



ORDINARY COUNCIL MINUTES

MINUTES OF THE ORDINARY COUNCIL MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON THURSDAY 17 APRIL 2025 COMMENCING AT 1.02 PM

The Council Meeting was live-streamed to the Westland District Council YouTube Channel and presentations are made available on the Council Website.

1. KARAKIA TĪMATANGA OPENING KARAKIA

The opening Karakia was led by Cr Neale.

2. MEMBERS PRESENT AND APOLOGIES

| | |
|----------------------------------|------------------------------------|
| Chairperson: | Her Worship the Mayor |
| Deputy and Southern Ward Member: | Cr Cassin |
| Northern Ward Members: | Cr Neale, Cr Burden, Cr Phelps |
| Hokitika Ward Members: | Cr Baird (via Zoom), Cr Davidson |
| Southern Ward Members: | Cr Manera |
| Iwi Representatives: | Kw Madgwick, Kw Tumahai (via Zoom) |

NGĀ WHAKAPAAHA APOLOGIES

Cr Gillett

Moved Cr Neale, seconded Deputy Mayor Cassin and **Resolved** that the apology from Cr Gillett be received and accepted.

STAFF PRESENT

B. Phillips, Chief Executive; L. Crichton, Group Manager Corporate Services and Risk Assurance; E. Bencich, Acting Group Manager District Assets; D. Maitland, Executive Assistant; E. Rae, Strategy and Communications Advisor (Via Zoom).

Staff present for part of the meeting:

L. Truman, Finance Manager and O. Anderson, Planning Manager.

Also in Attendance for part of the meeting:

F. Anderson, Department of Conservation.

**3. WHAKAPUAKITANGA WHAIPĀNGA
DECLARATIONS OF INTEREST**

The Interest Register had been circulated to the Mayor and Councillors. There were no changes made to the Interest Register.

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

Moved Cr Burden, seconded Cr Neale and **Resolved** that in accordance with section 46A(7) of the Local Government Official Information and Meetings Act (LGOIMA) and under section 9.12 of Council's adopted Standing Orders, the following item be added as an urgent item not on the Agenda for Council's consideration.

Administrative Resolution:

- **Warrant of Appointment – Jeremy Rice**

1. The reason the item is not on the agenda is:

A new staff member commenced employment with the Council on 14 April 2025 after the Council Agenda was publicly released.

2. The reason why the discussion of the item cannot be delayed until a subsequent meeting is:

To enable the staff member to carry out their duties as an Authorised Officer with various functions, powers and duties and discretion pursuant to the relevant legislation.

- **Dashboard Hokitika Westland isite**

The Chief Executive circulated to the Mayor and Councillors a monthly dashboard reporting from the Hokitika Westland isite for March 2025.

**5. NGĀ MENETI O TE HUI KAUNIHERA
MINUTES OF MEETINGS**

The Minutes of the previous meeting were circulated.

- **Ordinary Council Meeting Minutes – 27 March 2025**

Moved Cr Neale, seconded Cr Burden and **Resolved** that the Minutes of the Ordinary Council Meeting held on 27 March 2025 be confirmed as a true and correct record of the meeting.

The Chair approved that their digital signature be added to the confirmed Council Meeting Minutes of 27 March 2025.

Minutes to be received:

Nil

6. ACTION LIST

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

| Item No. | Date Added | Item | Action | Officer | Current Status | Date and Next Steps |
|----------|------------|---|---|--------------------------------------|---|---|
| 1 | 26.08.21 | Council Headquarters, 36 Weld Street | Business case for the scope of work after structural analysis and report. | Acting Group Manager District Assets | District Assets are working with the finance staff. The rates affordability will be known once a draft LTP model is completed. | <i>This item will be tabled at the May Council Meeting.</i> |
| 2 | 26.09.24 | Hokitika Museum Trust Board Formation | Information regarding the formation of a Trust Board | Community Services Manager | Her Worship the Mayor advised that before a Trust is established, there needs to be an understanding of the current management structure, staffing, operational costs, a full set of financial records, including operational costs, the proposed future plans, and the future projections of the Museum. | Her Worship the Mayor to form a working group, including Iwi Representation to consider the purpose of the Hokitika Museum Trust Board. The draft Terms of Reference (or Trust Deed) to be brought back to the 24 July 2025 Council meeting for full Council consideration ahead of formally establishing a Trust. |
| 3 | 26.09.24 | Department of Conservation – Feral Cats | Investigate the Feral Cat programme | Chief Executive | There has been a feral cat programme in South Westland but not in the wider district. DOC will be invited to a future Council meeting to discuss this. | Department of Conservation representatives are presenting to this Council meeting. <i>This item can be removed from the list.</i> |

