

**AGENDA AND SUPPORTING PAPERS  
FOR COUNCIL'S NOVEMBER MEETINGS**

**TO BE HELD IN THE OFFICES OF THE WEST COAST REGIONAL COUNCIL  
388 MAIN SOUTH ROAD, GREYMOUTH**

**MONDAY, 10 NOVEMBER 2014**

**The programme for the day is:**

**10.30 a.m:**

**Resource Management Committee Meeting**

**On completion of RMC Meeting:**

**Council Meeting**

# **RESOURCE MANAGEMENT COMMITTEE**

**THE WEST COAST REGIONAL COUNCIL**

Notice is hereby given that a meeting of the **RESOURCE MANAGEMENT COMMITTEE** will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Paroa, Greymouth on **Monday, 10 November 2014**

**P. EWEN**  
**CHAIRPERSON**

**M. MEEHAN**  
**Planning and Environmental Manager**  
**J. ADAMS**  
**Consents and Compliance Manager**

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<b><u>AGENDA NUMBERS</u></b>	<b><u>PAGE NUMBERS</u></b>	<b><u>BUSINESS</u></b>
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<b>3.</b>		<b>PRESENTATION</b>
<b>4.</b>		<b>CHAIRMAN'S REPORT</b>
<b>5.</b>		<b>REPORTS</b>
		<b>5.1 Planning and Environmental Group</b>
	4	5.1.1 Planning & Environmental Manager's Report
		<b>5.2 Consents and Compliance Group</b>
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		<b>6.0 GENERAL BUSINESS</b>

# 2.1

## THE WEST COAST REGIONAL COUNCIL

### MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 14 OCTOBER 2014 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.32 A.M.

#### **PRESENT:**

P. Ewen (Chairman), A. Robb, A. Birchfield, P. McDonnell, T. Archer, S. Challenger, N. Clementson, J. Douglas

#### **IN ATTENDANCE:**

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), M. Meehan (Planning & Environmental Manager), J. Adams (Consents & Compliance Manager), T. Jellyman (Minutes Clerk)

#### **1. APOLOGIES**

There were no apologies.

#### **2. PUBLIC FORUM**

There was no public forum.

#### **3. MINUTES**

**Moved** (Robb / Archer) *that the minutes of the previous Resource Management Committee meeting dated 9 September 2014, be confirmed as correct.*

*Carried*

#### **Matters Arising**

J. Douglas asked for further clarification regarding Council's use of drones as runanga has concerns around privacy issues. M. Meehan stated that drones are used to take photographs of council owned structures and these structures are generally on public property. C. Ingle stated that council does not regulate the use of aircraft so council has no authority over other people's use of drones.

#### **4. CHAIRMAN'S REPORT**

Cr Ewen reported that he only received one phone call during the reporting period. He stated that this was about the difference in time periods allowed for whitebaiting, which is not an issue that this council can assist with.

**Moved** (Ewen / Archer)

*Carried*

#### **5. REPORTS**

##### **5.1 PLANNING AND ENVIRONMENTAL GROUP**

##### **5.1.1 PLANNING AND ENVIRONMENT MANAGER'S REPORT**

M. Meehan spoke to this report. He advised that work is continuing with farmers in the Lake Brunner catchment, using the Ministry for the Environment Fresh Start to Freshwater Fund. M. Meehan advised that \$200,000 has been received from them with \$20,000 being allocated to the community group for plantings in this catchment. M. Meehan reported that another planting day will be held on the 18<sup>th</sup> of October. M. Meehan explained the funding allocation to the meeting. He stated that this project is a significant piece of work in improving the water quality in the Lake

Brunner catchment. M. Meehan stated that Council has been able to source money from central government to assist the farmers in this catchment to meet the new rules. He stated this is a win win situation.

M. Meehan reported that work is continuing with AgResearch, Massey University, Dairy NZ and Westland Milk Products to progress the website that will assist farmers in the Lake Brunner catchment as to the best time to irrigate dairy effluent.

M. Meehan reported that the new Mokihinui River flood warning site has now been installed using the old Meridian site that Niwa formerly operated. M. Meehan advised that the next step is for the Civil Defence Manager and the Buller District Council civil defence staff to talk to the community about putting a community response plan in place.

M. Meehan reported that work has also been done in the Mawheraiti catchment to install a low flow gauging site. He advised that this site will provide a lot of good data to inform consent and planning processes.

Cr Archer passed on his appreciation to M. Meehan for the work done by staff, particularly on the Mokihinui River.

**Moved** (McDonnell / Challenger) *That Council receives this report.*

*Carried*

### 5.1.2 EPS FILTER TRIAL REPORT

M. Meehan spoke to this report and advised that this trial is as the result of the work done for the Reefton Airshed. He stated that the OekoTube filters PM<sub>10</sub> particles from chimneys. M. Meehan stated that a four day lab trial was done in Nelson at the beginning of the year. He advised that omissions from the stack were investigated during this trial and from this it was found that the OekoTube removed 90 - 97% of PM<sub>10</sub> particles on low burner start up and around 58% overall. M. Meehan reported that the trial involved the installation of one OekoTube on a wood and coal burning fire and one OekoTube on a fire that burns coal only. M. Meehan stated that the trial needed to identify whether or not there was going to be significant maintenance costs, were chimneys going to need to be swept more often, and were there any technical glitches that could be of concern. M. Meehan advised that each month a contractor did a visual check for particle build up on the flue and an assessment of the build-up. M. Meehan reported that this revealed that the devices work as they are designed; there were some very minor glitches at the start, as there was a problem with a magnet on one of the devices. This was repaired quickly. M. Meehan stated that the people that had the OekoTube device on their chimneys were members of the Reefton Airshed committee and were very committed to ensuring that the device works. M. Meehan advised that a lot of confidence has been gained as a result of the trial, the OekoTube was not affected by weather, and they worked well.

M. Meehan stated there was a small difference in how each device collected the particles on the side of the flue between the coal fire and the coal and wood fire with the issue around re-entrainment. M. Meehan drew attention to the photographs in his report of the re-entrainment. M. Meehan stated that the feedback from the two people who had the OekoTubes installed on their chimneys is that the house that was just burning coal, the re-entrainment did not occur as much as on the coal and wood fire. On the coal and wood fire it seemed as though there were more particles on the roof. M. Meehan stated that the particles were quite isolated and it is unknown whether or not these particles would be there if the OekoTube wasn't in place as a control was not done. M. Meehan advised that it was felt that the presence of particles was not alarming and there were no issues to neighbouring properties. M. Meehan stated that the trial has revealed that the OekoTubes work, they work in the field and the next step is to meet with the committee to discuss the results of the trial and then arrange a public meeting. M. Meehan advised that the Reefton Airshed committee will make recommendations back to council.

Cr Ewen invited questions to M. Meehan. Cr Archer stated that this is a very good and comprehensive report that answers questions that council did not have information on prior to the trial. M. Meehan answered various questions from councillors. He stated that the devices are not complicated. Cr Archer stated that council really only has two options; either to do nothing or carry on with this project and to seek a solution. Cr Archer said if council does nothing then commissioners are likely to be appointed to address air quality in Reefton and this could then result in the banning of coal fires. Cr McDonnell asked how long is the lifespan of the OekoTube. M. Meehan advised that the manufacturer can guarantee these for ten years; he has had one on his own chimney for over ten years and has not had a problem with it. M. Meehan stated that the manufacturer would like a guarantee around maintenance. Cr Robb asked if there has been much community feedback on the OekoTube. Cr Archer stated he has only seen one letter to the Editor of

the local paper but he is aware of discussion going on with the existing committee and the community. Cr Archer stated that this is difficult to gauge until there is a public meeting arranged. Cr Ewen stated that if there is migration of particles from the OekoTube then neighbours washing lines would soon reveal this. M. Meehan stated that the clothes line on the property with the coal and wood fire was about 10 metres away and there were no issues. Cr Ewen stated this is a pretty strong indication of how successful they are.

**Moved** (Archer / Robb) *That Council receives this report.*

*Carried*

**5.2.1 CONSENTS MONTHLY REPORT**

J. Adams spoke to this report and advised that one site visit was carried out during the reporting period. He reported that 20 non-notified resource consents were granted and four changes to resource consent conditions were granted during the reporting period.

