



ORDINARY COUNCIL MINUTES

MINUTES OF THE ORDINARY COUNCIL MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 28 NOVEMBER 2019 COMMENCING AT 1.00 PM

1. MEMBERS PRESENT

Chairperson	His Worship the Mayor	
Members	Cr Carruthers (Deputy)	
	Cr Davidson	Cr Hart
	Cr Hartshorne (apology)	Cr Kennedy
	Cr Keogan	Cr Martin
	Cr Neale	Kw Madgwick
	Kw Tumahai (apology)	

NGĀ WHAKAPAAHA APOLOGIES

Cr Hartshorne and Kw Tumahai.

Moved Cr Martin, seconded Cr Keogan and **Resolved** that the apologies from Cr Hartshorne and Kw Tumahai be received and accepted.

STAFF PRESENT

S.R. Bastion, Chief Executive; L. Crichton, Group Manager: Corporate Services, F. Scadden, Planning and Customer Services Manager; D.M. Maitland, Executive Assistant and Council Secretary, E. Rae, Strategy and Communications Advisor.

2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register was circulated and no amendments were noted.

3. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

Moved Deputy Mayor Carruthers, seconded Cr Kennedy and **Resolved** that in accordance with Section 46A of the Local Government Official Information and Meetings Act 1987, the following item be added to the Confidential Agenda:

Board Appointment: Destination Westland Ltd.

4. NGĀ MENETI O TE HUI KAUNIHERA MINUTES OF MEETINGS

- **Tenders Committee – 3 October 2019**

Moved Cr Kennedy, seconded Cr Keogan and **Resolved** that the Minutes of the Tenders Committee Meeting held on the 3 October 2019 be received.

- **Finance, Audit and Risk Committee Meeting – 26 September 2019**

Moved Cr Martin, seconded Cr Kennedy and **Resolved** that the Minutes of the Finance, Audit and Risk Committee Meeting held on the 26 September 2019 be received.

- **Ordinary Council Meeting – 26 September 2019**

Moved Cr Carruthers, seconded Cr Martin and **Resolved** that the Minutes of the Ordinary Council Meeting held on the 26 September 2019 be received.

- **Inaugural Council Meeting – 24 October 2019**

Moved Cr Kennedy, seconded Cr Hartshorne and **Resolved** that the Minutes of the Inaugural Council Meeting held on the 24 October 2019 be confirmed as a true and correct record of the meeting.

- **Extraordinary Council Meeting – 31 October 2019**

Moved Cr Keogan, seconded Cr Neale and **Resolved** that the Minutes of the Extraordinary Council Meeting held on the 31 October 2019 be confirmed as a true and correct record of the meeting.

5. NGĀ TĀPAETANGA PRESENTATIONS

Outgoing Councillors Gray Eatwell and Graeme Olson were unable to attend in person to receive their Certificates of Service to Westland District during the 2016-2019 Triennium and would be undertaken outside of the Council Meeting.

6. ACTION LIST

The Chief Executive spoke to the Action List and provided the following updates:

Kaniere School Students – Cycle Trail

- Proposed Changes to the cycle trail. One of the challenges is crossing the road near Kaniere School safely. It was noted that this item will be revisited in the New Year.

Responsible Camping

- A number of responsible camping sites have been activated.

NZTA – review of speed limits.

- A trial is underway and submissions are invited.

Transfer of Pensioner Housing to Destination Westland

- Noted that this needs to be aligned for future Pensioner Housing. If assets are transferred, it would require an LTP amendment.

Local Government Leaders’ Climate Change Declaration.

- This item to be removed from the listing.

Manatu Whakaaetanga Partnership Agreement

- Plans to sign the agreement by the Chair of Te Rūnanga o Makaawhio to be confirmed.

Cass Square

- An overarching plan for Cass Square to be completed.

Whitebaiters Walk

- The interpretation panels have been relocated. This item can be removed from the listing.

Haast Civil Defence and Community Development.

- A sale and purchase agreement to be resolved and staff are working through this item.

Carnegie Building Project

- The packaging of the collection has been undertaken.

Whataroa and Kumara Water Supplies

- An update for the December Council meeting will be provided.

Fox Landfill

- This work has been completed under budget.

Sunset Point Hard fill

- Council approved the rock armoury. There will be ongoing log of where any hard fill is sourced from.

Projects and Carry Forwards to 2019-20.

- Work on the listing is being undertaken. This item to be removed from the listing.

Action Item:

A Target Date or Completion Date to be added to the Acting Listing.

Moved Cr Neale, seconded Cr Hart and **Resolved** that the updated Action List be received.

