legal road separates the legal boundary from Duck Creek which is positioned on the western side and this area has been used as part of the property for many years. There is nearly one hectare of land between the creek and the property boundary.

The dwelling on the property is built close to the boundary and a farm shed, a small garage, part of the main garage and the driveway encroach over the boundary onto the road reserve.

A survey plan has been prepared with the proposal being to add 684 m² of the road reserve to the adjoining title. The area will include the buildings, driveway, some fencing and the septic tank.



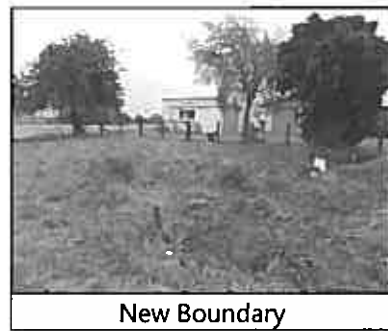
Driveway



Position of current boundary



New Boundary



New Boundary



Location

The subject property lies on the southern side of the Upper Kokatahi Road, one kilometres east of the Kokatahi Township.

Kokatahi is a small rural township, 17 kilometres south of Hokitika within a predominantly dairy farming area. There is a primary school, community hall, church and hotel within the township. Hokitika is the main service township for the area with secondary schooling, retail and community services.



Zoning

Operative plan

The property is zoned Rural under the Operative Westland District Resource Management Plan.

The plan states in the policy unit description. Performance standards ensure that in terms of environmental effects, including the effects of the location of activities, the impact on natural and physical resources within the zone is minimised. An increase in population in the rural area will have benefits for rural communities in terms of increased use of local services and facilities but must also be weighed against any impact on land use and the wider environment. Neither subdivision nor new dwellings are therefore permitted as of right and will be carefully considered.




Permitted Activities include (inter alia) any agricultural, existing residential, forestry below an altitude of 1000 metres (except clearance of indigenous vegetation as specified in section 5.6.2.1C of the plan) prospecting or recreational activity.

Subdivision to a minimum site area of 5000m² is a discretionary activity

The present rural/residential use is considered a permitted activity under the operative plan.

SALES EVIDENCE

A selection of the sales considered are detailed as follows:

No photo available	Blue Spur Rd, Blue Spur		
	Sale date	Oct 2016	A small lifestyle block fronting the Blue Spur Road which has buildings associated with the adjoining property encroaching. Purchased by the adjoining owner.
	Sale price	\$125,000	
	Floor area (m ²)	50	
	Land area (m ²)	7967	
No photo available	Milltown Rd, Lake Kaniere		
	Sale date	Aug 2016	An unserviced bush site off the Milltown Road near Lake Kaniere.
	Sale price	\$69,000	
	Floor area (m ²)	-	
	Land area (m ²)	7836	
 Photo date - 5 July 2016	Pine Tree Rd, Kaniere		
	Sale date	May 2016	Fronting Pine Tree Road this property has been planted to trees and sold post-harvest. Good potential but in undeveloped state.
	Sale price	\$175,000	
	Floor area (m ²)	-	
	Land area (m ²)	3.2780	
 Photo date - 8 January 2014	Blue Spur Rd, Blue Spur		
	Sale date	Apr 2016	A regular shaped parcel of Crown Land which was purchased by the adjoining owner. The land had potential for use on its own.
	Sale price	\$20,000	
	Floor area (m ²)	-	
	Land area (m ²)	2832	
 Photo date - 5 July 2016	80 Seddon Tce Rd, Rimu		
	Sale date	Apr 2016	A small lifestyle block near Rimu with a light bush cover. Potential building site.
	Sale price	\$80,000	
	Floor area (m ²)	-	
	Land area (m ²)	2.1367	

Note: Floor areas exclude garaging.