**Moved** (Birchfield / Archer) *that the October 2014 report of the Consents Group be received.*

*Carried*

**5.2.1 COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

J. Adams spoke to this report and advised that 62 site visits were made during the reporting period. He stated that six of these visits were the result of complaints. J. Adams stated that 36 visits were complainant and 20 visits were non-complainant. J. Adams advised that of the 21 incidents reported enforcement action was taken for six of these with either infringement notices or formal warnings. J. Adams reported that three abatement notices and five infringement notices were issued during the reporting period. J. Adams reported that eight work programmes were submitted during the reporting period.

**Moved** (Archer / Clementson)

1. *That the October 2014 report of the Compliance Group be received.*
2. *That Council releases the bonds held by M.C. Ferguson for Resource Consent RC02168, Crescent Creations Ltd for Resource Consent RC09030 and Gold Mining Rimu Ltd for Resource Consent RC11083.*

*Carried*

**6.0 GENERAL BUSINESS**

J. Douglas made the following statement; *"on behalf of Te Runanga O Makaawhio, we would like to make it clear in regard to the Battle for the Birds campaign that is currently being conducted, that we condemn the campaign in the strongest possible terms, although we value and love our native birds we don't believe they should come before people"*. J. Douglas stated that this is the statement from the runanga.

Cr Ewen stated that he cannot reconcile why the complaint about foam in the Hokitika River is not in the compliance report. J. Adams advised that the report on this matter came in after his compliance report was prepared. J. Adams stated that staff visited the site, there is monitoring in place, nothing was found coming from Westland Milk Products site and all results have come back clear. J. Adams advised that one possibility is due to the dry period during this time, there was a lot of algae in the river at this time. Cr Ewen stated that this has happened during the whitebait season before. J. Adams stated that he cannot guarantee that the discharge came from Westland Milk Products but nothing has been picked up at any of the monitoring points. Cr Challenger asked if monitoring has picked up anything in Hau Hau Creek as it has been running dirty at times lately.

The meeting closed at 10.56 a.m.

.....  
Chairman  
.....  
Date

# 5.1.1

## THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting – 10 November 2014  
Prepared by: Michael Meehan - Planning and Environment Manager  
Date: 3 November 2014  
Subject: **PLANNING AND ENVIRONMENT MANAGERS REPORT**

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### Reefton Air Quality

On 3 November 2014 the Reefton Airshed Committee met to discuss results from the Oeko tube trial. The committee agreed to a public meeting in early 2015 to discuss its recommendations with the Reefton community.

### State of Environment Monitoring

The 3 yearly State of Environment Report is almost complete. Staff are analysing how the sites monitored meet the recently released National Objectives Framework listed in the Freshwater National Policy Statement.

### Coastal Plan

Staff are finalising the draft Coastal Plan and intend running a workshop with Council at the December 2014 Council meeting. Once the draft has been approved staff will begin pre consultation as outlined in the first Schedule of the Resource Management Act.

### Land and Water Plan

Staff are finalizing the draft plan change which aims to correct Schedule 2 wetland boundaries incorrectly mapped during the previous Environment Court case. Staff will run a workshop with Council at the December 2014 Council meeting.

### Regional Policy Statement Review

Staff are working through feedback received through pre consultation on the draft Regional Policy Statement review.

## **RECOMMENDATION**

*That the report is received*

Michael Meehan  
**Planning and Environment Manager**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Resource Management Committee  
 Prepared by: Jackie Adams - Consents & Compliance Manager  
 Date: 31 October 2014  
 Subject: **CONSENTS MONTHLY REPORT**

**CONSENTS****Consents Site Visits 1 – 29 October 2014**

<b>DATE</b>	<b>NAME, ACTIVITY &amp; LOCATION</b>	<b>PURPOSE</b>
21/10/14	RC-2014-0180 – Dempster Ltd, Alluvial gold mining, Goldsborough	To undertake a site visit with the Department of Conservation to investigate the environmental and archaeological impacts associated with mining at Goldsborough.
22/10/14	RC13123-V3 – Greid Mining Ltd, Alluvial gold mining, Taylorville – Blackball Road	To undertake a site visit with the applicant to discuss the consent processing of a variation to include a new and adjoining mining area.

**Non-Notified Resource Consents Granted 1 – 29 October 2014**

<b>CONSENT NO. &amp; HOLDER</b>	<b>PURPOSE OF CONSENT</b>
RC13131 Westland District Council	<p>To occupy space within the foreshore/seabed with a rock wall, Hokitika.</p> <p>To construct a structure (rock wall/coastal protection works) on the foreshore/seabed, Hokitika.</p> <p>To disturb the foreshore/seabed to construct coastal protection works, Hokitika.</p> <p>To deposit natural material (rock) within the foreshore/seabed, Hokitika.</p> <p>To undertake earthworks within 50 metres of the Coastal Marine Area (CMA) associated with the construction and maintenance of a structure (rock wall/coastal protection), Hokitika.</p>
RC-2014-0086 Birchfield Minerals Ltd	<p>To undertake earthworks associated with alluvial gold mining adjacent to Eight Mile Creek within MP 56032 &amp; EP 53726.</p> <p>To disturb the bed of Eight Mile Creek and its unnamed tributaries within MP 56032 &amp; EP 53726 associated with water diversion.</p> <p>To divert unnamed tributaries of Eight Mile Creek associated with alluvial gold mining within MP 56032 &amp; EP 53726.</p> <p>To take and use water for alluvial gold mining activities adjacent to Eight Mile Creek for mining within MP 56032 &amp; EP 53726.</p> <p>To discharge sediment-laden water to land associated with gold mining within MP 56032 &amp; EP 53726 in circumstances where it may enter water, namely the New River, Eight Mile Creek and their tributaries.</p> <p>To discharge sediment-laden water to water associated with gold mining within MP 56032 &amp; EP 53726 namely the New River, Eight Mile Creek and their tributaries.</p>
RC-2014-0139	To disturb the bed of Watsons Creek to construct rock protection



Douglas Leslie Cox	works. To divert water (flood flows) in Watsons Creek from rock protection works.
RC-2014-0143 Westland Milk Products	To disturb the bed of the Hokitika River to clear out a side channel. To undertake dry bed gravel extraction, Hokitika River. To divert water into a side channel, Hokitika River.
RC-2014-0145 Dalbar West Coast Ltd	To undertake earthworks associated with humping and hollowing and flipping activities, Kawhaka. To discharge sediment associated with humping and hollowing and flipping activities to land where it may enter water, Kawhaka.
RC-2014-0151 Pearson Contracting Ltd	To disturb the dry bed of the Mokihinui River, for the purpose of extracting gravel. To disturb the dry bed of the Buller River at Organs Island for the purpose of extracting gravel. To disturb the dry bed of the Buller River at Lower Buller Gorge for the purpose of extracting gravel. To disturb the Coastal Marine Area for the purpose of sand removal at North Beach.
RC-2014-0159 Prospect Resources Ltd	To undertake earthworks associated with alluvial gold mining, Maori Gully. To take surface water and groundwater via seepage into mining ponds, Maori Gully. To divert water via a diversion channel from an unnamed tributary of Maori Gully Creek. To discharge mine pond water to surface water and into groundwater via seepage, Maori Gully. To discharge water containing sediment to land where it may enter water associated with alluvial gold mining, Maori Gully.
RC-2014-0165 Paringa Gold Ltd	To disturb the Coastal Marine Area within Mining Permit 50281 for the purpose of black sand gold mining, Paringa. To take sand within Mining Permit 50281 for the purpose of black sand gold mining, Paringa. To deposit sand/tailings to the Coastal Marine Area within Mining Permit 50281 associated with black sand gold mining activities, Paringa.
RC-2014-0172 Buller Board riders Club	To disturb the bed of the Buller River to deposit rock and gravel to form a wave break, Shingle Beach.
RC-2014-0173 Gerard Michael Fahey	To disturb the Coastal Marine Area through non-mechanical methods within Mining Permit 41789 at Barrytown, for the purpose of removing selected stones.
RC-2014-0175 Cadsal Farm Ltd	To undertake earthworks and vegetation clearance to form pasture, Fairdown.
RC-2014-0185 Premier Group NZ Ltd	To disturb the foreshore while removing selected stone using hand picking methods, between the Arahura River and Serpentine Creek.
RC-2014-0186 Cashmere Bay Dairy Ltd	To undertake earthworks associated with flipping of land and pasture development, Cashmere Bay, Lake Brunner Catchment. To discharge phosphorus fertiliser to land where it may enter water (the Crooked River) associated with pasture development, Cashmere

RC-2014-0188 SJ Woodcock & KL Woodcock	Bay, Lake Brunner Catchment. To discharge sewage wastewater to land at Lot 8 DP 388864, Little Paddock Road, Blue Spur, Hokitika.
RC-2014-0194 GJ Gleeson & JA Hooper	To discharge sewage waste water to land at Lot 3 DP 459156, Marsden Road, Boddytown.
RC-2014-0195 Kokomo Ahaura Ltd	To discharge treated dairy effluent to land from a dairy shed (DS) where it may enter surface water (unnamed tributary of the Grey River) and groundwater near DS 464, Ahaura.

