



# COUNCIL MINUTES

## MINUTES OF AN ORDINARY MEETING OF WESTLAND DISTRICT COUNCIL HELD AT THE ARAHURA MARAE, 1 OLD CHRISTCHURCH ROAD, ARAHURA ON THURSDAY 22 AUGUST 2019 COMMENCING AT 11.14 AM

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### PRESENT

Chairperson:	His Worship the Mayor	
Members:	Cr Martin (Deputy)	Cr Lash (Deputy)
	Cr Eatwell	Cr Neale
	Cr Routhan	Cr Olson
	Cr Havill ONZM	Cr Carruthers
	Kw Tumahai	

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### 1. NGĀ WHAKAPAAHA APOLOGIES

Nil.

### ABSENT

Kw Rochford and Kw Rasmussen.

### STAFF PRESENT

S.R. Bastion, Chief Executive; L.A. Crichton, Group Manager: Corporate Services; F. Scadden, Planning and Customer Services Manager; E. Bencich, Operations Manager; T.A. Cook, Regulatory Services Manager; D.M. Maitland, Executive Assistant and Council Secretary.

### 2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register was circulated and no amendments were made at the meeting.

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

Under Section 46A of the Local Government Official Information and Meetings Act 1987, Cr Routhan asked that the following item be added to the Council Agenda:

- **Ute Muster Financials**

Moved Cr Routhan, seconded Cr Neale and **Resolved** that the Ute Muster Financials item be added to the Council Agenda and discussed.

- (i) the reason why the item is not on the agenda;

The reason the item was not included in the agenda was due to Cr Routhan being in receipt of the Profit and Loss Statement for Westland District Property Limited for the year ended 30 June 2018 as part of a

Local Government Official Information and Meetings Act request. The Profit and Loss Statement related to the Ute Muster and the information had been forwarded to Cr Routhan by the CE of Destination Westland.

- (i) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

Cr Routhan asked that this item be discussed at this meeting due to the LGOIMA response that he had received from Destination Westland. Cr Routhan was concerned that it appeared that the Hokitika Ute Muster at Easter 2018 had run at a far greater loss than thought.

The Chief Executive asked that the following item be added to the Public Excluded Agenda:

- **Crown Observer – Confidential Section**

## **5. NGĀ TĀPAETANGA PRESENTATIONS**

- **West Coast Wilderness Trail Annual Review – Geoff Gabites and Jackie Gurden**

His Worship the Mayor advised that the presentation from Geoff Gabites and Jackie Gurden on the West Coast Wilderness Trail Annual Review had been removed from the Council Agenda due to the funeral of the Rev John Drylie QSM who was Mayor of Westland District from 1998 to 2004.

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

The Minutes of Council Meetings had been circulated separately to the Mayor and Councillors and were available on the Council Table as follows:

- **Ordinary Council Meeting – 25 July 2019**

Moved Deputy Mayor Martin, seconded Cr Havill and **Resolved** that the Minutes of the Ordinary Council Meeting, held on the 25 July 2019 be confirmed as a true and correct record of the meeting.

- **Extraordinary Council Meeting – 1 August 2019**

Moved Deputy Mayor Martin, seconded Cr Neale and **Resolved** that the Minutes of the Extraordinary Council Meeting, held on the 1 August 2019 be confirmed as a true and correct record of the meeting.

## **6. ACTION LIST**

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

- **Responsible Camping Areas**

The Working Group had met on the 6 July 2019 and was progressing well with a further six further sites identified for further discussion. A further meeting of the group will be held on the 6 September 2019 and from that will be a direction on what will come back to the 26 September 2019 Council Meeting.

- **Speed Limits**  
A report to Council on speed limits will be tabled at the 26 September 2019 Council Meeting.
- **Transfer of Pensioner Housing to Destination Westland**  
A strategy encompassing both legal and financial considerations is to be defined and is being led by the Acting Chief Executive of Destination Westland.
- **Marks Road, Haast**  
The sale of land in Marks Road, Haast is to be progressed.
- **Carnegie Building Project**  
An application for external funding has been made for the Carnegie Building Project.
- **Whataroa Water Supply**  
Deputy Mayor Lash asked that staff communicate with the Whataroa Community regarding the water supply.
- **Local Government Leaders' Climate Change Declaration**  
Cr Neale asked if a report will come back for further discussion to Council regarding the above matter. The Chief Executive advised that he will make contact with Local Government New Zealand regarding the Local Government Leaders' Climate Change Declaration and will come back to Council.
- **Fox Glacier Landfill**  
The Chief Executive advised that this matter is a work in progress and there will be a report to Council on the Fox Glacier Landfill Remediation and Management Options tabled in the meeting.
- **Cass Square**  
The Chief Executive advised that there is a group of stakeholders of all the sporting bodies and local representatives currently involved with Cass Square and the information from that group will be developed into a Reserves Management Plan, and there will be opportunity for public consultation.  
  