| Item No. | Date Added | Item | Action | Officer | Current Status | Date and Next Steps |
|----------|------------|--|---|--------------------------------------|---|--|
| 4 | 28.11.24 | Hokitika CBD Strategy | | Acting Group Manager District Assets | <p>This process is currently underway.</p> <ul style="list-style-type: none"> Community parking questionnaire closed 20 December 2024. Review current feedback and hold further workshops from February 2025. | <p>This item was amended to read Hokitika CBD Strategy as requested at the March Council Meeting.</p> <p><i>An initial meeting was held. Her Worship the Mayor is working on a list of attendees for future meetings.</i></p> |
| 5 | 30.01.25 | Consenting and Compliance Committee Terms of Reference (ToR) | Refine the Terms of Reference of the Consenting and Compliance Committee. | Chief Executive | The Terms of Reference needs to be refined to ensure this committee can work to the best of its ability. | <i>The Terms of Reference will be tabled at the May Council Meeting.</i> |
| 6 | 27.02.25 | Waste Management and Minimisation Plan (WMMP) | Council requested information on variable bin sizes, points from Inger Perkins submission and a strategy on community information sharing | Acting Group Manager District Assets | At the February Council meeting, submissions were heard on the WMMP. Council requested a follow-up with the submitter who had requested to speak but couldn't attend, a request was also made to follow up on variable bin sizes and charges as suggested in the submission | <i>A report will be on the May Council Agenda along with the Waste Management and Minimisation Plan for adoption.</i> |

| Item No. | Date Added | Item | Action | Officer | Current Status | Date and Next Steps |
|----------|------------|--|--|--------------------------------------|--|--|
| | | | | | process. A strategy with a focus on community information sharing to be developed. | |
| 7 | 27.03.25 | West Coast Wilderness Trail | A further meeting of the Working Group to be scheduled and Terms of Reference to be tabled at a future Council meeting for adoption. | Mayor | Her Worship the Mayor advised that there will be another Working Group meeting held, after which time the Terms of Reference will be tabled at a future Council meeting. | <i>A further meeting of the Working Group Number 2 has been scheduled to be held on the 30 April 2025.</i> |
| 8 | 27.03.25 | Scope of Works for Hokitika Airport | Definition of the scope of works for the Hokitika Airport required. | Acting Group Manager District Assets | | Her Worship the Mayor instructed the Acting Group Manager District Assets provided the Chair of the CCO Oversight Committee with a definition of the scope of works funded for the Hokitika Airport. <i>This item has been completed and can be removed from the list.</i> |
| 9 | 27.03.25 | Council briefing on the Hokitika Airport | Briefing to be organised. | Mayor | | Cr Gillett asked for a briefing at the April Council Meeting on who owns the Hokitika Airport, if it is a strategic asset and if it's a |

| Item No. | Date Added | Item | Action | Officer | Current Status | Date and Next Steps |
|----------|------------|---|--|--------------------------------------|----------------|--|
| | | | | | | <p>strategic asset, should it be consulted in the LTP that this work is being undertaken, if there are cost overruns, where will the extra money come from?</p> <p><i>This item will be provided to the May Council Meeting and will be led by Her Worship the Mayor.</i></p> |
| 10 | 27.03.25 | Letters of Expectation for Westroads Limited and Destination Westland Limited | Circulate the letters to the Chairs of the CCOs. | Chief Executive | | <p>Letters were circulated to the Chairs of both Destination Westland Limited and Westroads Limited on 28 March 2025.</p> <p><i>This item has been completed and can be removed from the list.</i></p> |
| 11 | 27.03.25 | Draft Infrastructure Strategy and Draft Activity Management Plans | | Asset Strategy & Development Manager | | <p>Council directed staff to undertake consultation with the community alongside the 2025–2034 Long Term Plan.</p> <p><i>This item has been completed and can be removed from the list.</i></p> |
| 12 | 27.03.25 | Draft Consultation | | Chief Executive | | Council directed staff to |

