



# 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, 30 SEPTEMBER 2021 COMMENCING AT 1PM.

The Council Meeting was live streamed to the Westland District Council Youtube Channel and presentations are made available on the council website.

His Worship the Mayor advised the elected members, presenters and members of public on Council's Covid-19 Level 2 rules around mask wearing while in attendance.

### 1. KARAKIA TĪMATANGA OPENING KARAKIA

The opening Karakia was read by Kw Madgwick in English.

### 2. MEMBERS PRESENT AND APOLOGIES

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

### NGĀ WHAKAPAAHA APOLOGIES

There were no apologies received.

### STAFF PRESENT

T. Cook, Group Manager: Regulatory and Community Services and Acting Chief Executive; L. Crichton, Group Manager: Corporate Services; S. Baxendale, Group Manager: District Assets; D. Maitland, Executive Assistant; M. Smith, Committee Secretary.

### 3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register had been circulated via Microsoft Teams and available on the Council table. The following changes to the Interest Register were noted:

- **His Worship the Mayor**  
Interest removal: South Island Ute Muster – Non-pecuniary – Potential.
- **Kw Madgwick**  
Interest addition: Pokeka Poutini Ngai Tahu Ltd, Director – Non-pecuniary.

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

There were no urgent items of business not on the Council Agenda.

#### 5. **NGĀ MENETI O TE HUI KAUNIHĒRA MINUTES OF MEETINGS**

The Minutes of the previous meeting were circulated separately via Microsoft Teams.

- **Ordinary Council Meeting Minutes – 26 August 2021.**

Moved Deputy Mayor Carruthers, seconded Cr Davidson and **Resolved** that the Minutes of the Ordinary Council Meeting held on the 26 August 2021 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 26 August 2021.

#### 6. **ACTION LIST**

The Group Manager: Regulatory and Community Services, and acting Chief Executive, spoke to the Action List and provided the following updates:

- **Kaniere School Students – Cycle trail**  
Project is nearly complete, has been delayed due to Covid-19. Official opening to be confirmed.
- **Speed Limit Register Review – Stage 2**  
A presentation is being delivered at today's meeting from the Transportation Manager.
- **Ross Chinese Gardens – Flooding issues**  
Consent is still with the West Coast Regional Council for approval.
- **Mark Davies, DOC to speak at an upcoming Council Meeting**  
The Department of Conservation presentation is being delivered at today's meeting by the Acting Operations Manager.
- **Kumara Gardens**  
On-going, WDC are supporting the group with the tender's process. Post the tender the community group will provide an update to council.
- **Revell Street Trial – Stage 2**  
A resolution to continue was agreed at the Planning Committee Meeting held on the 09.09.21.
- **Hokitika Waste Water Treatment Plant Project Update**  
A workshop was held on the 21<sup>st</sup> September 2021.
- **Old Christchurch Road seal extension**  
Review including desk top exercise, site visits and contractor liaison to be completed by 31<sup>st</sup> Dec 2021.

- **Investigate costs to bring the WDC HQ & Pakiwaitara buildings up to 100% National Building Standards**  
Following preliminary structural surveys conducted by Simco, Johnson and Associates have been commissioned to arrange for the production of outline architectural drawings which will lead to the development of accurate costings.
- **Pakiwaitara Building Business Case Timeline**  
Action is part of the above commission of Johnson and Associates.
- **Seek Arborist advice on the removal and relocation to the 2 large palm trees outside the swimming pool.**  
Advice has been sought from Neil Challenger and also Tree Transplant Services who are based in Tauranga. A methodology for the transplantation has been given. The location proposed for the transplanting is not the issue in this case. However, there are risks in removing any established tree.

Moved Cr Davidson, seconded Cr Neale and **Resolved** that the updated Action List be received. With the below amendments/updates:

- Ross Chinese Gardens - Master plan process, remove from Ross Chinese Garden action as this is going to be an on-going action that has no confirmed end date.
- Reconsider moving the palm trees that are currently in the front of the swimming pool. Can they be left onsite? The Group Manager: District Assets to review.
- Clear communications send out regarding the Revell Street Trial and where the process is at.