#### Changes to and Reviews of Consent Conditions granted 1 – 29 October 2014

CONSENT NO, HOLDER & LOCATION	PURPOSE OF CHANGE
RC05139-V1 McLean Company Ltd	To allow for the seepage of dairy effluent through the treatment ponds where it may enter groundwater, Waitaha (DS170).
RC07200-V2 Birchfield Minerals Ltd	To mine a new and adjoining area (Areas B and D), Blackball.
RC07200-V3 Birchfield Minerals Ltd	To mine a new and adjoining area (Area D), Blackball.
RC09048-V1 TBfree New Zealand Ltd	To amend the boundary and size of the aerial 1080 "Buller North Operational Area".
RC10239-V2 BSK Ferguson & KG Ferguson	To change the location of a consented gold mining area, Grey River, Ikamatua.
RC-2014-0145-V1 Dalbar West Coast Ltd	To increase the area to be humping and hollowed/flipped, Kawhaka.
WS1664-R1 Gerald Rex Cayford	To review conditions relating to whitebait stand location and map, Haast River. (Granted 28 August 2014)

No Notified Resource Consents and no Limited Notified Resource Consents were granted between 1 and 29 October 2014.

#### Public Enquiries

14 written public enquiries were responded to during the reporting period. 10 were answered on the same day, 4 the following day. 11 LGOIMA requests were responded to, all within the required timeframe.

#### **RECOMMENDATION**

*That the November 2014 report of the Consents Group be received.*

Jackie Adams  
**Consents & Compliance Manager**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Resource Management Committee  
 Prepared by: Jackie Adams – Consents & Compliance Manager  
 Date: 29 October 2014  
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

**Site Visits**

A total of 56 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	4
Mining compliance & bond release	11
Complaint Related	12
Dairy Farm Inspections	29

Out of the 56 total site visits for the reporting period six were double categorised, thus giving an adjusted total number of visits as 50.

Thirty nine visits were compliant, and nine visits were non-compliant, and two are awaiting sampling results or reports before grading.

**Specific Issues****Gold Mining:**

- Complaints have been received about an alluvial gold mining operation at Taylorville, this is being followed up by the mining team.
- Two other Gold Mining operations have had follow-up Abatement inspections and are now complaint.

**Coal Mining:**

- Five coal mine site visits were carried out and one of these site visits received a non-compliant rating.

**Dairy inspections:**

- Twenty nine farm effluent systems have been inspected over the past month as the dairy season gets underway. Five of these are non-compliant due to issues around storage, exit races and irrigation ponding.

**Whitebait inspections:**

- Whitebait season progressing well. Paringa river inspected this month and a dispute responded to on the Wanganui River.

**Complaints/Incidents between 1 October 2014 – 29 October 2014**

The following 12 complaints/incidents were received during the reporting period:

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to water	Discoloured creek	Camerons	Complaint investigated – creek sampled	Complaint INC14122
Discharge to Land	Permeate cartage and distribution concerns	Kowhitirangi	Complaint investigated – unsubstantiated. Contractor has sufficient storage and is working under certificate of compliance.	Complaint INC14133

Activity	Description	Location	Action/Outcome	INC/Comp
Earthworks/ mining	Overburden slipping into Grey River	Taylorville	Site visit undertaken – enforcement action issued	Complaint INC14114
Discharge to land	Dumping at okarito	Okarito	Investigations continuing	Complaint INC14115
Diversion and works in the bed of a river	Non consented works and diversion in bed of river	Franz Josef	River engineer has visited site. Enforcement action undertaken.	Complaint INC14116
Discharge to Air	Odour complaint.	Hokitika	Site visit undertaken – no odour detected.	Complaint INC14117
Disturbance of CMA	Houhou creek opening	Hokitika	Site visit carried out – investigation ongoing.	Complaint INC14118
Whitebait	Stand location dispute	Wanganui River	Site visit carried out and dispute rectified	Complaint
Works in the bed of a river	Abatement notice check and complaint	Maruia River	Site visit undertaken and enforcement action taken	Complaint
Gold mining	Abatement notice check and complaint	Greenstone river	Site visit undertaken and enforcement action taken	Complaint
Gold mining	Abatement notice check and complaint	Deadmans Creek	Site visit undertaken and enforcement action taken	Complaint
Gold mining	Complaint and 6 monthly check	New River	Site visit undertaken - Compliant	Complaint

### **Formal Enforcement Action**

Nine infringement notices were issued during the reporting period

Activity	Location
River works and diversion	Franz Josef
River works and diversion	Franz Josef
Gold mining	Greenstone River
Gold mining	Greenstone River
River works	Maruia River
River works	Maruia River
River works	Maruia River
Gold mining	Buller River
Gold mining	Buller River

Two formal warnings were issued during the reporting period

Activity	Location
Dairy Farm	Atarau
River works and diversion	Franz Josef

Five abatement notices were issued during the reporting period:

Activity	Location
Gold mining	Deadmans Creek
Earthworks/mining	Taylorville
Dairy Farm	Atarau
River works and diversion	Franz Josef
Dairy Farm	Atarau

## MINING

### Work Programmes

The Council received the following six work programs during the last reporting period. Three programmes were approved in the 20 day timeframe. The remaining work programmes have only been recently received, are awaiting bonds to be lodged or require site visits prior to approval.

Date	Mining Authorisation	Holder	Location
22-Oct-14	RC13181	Mine Creek Mining Ltd	Tauramakau
21-Oct-14	RC00023	Heaphy Mining Ltd	Buller Gorge
13-Oct-14	RC12212	SF Rothera (Henry Adams)	Camerons
13-Oct-14	RC09031	Henry Adams Contracting Ltd	Camerons
07-Oct-14	CML37-175	SENZ	Spring Creek
07-Oct-14	CML 37-159	SENZ	Strongman Mine

The Council received one bond during the reporting period:

Mining Authorisation	Holder	Location	Amount
RC13181	Mill Creek Mining Ltd		\$30,000

## RECOMMENDATION

*That the October 2014 report of the Compliance Group be received.*

Jackie Adams  
Consents & Compliance Manager

# **COUNCIL MEETING**

## THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that an **ORDINARY MEETING** of the West Coast Regional Council will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Greymouth on **Monday, 10 November 2014** commencing on completion of the Resource Management Committee Meeting

A.J. ROBB  
CHAIRPERSON

C. INGLE  
CHIEF EXECUTIVE OFFICER

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<u>AGENDA NUMBERS</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
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<b>2.</b>		<b>PUBLIC FORUM</b>
<b>3.</b>		<b>MINUTES</b>
	1 – 3	3.1 Minutes of Council Meeting 14 October 2014
<b>4.</b>		<b>REPORTS</b>
	4	4.1 Report on Engineering Operations
	5 – 7	4.2 Corporate Services Manager's Report
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<b>5.</b>	15	<b>CHAIRMAN'S REPORT</b>
<b>6.</b>	16 – 24	<b>CHIEF EXECUTIVE'S REPORT</b>
<b>7.</b>		<b>GENERAL BUSINESS</b>

**THE WEST COAST REGIONAL COUNCIL****MINUTES OF THE MEETING OF THE COUNCIL HELD ON 14 OCTOBER 2014,  
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,  
GREYMOOUTH, COMMENCING AT 10.57 A.M.****PRESENT:**

A. Robb (Chairman), P. Ewen, A. Birchfield, P. McDonnell, T. Archer, S. Challenger. N. Clementson

**IN ATTENDANCE:**

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), M. Meehan (Planning & Environmental Manager), J. Adams (Consents and Compliance Manager), T. Jellyman (Minutes Clerk)

**1. APOLOGIES:**

There were no apologies.

**2. PUBLIC FORUM**

There was no public forum.

**3. CONFIRMATION OF MINUTES**

**Moved** (Clementson / Ewen) *that the minutes of the Council Meeting dated 9 September 2014, be confirmed as correct.*

*Carried*

**Matters arising**

There were no matters arising.