| Item No. | Date Added | Item | Action | Officer | Current Status | Date and Next Steps |
|----------|------------|---|--------|-----------------|---|---|
| | | Document and Draft Long Term Plan 2025-2034 | | | | undertake consultation with the community on the Draft Consultation Document and Draft Long Term Plan 2025-2034. <i>This item can be removed from the list.</i> |
| 13 | 17.04.25 | Hokitika Racecourse Development | | Chief Executive | Discussion on either a monthly or quarterly report being provided to the Council. | <i>A quarterly update is to be provided to the Council.</i> |

Moved Cr Manera, seconded Cr Phelps and **Resolved** that the updated Action List from the Chief Executive be received and items noted as completed, numbers 3, 8, 10, 11 and 12 be removed from the list.

7. NGĀ TĀPAETANGA PRESENTATIONS

- Department of Conservation – Feral Cats**

Fiona Anderson, Senior Ranger Biodiversity, Department of Conservation (DOC), attended the meeting. The Department had been asked to update Council on whether DOC are doing any cat control in Westland as had been mentioned previously in a staff report to Council.

Ms Anderson advised that the Department is not doing any official cat control in Westland. The Department do not target cats in Westland as there is not a big cat problem on the West Coast compared to the East Coast.

The only occasions where there is official trapping of cats, is if they turn up near the Kiwi Sanctuaries in South Westland and in that case, they use live cat traps, they scan the cat for a microchip, and if it is a feral cat, it would be euthanised.

DOC will lend members of the public traps if there is a problem.

There are other trials in New Zealand, such as Predator Free 2050, eradicating cats on the Auckland Islands, and Stewart Island, which is also overrun with cats.

There have been cat traps placed in the Waikūkūpa River area in South Westland, and Ms Anderson advised that she would find out more information and send it to Councillors.

Moved Cr Davidson, seconded Cr Neale and **Resolved** that the verbal update from Fiona Anderson, Senior Ranger Biodiversity, Department of Conservation be received.

8. PŪRONGO KAIMAHI STAFF REPORTS

• Financial Performance – March 2025

The Finance Manager spoke to the Financial Performance Report for 31 March 2025 and advised that the purpose of the report is to provide an indication of the Council's financial performance for the month to 31 March 2025.

Topics discussed:

- Fees and Charges – missing the last part of the sentence, which should read “.. over due to higher than expected tourism numbers and escalations”.
- Due to the short time frame with an earlier meeting, the report is not as comprehensive as would have been liked, and Finance are aiming for the April report to have a better indication of year-end estimates and predictions.
- \$147K demolition costs for Westland Racecourse were not budgeted for, and it was advised that this was related more to timing.
- A decrease in rate debtors was noted.

Moved Deputy Mayor Cassin, seconded Cr Phelps and **Resolved** that the Financial Performance Report for 31 March 2025 be received.

• Delegations Manual Amendment – Regulatory and Compliance Group and Planning Department

The Planning Manager spoke to this report and advised that the purpose of the report was to request approval from Council for amendments to Part IV of the Delegations Manual adopted by the Council on 8 December 2024 (current Delegations Manual). The amendments are in relation to the Regulatory and Compliance Group and Planning Department delegations. Most of the amendments relate to the delegation of functions, powers, and duties under the Resource Management Act 1991 (RMA).