## 7. **NGĀ TĀPAETANGA PRESENTATIONS**

- **Jobs for Nature, Conservation Board and Kapitia Skinks**

Owen Kilgour, Operations Manager Hokitika District from the Department of Conservation, Mike Legge, Chairman, West Coast Tai Poutini Conservation Board and Joy Comrie, Statutory Manager spoke to this presentation. The topics covered were:

- West Coast Tai Poutini Conservation Board: Purpose and Structure
- Arahura Strategic Waterways Restoration Project: Integrated Approach
- Arahura Strategic Waterways Restoration Project: Jobs for Nature
- Sustainable Whitebait Project: Jobs for Nature
- Sustainable Whitebait Project: Wadeson Island
- Predator Free South Westland: Overview
- Predator Free South Westland: Governance and Delivery
- Sustaining the South Westland Community Project: Jobs for Nature
- Weed Free Te Tai Poutini: Jobs for Nature
- Weed Free Te Tai Poutini: Locations
- Weed Free Te Tai Poutini: Key Weeds
- Weed Free Te Tai Poutini: The Work
- Kapitia Skinks, *Oligosoma saslmo*

After the presentation Council invited Mike Legge, newly elected Chairman at the West Coast Tai Poutini Conservation Board back to Council in 6 months' time to present Council with their future aspirations for the Westland District.

Moved Cr Davidson, seconded Cr Hart and **Resolved** that the presentation Jobs for Nature, Conservation Board and Kapitia Skinks from Owen Kilgour, Operations Manager Hokitika District, from the Department of Conservation, Mike Legge, Chairman, West Coast Tai Poutini Conservation Board and Joy Comrie, Statutory Manager be received.

- **Waka Kotahi NZ Transport Agency**

James Caygill, Director Regional Relationships, West Coast/ Canterbury/ Otago/ Southland from Waka Kotahi spoke to this presentation. The topics covered were:

- 2021 – 2024 National Land Transport Programme
- Summary
- Addressing the issues that matter to New Zealand: GPS Strategic Priorities
- Funding Overview
- Additional Funding
- Key activity class detail: Local Road and state highway maintenance
- Key activity class detail: Local Road and state highway improvements
- Key activity class detail: Road to Zero - a new activity class dedicated to the safe system approach to reduce road deaths and serious injuries by 40% by 2030
- Funding Allocations
- Westland District: What's happening
- West Coast: key Projects 2021 – 2024
- State Highway Maintenance
- NZ Upgrade Programme
- Emergency Works

After discussion James Caygill committed to updating the Councillors, after investigation, on the below areas of concern:

- Provide an update regarding the land spurs in South Westland, a lot of these had been washed away during past weather events and not repaired or replaced.
- Waka Kotahi contractor maintenance contract requirements: Regional signage, structures and along the state highway are in varying stages of disrepair with mould growing all over them and minimal maintenance done.
- Audit of the one-way bridges in the region and their resilience in the event of a major natural event.
- To follow up on the action list from the last Waka Kotahi report presented to Council as no follow up feedback was ever received.
- To follow up on past reports on speed limits to the entrance of the Hokitika township.

*Cr Keogan left the chambers at 2.44pm and returned at 2.46pm.*

At the close of the presentation Council invited James Caygill to present again at a future Council meeting.

Moved Deputy Mayor Carruthers, seconded Cr Keogan and **Resolved** that the presentation from James Caygill, Director Regional Relationships, West Coast/ Canterbury/ Otago/ Southland from Waka Kotahi NZ Transport Agency be received.

*Meeting was adjourned for a 10 minutes break at 2.56pm and reconvened at 3.08pm.*

- **WDC Transportation Update**

The Transportation Manager, Westland District Council spoke to this presentation. The topics covered were:

- Changes in Temporary Traffic Management rules
- West Coast Councils Transport Programme Business Case
- WDC Roading Asset Management Data Score
- Funding Requested vs Indicative Funding Approved by Waka Kotahi
- Forward Works Programme (FWP) 2021-2027
- Reseals Planned for 2021-2022
- Reseals Planned for 2022-2023
- FWP for Bridges
- Speed Limits & Changes to Speed Management Nationally
- Outline of Proposed Changes
- Speed Limits cont'd

Cr Keogan requested an update from the Transportation Manager regarding the current maintenance program for Cement Lead Road.