**REPORTS:****4.1 ENGINEERING OPERATIONS REPORT**

M. Meehan spoke to this report and advised that rock has been placed in the Taramakau rating district. He advised that the sacrificial bund along the coastline has been reinstated for the Mokihinui rating district. M. Meehan advised that work has also been completed in the Karamea rating district.

M. Meehan reported that he is happy with the amount of rock available in council quarries at the moment. He advised that there has not been a lot of demand for rock over the past few months. M. Meehan advised that a further 5000 tonne of rock is available from another quarry at Whataroa. This rock costs the same amount as the rock in the main Whataroa quarry. There is now over 10,000 tonne available in Whataroa at the moment.

Cr McDonnell asked how often the sacrificial bund at Mokihinui needs to be reinstated. C. Ingle responded that every few years the bund is reinstated; he said that this does not cost very much and this method works well for this location.

M. Meehan reported that the first meeting for the Buller River flood protection working group was held last night in Westport. He stated it was a successful meeting with Crs Clementson, Archer and Robb attending. M. Meehan stated that he will provide a report on this next month. He advised that the group set down a list of things they want to look at. Staff will



look at these options and each month they will be reported on. M. Meehan stated there are two clear streams to work on and these must link together. He stated the civil defence response is one; the new Group Manager for Civil Defence will be included in this group; the second is the engineering options stream. M. Meehan stated that it is important that these two streams are working together. M. Meehan stated that last night's meeting was very positive with Buller District Council colleagues also feeling positive about this project with everyone looking for a solution that will benefit Westport. Cr Robb agreed, he stated this was a very fruitful meeting with a clear understanding that a short term solution is needed for civil defence purposes and then to investigate long term solutions for flood protection for Westport. Cr Robb stated that there is a will to get something in place for Westport and to ensure that the community understands that this is quite a big issue. Cr Clementson stated that it would be good to educate the community early on this. He stated that he has fielded quite a few queries on this and it is important to get the community involved.

C. Ingle reminded councilors that the annual rating district meetings are coming up in November. M. Meehan advised that works reports and financial reports will be circulated in the next week or so. M. Meehan advised that a lot of work has been done on asset management plans and the draft bylaw.

**Moved** (Ewen / Archer) *that this report be received.*

*Carried*

#### 4.2 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to his report and advised that this is the financial report for the first two months of the financial year. He reported that the surplus is just under \$93,000. R. Mallinson reported that the investment portfolio has continued to do well during July and August and is still performing well. R. Mallinson answered various questions from councillors. Cr Archer asked where the revenue for emergency management came from. R. Mallinson advised that the rate had been increased from \$50,000 to \$200,000 per annum and he advised the revenue for the two months was \$87,000 and this included accrued rate revenue of \$33,000 along with \$13,000 in revenue from the national conference. He stated that this revenue and revenue from the tsunami study revenue was unbudgeted.

R. Mallinson advised that he circulated the audited annual report on Friday and yesterday he emailed the audit report which is unqualified. R. Mallinson stated that the onsite audit finished four weeks ago and the past four weeks have involved a huge amount of audit follow up queries from Audit NZ. R. Mallinson stated that Audit NZ's auditing has been ratcheted up. The standards that council is being audited to have increased exponentially compared to previous years. Cr Archer expressed his concern with the complexity of the document and said most people who read the report would have trouble understanding it. Extensive discussion took place on the audit requirements with R. Mallinson explaining in detail the new requirements that have been set by Audit NZ. Cr Archer stated that the Annual Report is becoming more and more unreadable.

**Moved** (Archer / McDonnell)

1. *That this report is received.*
2. *That Audited Annual Report for the year to 30 June 2014 be adopted.*

*Carried*

C. Ingle stated that the new FIS reports are duplicating what council normally does with the 4, 8 and 12 month reports which end up in the annual report under the activity headings. C. Ingle advised that one possibility in making this process easier next year is to just include the FIS reports and not the activity reports. He stated that several councils are now doing this and does meet the legislative requirements. C. Ingle advised this would make the annual report a simpler document for readers. He stated that he has discussed this with the Audit Director. C. Ingle thanked R. Mallinson for his work with the annual report and audit process. Extensive discussion took place on the changes to the audit process and the heavy workload that is now involved.

#### 4.3 CONFLICT OF INTEREST POLICY

C. Ingle spoke to this report and advised that the proposed amendments to this policy came out of this year's audit management report. He stated that we already had a 2012 Conflict of

Interest Policy, the highlighted words at the end of the report is the new part. C. Ingle advised that Audit NZ is happy with this new policy.

**Moved** (Clementson / Archer)

1. *That this report is received.*
2. *That the new policy on avoiding conflicts of interest be adopted.*

*Carried*

C. Ingle stated that he does not have a CEO's report this month as he was in the USA for most of the month. He advised that he will have a report for next month's meeting.

**5.0 CHAIRMANS REPORT**

Cr Robb spoke to his report and advised that he attended the Mayors and Chairs forum on Monday. Cr Robb advised that R. Mallinson will be preparing a paper on Audit and Risk Policies for the next meeting. Cr Robb stated that the process at the moment is that the council is the audit committee but this is not formally reviewed on an annual basis. R. Mallinson advised that Audit NZ is pushing for audit and risk management committees in all governance bodies. He advised that these committees are common place in larger councils. R. Mallinson stated that if this is being considered, then to be truly effective, external representation on these committees from suitably qualified people is necessary. R. Mallinson advised that an experienced local Accountant who is not an elected member of council is the best option. Cr Robb stated that this was discussed at the meeting he had with S. Tobin, Audit Director, and also at the RSG meeting. Cr Robb stated that council needs to be confident in what its policy is and what best suit this council. R. Mallinson stated that the report will summarise what council already does in helping risk management, including credit risk with overdue debtors, insurance renewals, and the private session with the auditor director which takes place each year. Cr Robb stated that the policy has not been reviewed since this council has been together. R. Mallinson advised that the Office of the Auditor General has put out guidance documents regarding audit risk committees which helps councils identify what good practice is.

**Moved** (Robb / McDonnell) *that this report be received.*

*Carried*

**6.0 GENERAL BUSINESS**

There was no general business

The meeting closed at 11.44 p.m.

.....  
Chairman

.....  
Date

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting – 10 November 2014  
 Prepared by: Wayne Moen – River Engineer and Paulette Birchfield – Engineering Officer  
 Date: 3 November 2014  
 Subject: **ENGINEERING OPERATIONS REPORT**

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**Franz Josef Emergency works**

Council coordinated emergency works on behalf of Electronet, Scenic Circle Hotel, NZTA and Westland District Council on the north side of the Waiho River.

The emergency works is designed to divert water away from the north side, to allow the reinstatement of the stopbank at the 55kph corner. The main channel of the river has been flowing to the north putting increased pressure on this side of the river. This has resulted in water backing up over the main road, NZTA have undertaken emergency works to protect this area with a gravel stopbank.

The matter will be discussed at the Franz Josef Rating District Annual Meeting.

**Neil's Beach**

At the request of several residents, Council met with property owners at Neil's Beach regarding erosion from the sea.

Council will have a brief workshop to discuss this potential Rating District.

**Buller River Flood Working Group**

On 13 October 2014 the first meeting of the Buller River Flood Working Group was held. The group listed options engineering and civil defence options they wished to investigate further.

The group will meet again on 24 November 2014.