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

1. The report be received.
2. The proposed amended delegations attached to the agenda be approved, and replace the corresponding sections of the current Delegations Manual as follows:

| Current Delegations Manual | Updated Delegations |
|--|--|
| 26.3 Group Manager Regulatory and Compliance | 26.3 Regulatory and Compliance Group |
| 26.3.1 General Delegations | 26.3.1 Group Manager Regulatory and Compliance General Delegations |
| 26.3.2 Planning Manager | 26.3.2 Planning Department |
| | 26.3.2.1 Resource Management Act Delegations Table |
| | 26.3.2.2 Other Statutory Delegations Table |

26.3 Regulatory and Compliance Group

The tiers within the Regulatory and Compliance Group are as follows:

| <u>Tier</u> | | <u>Compliance</u> | <u>Building Control</u> | <u>Planning</u> |
|-------------|---|---|-----------------------------|-------------------------|
| 1 | Chief Executive | | | |
| 2 | Group Manager Regulatory and Compliance | | | |
| 3 | | Compliance Team Leader Regulatory | Building Control Manager | Planning Manager |
| 4 | | | | Planning Team Leader |
| 5 | | | | Senior Planner |
| 6 | | | | Planner |

“Officer” in tiers 4-6 include contractors that are engaged by the Council to carry out the same functions as the named roles in the table above and who are, at the relevant time, under the direction and control of the Chief Executive of the Council.

Any power delegated to a tier of officer can be exercised by officers in tiers above that person in their reporting line.

26.3.1 Group Manager Regulatory and Compliance General Delegations:

- Approve and issue and/or renew licenses for trading in public places.
- The functions, powers, duties and discretions of the Council pursuant to the Dog Control Act 1996.
- Issue permits for operations of an amusement device (Amusement Devices Regulations 1978, Regulation 11).
- Issue Cleansing Orders (Section 41 Health Act 1956) and carry out Disinfection of Premises (Section 81 Health Act 1956).
- Action under Section 183 Local Government Act 2002 in relation to removal of growth likely to constitute a fire hazard.
- Delegation of functions pursuant to Regulation 22 (1) Housing improvement Regulations 1947.
- Service of notices to occupiers of private land, to clear litter (Section 10, Litter Act 1979).
- Issue notices pursuant to Section 29 of the Health Act 1956.
- Issue of demolition requisitions and enforcement of demolition orders under Section 48 and Section 51 of the Health Act 1956
- Issue of certificate pursuant to Sections 42 and 48 of the Health Act.
- Issue of repair notices under Section 42 of the Health Act.
- Approve and issue and/or renew Certificates of Registration for all premises referred to in the Health (Registration of Premises) Regulations 1996.

- Issue Certificates of Exemption pursuant to Regulation 6 of the Food Hygiene Regulations 1974 and Regulation 14 of the Camping Ground Regulations 1985.
- Refund fees in respect of any withdrawn applications in proportion to the remainder less cost incurred by the time of withdrawal.
- Cancel a building line restriction pursuant to Section 327A of the Local Government Act, 1974 subject to all buildings being in conformity with the Operative District Plan.
- Approve of the creation of a right of way pursuant to Section 348 of the Local Government Act, 1974.
- Remedy contravention under the Forest and Rural Fires Act 1977 and to initiate proceedings to recover costs for such actions.
- File prosecutions for offences under the Forest and Rural Fires Act 1977.
- Issue fire restriction notices and burning permits pursuant to the Forest and Rural Fires Act 1977.
- The functions, powers and duties vested in Council pursuant to Council Bylaws, excluding those the making and amending of a bylaw and those powers that are given to warranted officers.
- All the functions, powers and duties delegated to the Planning Manager, Building Control Manager, and Environmental Health Officer.

NOTE: The Group Manager Regulatory and Compliance may subdelegate any or all of the above.

- Remit fees and charges for volunteer or not-for-profit organisations. (Decisions to be reported back to the next meeting of Council.)
- Affix the Common Seal in accordance with Clause 32.1 of this manual.

26.3.2 Planning Department

Sub-delegation is prohibited under the Resource Management Act 1991, and so the powers under that Act are delegated by the Council directly to relevant officers, rather than to the Chief Executive, and then to officers via sub-delegation. These delegations are set out in the Resource Management Act Delegations Table at 26.3.2.1.

Regardless of the tier referred to in the Resource Management Act Delegations Table below, the Chief Executive, Group Manager Regulatory and Compliance, and Planning Manager all have the authority to exercise all of the powers, duties and functions listed. Where a power, duty or function is delegated to tier 5 or below, it can also be exercised by those who the delegate report to directly.

Where a delegation relates to litigation, it includes the ability to instruct counsel in relation to that power.