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

- A) Council receive the presentation from the Transportation Manager.
- B) Following the presentation from the Transportation Manager and the items that have been raised by Councillors around the table and the discussion that has taken place, that the report from the Transportation Manager be received; and that staff be instructed to:
  - a) Scope and consult with ratepayers on the inclusion of the improvement/ redevelopment of Sewell Street, Hokitika as part of the Annual Plan 2022-23.
  - b) Scope and consult with ratepayers on the inclusion of the improvement/sealing of Davie Street, Hokitika as part of the Annual Plan 2022-23.
  - c) Scope and consult with ratepayers on the inclusion of the improvement/ sealing of Cement Lead Road, Hokitika as part of the Annual Plan 2022-23.
  - d) Write to Waka Kotahi requesting that the 50km speeds north and south be extended to the existing 80km sign north and the south side of the Hokitika Bridge.
  - e) Install visible signage at Kanieri-Kowhitirangi Corner indicating 50km speed area and 30km for Camp and St Albans Street.
  - f) Change Railway Terrace, Hokitika to a one way entrance from Weld Street with angle parking on both sides.
  - g) Change Hamilton Street, Hokitika to angle parking on both sides.
  - h) Pave the footpath area around Mitre 10 Hokitika with the recently approved stamped concrete surface to test its suitability for other parts of the CBD.

## 8. PŪRONGO KAIMAHI STAFF REPORTS

- **Financial Report to August 2021**

The Finance Manager spoke to this item and advised the purpose of this report is to provide an indication of Council's financial performance for one month to 31 August 2021.

Moved Cr Hart, seconded Cr Neale and **Resolved** that the Financial Report to August 2021 from the Finance Manager be received.

*The following report order differs from the publicly released Agenda.*

- **Three Waters Reform – Statement of Proposal**

The Group Manager: District Assets spoke to this item and advised the purpose of this report is to present the Tonkin and Taylor Statement of Proposal report. This issue arises from The Government's Three Waters proposal and the Council's commissioning of Tonkin and Taylor to provide a report to aid the Council in its response.

The Group Manager: District Assets then invited Chris Purchas from Tonkin and Taylor to speak to his report and advise the elected members on the impacts of Central Government's Three Waters Reform on the Westland District. The report covered:

- Introduction
- Background
- Proposed structure for the 3 Waters service delivery
- Anticipated impacts
- Key points to feedback to government.
- Comparing Council delivery with new water services entity
- Council's preferred approach/The proposal
- Applicability

Moved Cr Neale, seconded Cr Davidson and Resolved that Three Waters Reform – Statement of Proposal Report from the Group Manager: District Assets and Chris Purchas from Tonkin and Taylor be received.

*Kw Madgwick left the chambers at 4.11pm and returned at 4.13pm.*

*Cr Keogan left the chambers at 4.24pm and returned at 4.26pm.*

## **9. NOTICE OF MOTION**

Cr Latham Martin, Hokitika Ward Councillor

The Elected members discussed the Notice of Motion put forward by Cr Martin regarding Central Government's Three Waters Reform proposal. Westland District Council (WDC) must decide to opt in or opt out of the Three Waters Reform. If WDC decided to opt in, this would be a permanent decision with no room for recourse. Should the Council decide to opt-out at this stage of the process, there may be an option for further discussion in the future once more information has been made available to the local councils.

Council believes that there has been a lack of information from central government to be able to make an informed decision on the proposed reform. There has not been a detailed analysis or framework provided.

The discussion took into consideration the feedback received from the community engagement process, with 92% of responses voting to "opt-out" of the proposed reforms. During the engagement process the key reasons the community wanted to opt out were:

- Removal of democratic control over the Westland District (WD) Three Waters assets.
- Removal of democratic control over the elected representatives of the Westland District Council (WDC) who govern the WD assets.
- No control or say over setting of fees and charges for water assets throughout the Westland District.
- No control or say over water treatment options, e.g. to fluorinate or not.
- Lack of clarity around central verses local control of three waters assets.

- Perceived lack of caring, responsibility and ownership of the assets if they were centralised. The community want to be involved and care about the management of their assets for the good of the community.