OTHER INFORMATION

Sales in the subject property's street

Address	Sale date	Sale price
139 Upper Kokatahi Road	09/09/2016	\$301,000
633 Upper Kokatahi Road	17/01/2015	\$285,000
23 Upper Kokatahi Road	17/06/2013	\$166,000
100 Upper Kokatahi Road	22/06/2012	\$220,000
0 Upper Kokatahi Road	08/12/2009	\$70,000

These sales are included to give a background to sales activity in the subject property's immediate location.

Recent sales history for subject in last 10 years:

Sale date	Sale price
20/10/2010	\$300,000

Sales held on the QV database as at the date of this report.

Rating valuation (as at 01/09/2014) Valuation reference 25760/41700

Capital value	\$285,000
Land value	\$143,000
Value of improvements	\$142,000

VALUATION CONDITIONS

Definition of market value

This valuation provides our assessment of the market value. Market Value is the estimated amount for which a property should exchange for on the date of the valuation between a willing buyer and a willing seller in an arms-length transaction where the parties had each acted knowledgeably, prudently and without compulsion.

This value may change in the future due to market conditions and changes to the state of the property.

Risk analysis

The risk analysis provided is our interpretation of market and property risks at the time of valuation.

- **Location risk** is based on the popularity of the suburb and impacting local features.
- **Title/Planning**, an assessment of risk is made based on any defects/detriments on the title and/or non-compliance with town planning requirements.
- **Condition** is an assessment made from an internal inspection.
- **Land site** considers risks associated with the physical characteristics of the land.
- **Saleability** reflects the property's saleability at the time of valuation based on property's characteristics, type and location.
- **Price stability** is a future prediction based on past performance of the location and property type, together with the economic outlook.

Structural survey

This report is not a building, environmental, geotechnical or boundary survey and no responsibility is taken for the omission of building or other defects which may not be apparent without such surveys including "Leaky Building Syndrome". All plumbing and wiring, fittings and devices are assumed to be in proper working condition unless stated otherwise, and to conform to current building codes and bylaws. Any heating installations, which do not conform to current codes and/or bylaws, have been valued accordingly.

Property services

In preparing this report and unless stated, services to the property have not been tested, and are assumed to be in proper working condition i.e. water supply, power, phone supply, wastewater and stormwater disposal systems and other services.

Land information memorandum

Our valuation is made on the basis that there is no outstanding requisition from the Local Authority in respect of the land or improvements and that the property complies with both the Building and Resource Managements Acts. Should this not prove to be the case we reserve the right to reconsider the assessed Current Market Value.



Information supplied by other parties

Where it is stated in the report that information has been supplied to us by another party, this information is believed to be reliable but we can accept no responsibility if this should prove not to be so. Where information is given without being attributed directly to another party, this information has been obtained by our search of records and examination of documents or by enquiry from Government or other appropriate departments.

Land survey

We have made no survey of the property and unless otherwise stated assume that all improvements lie within the title boundaries. No guarantee is given that the land is not subject to statutory rights not recorded on the relevant Computer Register and not apparent from normal inspection of the property. We assume no responsibility in connection with such foregoing matters.

Lease details

Where a property is leased, this report records the nature of the information supplied. That information has been accepted and relied upon at face value. It has been assumed that the information supplied is complete and accurate, and that the lease is fully enforceable.

Noxious substances/Contaminated sites

Substances such as asbestos, other chemicals, toxic waste or other potentially hazardous materials, could if present, adversely affect the value of the property. The stated value is based on the assumption that there is no material on or in the property that would cause loss in value. No responsibility is assumed for any such conditions and the recipient of this report is advised that the valuer is not qualified to detect such substances, quantify the impact, or estimate the remedial cost. No historical search of land use has been made.

Professional indemnity insurance

We certify that Quotable Value holds current professional negligence insurance for an amount not less than the subject valuation.

Purpose

This valuation has been completed for the specific purpose stated and is not to be used for any other purpose. No responsibility is accepted in the event that this report is used for any other purpose.