7. IWI VOTING RIGHTS – UPDATE FROM THE MAYOR

His Worship the Mayor provided a brief update on the following items:

- Iwi Voting Rights - support for Iwi voting rights around the Council table, and asked for support to write to the Minister of Local Government.

- Mayors Taskforce for Jobs.
- Tuia Charitable Trust – National Leadership Development Programme for young Māori that are passionate about contributing to the community and are aged between 18 and 25.
- Spark - 5G going live in Hokitika on the 28 November 2019.
- Briefing paper from the Rural and Provincial meeting – 21-22 November 2019 in Wellington.
- Proposed legislation that could potentially place significant costs on the ratepayers in Westland District.

8. PŪRONGO KAIMAHI STAFF REPORTS

• Local Governance Statement

The following amendments to the Local Governance Statement were requested:

Page 31 – Item 6.6 Code of Conduct
Remove "...may only be amended by a 75%..."

Page 34 – Item 7.2 Council Committees
Addition of Cr Davidson to the Capital Projects and Tenders Committee.

Moved Cr Martin, seconded Cr Keogan and **Resolved** that Council adopt the amended Local Governance Statement in accordance with the Local Government Act 2002 and place it on the Council's Website www.westlanddc.govt.nz

• Delegations Manual

The following amendments to the Delegations Manual were requested:

Page 66 – Delegations to Standing Committees
- Add in the Standing Committees of Council.

Page 67 – Hearings Commissioner
- Council does have accredited hearings commissioners and untrained hearing commissioners may sit alongside the panel.
- Remove reference to Deputy Mayor Lash.
- Add Cr Martin to the delegation.

Page 87 – Staff Member Delegation
- Capital Projects Manager – amend delegation from \$10,000 to \$50,000.

Moved Cr Neale, seconded Cr Kennedy and **Resolved** that Council adopt the amended Delegations Manual and publish it on the Council's Website www.westlanddc.govt.nz

• Approval of Unbudgeted Expenditure

Moved Cr Keogan, seconded Cr Hart and **Resolved** that Council approve the unbudgeted expenditure for the appointment of an additional resource in the Office of the CE.

- **Appointment of Independent Investigator (Code of Conduct)**

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

- A) The report "Appointment of Independent Investigator" be received.
- B) Council appoints Equip Limited Partnership to act on Council's behalf to source an Independent Investigator for complaints where the Mayor/Chair is a party to the complaint.

- **Appointments to other organisations**

Kw Madgwick attended the meeting at 1.56 pm.

The following amendments to the appointments schedule were made:

- Westland Wilderness Trust - Add Cr Neale.
- Alcohol Working Group - Planning and Regulatory Committee
- Hokitika Seawall Committee – add Cr Davidson and remove Cr Hart.
- Destination Hokitika – add Cr Keogan and Cr Martin. Change name of the committee to Destination Hokitika.
- Fox Glacier Community Association – Cr Hartshorne and Cr Kennedy.
- Ross Association – Cr Keogan.
- Tourism West Coast – clarification with Development West Coast required.
- Future Franz Group – chaired by the Mayor. Southern Ward Members – Cr Hartshorne and Cr Kennedy.
- CBD Working Group – this group to be removed from the listing.

Moved Cr Davidson, seconded Cr Neale and **Resolved** that the amendments to the Appointments to Other Organisations be approved.

- **Audit Management Report – 30 June 2019**

The Group Manager: Corporate Services spoke to the report to Council.

The purpose of the Report is to present the Audit Management Report for the year ended 30 June 2019.

Moved Cr Kennedy, seconded Cr Neale and **Resolved** that:

- A) The Committee receive the Audit Management Report for the year ended 30 June 2019.
- B) The Committee approves the public release of the Audit Management Report for the year ended 30 June 2019.

- **Financial Report – October 2019**

The Group Manager: Corporate Services advised that the purpose of the report is to provide an indication of Council's financial performance for four months to 31 October 2019.

Moved Cr Hart seconded Cr Kennedy and **Resolved** that the Council receive the Financial Performance Report to 31 October 2019.

- **Departure from Liability Management Policy**

The Group Manager: Corporate Services advised the purpose of the report is to seek Council's approval and acknowledgement of existing and continuing financial circumstances that contravene its stated policy objectives.

Moved Cr Neale, seconded Cr Davidson and **Resolved** that Council approves the departure from interest rate risk control limits in the Liability Management Policy to the end of the financial year 2019-20, or on subsequent advice from Council's Treasury Advisors.

- **Asset Management Planning Process and Policy**

The Chief Executive advised the purpose of the report is to provide a summary of Council's obligations regarding Asset Management Planning ahead of the 2021-2031 Long Term Plan.