Cr Olson enquired about the fertilising of Cass Square.
- **Safe Crossing area on Kaniere Road**  
Cr Olson expressed safety concerns regarding cyclists and pedestrians crossing Kaniere Road and Kaniere Tram near Westroads Kaniere Depot and the increase in traffic movements in this area. The Chief Executive advised that this item is with District Assets staff to investigate options for a safe crossing area on Kaniere Road.  
  
Deputy Mayor Martin asked that Kaniere School Students be communicated with to advise that their voice is important to Council and safety options for the crossing are currently being considered.
- **Manatu Whakaaetanga Partnership Agreement**  
The Partnership Agreement between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio together known as Poutini Ngāi Tahu and Westland District Council had been signed by His Worship the Mayor Bruce Smith on behalf of Council, and Kw Francois Tumahai, Kaiwhakahaere, on behalf of Te Rūnanga o Ngāti Wae at the Powhiri which was held in the morning at the Arahura Marae.

Moved Cr Olson, seconded Deputy Mayor Lash and **Resolved** that the updated Action List be received and the following items be removed from the listing as they are either underway or completed:

- Trading in Public Places.
- Memorandum of Understanding – Westland Industrial Heritage Park for future maintenance of the seat in Weld Lane.
- Draft National Policy Statement for Biodiversity.
- Hokitika Cemetery.
- Special Consultative Procedure.
- Closed Landfills Risk Overview.

The meeting adjourned at 11.47 am for lunch to enable the Mayor and Councillors to attend the Rev John Drylie's funeral. The Ordinary Council Meeting would reconvene at the conclusion of the Extraordinary Council Meeting.

The Council Meeting reconvened at 3.21 pm.

## **7. PŪRONGO KAIMAHI STAFF REPORTS**

### **• Fox Landfill**

The Operations Manager circulated a report on the preliminary options for remediation and/or management of the partially eroded Fox Glacier landfill.

A Powerpoint Presentation was available on the Landfill Mining Solutions – Discussion draft prepared for Westland District Council by Golder and Associates.

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

- A) Council receive the report as an informational update on progress made to date and the likely options moving forward.
- B) Council sign off on a staged approach and approve the short-term option presented to mitigate potential reputational risks to Council and environmental risks should a weather event of similar intensity occur before long-term options can be assessed, funded and implemented.
- C) Council support staff in progressing their investigations into the engineering methodology, financial implications and funding mechanisms of the long-term options.

### **• CBD Signage Hokitika – Project Proposal**

The Regulatory Services Manager spoke to this item and advised that the purpose of the report is to advance the Hokitika Town and District Signage plans that have been discussed at various levels for the last 10 years.

A meeting with key stakeholders was held in terms of the betterment of signage around the Hokitika District. It was noted that there is no budget approved for this item.

Deputy Mayor Martin spoke to this item and advised that various organisations had been tasked with reviewing the signage options for the CBD and were asked to come back to Council with their recommendations. The outcome of the review had been included in the Report to Council.

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

- A) Council receive the report.
- B) Council support the signage project in principle.
- C) Council make a determination on external or internal funding of the signage proposal and work with the groups concerned on identifying alternative funding sources.

- **Annual Dog Control Policies and Practices Report**

The Regulatory Services Manager spoke to this item and advised that the purpose of the report is to adopt the Annual Report on Dog Control Policies and Practices for the year ending 30 June 2019.

Moved Cr Routhan, seconded Cr Carruthers and **Resolved** that:

- A) Council adopt the Annual Dog Control Policy and Practices Report for the year ended 30 June 2019.
- B) The adoption of the Annual Dog Control Policy and Practices Report for the year ended 30 June 2019 is publicly notified, made publicly available on Council’s website, and that the Secretary for Local Government is advised that it has been published in accordance with Section 10A of the Dog Control Act 1996, and Section 5(1) of the Local Government Act 2002.