Third Parties

Our responsibility in connection to this valuation is limited solely to the client to whom the valuation is addressed. No other party may rely on this valuation.

Publication

Neither the whole nor any part of this valuation or any reference thereto may be included in any document, circular or statement without our approval of the form and context in which it will appear.



Compliance Statement (International Valuation Standards)

- The statements of fact presented in the report are correct to the best of Valuer's knowledge;
- the analyses and conclusions are limited only by the reported assumptions and conditions;
- the Valuer has no interest in the subject property;
- the Valuer's fee is not contingent upon any aspect of the report;
- the valuation was performed in accordance with an ethical code and performance standards;
- the Valuer has satisfied professional education requirements;
- the Valuer has experience in the location and category of the property being valued;
- the Valuer has made a personal inspection of the property; and
- no one, except those specified in the report, has provided professional assistance in preparing the report;

Thank you for the opportunity to provide valuation services. This report was carried out by David Shaw. David has been valuing since 1984, he has the qualifications and experience to carry out a valuation of this nature. This valuation report has been completed in accordance with the New Zealand Institute of Valuers (NZIV) and Property Institute of New Zealand (PINZ) Code of Ethics, and Valuation Standards.

Please do not hesitate to contact me should you require any further assistance or clarification.

Yours faithfully

QV Valuations

A handwritten signature in black ink, appearing to read 'David J Shaw'.

