

## **THE WEST COAST REGIONAL COUNCIL**

### **MINUTES OF THE MEETING OF THE COUNCIL HELD ON THE 14 MARCH 2006, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.16 A.M.**

#### **PRESENT:**

J. Clayton (Chairman), B. Chinn, D. Shannahan, D. Davidson, P. Ewen, R. Scarlett.

#### **IN ATTENDANCE:**

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), A. Macalister (Vector Programme Manager – For item 4.2 only), S. Moran (Planning and Environmental Manager), C. Dall (Consents & Compliance Manager), J. Butcher (Minutes Clerk), The Media.

#### **1. APOLOGIES:**

There were no apologies for this meeting.

#### **2. PUBLIC FORUM (if required)**

#### **3. CONFIRMATION OF MINUTES**

**Moved** (Davidson/Shannahan) That the minutes of the Council Meeting 14 February 2006 be confirmed as correct.

*Carried*

#### **Matters arising**

Cr. Chinn asked if there had been a reply from Audit New Zealand, to which Cr. Clayton indicated that Audit New Zealand would be visiting R. Mallinson, C. Ingle and himself in late March, to go through the process and negotiate the costs before this matter could be taken up with the Minister.

#### **4. REPORTS:**

##### **4.1 VECTOR PROGRAMME MANAGER'S REPORT**

A. Macalister gave a brief overview of this report, including a description of the pre-qualification system and the letting of two-year supply agreements.

Councillors embarked on a full discussion related to this report, including actual possum catch verification, benefits of pre-qualification procedures, and tender processes and protocols.

**Moved** (Ewen/Scarlett) That this report be received.

*Carried*

##### **4.2 PLANNING AND ENVIRONMENTAL MANAGER'S REPORT ON ENGINEERING OPERATIONS**

S. Moran presented this report.

Cr. Ewen reiterated concerns raised in previous meetings regarding the Kiwi Quarry and possible inspections. S. Moran overviewed a recent quarry inspection with John Ellis and Wayne Moen. The recommendation was to recover all usable rock (on the floor) at the Kiwi Quarry, tidy up for safety reasons (increase the size of current bench etc) and basically mothball the quarry. A full discussion took place regarding the ongoing costs of maintaining this quarry, OSH requirements, rock costs, quarry restoration and potential for future use. In summary, it was decided that Kiwi is still a good quarry but it is possibly cheaper in the short

term for users to source rock from alternative quarries. This quarry will be maintained by the Regional Council, as a mothballed quarry.

**Moved** (Shannahan/Davidson) That this report be received.

*Carried*

#### **4.3 CORPORATE SERVICE MANAGER'S MONTHLY REPORT**

R. Mallinson presented this brief report, which included no financial report due to the time required by the LTCCP process.

Cr. Scarlett questioned the meaning of the term "hot review", to which R. Mallinson answered that this is a term used by the Office of the Auditor General meaning, "to have a preliminary look at the Draft LTCCP document".

At Cr. Clayton's request, R. Mallinson confirmed that the \$200,000 withdrawal was for working capital and was in accordance with the 2005/06 Annual Plan.

**Moved** (Davidson/Ewen) That this report be received.

*Carried*

#### **4.4 WEST COAST REGIONAL COUNCIL AND WESTLAND MILK PRODUCTS AGREEMENT**

Cr's Clayton and Scarlett registered an interest in this Item and refrained from comment and voting. Cr. Shannahan chaired this item due to these registered interests.

C. Ingle overviewed this report and the associated high-level draft agreement between the West Coast Regional Council and Westland Milk Products.

Councillors involved in this discussion expressed their enthusiasm for this agreement and identified the benefits.

C. Ingle indicated that due to the registered interest by Cr. Clayton, there is a preference for the Chairman of the RMC (Cr. Shannahan) to sign on behalf of the West Coast Regional Council with the CEO (C. Ingle). This change will be actioned before the signing.

**Moved** (Chinn/Davidson) That the Council confirm their approval to the signing of this agreement.

(There were only four voters for this motion.)

*Carried*

#### **4.5 DELEGATIONS MANUAL ANNUAL REVIEW UPDATE**

C. Ingle presented this report, including a change in terms of the Vector Management Contract and making this area no longer subject to the delegations manual. Instead, they will be subject to the AHB manual.

C. Dall pointed out several changes in the Draft Delegations Manual, in which it was proposed to give management more scope (flexibility) to make decisions, where sensible, rather than at Council level.

- Pg 5 – Purchase of Goods & Services – Financial Delegations – Cr. Scarlett expressed his concern at the financial delegation allowed to the Executive Assistant position. R. Mallinson informed Council that this amount would have to be in the approved budget for the expenditure to be permitted.
- Pg 6 – Write –Off or Reduction of Debts (b) - Cr. Chinn requested further clarification on the "Rate debtor invoices will only be written off or written down to correct errors".

R. Mallinson indicated that this related to errors in the rating database e.g. imported territorial value that had an incorrect ratability status.