Moved Cr Martin, seconded His Worship the Mayor and **Resolved** that Council:

- A) Receive the report from the Group Manager: District Assets regarding the Three Waters Statement of Proposal report from Chris Purchas at Tonkin and Taylor.
- B) Receives the results of the Three Waters Reform community engagement and survey responses, noting that Council has taken the opportunity to survey its community, and this has resulted in a total of 370 responses of which 92% of respondents indicated they want the Council to 'opt-out' of the proposed reforms.
- C) Opposes the New Zealand Government's proposed model to establish four large water entities and remove the three waters assets and services from local councils. To date the Council is not convinced that this proposal provides the best governance and financial outcomes for our District. As a result, based on the information available at present, Westland District Council would seek to opt-out of the reform should this decision be required. This position is backed by our Community and is reflected in the feedback collected during the community engagement that was undertaken.
- D) Informs the Government that the Council will strongly and actively oppose the Government mandating the proposed entity-based model for water services delivery.
- E) Request a pause in the Three Waters Reform.
- F) Approves a letter being provided to the Minister of Local Government, with a copy sent to Local Government New Zealand and the Department of Internal Affairs by the Mayor and signed by each councillor, stating that **Westland District Council opposes the New Zealand Government's proposed model to establish four large water entities and remove the three waters assets and services from local councils**, this decision was made based on the following reasons:
  - Feedback from the Westland District Council Community Engagement process.
  - Council has significant concerns about the current government proposal, which it does not believe can be mitigated within the constraints of the proposed structural model.
  - The loss of local decision-making is a major issue for our community, and cannot be compensated by 'fine-tuning' the proposal.
  - The outcome of the government proposed structure means that the Council loses all of the normal benefits of ownership of the assets.
  - The accelerated timeframe, lack of true consultation, and lack of real alternative options has resulted in a flawed process.
  - The lack of integration with other major local government reforms will lead to a sub-optimal outcome.
  - The financial case in support of the proposal, taken from Scotland, is based on information that does not reflect the New Zealand situation.
  - The supporting information greatly exaggerates the efficiency gains expected, given the advances already made as a district.
  - The case for lower borrowing costs under the new entity is questionable; it relies on government backing, and in fact the proposal may lead to increased averaged borrowing costs when both the councils and the water entities are considered in relation to each other.
  - The proposal would be detrimental to the wellbeing of the Westland Community, with particular regard to the provision of three waters infrastructure and growth as an enabler of economic development.
  - Council agrees that the Three Waters sector faces many challenges and the status quo in some areas may not be sustainable, but believes that changes should be aligned and integrated with other local government reforms (Future for Local Government & Resource Management Act Reform). Importantly with the

establishment of Taumata Arowai and the economic regulator, this should be given time to become imbedded before major reform as is proposed is undertaken.

- The options considered need to be assessed against the wider needs of local government reform, engagement with the sector needs to be considerably improved, and the process needs to allow for appropriate community consultation.
  - Council has given consideration to Part 6 of the Local Government Act 2002 for the purpose of providing feedback to Government on the current model. The Council however is not able to support the current model on the basis that sufficient information and analysis that is proportionate to such a decision is not available.
  - That local government is best-placed to engage with its community both through existing policies and procedures, and the requirements of the Local Government Act 2002.
- G) Advises Local Government New Zealand (LGNZ) that Council does not support the Heads of Agreement between LGNZ and the Crown signed in June 2021 and request LGNZ rescind the agreement to better reflect the views of its diverse membership and this Council.
- H) Requests that the Chief Executive report back to Council once additional information and guidance from the Government, the Minister of Local Government, Department of Internal Affairs and LGNZ has been received on what the next steps will look like and how these should be managed.

*At the time the motion was moved, under Standing Orders section 27.4 Alteration of a Notice of Motion, Cr Martin who requested the Notice of Motion amended the motion as above which differed from the Notice of Motion stated in the Agenda. The motion was unanimously carried by all elected members.*

*Moved Cr Keogan, seconded Cr Davidson and **Resolved** that the meeting move past the required 2 hour break period and extend the meeting for an additional 2 hours.*

*Kw Tumahai put forward his apology and left the meeting at 5.10pm and did not return.*

## **8. PŪRONGO KAIMAHI STAFF REPORTS cont.**

### **• Westland Holdings Limited - Director Appointment Extension**

The Group Manager: Corporate Services spoke to this item and advised the purpose of this report is for Council to approve the Westland Holdings Limited (WHL) director appointments to be extended for a further 3 year term.