David J Shaw

REGISTERED VALUER

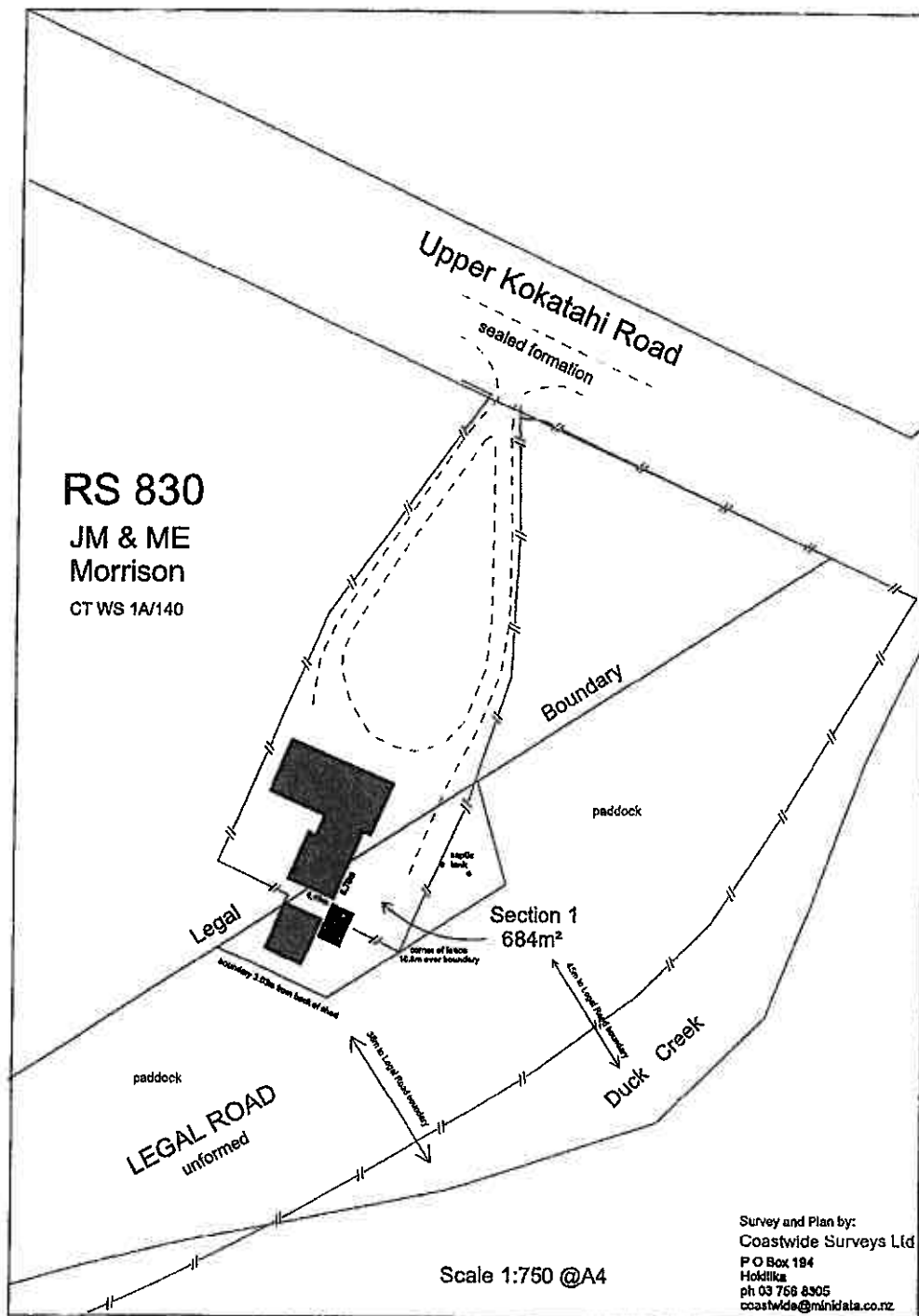
NZIV, MPINZ

Holding an Annual Practising Certificate

Appended

1. Survey Plan

2.. Copy of computer register





**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**

Search Copy



Identifier **WS1A/140**
Land Registration District **Westland**
Date Issued 27 November 1962

Prior References
WS47/210

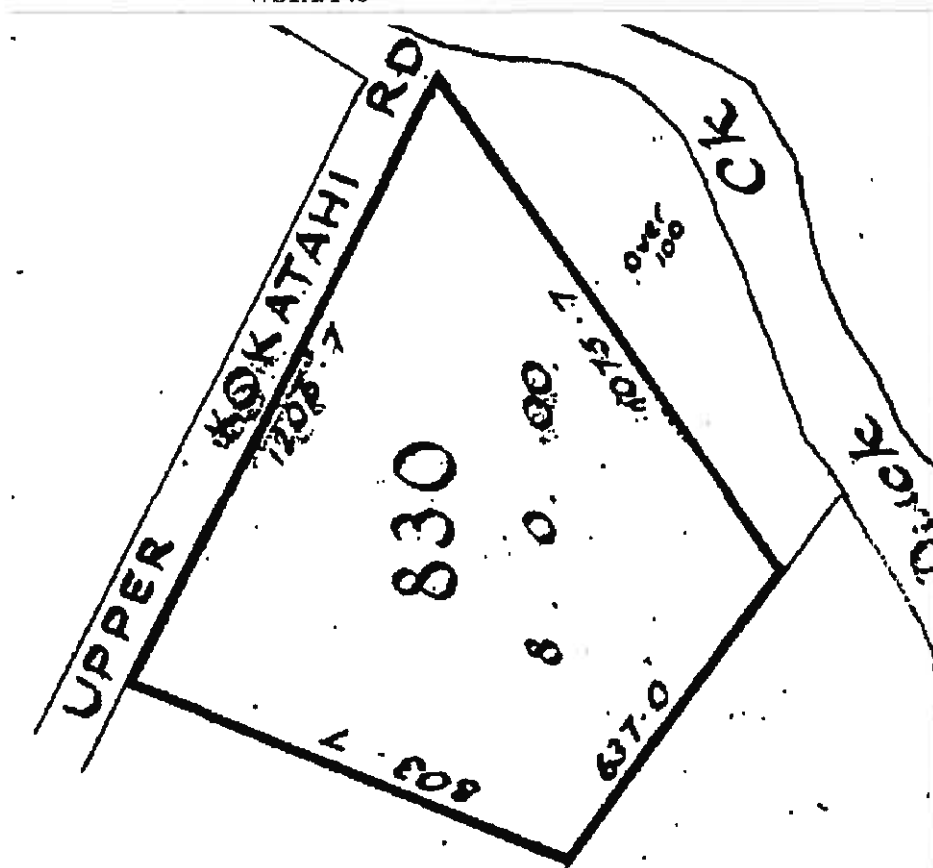
Estate	Fee Simple
Area	3.2375 hectares more or less
Legal Description	Rural Section 830