- Pg 7 – Hearing Committees and Commissioners – added in the ability for the CEO and CCM to appoint commissioners, if the Chairman is not available.

Cr. Clayton asked if this was a historic problem, which C. Dall indicated that it would allow for more flexibility and ease in tight timeframes. Councillors took place in a brief discussion regarding this issue, with Cr. Clayton expressing his concerns, as this is a complete departure from the usual practice associated to independent commissioner appointment.

It was decided that the sentence would read: *"Where Chair/s are not available, the appointment of independent Commissioner/s may also be carried out by another Councillor"*.

- Pg 8 (Section 357) – C. Dall advised that this Section has changed significantly from the old legislation. This change allows for the hearing commissioner/s to deal with the objections under Section 357. Also with minor objections that do not require a formal hearing, it is proposed that the CEO and CCM can also make a decision on this objection, individually.

Cr. Clayton asked if the was a description of the term "minor". C. Dall overviewed recent examples that had required the attention of Cr. Shannahan.

- Pg 10 (Section 92) – C. Dall indicated that this Section was changed significantly in the last set of amendments. The changes to the Draft Delegations Manual reflect these changes, including the ability to ask for further information or decline options. C. Dall suggested that this Section would be used if the application was significantly deficient or the applicant is un-cooperative.

Cr. Ewen expressed his concern related to this Section, whilst over viewing his belief that if the application was deficient, then the applicant took a chance by submitting said application. Cr. Clayton suggested that there was recent case law, which agreed with Cr. Ewen's assumption. C. Ingle indicated that the recent changes to the Act have circumvented this and given the power to the Council to decline an application such as this. C. Dall will verify the recent case law and Act changes before proceeding with this change.

Cr. Scarlett asked if the CEO or CCM were to make a decision, would they then in turn inform the other of delegatory decisions. C. Dall answered that he would certainly inform the CEO if a delegatory authority were to be used in this Section.

- Pg 11 (Section 99) - C. Dall indicated that this Section gives greater power in terms of pre-hearing meetings and the attendance of submitter's. The intent is to try to eliminate the more frivolous and vexatious submissions.

Councillors agreed to this change.

- Pg 13 (Section 139) – C. Dall overviewed the new powers that have been given in terms of Existing Use Certificates.

Councillors agreed to this change.

- Pg 14 (Section 317 – 334) – C. Dall proposed that the delegations be expanded to the Compliance Team Leader in terms of e.g. serving notice on enforcement orders, cancel abatement notices and power to register works or apply for a warrant for entry for search.

Councillors agreed with this change.

- Pg 14 (First Schedule & Section 120) - Cr. Scarlett expressed his concerns in relation to the delegatory authorities for the Power to appeal to the Environment Court on a Proposed

Policy Statement, Plan or consent, including the potential for financial burden to the Council in costs. C. Ingle suggested that due to time constraints and Council meeting times, there was a need for this authority. Cr. Clayton indicated that the CEO alone should have this delegatory authority.

Councillors agreed to this change with the proviso that Council always is notified of an appeal in place and that the delegatory authority remain with the CEO only.

- Pg 14 (Section 338(4)) – C. Dall overviewed this deficiency in the existing Delegations Manual.

Councillors agreed to this addition.

**Moved** (Scarlett/Chinn) That the Council approve the proposed delegations listed in this report, subject to the changes suggested.

*Carried*

## 5. CHAIRMAN'S REPORT

Cr. Clayton gave a brief verbal Chairman's report.

This included:

- An overview of the Zone 5 meeting in Ashburton and the difficulties associated to water allocation. There was positive feedback about the way that our Council relates with the three District Council's.
- The Civil Defence Meeting with the CEO's, the Mayors and John Lovell (Ministry for Civil Defence) raised the capacity of an organisation to carry out its functions with a large proportion of the staff down with a pandemic type virus. It was suggested that each organisation should have a plan or give some thought to how they would cope to reduced staff numbers. Cr. Davidson requested an update as to how we would meet our statutory requirements if a pandemic virus were to affect the West Coast. C. Ingle indicated that N. Costley has done some research into how our day-to-day business would be affected. It was her view that the pandemic would affect the client base as well and we could effectively close the Council door. It was suggested that Council would work under the emergency provisions of the RMA (Section 37).
- The Mayors & Chair meeting – there is a very good working relationship between the four Council's on the West Coast.

**Moved** (Clayton/Davidson) That the Council receive the verbal Chairman's Report.

## 6. CHIEF EXECUTIVES REPORT

C. Ingle presented this report, including an overview of the MORST Road Map meeting, which was interesting to see the different focus of the different groups on where the budget should be spent.

Cr. Davidson asked if there was anything to report from the West Coast Council's CEO's meeting. C. Ingle indicated that this meeting was more a catch-up, to find out if there was any potential collaboration work that could be organised.

**Moved** (Chinn/Davidson) That this report be received.

*Carried*

**7. GENERAL BUSINESS**

There was no general business.

The meeting closed at 12.41 p.m.

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Chairman

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Date