## 8. ADMINISTRATIVE RESOLUTIONS

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

- **Ana Coleman – Building Control Manager**

Aspect	Delegation	Parameters
<b>Building Act, 2004</b>	Generally, all of Council’s powers, duties and functions per the Act	The following are specifically excluded: - The transfer of functions, powers and duties pursuant to S. 233 - The fixing of fees or charges pursuant to S. 219

Aspect	Delegation	Parameters
	<p>Pursuant to sections 33 - 39 all powers in respect of Project Information Memoranda including but not limited to:</p> <ul style="list-style-type: none"> <li>• Determining the adequacy of information received and require further information</li> <li>• Issuing PIMs (s34)</li> <li>• Determining if errors have been made and reissue PIMs (s34(4))</li> <li>• Deciding what information should be included in the PIM (s35)</li> <li>• Attaching a development contribution notice if applicable or to impose charges per the Council's current Schedule of Fees (s36)</li> <li>• Determining if the project requires a resource consent and attach a resource consent certificate to the PIM (s37)</li> <li>• Determining if a copy of the PIM should be supplied to a network utility operator (s38)</li> <li>• Determining whether the application affects a registered historic place, historic area, wahi tapu or wahi tapu area and notify the application to the Historic Places Trust as required (s39)</li> </ul>	
	<p>Pursuant to sections 45, 46, 48, 49, 50, 51, 52, 53, 54, 67, 71-73, 74, 75, 77 and 83, all powers in respect of building consents including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Determining the information which the Building Consent Authority requires as part of a building consent application (s45)</li> <li>• Determining if a copy of the application is to be supplied to the NZ Fire Service (s46)</li> <li>• Processing the consent application, including determining the adequacy of information provided; requiring further information; determining if any warning of ban applies to any building method proposed; assessing the application against the NZ Building Code; determining whether or not to accept a producer statement as establishing compliance with any aspect of the NZ Building Code (s48)</li> <li>• Determining if the provisions of the Building Code would be met if the building work is completed in accordance with the consent application and grant the building consent (s49)</li> <li>• Determining whether to refuse any building consent and give written notice of the refusal and reasons for the refusal (s50)</li> <li>• Issuing building consents (s51)</li> <li>• Determining applications for extension of time to commence building work (s52)</li> </ul>	

Aspect	Delegation	Parameters
	<ul style="list-style-type: none"> <li>• Advising applicants of the amount of levy for a building consent and collect the levy on behalf of the Chief Executive of the Department of Building and Housing (ss 53-54)</li> <li>• Determining whether a consent is granted subject to a waiver or modification of the NZ Building Code and impose any conditions considered appropriate (s67)</li> <li>• Determining all matters relating to the grant or refusal of a building consent for the construction of a building or for major alterations to a building on land subject to natural hazards, including granting any waiver or modification of the Building Code in respect of the hazard concerned; imposing any conditions considered appropriate and notifying the appropriate authority (ss71-73)</li> <li>• Determining if any entry on a certificate of title relating to the land being subject to a natural hazard is no longer required (s74)</li> <li>• Determining if a building consent involves building work covering two or more allotments and set appropriate conditions, including not issuing the building consent until those conditions have been met (ss 75, 77)</li> <li>• Determining applications to remove conditions issued under s75</li> </ul>	
	<p>Pursuant to sections 93-95, determining all matters relating to whether a code compliance certificate will be issued, including requiring further information, determining applications for extension of time to complete building work and issuing or declining to issue code compliance certificates.</p>	
	<p>Pursuant to sections 96-99, all matters relating to certificates of acceptance, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Requiring further information</li> <li>• Processing the application, including determining whether or not to accept a producer statement as establishing compliance with any aspect of the NZ Building Code</li> <li>• Determining any qualifications which should be made</li> <li>• Issuing or declining to issue the Certificate of Acceptance</li> </ul>	
	<p>Pursuant to sections 102, 103, 106, 107, 109-110, all matters relating to compliance schedules and building warrants of fitness, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Issuing compliance schedules (s102)</li> <li>• Determining the content of a compliance schedule (s103)</li> </ul>	

Aspect	Delegation	Parameters
	<ul style="list-style-type: none"> <li>• Determining whether or not to amend a compliance schedule on application from the owner of the building (s106), recommendation from a licensed building practitioner (s109) or the Council's own initiative (s107)</li> <li>• Requiring production of annual written reports on compliance schedules (s110)</li> </ul>	
	<p>Pursuant to sections 112-113, 115 and 116, all matters relating to alterations of existing buildings and changes of use, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Determining whether or not to grant a building consent for an alteration to an existing building that will not fully comply with the Building Code (s112)</li> <li>• Determining conditions and issuing building consents for buildings with specified intended lives (s113)</li> <li>• Determining whether or not to permit the change of use of a building (s115)</li> <li>• Determining whether or not to permit the extension of life for a building with a specified intended life (s116)</li> <li>• Determining whether or not to give effect to a subdivision that affects a building (s116A)</li> </ul>	
	<p>Pursuant to sections 121-124 and 126, all matters relating to dangerous, earthquake-prone or insanitary buildings, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Determining whether a building is dangerous, including seeking advice from the NZ Fire Service (s121)</li> <li>• Determining whether a building is earthquake-prone (s122) or insanitary (s123)</li> <li>• Determining the appropriate action to be taken where sections 121-123 apply, including issuing a notice to the building owner (s124)</li> <li>• Applying to the District Court to carry out work where a notice under s124 is not being complied with in a reasonable period (s126)</li> </ul>	
	<p>Pursuant to sections 164-165 and 167, all matters related to notices to fix including by not limited to:</p> <ul style="list-style-type: none"> <li>• Determining whether or not any of the circumstances in s164(1) apply and issuing notices as required. (s164)</li> <li>• Determining whether or not another authority should issue the notice to fix and advising that authority (s164)</li> <li>• Determining the content of the notice to fix (s165)</li> <li>• Inspecting or arranging for the inspection of the building work to which a notice to fix relates (s167)</li> </ul>	