Proprietors
James Murdoch Morrison and Marion Elizabeth Morrison

Interests
Subject to Section 59 Land Act 1948
8628754.2 Mortgage to Bank of New Zealand - 5.11.2010 at 10:56 am

Identifier

WS1A/140



Transaction Id

Client Reference 244 Upper Kokatahi Rd

Search Copy Dated 30/11/16 10:22 am, Page 2 of 2

Register Only

Report



DATE: 15 December 2016

TO: Mayor and Councillors

FROM: Chief Executive

CONFIRMATION OF PORTFOLIOS, AND APPOINTMENTS TO COUNCIL COMMITTEES, CCOS AND OUTSIDE ORGANISATIONS

This report is a refresh of one that was included on the 24 November 2016 Council Agenda. Council subsequently deferred the report to the 15 December 2016 Council meeting.

1 SUMMARY

- 1.1 The purpose of this report is to confirm Council appointments to Committees, Council Controlled Organisations (CCOs) and outside organisations for the 2016-19 triennium.
- 1.2 This issue arises from either a legislative requirement to appoint elected members to a committee and CCO or requests from community organisations to have a Council representative liaison with their group.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council makes the appointments and confirms the liaison roles in **Appendix 1**.

2 BACKGROUND

- 2.1 Council's powers to establish committees and delegate powers comes from s.30(1)(a) of Schedule 7 of the Local Government Act 2002.
- 2.2 In the 2013-16 triennium Council had one standing committee which was the Executive Committee.

- 2.3 Council is party to a number of regional joint committees, and either by legislation or other agreements, has the power to appoint an elected member to these.
- 2.4 Appointments to the CCOs - Westland Holdings Ltd and Tourism West Coast - are outside the triennial appointment process.
- 2.5 There are a number of external organisations that request that Council make an appointment to or have a liaison with. These are not legislatively driven and it is at the sole discretion of Council as to whether a representative is appointed.

3 CURRENT SITUATION

- 3.1 At the inaugural Council meeting held on the 25 October 2016, Council discussed the proposed portfolio listings that had previously been circulated by the Mayor. This is attached as **Appendix 1**.
- 3.2 This report was brought to the 24 November 2016 Council meeting at Council's request was deferred to allow elected members more time to consider putting their names forward for the unfilled positions as highlighted in Appendix 1.
- 3.3 It is also worth noting that since the November meeting Deputy Mayor Lash and Councillor Eatwell have raised concerns that they were listed as the liaison for ALL community organisations. It was suggested by them that as the Southern Ward Councillors they take responsibility for liaison with those groups from Whataroa south, and that other Councillors are appointed as liaison for groups Ross north.
- 3.4 It is important to understand the difference between "making an appointment to" and "having a liaison role with." Appointments are usually legislatively or constitutionally driven. In the past Council has "made appointments to outside organisations", such as community associations. There is nothing in these organisations constitutions that requires Council to do this. For this reason, officers are recommending that the term "has a liaison role with" is used.
- 3.5 At this same meeting the Mayor used his powers under section 41A of the LGA and made the following appointments:
 - 3.3.1 Deputy Mayor – Councillor Latham Martin
 - 3.3.2 Deputy Mayor South – Councillor Helen Lash

- 3.6 The Terms of Reference for the Finance, Audit and Risk Committee and the Planning were adopted at the Ordinary Council Meeting on 24 November 2016.
- 3.7 The Terms of Reference for the Planning and Building Services Reform Committee will be presented at the Ordinary Council Meeting on 26 January 2017.