The tier referred to in the table relates to the minimum tier that holds the delegation, and it can be exercised by those in tiers above that officer within the planning department.

Delegations to Hearing Commissioners (HC) are held by those officers or elected members who have been approved as Commissioners.

26.3.2.1 Resource Management Act Delegations Table

All powers, functions and duties are to be exercised in accordance with the requirements of the empowering section.

The table below sets out the powers of the Council as regulator or territorial authority. The Council's power as landowner to participate in processes under Resource Management act, by way of submission or otherwise, is a matter for the department responsible for the affected asset.

The delegations set out in the table below do not preclude the Council from referring any matter to a committee (including a subcommittee) of the Council for a decision for any reason.

Any powers, functions or duties under the Resource Management Act 1991 not set out in the table below is delegated to the Chief Executive.

| Resource Management Act section | Power | Teir |
|---------------------------------|---|---------|
| Regional Council Applications | In conjunction with the Group Manager: District Assets, make a submission on any Resource Consent notified by the West Coast Regional Council and give affected person approval on behalf of the Council. | 3 |
| Regional Council Plans | Make a submission for minor amendments and changes to any Plan or Policy Statement notified by the West Coast Regional Council <i>Any submission must be consistent with Council policy and any major change to a Plan or Policy Statement will be considered by the Council.</i> | 3 |
| Section 10(2)(b) | Grant an extension to the discontinuance period for an existing use right to be preserved. | 3 HC |
| Section 34A | Power to appoint independent hearing commissioner to a hearing. | 3 |
| Section 36(5) | Remit fees and charges for volunteer or not-for-profit organisations. Decisions to be reported back to the next meeting of Council. Assess and require a person to pay any additional actual and reasonable charges. | 3 |
| Section 36AA | Calculate and apply any discount due in accordance with the Resource Management (Discount on Administrative Charges) Regulations 2010. | 4 |
| Section 36AA | Review the application of the Resource Management (Discount on Administrative Charges) Regulations 2010 following a request from the applicant | 4 |
| Section 36AAB | Approve the reimbursement of a fee where an application is withdrawn, and the processing costs are less than the fee. Adjust or write off any outstanding fees where it is determined that the fee requires adjustment, or it is unreasonable or not possible to try and collect it. | 3 |
| Sections 37 and 37A | Waive and extend time limits. Waive compliance with information requirement. Direct that the omission or inaccuracy in the information be rectified. | 4 |
| Section 38 | Authorise an Officer/s to carry out all or any of the functions of an enforcement officer Power as an enforcement officer under the Resource Management Act. | 1 |
| Hearing Powers | | |
| Section 39 | Duty to ensure hearings are held in public and without unnecessary formality. | HC |
| Section 40(2) | Power, if it is considered that there is likely to be excessive repetition, to limit the circumstances in which parties having the same interest in a matter may speak or call evidence in support. | HC |
| Section 41(4) | Power to request and receive, from any person who makes a report under section 42A or who is heard by the authority or who is represented at the hearing, any information or advice that is relevant and reasonably necessary to determine the application. | HC |
| Section 41A | Power to regulate how the hearing is conducted. | HC |