**Quarries****Rock available as at 25 October 2014**

Quarry	Rock Available	Emergency Stockpile
Blackball	2,300	-
Camelback	5,925	2,000
Inchbonnie	10,000	-
Kiwi	3,000	-
Whataroa	3,000	2,500
Okuru	500	-

**RECOMMENDATION**

*That the report is received*

Michael Meehan  
**Planning and Environment Manager**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting  
 Prepared by: Robert Mallinson – Corporate Services Manager  
 Date: 3 November 2014

**1. Financial Report**

FOR THE THREE MONTHS ENDED 30 SEPTEMBER 2014				
	ACTUAL	YEAR TO DATE BUDGET	ACTUAL % ANNUAL BUDGET	ANNUAL BUDGET
<b>REVENUES</b>				
General Rates	529,317	525,000	25%	2,100,000
Rates Penalties		15,000	0%	60,000
Investment Income	329,790	273,852	30%	1,095,409
Resource Management	334,141	310,467	27%	1,238,000
Regional Land Transport	20,610	22,150	23%	88,600
Emergency Management	104,221	54,000	48%	216,000
River, Drainage, Coastal Protection	324,294	384,184	21%	1,536,736
Regional % Share Controls	165,156	162,500	25%	650,000
Warm West Coast	27,825	0	0%	
VCS Business Unit	1,212,124	836,465	36%	3,345,861
Other				
	3,047,477	2,583,619		10,330,606
<b>EXPENDITURE</b>				
Governance	101,591	107,985	24%	431,939
Resource Management	913,095	727,745	31%	2,910,979
Regional land Transport	45,431	42,137	27%	168,549
Hydrology & Floodwarning Services	104,575	117,735	22%	470,938
Emergency Management	72,707	78,899	23%	315,597
River, Drainage, Coastal Protection	471,525	381,356	31%	1,525,423
Regional % Share Controls	191,381	171,643	28%	686,571
VCS Business Unit	976,787	698,965	35%	2,795,861
Other Investments	51,603	0		104,172
Warm West Coast	9,517	0		
	2,938,212	2,326,464		9,410,029
<b>SURPLUS / (DEFICIT)</b>	109,265	257,154		920,577

BREAKDOWN OF SURPLUS (-DEFICIT)	Variance Actual V Budgeted YTD	ACTUAL	BUDGET Year to date	ANNUAL BUDGET
Rating Districts	-132,713	-67,540	65,173	260,693
Quarries	-3,846	-4,376	-530	-2,119
Regional % Share of AHB Programmes	-17,082	-26,225	-9,143	-36,571
Investment Income	55,938	329,790	273,852	1,095,409
VCS Business Unit	97,837	235,337	137,500	550,000
General Rates Funded Activities	-114,727	-324,425	-209,699	-842,663
Warm West Coast	18,308	18,308	0	0
Other	-51,603	-51,603	0	-104,172
<b>TOTAL</b>	<b>-147,889</b>	<b>109,265</b>	<b>257,154</b>	<b>920,577</b>

Net Contributors to General Rates Funded Surplus (-Deficit)	Net Variance Actual V YTD	Actual	Budget ytd	Annual Plan
Rates	4,317	529,317	525,000	2,100,000
Rates Penalties	-15,000	0	15,000	60,000
Representation	6,394	-101,591	-107,985	-431,939
Resource Management	-161,676	-578,954	-417,278	-1,672,979
Planning Activities	-4,834	-24,821	-19,987	-79,949
River, Drainage, Coastal Protection	-13,500	-75,315	-61,815	-247,261
Hydrology & Floodwarning	13,160	-104,575	-117,735	-470,938
Emergency Management	56,413	31,514	-24,899	-99,597
	-114,727	-324,425	-209,699	-842,663

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 STATEMENT OF FINANCIAL POSITION @ 30 SEPTEMBER 2014
 

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	@ 30/09/14
<u>CURRENT ASSETS</u>	
Cash	-355,586
Deposit - Westpac	163,633
Accounts Receivable - General	1,307,376
Accounts Receivable - Rates	2,346,847
Prepayments	149,431
Sundry Receivables	957,286
GST Refund due	0
Stock - VCS	491,497
Stock - Rock	789,804
Stock - Office Supplies	22,116
Accrued Rates Revenue	0
	<hr/>
	5,872,404
<u>NON CURRENT ASSETS</u>	
Investments	10,913,497
Strategic Investments	974,179
Term Deposit - PRCC bond	50,000
MBIE & DOC Bonds	14,636
Investments-Catastrophe Fund	797,878
Warm West Coast Loans	796,960
Commercial Property Investment	1,260,079
Fixed Assets	4,761,224
Infrastructural Assets	54,061,958
	<hr/>
	73,630,410
<u>TOTAL ASSETS</u>	<hr/>
	79,502,813
<hr/>	
<u>CURRENT LIABILITIES</u>	
Bank Short Term Loan	1,700,000
Accounts Payable	910,524
GST	317,846
Deposits and Bonds	725,839
Sundry Payables	106,654
Accrued Annual Leave, Payroll	331,447
Other Revenue in Advance	567,758
Rates Revenue in Advance	1,059,256
	<hr/>
	5,719,324
<u>NON CURRENT LIABILITIES</u>	
Future Quarry restoration	70,000
Interest Rate Hedge Position	98,130
Lower Waiho	255,480
Greymouth Floodwall	1,856,999
Inchbonnie	17,244
Hokitika Seawall	1,443,750
Punakaiki Loan	61,748
Strategic Investments	1,250,496
Warm West Coast	775,000
Office Equipment Leases	34,099
	<hr/>
	5,862,946
<u>TOTAL LIABILITIES</u>	<hr/>
	11,582,270
<u>EQUITY</u>	
Ratepayers Equity	18,715,878
Surplus transferred	109,265
Rating Districts Equity	2,058,976
Tb Special Rate Balance	226,336
Revaluation	35,299,357
Quarry Account	-11,751
Catastrophe Fund	779,482
Investment Growth Reserve	10,743,000
<u>TOTAL EQUITY</u>	<hr/>
	67,920,543
<u>LIABILITIES &amp; EQUITY</u>	<hr/>
	79,502,813

**2. Comments**

The surplus for the three months to 30 September was \$109,000.

**3. Investment Portfolio**

September 2014	Catastrophe Fund	Major Portfolio	Total
Opening balance 1 September 2014	₪ 794,791	₪ 10,856,712	\$ 11,651,503
Income September 2014	\$ 3,087	\$ 56,784	\$ 59,871
Deposit			
Withdrawal		\$ -	\$ -
Closing balance 30 September 2014	<u>\$ 797,878</u>	<u>\$ 10,913,496</u>	<u>\$ 11,711,374</u>
Total income year to date to 30 September 2	\$ 18,397	\$ 288,983	\$ 307,380

**RECOMMENDATION**

*That this report be received.*

Robert Mallinson  
Corporate Services Manager

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting November 2014  
 Prepared by: Chris Ingle – Chief Executive  
 Date: 21 October 2014  
 Subject: **Draft Significance and Engagement Policy**

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**BACKGROUND**

The recent revisions to the Local Government Act 2002 require local authorities to adopt a Significance and Engagement Policy by 1 December 2014. The new Policy will replace council's previous policy on Significance and will henceforth cover processes for engaging with communities.

The new section 76AA of the Act specifies that the new Policy must set out:

- a) the local authority's general approach to determining the significance of proposals and decisions in relation to issues, assets or other matters;
- b) any criteria or procedures that are to be used by the local authority in assessing the extent to which issues, proposals, decisions or other matters are significant;
- c) how the local authority will respond to community preferences about engagement on decisions relating to specific issues, assets or other matters, including when use of the special consultative procedure is desirable;
- d) how the local authority will engage with communities on other matters.

Its purpose is:

- a) to enable the local authority and its communities to identify the degree of significance attached to particular issues, assets or other matters;
- b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets or other matters;
- c) to inform the local authority from the beginning of a decision-making process about:
  - i. the extent of any public engagement that is expected before a particular decision is made;
  - ii. the form or type of engagement required.

The Policy must also list the assets considered by the local authority to be strategic assets.

**Development process for the Policy**

The draft Policy is attached. It has been developed through a process of integration that has brought together:

- the existing West Coast Regional Council policy on Significance;
- advice from SOLGM;
- examples of draft Policies developed by other Councils.

**Public consultation requirements**

Section 76AA of the Act requires that when adopting or amending a Significance and Engagement Policy, the local authority must consult in accordance with section 82 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

It is considered that Council has sufficient information to provide reasonable grounds to waive the consultation requirements, given:

- the success of recent RPS consultation methods, provided knowledge of community preferences;
- the strong linkages between our elected members and their constituent community members.

**RECOMMENDATION**

*That the Council adopts the attached draft Significance and Engagement Policy.*

Chris Ingle  
 Chief Executive



## Draft Significance and Engagement Policy

### Purpose

The Purpose of this Draft Significance and Engagement Policy is to enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities. This will determine the level of assessment and information to be provided, and the nature and extent of public input that may be appropriate in the circumstances.

The Policy will provide clarity about how and when communities can expect to be engaged in decisions made by Council. It will inform Council from the beginning of a decision making process about the extent, form and type of engagement required.