4 OPTIONS

- 4.1 There are two options available to Council for the appointments:
 - 4.1.1 Confirm the elected member representation on portfolios, committees, CCOs and outside organisations attached as **Appendix 1**.
 - 4.1.2 Amend the list.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This decision is administrative and therefore in accordance with Council's Policy on Significance it is deemed to be of low significance.
- 5.2 This matter is internal to Council and therefore consultation is not required.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 **Appendix 1** is a reflection of a discussion Council has already had. Confirming this list means that the Committees can start operating, and outside organisations can be notified as to who their Council liaison person is.
- 6.2 Amending the list of appointments at the meeting will have little impact. However, if Council wishes to do some significant work on the list, it may mean parts or all of this report is deferred to a future meeting, which will delay confirming appointments.
- 6.3 Elected members are able to claim mileage in accordance with Council's Allowances and Recovery of Expenses Policy, and within budget. The more meetings that are attended where mileage is claimed the higher the cost.

7 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is to confirm the list of appointments to portfolios, Committees, CCOs and liaison roles with outside organisations as recommended in **Appendix 1**. This will mean these organisations and Committees are able to commence their work.

8 RECOMMENDATIONS

- A) **THAT** Council confirms the recommendations for portfolios, appointments to Committees and CCOs, and liaison roles with outside organisations, and that **Appendix 1** is updated to reflect the appointments.
- B) **THAT** if required by the Remuneration Authority, Council develop Position Descriptions for the Portfolios for Elected Members in accordance with the requirements of the Remuneration Authority.
- C) **THAT** the terms of reference for the Planning and Building Services Committee be tabled at the 26 January 2017 Council Meeting.

Tanya Winter
Chief Executive

Appendix 1: Appointments to Portfolios, Committees, CCOs and Outside Organisations

COUNCIL PORTFOLIOS

Elected Member	Portfolio	Area of Responsibility
Mayor Bruce Smith		
	Economic Development	<ul style="list-style-type: none"> • Implementation of Government Findings • Small Business • Airport future direction • Tele communications • CCOs
	Advocacy	<ul style="list-style-type: none"> • Celebrate success promote Westland • Mining
	Events	<ul style="list-style-type: none"> • Wildfoods • New Events and attractions district wide
Deputy Mayor Latham Martin (Chair - Audit, Risk and Finance Committee)		
	Finance and Corporate Planning	<ul style="list-style-type: none"> • Annual Report • Budget • Audit • Risk • Annual Plan and LTP • Vision 2030/2050 • Consultation and engagement • Special consultative procedure • Significance and engagement
	Youth Development	<ul style="list-style-type: none"> • Youth issues • Youth Development Strategy • Education • Youth Council

Elected Member	Portfolio	Area of Responsibility
	Sport and Recreation	<ul style="list-style-type: none"> Swimming Pools Community Sports and Rec Complex Development West Coast Wilderness Trail
	Maori Development	<ul style="list-style-type: none"> Nga Tahu liaison and development
	Town Planning (Hokitika)	<ul style="list-style-type: none"> Urban design Reserves Heritage theme development Branding development Parks and Reserves (Hokitika)
Deputy Mayor Helen Lash (Chair - Planning and Building Services Reform Committee)		
	Emergency Management	<ul style="list-style-type: none"> Civil Defence Planning Community Response Plans
	Primary Industries	<ul style="list-style-type: none"> Forestry Dairy Sustainable logging Wind thrown logging
	Regulatory Reform	<ul style="list-style-type: none"> Planning and District Plan Review RMA functions Animal control Inspections & Compliance
	Town Planning (Franz Josef) Fox Glacier Community Development Society Franz Inc. Franz Josef / Waiau Community Forum Glacier Country Tourism Group Haast Promotions Group	<ul style="list-style-type: none"> Urban revitalisation planning and design Reserves