| Resource Management Act section | Power | Teir |
|---------------------------------|--|---------|
| Section 41B | Power to make directions to provide evidence within time limits. | HC |
| Section 41C | Power to make directions or requests before or at hearing. | HC |
| Section 41C(5) | Duty to provide a copy of any further information requested and received before the hearing, to the applicant and every person who made a submission, as directed in the Act. | 5 |
| Section 42 | Power to make sensitive information orders. | HC |
| Section 42A | Power to, at any reasonable time before a hearing or, if no hearing is to be held, before the decision is made, require an officer of a local authority or to commission a consultant or any other person employed for the purpose, to prepare a report on information provided on any matter by the applicant or any person who made submissions. | 3 |
| Resource Consents | | |
| Section 87BA | Make determination on issuing permitted certificates for boundary activities. | 3 |
| Section 87BB | Give written notice that a marginal or temporary non-compliant activities is a permitted activity. | 3 |
| Section 87E | Determine requests for applications to be directly referred to the Environment Court. | 2 |
| Section 87F | Appoint a planner to prepare a report on the application for direct referral. | 3 |
| Section 88 | Determine whether an application for a resource consent is incomplete and if so, return the application with written reasons for that determination. | 6 |
| Section 91 | Determine not to proceed with the notification or hearing of an application pending application for additional consents. | 6 |
| Section 91C | Determine whether to return applications that have remained on hold for a total of more than 130 working days with written reasons. | 6 |
| Section 91F | Determine whether to return non-notified applications that have been suspended for a total of more than 20 working days with written reasons. | 6 |
| Section 92 | Require further information to be provided, or to commission a report. | 6 |
| Section 92A | Set time limits within which further information requested must be provided. | 6 |
| Section 95A | Determine whether public notification of an application is required. | 6 |
| Section 95B | Determine whether to give limited notification where an application is not publicly notified. | 6 |
| Section 99 | Initiate pre-hearing meetings. Act as chairperson at pre-hearings meetings. | 3 HC |
| Section 99A | Refer applicants and persons who made submissions on the application to mediation. Appoint a delegated mediator. | 3 |
| Section 100 | Determine that a hearing is necessary. | 3 |
| Section 100A | Select a commissioner when an applicant has requested one be appointed. | 3 |
| Section 101 | Fix a date, time and place for a hearing. | 4 |
| Section 102 | Make a decision to establish a joint hearing where applications in relation to the same proposal have been made to two or more consent authorities. | 2 |
| Section 103 | Decide and arrange the holding of combined hearings where two or more applications are made to Council. | 3 |
| Section 104 | Determine resource consent application. | 4 |

| Resource Management Act section | Power | Teir |
|--|---|---------|
| Section 104A Section 104B Section 104C Section 104D Section 105 Section 106 Section 108 Section 108A Section 220 | | HC |
| Section 109 | Decide whether any work subject of a bond or covenant is completed satisfactorily. | 3 |
| Section 110 | Authorise the refund or return of a financial contribution in accordance with this section. | 3 |
| Section 114 | Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application. | 4 |
| Section 116 | Support or oppose any application made to the Environment Court pursuant to Section 116 for early commencement of a consent. | 3 |
| Section 124 | Allow the holder of the consent to continue to operate pending determination of an application for a new consent for the same activity. | 4 |
| Section 125 | Extend the period after which a resource consent lapses. | 4 |
| Section 126 | Cancel a resource consent by written notice served on the consent holder. Revoke a notice to cancel a resource consent and state a period after which a new notice may be served. | 3 HC |
| Section 127 | Decide on an application for change to or cancellation of resource consent conditions. | 4 |
| Sections 128 to 132 | Initiate review of a condition of a resource consent and decide following the review. | 4 |
| Section 133A | Correct minor mistakes or defects in resource consent within 20 working days of decision. | 4 |
| Section 138 | Refuse to accept the surrender of part of a resource consent. | 4 |
| Section 139 | Grant or refuse an application for a Certificate of Compliance. | 4 |
| Section 139A | Grant or refuse an application for an existing use certificate | 4 |
| Water conservation orders | | |
| Section 201 | Apply to the Minister for a Water Conservation Order | 3 |
| Section 205 | Make a submission to a tribunal concerning an application made under section 204 | 3 |
| Subdivision and reclamations | | |
| Section 221 | Issue, vary and cancel a consent notice. | 4 |
| Section 222 | Issue a Completion Certificate. | 4 |
| Section 223 | Approve and certify a survey plan. | 5 |
| Section 224 | Certify all conditions of subdivision consent are met and that a survey plan under s 223 has been approved. | 5 |
| Section 226(1)(e) | Issue a certificate. | 4 |
| Section 232 | Agree to an esplanade strip instrument. | 4 |