### The Draft Policy

1. Engaging with the community enables the Council to understand the views and preferences of people likely to be affected by or interested in a proposal or decision. The Council wishes to apply a consistent and transparent approach to engagement.
2. An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.
3. The Council will take into account all of the following matters when assessing the degree of significance of proposals and decisions and the appropriate level of engagement:
  - Whether there is a legal requirement to engage with the community.
  - Whether community interest is high or the likely consequences are controversial.
  - Whether the proposal affects the level of service of a significant activity, and if so, to what extent.
  - The level of financial consequences of the proposal or decision.
  - Whether the proposal or decision will affect a large portion of the community.
  - Any likely impact Māori cultural values and their relationship to land and water.
  - The form of engagement used in the past for similar proposals and decisions.
  - Whether community views are already known, including preferences on the form of engagement.
4. If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance. In general, the more significant an issue, the greater the need for community engagement.
5. Council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002 or to carry out consultation in accordance with or giving effect to Section 82 of the LGA 2002 on certain matters (regardless of whether they are considered significant as part of this policy).
6. For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.

***Note that this policy applies to Local Government Act processes only, not those undertaken under the Resource Management Act, the Biosecurity Act or other legislation.***



### **When the Council will engage**

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93 A of the LGA 2002).
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA 2002.

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- Alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- Transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the Annual Plan if required under section 95 of the LGA 2002.
- Transferring responsibilities to another local authority under section 17 of the LGA 2002.
- Establishing or becoming a shareholder in a Council-controlled organisation.
- Adopting or amending a revenue and financing policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Māori freehold land.

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002 and will make this available to the public, allow written submissions and will consider all submissions prior to making decisions.

### **When the Council may not engage**

There are times when it is not necessary, appropriate or practical to engage the community on a matter or decision. The Council may also choose not to consult on a matter and, if so, will make this determination in accordance with the criteria below and not withstanding any legislative requirements.

The Council will not engage when:

- The matter is not of a nature or significance that requires consultation, or
- The Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter, or
- There is a need for confidentiality or commercial sensitivity, or
- The costs of consultation outweigh the benefits, or
- The matter has already been addressed by the Council's policies or plans, which have previously been consulted on, or
- An immediate or quick response or decision is needed or it is not reasonably practicable to engage, or
- Works are required unexpectedly, urgently, or following further investigations on projects already approved by the Council, or
- Works required are related to the operation and maintenance of an existing Council asset and responsible management requires the works to take place, or
- When Council has consulted on the issue in the last 24 months.

Where any of the above listed circumstances apply and consultation is not to be undertaken, the Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter (LGA 2002 section 78 (1)). The LGA 2002 requires that this consideration be in proportion to the significance of the matters affected by the decision (section 79 (1)).

## Principles of engagement

- We will be genuine in our consultation and engagement.
- We will provide good information for feedback and, wherever possible, enable the community to consider options relating to the decision.
- We will give a timely opportunity to have a say.
- We will have an open mind to community feedback before making decisions.

## When seeking your feedback or input we will let you know:

- What is being proposed.
- Why it is being proposed.
- What options we have.
- What the impacts are (if any).
- How you can have a say.
- The timeframes for responding.

## Engagement tools and techniques

Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Should an identifiable resident or group of residents be affected by any action proposed to be taken, such residents will be consulted specifically in addition to the formal consultation undertaken with the general public.

Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

## Definitions

<b>Community</b>	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders
<b>Engagement</b>	Is a term used to describe the process of seeking information from the community to inform and assist decision making.
<b>Significance</b>	As defined in Section 5 of the Local Government Act (LGA) 2002 "in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,— a) the region; b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; or c) the capacity of the local authority to perform its role and the financial and other costs of doing so.
<b>Strategic asset</b>	As defined in Section 5 of the LGA 2002 "in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes any asset or group of assets listed in accordance with section 76AA(3) by the local authority (see following page).

## **West Coast Regional Council Strategic Assets**

The following is a list of assets or group of assets that the Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community:

- Okuru Seawall
- Franz Josef rating district protection works
- Lower Waiho rating district protection works
- Matainui Creek rating district protection works
- Waitangitona River rating district protection works
- Whataroa River rating district protection works
- Wanganui River rating district protection works
- Kowhitirangi rating district protection works
- Vine Creek rating district protection works
- Raft Creek rating district drainage works
- Kaniere rating district protection works
- Hokitika Southside rating district protection works
- Hokitika Seawall
- Taramakau rating district protection works
- Inchbonnie rating district protection works
- Greymouth Floodwall protection works
- Coal Creek rating district protection works
- Red Jacks rating district protection works
- Nelson Creek rating district protection works
- Punakaiki Seawall
- Mokihinui rating district protection works
- Kongahu rating district drainage works
- Karamea rating district protection works

# 4.4

## THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting November 2014  
 Prepared by: Robert Mallinson – Corporate Services Manager  
 Date: 23 October 2014

Subject: Risk Management and Audit Sub Committees

### Risk Management

In the Interim Audit Management Report for the year to 30 June 2014 Audit NZ commented as follows;

*We have identified that Council does not have a formal process to manage business risks or maintain a risk register. Council and management cover off risks as they arise and this is reported in the monthly papers presented to Council. There is a risk that not all risks are identified, or risks identified are not managed appropriately or efficiently. We recommend that Council establish a formal process to manage business risks, for example Council could establish a formal risk register to monitor and manage business risks.*

### **What is the existing position?**

In 2008 Council considered the topic of Risk Management but decided that the following were adequate to ensure proper management of risks.

- The Annual Audit.
- Reporting of renewal of annual insurance risks cover.
- Membership of NZ Mutual Liability Riskpool.
- Notification to Council of potential liability claims.
- Regular reporting of significant credit risks (significant overdue debtors).
- Adoption of anti-fraud and Credit Card use policies.
- IT disaster recovery plan.
- Regular reporting of Investment portfolio to Council.
- Four, eight and twelve month performance reports to Council.
- Chief Executive reporting to Council of real and potential risks to the organisation.
- Senior management team reporting to Chief Executive of real and potential risks to the organisation.

It would not be difficult for the management team to develop a Risk Register. I have obtained an example from another Regional Council who were responding to similar recommendations from Audit NZ. The management team will use learnings from other Regional councils who have already done this and will develop a Risk Register for West Coast Regional Council.

### Audit & Risk Committees

The Office of the Auditor General (OAG) does recommend that public sector entities such as West Coast Regional Council consider the establishment of Audit and Risk Committees.

The OAG issued a very useful good practice guide in 2008 "Audit Committees in the Public Sector". The then Auditor General commented that "Audit Committees have a valuable contribution to make in improving the governance, performance and accountability of public entities".

The following are some useful highlights from the OAG Good Practice Guide;

- The governing body should appoint an audit committee in which members are independent of the management team (3.1)
- Most of the audit committee members should be external appointments (3.3)
- The Chair of the Audit Committee should be someone other than the Chair of the governing body (3.5)
- People appointed as audit committee members should have skills and experience adequate for the role of the committee (3.11)
- The audit committee needs to be clear about its mandate (3.16).
- A public entity may determine that it is too small to set up an audit committee. These entities need to be able to demonstrate that they have other appropriate systems and processes in place to support the governing body (4.3)
- An audit committee should have between three and five members (4.10)
- Independent committee members should be paid at a level that reflects the time it takes to properly carry out their duties (4.15)
- The core responsibilities of an audit committee should include (4.31) overseeing;
  - The Risk Management framework.
  - Internal control environment.
  - Legislative and regulatory compliance.
  - Internal audit (WCRC does not have an internal audit function).
  - External audit
  - Financial Reporting

#### Other Comments

Although there would certainly be benefits to establishing an Audit & Risk Committee, there would also be costs in empowering an effective audit committee.

Those costs will include the cost of remunerating external appointee, the secretarial servicing of the committee meetings and also the time cost of senior management engaging with the committee.

Copies of the 2008 OAG Good Practice Guide are attached for Councillors information.

#### **RECOMMENDATION**

1. *Councillors note the intention of the management team to develop a Risk Management Register for West Coast Regional Council.*
2. *Council to decide whether it wishes to proceed with the establishment of an Audit and Risk Committee.*

Robert Mallinson  
Corporate Services Manager

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting 31 October 2014  
 Prepared by: Andrew Robb – Chairman  
 Date: 30 October 2014  
 Subject: **CHAIRMAN'S REPORT**

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**Meetings Attended**

- I attended the Regional Transport Committee meeting on the 21<sup>st</sup> of October.

Nichola Costley took the Committee through a paper on the Regional Land Transport Plan development. Priorities are close to being finalised in conjunction with District Councils. Cyclist mats for the Taramakau road rail bridge should be on in early 2015, while the clip on for cyclists may be in April/May 2015.

- The Chief Executive and I attended the Zone 5 and 6 dinner and meeting in Christchurch on the 23<sup>rd</sup> and 24<sup>th</sup> of October.