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

- A) Council receive the report and its educational overview of Council's Asset Management obligations under the Local Government Act 2002.
- B) Council adopt the Asset Management Planning Policy as attached to the Council Agenda.

- **Proposal to close Historical Cemeteries**

This item had been withdrawn from the Council Agenda.

- **Marks Road Sale of Land**

The Planning and Customer Services Manager advised the purpose of the report is to consider the special consultative process to consider the sale of approximately 1461m² of land at Marks Road Reserve, Haast for the purpose of a community fire station.

Moved Cr Davidson, seconded Cr Kennedy and **Resolved** that:

- A) Council agrees in principle to the disposal of Part Marks Road Reserve for the purpose of a new Community Fire Station.
- B) A Special Consultative Procedure be undertaken to consult with the Community on agreement in principle with the disposal of Part Marks Road Reserve for the purpose of a new Community Fire Station.

- **Hari Hari Complex Reserve Fund**

The Community Development Advisor advised that the purpose of the report is to advise Council that the Hari Hari Community Association would like to utilise funds from the Hari Hari Complex Reserve Fund.

Moved Cr Kennedy, seconded Cr Neale and **Resolved** that funds be released for the ride-on mower for the Hari Hari Community Hall and playground area as per the preferred quote attached to the Council Agenda; and the remainder be retained in the Hari Hari Complex Reserve fund tagged for future community projects in the Hari Hari Rating District.

- **Tohu Whenua Pou**

The Community Development Advisor advised that the purpose of the report is to provide Council with a recommendation from the Hokitika Reserves and Environs Community Group for the installation of a Tohu Whenua Pou at the Tancred Street viewing platform.

Moved Cr Kennedy, seconded Cr Davidson and **Resolved** that:

- A) Council approves the installation of a Tohu Whenua Pou at the Tancred Street viewing platform in the heritage precinct of Hokitika.
- B) In line with Council’s Policy on Statues, Monuments, Memorials and Public Art, that a Memorandum of Understanding be written for the installation and maintenance of the Tohu Whenua Pou and Interpretation panels.

9. ADMINISTRATIVE RESOLUTIONS

His Worship the Mayor advised that the Warrant of Appointment for Donald Stanley SCOTT had been removed from the agenda.

9.1 Warrant of Appointment – Enforcement Officers

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

Hailey Miller	Carolyn	Warrant of Appointment - Enforcement Officer	To act in the Westland District as: <ul style="list-style-type: none"> • Enforcement Officer pursuant to s.177 – Local Government Act 2002 for all offences under this Act, all offences against bylaw made under this Act and all infringement offences provided for by regulations made under s.259 of this Act • Inspector and Authorised Officer to enforce Westland District Council Bylaws. • Enforcement officer pursuant to s.32 of the Freedom Camping Act.
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Elaine Dieren	Margaret	Warrant of Appointment - Enforcement Officer	To act in the Westland District as: <ul style="list-style-type: none"> • Enforcement Officer pursuant to s.177 – Local Government Act 2002 for all offences under this Act, all offences against bylaw made under this Act and all infringement offences provided for by regulations made under s.259 of this Act • Inspector and Authorised Officer to enforce Westland District Council Bylaws. • Enforcement officer pursuant to s.32 of the Freedom Camping Act.
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9.2 Warrant of Appointment – Planner

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

Deborah Joy Patterson	Warrant of Appointment - Planner	<p>To act in the Westland District as:</p> <ul style="list-style-type: none"> • An Officer pursuant to s.174 of the Local Government Act. • An Officer under the Westland District Council Bylaws. • Enforcement officer pursuant to s.38 of the Resource Management Act 1991, including the power of entry pursuant to s.332 and s.333 of the Resource Management Act 1991.
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10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Moved Cr Hart, seconded Cr Martin and **Resolved** that Council confirm that the public were excluded from the meeting in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 3.30 pm.

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.	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
1	Tender 19/20/01 – Earthquake Strengthening Carnegie Building	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)
2.	Health and Safety Initiatives	Good reasons to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)

3.	Privacy Breach	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)
4.	Quarterly Whistleblower Report	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)
5.	Board Appointment – Destination Westland Limited	Good reason to withhold exist under Section 7	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason or withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No.	Interest
1	Protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b)).
1 & 5	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
4	Maintain legal professional privilege (Schedule 7(2)(g))
2, 3, 4 & 5	Protect the privacy of natural persons, including that of deceased natural persons (Section 7(2)(a))

Moved Cr Kennedy, seconded Cr Davidson 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 4.56 pm.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 12 DECEMBER 2019
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

MEETING CLOSED AT 4.56 PM

Confirmed by:

Mayor Bruce Smith
Chair

Date