| Resource Management Act section | Power | Teir |
|--|--|------|
| Section 234 | Grant or decline an application to vary or cancel an esplanade strip. Certify a varied or cancelled esplanade strip. | 4 |
| Section 237B | Agree to the creation, variation, or cancellation of access strip easements. | 4 |
| Section 237C | Close esplanade strip or access strip during periods of emergency or public risk likely to cause loss of life, injury, or serious damage to property. | 3 |
| Section 237D | Give written agreement that an esplanade reserve or riverbed ceasing to be vested in the territorial authority and classified or included in an existing reserve. | 2 |
| Sections 237E, 237F and 237G | Pay compensation in relation to esplanade reserves or strips in the required circumstances. | 2 |
| Section 237H | Object to the level of compensation determined by a registered valuer | 2 |
| Section 240 | Cancel a covenant in whole or in part, in accordance with 240(4). | 2 |
| Section 241 | Cancel in whole or in part, an amalgamation condition. | 4 |
| Section 243 | Give written consent to the revocation, variation or transfer of easements. | 4 |
| Environment Court proceedings and other litigation Delegations in this part include the power to instruct external legal counsel and experts for the purposes of proceedings and litigation. | | |
| Sections 274 and 313 | File a notice of wish to be heard. | 2 |
| Section 294 | Apply to the Environment Court for a rehearing. | 2 |
| Section 299 | Appeal to the High Court. | 2 |
| Section 301 | Give notice of intention to appear and be heard on appeal to the High Court (when an appeal is brought by another party). | 2 |
| Section 311 | Apply to the Environment Court for a declaration. | 2 |
| Sections 316 and 320 | Apply for enforcement order or interim enforcement order. | 3 |
| Section 318 | Notify the Registrar that the Council wishes to be heard in relation to orders sought against it. | 3 |
| Section 325A | Cancel or confirm an abatement notice. Approve a request for change or cancellation of an abatement notice, and to give written notice of this. | 4 |
| Section 329 | Issue water shortage direction | 3 |
| Emergency Works | | |
| Sections 330 and 330A | In the case of emergency work, take preventative or remedial action, or require such action to be taken, advise the consent authorities (including regional council) of action taken, and apply for consent if necessary. | 2 |
| Section 331 | Require reimbursement of actual and reasonable costs where occupier does not act as required. | 3 |
| Seized Property | | |
| Section 336 | Consider an application to return seized property. | 3 |
| Section 336(6) | Dispose of seized property in certain circumstances. | 3 |

| Resource Management Act section | Power | Teir |
|--|---|---------|
| Prosecutions and Infringement Offences | | |
| Section 343B | Serve an infringement notice as provided for in section 343C for an infringement offence, following discussions with direct manager. <i>Note: section requires that infringement notice be issued by an enforcement officer</i> | 5 |
| Sections 338 and 343B | Where no infringement notice is to be served, refer a case to the CE, and recommend: — Prosecution for an offence under s 338; or — File a charging document under section 14 of the Criminal Procedure Act 2011 for an infringement offence following legal review of investigation materials, and discussions with team leader | 5 |
| Sections 338 and 343B | Decide whether initiate a prosecution. File charging document under section 14 of the Criminal Procedure Act 2011. | 2 |
| | Discontinue prosecutions or withdrawn infringement notices | 3 |
| Miscellaneous | | |
| Section 355 | Reclaim land by applying to the relevant Minister for any right, title, or interest in the land reclaimed, which is land of the Crown, to be vested in the Council. | 2 |
| Section 357(6), (7) and (8) | Object to the territorial authority, as requiring authority, in relation to notice of requirement. | 2 |
| Objections and Appeals | | |
| Sections 357C and 357D | Grant an extension of time to lodge an objection. Consider, hear and determine any objections made under sections 357, 357A, or 357B. | 3 HC |
| General | Determine whether to take Environment Court actions conditional on consultation with CE and legal and reporting any court action taken to the relevant committee. | 3 |
| General | Determine whether to initiate High Court, Court of Appeal or Supreme Court proceedings on points of law arising from a judgement of the Environment Court. Conditional on consultation with CE and legal and reporting any court action taken to the relevant committee. | 3 |
| General | Agree with a party believed to be liable to the Council, the terms for settlement of a matter that would otherwise be determined by the Environment Court, up to a value of \$10,000. Conditional on consultation with Group Manager and legal and reporting any settlements to the relevant committee. | 3 |
| Resource Management (Forms, Fees, and Procedure) Regulations 2003 | | |
| Sections 10, 10A, 12 and 12A | Serve persons affected. Require notice to be affixed to a conspicuous place. | 3 |