LGNZ presented work on Council's reputations. President Lawrence Yule and CE Malcolm Alexander will present to individual Councils. Other key area is working hard on LG's relationship with Government. Paula Bennett's seniority in cabinet is seen as a good thing for local government. Bruce Robertson from Office of the Auditor General made a presentation on their expectations for Councils Long Term Plans.

- The CEO and I attended a Hui with James Caygill, General Manager Tribal Interests, of Te Runanga O Ngai Tahu, and several representatives of our two local Runanga, on 14 October.

We discussed their concerns with the Draft Regional Policy Statement and consultation to date. It was a very fruitful meeting and the outcomes should be positive, moving forwards.

**Delegations for RMA consenting work around 1080**

Recent media attention has drawn attention to a perception that Council is moving towards a conflict of interest situation, given we own a share of a Christchurch business that intends developing cereal bait products that contain 1080.

I recommend that Council addresses this by excusing itself from having any part in the granting of consents for any future 1080 operations within our region.

Current practice is that an external planning consultant prepares the recommending reports and then Council's Consents and Compliance Manager makes the decisions. It is recommended that Council delegates this decision-making role to an external, RMA qualified decision-maker. This will address any perception that Council has a conflict of interest.

**RECOMMENDATIONS**

1. *That this report be received.*
2. *That Council delegates all 1080 decision-making to an external, qualified expert, and asks the CEO to modify the Council's delegations manual to reflect this decision.*

**Andrew Robb**  
**Chairman**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting 10 November 2014  
Prepared by: Chris Ingle – Chief Executive  
Date: 3 November 2014  
Subject: **CHIEF EXECUTIVE'S REPORT**

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**Meetings Attended**

- The Chairman and I attended a Hui at Arahura with local iwi representatives following the last Council meeting on 14 October.
- I attended the Regional Transport Committee meeting on the 21<sup>st</sup> of October, along with the Chairman and Deputy Chairman.
- I met with DWC on the 22<sup>nd</sup> of October, regarding regional economic development.
- I met with Audit Director Scott Tobin in Christchurch on 24 October.
- I attended the LGNZ dinner and zone meeting in Christchurch on 23 and 24 October.
- I chaired the Envirolink meeting in Wellington on the 29<sup>th</sup> of October.
- I attended the South Island Regional Council Chief Executive's meeting on 31 October.
- I will be attending a Health and Safety presentation on the evening of Monday 3 November.
- I will attend the Regional Chief Executive's meeting will be held in Wellington on 4 November.
- On the 5<sup>th</sup> of November I will attend the Chief Executive's Environmental Forum in Wellington.
- On the 7<sup>th</sup> of November I will be attending the SOLGM Planning and Accountability Working Party meeting in Wellington.

**Next Year's Long Term Plan process**

I have been preparing for the upcoming Long Term Plan process, as time allows. I have organised some technical support from a neighbouring regional council, should we need it. I believe the Plan process should not be overly onerous as it will essentially be a 'business as usual' Long Term Plan. Advice given by Audit NZ at the recent LGNZ zone meeting suggested that such Plans should not be any more onerous than in previous years. The new requirement for a Consultation Document will take some time, but is not expected to be overly difficult task for our Council.

I have attached the legislative requirements for the Long Term Plan, should councillors be interested in looking over these. I believe elected members should become familiar with the relevant parts of the Local Government Act - as these will no doubt be quite relevant over coming months.

The entire Local Government Act (and other legislation) can be found at the parliament's legislation website at [www.legislation.govt.nz](http://www.legislation.govt.nz).

**RECOMMENDATION**

*That this report be received.*

**Chris Ingle**  
**Chief Executive**

### 93 Long-term plan

- (1) A local authority must, at all times, have a long-term plan under this section.
- (2) A local authority must use the special consultative procedure in adopting a long-term plan.
- (3) A long-term plan must be adopted before the commencement of the first year to which it relates, and continues in force until the close of the third consecutive year to which it relates.
- (4) A local authority may amend a long-term plan at any time.
- (5) A local authority must use the special consultative procedure in making any amendment to a long-term plan.
- (6) The purpose of a long-term plan is to—
  - (a) describe the activities of the local authority; and
  - (b) describe the community outcomes of the local authority's district or region; and
  - (c) provide integrated decision-making and co-ordination of the resources of the local authority; and
  - (d) provide a long-term focus for the decisions and activities of the local authority; and
  - (e) provide a basis for accountability of the local authority to the community.
  - (f) *[Repealed]*
- (7) A long-term plan adopted under this section must—
  - (a) cover a period of not less than 10 consecutive financial years; and
  - (b) include the information required by [Part 1](#) of Schedule 10.
- (8) A local authority must, in complying with the requirements of this Act in relation to the preparation and adoption of a long-term plan, act in such manner, and include in that plan such detail, as the local authority considers on reasonable grounds to be appropriate.
- (9) A local authority must, in deciding what is appropriate for the purposes of subsection (8), have regard to—
  - (a) the provisions of [sections 77, 78, 79, 80, 81, 82, 83, 84, 96, 97, and 101](#); and
  - (b) the significance of any matter; and
  - (c) the extent of the local authority's resources.
- (10) A local authority must, within 1 month after the adoption of its long-term plan,—
  - (a) make its long-term plan publicly available; and
  - (b) send copies of that plan to—
    - (i) the Secretary; and
    - (ii) the Auditor-General; and
    - (iii) the Parliamentary Library.

### 93A Use of special consultative procedure in relation to long-term plan

- (1) Where the special consultative procedure is used in relation to the adoption or amendment of a long-term plan under [section 93](#)—



(a) for the purpose of [section 83\(1\)\(a\)](#), instead of a statement of proposal and a summary of the information contained in the statement of proposal, a consultation document must be prepared and adopted in accordance with [sections 93B to 93G](#); and

(b) [section 83](#) applies as if references to “the statement of proposal” or “the proposal” or a “summary” were references to the consultation document.

(2) To avoid doubt, a draft long-term plan must not be used as an alternative to the consultation document

### **93B Purpose of consultation document for long-term plan**

The purpose of the consultation document is to provide an effective basis for public participation in local authority decision-making processes relating to the content of a long-term plan by—

- (a) providing a fair representation of the matters that are proposed for inclusion in the long-term plan, and presenting these in a way that—
  - (i) explains the overall objectives of the proposals, and how rates, debt, and levels of service might be affected; and
  - (ii) can be readily understood by interested or affected people; and
- (b) identifying and explaining to the people of the district or region, significant and other important issues and choices facing the local authority and district or region, and the consequences of those choices; and
- (c) informing discussions between the local authority and its communities about the matters in paragraphs (a) and (b).

### **93C Content of consultation document for adoption of long-term plan**

(1) The content of the consultation document for the adoption of a long-term plan must be such as the local authority considers on reasonable grounds will achieve the purpose set out in [section 93B](#).

(2) Without limiting subsection (1), the consultation document must describe—

- (a) each issue that the local authority determines should be included having had regard to—
  - (i) the significance and engagement policy adopted under [section 76AA](#); and
  - (ii) the importance of other matters to the district and its communities; and
- (b) for each issue identified under paragraph (a),—
  - (i) the principal options for addressing the issue and the implications (including financial implications) of each of those options; and
  - (ii) the local authority’s proposal, if any, for addressing the issue; and
  - (iii) the likely consequences of proceeding with the proposal on the local authority’s rates, debt, and levels of service; and
- (c) other matters of public interest relating to—
  - (i) the proposed content of the local authority’s financial strategy (under [section 101A](#)) including, without limitation, the quantified

- limits on rates, rates increases, and borrowing in that strategy;  
and
- (ii) the proposed content of the local authority's infrastructure strategy (under [section 101B](#)); and
- (d) any significant changes that are proposed to the way the local authority funds its operating and capital expenditure requirements, including changes to the rating system described in [clause 15\(3\) and \(4\)](#) of Schedule 10; and
- (e) using graphs or charts, the direction and scale of changes to the local authority's rates and debt levels that will result from the proposed content of the long-term plan; and
- (f) using graphs or charts where practicable, the direction and nature of changes to the local authority's levels of service associated with the proposed content of the long-term plan; and
- (g) the impact of proposals on the rates assessed on different categories of rateable land with a range of property values, by the provision of examples as provided for in [clause 15\(5\)](#) of Schedule 10.
- (3) The consultation document—
- (a) must be presented in as concise and simple a manner as is consistent with [section 93B](#) and this section; and
- (b) without limiting paragraph (a), must not contain, or have attached to it,—
- (i) a draft of the long-term plan, as proposed to be adopted; or
- (ii) a full draft of any policy; or
- (iii) a full draft of the local authority's financial strategy or infrastructure strategy; or
- (iv) any detailed information, whether described in [Part 1](#) of Schedule 10 or otherwise, that is not necessary or desirable for the purposes of subsections (1) and (2); and
- (c) must state where members of the public may obtain information adopted by the local authority under [section 93G](#), which may include, for example, providing links or references to the relevant documents on an Internet site maintained by or on behalf of the local authority; and
- (d) may be given the title of the local authority's choice, provided that the title or subtitle make reference to this being a consultation document for the proposed long-term plan for the relevant years.
- (4) The consultation document must contain a report from the Auditor-General on—
- (a) whether the consultation document gives effect to the purpose set out in [section 93B](#); and
- (b) the quality of the information and assumptions underlying the information provided in the consultation document.
- (5) The report under subsection (4) must not comment on the merits of any policy content of the consultation document.