	<ul style="list-style-type: none"> <li>Confirming or refusing to confirm that the notice to fix has been complied with and, where appropriate, providing written reasons and issuing further notices to fix (s167)</li> </ul>	
	<p>Pursuant to sections 177-178, 180 and 189, all matters related to determinations, including but not limited to:</p> <ul style="list-style-type: none"> <li>Applying for determinations (s177)</li> <li>Making submissions and appearing at determination hearings (s178)</li> <li>Withdrawing any application for determination made by the Council (s180)</li> <li>Requesting clarification of a determination (s189)</li> </ul>	
	<p>Pursuant to section 363A all matters related to determining applications for certificates of public use.</p>	
	<p>Pursuant to sections 372 - 381, all matters associated with legal action under the Act, including but not limited to:</p> <ul style="list-style-type: none"> <li>Issuing of infringement notices (s372)</li> <li>Laying information with the District Court (s377)</li> <li>Applying for injunctions (s381)</li> </ul>	<p>Execution of any of these powers/duties is subject to consultation with the Regulatory Services Manager</p>
	<p>Pursuant to the Building Act 2004, act on Council's behalf with respect to the following administrative actions:</p> <ul style="list-style-type: none"> <li>Gathering information and undertake necessary research.</li> <li>Keeping necessary records.</li> <li>Authorising work that the local authority may carry out in default of it being carried out by the owner, and recovery of costs where work is done on default.</li> <li>Inspecting all building work.</li> </ul>	

- Simon Percy**

Aspect	Delegation	Parameters
Westland Building Consent Authority Manual	Generally, all of the Westland Building Consent Authority's powers, duties and functions.	
	Authority to authorise and approve any Change to the Westland BCA Manual in accordance with part 1.6.2.	
	Authority to allocate any work to a competent contractor in accordance with part .2.5.	
	Authority to update and maintain the technical library in accordance with part 3.4.	

As at 22 August 2019, the above delegation is terminated and the authority to exercise the following functions, powers, duties and discretions of the Council in respect of the Westland Building Consent Authority pursuant to the Westland Building Consent Authority Manual are delegated to:

- **Ana Coleman**

Aspect	Delegation
Westland Building Consent Authority Manual	Generally, all of the Westland Building Consent Authority's powers, duties and functions.
	Authority to authorise and approve any Change to the Westland BCA Manual in accordance with part 1.6.2.
	Authority to allocate any work to a competent contractor in accordance with part .2.5.
	Authority to update and maintain the technical library in accordance with part 3.4.

#### **LATE AGENDA ITEM - UTE MUSTER - FINANCIALS**

Council had resolved that this matter be added to the Council Agenda as an Urgent Item for discussion.

Cr Routhan had expressed concerns at the Profit and Loss Statement that he had been provided by Destination Westland in response to his Local Government Official Information and Meetings Act Request (LGOIMA) request. Part of the financial information had been redacted under LGOIMA. Cr Routhan was concerned that the Hokitika Ute Muster had run at a far greater loss than thought.

Cr Routhan called for the resignation of His Worship the Mayor and also the Chair of Destination Westland with regard to this matter.

His Worship the Mayor suggested to Cr Routhan to send the information to the Office of the Auditor-General for investigation.

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

Moved Cr Carruthers, seconded Cr Havill 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 4.31 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 Council Minutes – 25 July 2019	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.	Confidential Extraordinary Minutes – 1 August 2019	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.	Crown Observer	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)

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 (Section 7(2)(a)); and  Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i)).
2.&3.	Maintain legal professional privilege (Schedule 7(2)(g)); and  Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i)).

Moved Cr Havill, 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 4.51 pm.

**DATE OF NEXT ORDINARY COUNCIL MEETING – 26 SEPTEMBER 2019  
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA**

**MEETING CLOSED AT 4.51 PM**

Confirmed by:

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

\_\_\_\_\_  
**Date**