26.3.2.2 Other Statutory Delegations Table

| Local Government Act 1974 | | |
|-------------------------------|---|---|
| Section 327A | Cancel a building line restriction. | 3 |
| Section 348 | Approve of the creation of a right of way. | 3 |
| Local Government Act 2002 | | |
| Section 162 | Make an application to the District Court seeking an injunction to restrain a person from committing a breach of a bylaw. | 3 |
| Section 179 | Contract out administration of enforcement. | 3 |
| Fast Track Approvals Act 2024 | | |
| 17(3) | Provide comments to the Minister regarding any competing applications that have been lodged, or any existing resource consents of the kind referred to in s 30(3)(a). | 5 |
| 20 | Respond to a request for further information from the Minister for Infrastructure. | 5 |
| 30 | Advise as to whether there are existing resource consents to which, or that there are no existing resource consents of that kind. Notify the authorised persons and holders of any existing consent as required by this section. | 5 |
| 47(5) | Notify the Minister when a competing application has been determined and any rights of appeal that relate to that application have been exhausted. | 5 |
| 53 | Provide comments on substantive applications. | 5 |
| 67 | Provide further information or report in respect of a substantive application. Decline to provide the information or report and provide reasons for doing so. | 5 |
| 70 | Provide comments on draft conditions the Council will have statutory responsibility to enforce or monitor compliance with. | 5 |
| 76 | Respond to any ministerial request for further information. Provide advice in relation to request a decision is called in or transferred to a Minister. | 5 |
| 90-91 | Respond to a request for information that the EPA considers is held by the Council. The obligation to provide information under s 90 is subject to qualifications set out in s 91 where that information is sensitive to an iwi or a hapū. | 5 |
| 104 | Seek to recover actual and reasonable costs incurred in consulting. Provide assistance before an application is lodged, and in performing or exercising its functions, duties, or powers. | 5 |
| Schedule 3, clause 3 | Nominate members for the expert panel. | 3 |
| Schedule 3, Clause 12 | Assist the panel by providing advice if requested. | 5 |

9. LATE AGENDA ITEM - ADMINISTRATIVE RESOLUTION

Moved Cr Burden, seconded Cr Manera and **Resolved** that Council confirm its Seal being affixed to the following document:

- **Warrant of Appointment – Jeremy Rice**
 - An Authorised Officer with various functions, powers, duties and discretions pursuant to the following Acts:

- An Officer pursuant to Section 174 of the Local Government Act 2002; AND
- An Authorised Officer pursuant to Section 222 of the Building Act 2004; AND
- An Enforcement Officer pursuant to Section 371b of the Building Act 2004; AND
- An Officer under the Westland District Council Bylaws; AND
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991.

10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI

RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Moved Cr Phelps, seconded Cr Neale 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 1.46 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. | Confidential Minutes – 27 March 2025 | 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 for withholding exists. Section 48(1)(a) |
| 2. | Appointment of New Trustee – Whataroa Cemetery | 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 for withholding exists. Section 48(1)(a) |
| 3. | Local Waters Done Well Consultation Document | 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 for 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 | Section |
|----------|--|-------------|
| 1, 2 | Protect the privacy of natural persons, including that of deceased natural persons | (S.7(2)(a)) |
| 1, 3 | Protect information where the making available of the information: | |
| | (i) (ii) would disclose a trade secret; and would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information | (S.7(2)(b)) |
| 1, 3 | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | (S.7(2)(i)) |
| 1 | Prevent the disclosure of use of official information for improper gain or improper advantage. | (S.7(2)(j)) |

Moved Cr Neale, seconded Cr Phelps 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 3.05 pm.

INFORMATION RELEASED TO THE OPEN PART OF THE MEETING

Appointment of New Trustee – Whataroa Cemetery

The following information was released to the open part of the meeting:

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

1. The report be received.
2. The Council approve the addition of Stephen Denis James DENNEHY as a Trustee for the Whataroa Cemetery with immediate effect.
3. This resolution be released to the open part of the meeting.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 29 MAY 2025 AT 1.00 PM
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

MEETING CLOSED AT 3.05 PM

Confirmed by the Council at their meeting held on 29 May 2025.

Mayor Helen Lash
Chair

Date: 29 May 2025