Elected Member	Portfolio	Area of Responsibility
	Harihari Community Association Kumara Residents Trust Ōkārito Community Association Ross Community Association Whataroa Community Association	
Cr David Carruthers		
	Arts, Culture and Heritage	<ul style="list-style-type: none"> • Arts Funding • Museum • Heritage Hokitika
	Environment	<ul style="list-style-type: none"> • Conservation • River Protection (WCRC)
	Review Panel	<ul style="list-style-type: none"> • Policy
Cr Jane Neale		
	Senior Citizens Development	<ul style="list-style-type: none"> • Pensioner Housing • Aged care • Retirement village 'Westland - a place to retire'
	Library	<ul style="list-style-type: none"> • District Library
	Safer Communities	<ul style="list-style-type: none"> • Safer Community Council • Health • Disability • Education
	Sport NZ Rural Travel Fund	<ul style="list-style-type: none"> • Allocation Committee Member
Cr Durham Havill		
	Economic Development	Joint with the Mayor

Elected Member	Portfolio	Area of Responsibility
	Three Waters	<ul style="list-style-type: none"> • Water Supply • Wastewater • Sewerage
	Transportation	<ul style="list-style-type: none"> • Land Transport • Roothing
Cr Gray Eatwell		
	Tourism	<ul style="list-style-type: none"> • Tourism West Coast • Enterprise Hokitika • Tourism Strategy • I-Site
	Advocacy	Joint with the Mayor
	Community Halls	<ul style="list-style-type: none"> • Funding and maintenance • Rationalisation or future planning • Community plans
	Community Development and Assistance Fox Glacier Community Development Society Franz Inc. Franz Josef / Waiau Community Forum Glacier Country Tourism Group Haast Promotions Group Harihari Community Association Kumara Residents Trust Ōkārito Community Association Ross Community Association	<ul style="list-style-type: none"> • Community and Voluntary Sector • Townships (The Development Fund & Improvement Projects)

Elected Member	Portfolio	Area of Responsibility
	Whataroa Community Association	
Cr Graeme Olson		
	Liquor Licensing	<ul style="list-style-type: none"> • Consents and hearings • Local Alcohol Policy Development
	Parks and Reserves	<ul style="list-style-type: none"> • Maintenance
	Property	<ul style="list-style-type: none"> • Earthquake prone buildings • Cemeteries • Land & Buildings • Public Toilets • Establishment of an Industrial zone and plan
Cr Des Routhan		
	Farming and Dairy	<ul style="list-style-type: none"> • Farming and Dairy Advocacy
	Solid Waste	<ul style="list-style-type: none"> • Waste Management • Education
	Stormwater Infrastructure	<ul style="list-style-type: none"> • Stormwater

APPOINTMENTS TO COUNCIL COMMITTEES AND CCOS

Name of Organisation	Appointment Recommendation
<p>Resource Management Hearings Commissioners</p> <p>Options are to:</p> <ul style="list-style-type: none"> -Train a couple of Councillors to hear resource consents - Engage independent commissioners for all consent hearings -Identify specified Councillors to sit with independent commissioners. 	<p>Recommendation:</p> <p>That Crs. XX, XX and XX are appointed to sit with independent Commissioners in Hearings.</p>
<p>Westland Wilderness Trust</p> <p>This is a CCO and is the governance body for the West Coast Wilderness Trail. As required in the constitution two Council reps are required for this Trust. Other trustees are:</p> <p>Francois Tumahai (Chairperson), Chairman, Te Rūnanga O Ngāti Waewae Cr XX Cr XX Chris Auchinvole JP Mark Davies, Department of Conservation Cr Anton Becker, Grey District Council Natalie Win, Chair, Mawhera Incorporation</p>	<p>Recommendation:</p> <p>That Crs. XX and XX are appointed to the Westland Wilderness Trust.</p>
<p>Alcohol Working Group</p> <p>This group is established by Council to work with staff to implement the requirements of the new Sale and Supply of Alcohol Act 2012.</p>	<p>Recommendation:</p> <p>That Crs. XX, XX and XX are appointed to the Alcohol Working Group.</p>
<p>West Coast Regional Transport Committee</p> <p>This Joint Committee is a Committee of Council that is required under section 105 of the Land Transport Management Act. Council is required to appoint one elected</p>	<p>Recommendation:</p> <p>That Cr Havill is appointed to the West Coast Regional Transport Committee.</p>