Council requested that the Group Manager: Corporate Services speak to WHL about their Director Appointment Policy, encouraging staggered directorship renewal so not all were due at the same time.

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

- A) Council receive the report.
- B) Council resolves to extend the current Westland Holdings Limited directors appointments for a further 3 year term.



- **Annual Dog Control Policies and Practices**

The Group Manager: Regulatory and Community Services spoke to this item and advised the purpose of this report is to adopt the Annual Report on Dog Control Policies and Practices for the year ending 30 June 2021.

During discussion Council requested that the following actions be added to the Action List:

- Fees and charges for dog registrations be added to the Annual Plan 2022 – 2023 for review.
- Send out communication to the Community as a reminder about the Responsible Dog Owner program and potential fee savings.

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

- A) Council receive the report.
- B) Council adopt the Annual Dog Control Policy and Practices Report for the year ended 30 June 2021.
- C) The adopted Annual Dog Control Policy and Practices Report for the year ended 30 June 2021 is publicly notified, and made publicly available on Council's website, and
- D) The Secretary for Local Government is advised that the Annual Dog Control Policy and Practices Report for the year ended 30 June 2021 has been published in accordance with Section 10A of the Dog Control Act 1996, and Section 5(1) of the Local Government Act 2002.

- **Smokefree and Vapefree Environments Policy 2021 – Council Buildings and Public Spaces**

The Group Manager: Regulatory and Community Services spoke to this item and advised the purpose of this report is to consider the proposed amendments to the Westland District Council Smokefree Environments Policy – Council Buildings and Public Spaces 2016 (Smokefree Environments Policy), and to adopt the Westland District Council Smokefree and Vapefree Policy – Council Buildings and Public Spaces 2021.

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

- A) Council receive the report.
- B) Council adopt the amended Smokefree and Vapefree Environments Policy – Council Buildings and Public Spaces 2021 as attached to this report (Appendix 1).

- **Responsible Camping Funding**

The Group Manager: District Assets spoke to this item and advised the purpose of this report is to make Council aware of the withdrawal of Responsible Camping funding and to advise Council of the operational impact.

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

- A) Council receive the report.
- B) The facilities at freedom camping sites (toilets / rubbish bins) are closed or removed for the 2021/2022 Freedom Camping Season, excluding any site where a business operators have agreed to absorb costs as specified a Memorandum of Understanding.

**10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI  
RESOLUTION TO GO INTO PUBLIC EXCLUDED  
(to consider and adopt confidential items)**

Moved His Worship the Mayor, seconded Cr Hart 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 5.33pm.

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 – 26 August 2021                   | 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 for withholding exists.<br>Section 48(1)(a) |
| 2.       | Westland District Road Maintenance 2021-2024            | 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 for withholding exists.<br>Section 48(1)(a) |
| 3.       | Waste Management Delivery Method and Contract Alignment | 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 for withholding exists.<br>Section 48(1)(a) |
| 4.       | Three Waters Procurement                                | 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 for withholding exists.<br>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 the privacy of natural persons, including that of deceased natural persons.<br>Section 7(2)(a)   |
| 1, 2, 3, 4 | Protect information where the making available of the information:<br>(i) Would disclose a trade secret; or<br>(ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.<br>Section 7 (2)(b) |
| 1, 2, 3, 4 | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)<br>Section 7 (2)(i)   |
| 1, 2, 3, 4 | Prevent the disclosure or use of official information for improper gain or improper advantage.<br>Section 7 (2)(j)   |

Moved Cr Hart, seconded Cr Neale 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 6.10pm.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 28 OCTOBER 2021  
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

**MEETING CLOSED AT 6.10PM**

Confirmed by:

\_\_\_\_\_  
**Mayor Bruce Smith**  
Chair

**Date: 28.10.21.**