Name of Organisation	Appointment Recommendation
member as representative on this Committee.	
<p><u>Membership of Civil Defence Emergency Management Groups -</u></p> <p>West Coast Emergency Management Group</p> <p>Section 13 of the Civil Defence and Emergency Management Act 2002 states that “Each local authority that is a member of a Group with other local authorities must be represented on the Group by 1, and only 1, person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson.”</p>	<p>Recommendation:</p> <p>That Deputy Mayor Lash is appointed to the West Coast Emergency Management Group.</p>
<p>Hokitika Seawall Joint Committee</p> <p>This Joint Committee with the West Coast Regional Council is established to oversee the management of the Hokitika Seawall. Three elected members are required.</p>	<p>Recommendation:</p> <p>That Crs. XX, XX and XX are appointed to the Hokitika Seawall Joint Committee.</p>

LIAISON ROLES WITH COMMUNITY ORGANISATIONS

Organisation	Recommendation
Enterprise Hokitika	Recommendation: That Cr XX has a liaison role with Enterprise Hokitika.
Fox Glacier Community Association	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Fox Glacier Community Association.
Franz Inc.	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with Franz Inc.
Franz Josef/Waiau Community Forum	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Franz Josef/Waiau Community Forum.
Glacier Country Tourism Group	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Glacier Country Tourism Group.
Haast Promotions Group	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Haast Promotions Group.
Harihari Community Association	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Harihari Community Association.
Heritage Hokitika	Recommendation: That Cr Carruthers has a liaison role with Heritage Hokitika.

Organisation	Recommendation
Heritage West Coast	Recommendation: That Cr Carruthers has a liaison role with Heritage West Coast.
Kokatahi/Kowhitirangi Community Association	Recommendation: That Cr XX and Cr XX have a liaison role with the Kokatahi/Kowhitirangi Community Association.
Kumara Residents Association	Recommendation: That Cr XX and Cr XX have a liaison role with the Kumara Residents Association.
Ōkārito Community Association	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Ōkārito Community Association.
Ross Community Society	Recommendation: That Cr XX and Cr XX have a liaison role with the Ross Community Association.
Safe Community Coalition The Safe Community Coalition terms of reference do not stipulate membership, however elected members have attended meetings in the past.	Recommendation: That Cr Neale has a liaison role with the Safe Community Coalition.
Whataroa Community Association	Recommendation: That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Whataroa Community Association.

OTHER APPOINTMENTS

Group	Name
Creative Communities Local Assessment Committee	<ul style="list-style-type: none"> Deputy Mayor Lash
Development West Coast – Appointment Panel	<ul style="list-style-type: none"> Mayor Smith
District Licensing Committee Appointment of Deputy Chair	<ul style="list-style-type: none"> Cr Olson
Sport NZ Rural Travel Fund – Allocation Committee	<ul style="list-style-type: none"> Deputy Mayor Lash
Trustpower Community Awards – Judging Panel	<ul style="list-style-type: none"> Mayor Smith Deputy Mayor Martin Cr Eatwell
Tourism West Coast	<ul style="list-style-type: none"> Melissa Alexander (appointed on 1 May 2016 for a term of 3 years)