### **93D Content of consultation document for amendment of long-term plan**

- (1) The content of the consultation document for the amendment of a long-term plan must be such as the local authority considers on reasonable grounds will achieve the purpose set out in [section 93B](#).
- (2) Without limiting subsection (1), the consultation document for an amendment to the long-term plan must include—
  - (a) a description of the proposed amendment;
  - (b) the reasons for the proposed amendment;
  - (c) the implications (including financial implications) of the proposed amendment;
  - (d) any alternatives to the proposed amendment that the local authority may wish to discuss with its communities.
- (3) The consultation document—
  - (a) may have attached to it a copy of the proposed amendment to the long-term plan, if the local authority considers that the full copy of that proposed amendment will assist people to understand the amendment; but
  - (b) in any other case, must state where a copy of the proposed amendment to the long-term plan may be obtained.
- (4) The consultation document must contain a report from the Auditor-General on—
  - (a) whether the consultation document gives effect to the purpose set out in [section 93B](#); and
  - (b) the quality of the information and assumptions underlying the information provided in the consultation document.
- (5) The report under subsection (4) must not comment on the merits of any policy content of the consultation document.

### **93E Additional content of consultation document for adoption or amendment of long-term plan where section 97 applies to proposed decision**

If a consultation document under [section 93C](#) or [93D](#) relates to a proposal to provide for the making of a decision to which [section 97](#) applies, that consultation document must include—

- (a) the details of the proposed decision;
- (b) the reasons for the proposed decision;
- (c) an analysis of the reasonably practicable options, including the proposal, identified under [section 77\(1\)](#);
- (d) in respect of a proposal to transfer ownership or control of a strategic asset from the local authority to any other person,—
  - (i) a description of any accountability or monitoring arrangements to be used to assess the performance of that person and any other person in regard to the asset; and
  - (ii) an assessment of whether there are any conflicts of interest arising from the proposed transfer of the control or ownership of the asset, and, if so, what they are and how they will be managed

**93F Form and manner of presentation of consultation document**

The local authority must ensure that the contents of the consultation document are presented in a form and manner that enables the consultation document to achieve its purpose

**93G Information to be adopted by local authority in relation to long-term plan and consultation document**

Before adopting a consultation document under [section 93A](#), the local authority must prepare and adopt the information that—

- (a) is relied on by the content of the consultation document adopted under [section 93A](#); and
- (b) is necessary to enable the Auditor-General to give the reports required by [sections 93C\(4\)](#) and [93D\(4\)](#); and
- (c) provides the basis for the preparation or amendment of the long-term plan

**94 Audit of long-term plan**

- (1) The long-term plan must contain a report from the Auditor-General on—
  - (a) whether the plan gives effect to the purpose set out in [section 93\(6\)](#); and
  - (b) the quality of the information and assumptions underlying the forecast information provided in the plan.
  - (c) *[Repealed]*
- (2) In the case of an amended long-term plan, the report under subsection (1) must contain a report by the Auditor-General confirming or amending the report made when the long-term plan was adopted.
- (3) A report under subsection (1) must not comment on the merits of any policy content of the plan.

**95 Annual plan**

- (1) A local authority must prepare and adopt an annual plan for each financial year.
- (2) Subject to subsection (2A), a local authority must consult in a manner that gives effect to the requirements of [section 82](#) before adopting an annual plan under this section.
- (2A) Subsection (2) does not apply if the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.
- (3) An annual plan must be adopted before the commencement of the year to which it relates.
- (4) Despite subsection (1), for the first year to which a long-term plan under [section 93](#) relates, the financial statement and funding impact statement included in that long-term plan in relation to that year must be regarded as the annual plan adopted by the local authority for that year.
- (5) The purpose of an annual plan is to—
  - (a) contain the proposed annual budget and funding impact statement for the year to which the annual plan relates; and

- (b) identify any variation from the financial statements and funding impact statement included in the local authority's long-term plan in respect of the year; and
  - (c) provide integrated decision making and co-ordination of the resources of the local authority; and
  - (d) contribute to the accountability of the local authority to the community.
  - (e) *[Repealed]*
- (6) Each annual plan adopted under this section must—
- (a) be prepared in accordance with the principles and procedures that apply to the preparation of the financial statements and funding impact statement included in the long-term plan; and
  - (b) contain appropriate references to the long-term plan in which the local authority's activities for the financial year covered by the annual plan are set out; and
  - (c) include the information required by [Part 2](#) of Schedule 10.
- (6A) Except where subsection (5) requires otherwise, the local authority must comply with subsection (6)(b) and (c) by means of reference to, rather than duplication of, the long-term plan.
- (7) A local authority must, within 1 month after the adoption of its annual plan,—
- (a) make its annual plan publicly available; and
  - (b) send copies of that plan to—
    - (i) the Secretary; and
    - (ii) the Auditor-General; and
    - (iii) the Parliamentary Library.

### **95A Purpose and content of consultation document for annual plan**

- (1) The purpose of the consultation document under [section 82A\(3\)](#) is to provide a basis for effective public participation in decision-making processes relating to the activities to be undertaken by the local authority in the coming year, and the effects of those activities on costs and funding, as proposed for inclusion in the annual plan, by—
- (a) identifying significant or material differences between the proposed annual plan and the content of the long-term plan for the financial year to which the annual plan relates; and
  - (b) explaining the matters in paragraph (a) in a way that can be readily understood by interested or affected people; and
  - (c) informing discussions between the local authority and its communities about the matters in paragraph (a).
- (2) The content of the consultation document must be such as the local authority considers on reasonable grounds will achieve the purpose set out in subsection (1), and must—
- (a) explain identified differences, if any, between the proposed annual plan and what is described in the long-term plan in relation to the financial year to which the annual plan relates, including (but not limited to)—
    - (i) an explanation of any significant or material variations or departures from the financial statements or the funding impact statement; and

- (ii) a description of significant new spending proposals, the costs associated with those proposals, and how these costs will be met; and
  - (iii) an explanation of any proposal to substantially delay, or not proceed with, a significant project, and the financial and service delivery implications of the proposal; and
  - (b) outline the expected consequences of proceeding with the matters referred to in paragraph (a), including the implications for the local authority's financial strategy.
- (3) The consultation document—
- (a) must be presented in as concise and simple a manner as is consistent with this section; and
  - (b) without limiting paragraph (a), must not contain, or have attached to it—
    - (i) a draft of the annual plan as proposed to be adopted; or
    - (ii) a full draft of any policy; or
    - (iii) any detailed information, whether described in [Part 2](#) of Schedule 10 or otherwise, that is not necessary or desirable for the purposes of subsections (1) and (2); and
  - (c) must state where members of the public may obtain the information held by the local authority that is relied on by the content of the consultation document, including by providing links or references to the relevant information on an Internet site maintained by or on behalf of the local authority; and
  - (d) may be given the title of the local authority's choice, provided that the title or subtitle make reference to this being a consultation document for the proposed annual plan for the relevant year.
- (4) The local authority must adopt the information that is relied on by the content of the consultation document, as referred to in subsection (3)(c), before it adopts the consultation document.
- (5) For the purposes of this section, a difference, variation, or departure is material if it could, itself or in conjunction with other differences, influence the decisions or assessments of those reading or responding to the consultation document.

### **95B Combined or concurrent consultation on long-term plan and annual plan**

If a local authority carries out consultation in relation to an amendment to a long-term plan at the same time as, or combined with, consultation on an annual plan,—

- (a) the content of consultation documents required under any of [sections 93D](#), [93E](#), and [95A](#), as the case may be, for each consultation process must be combined into 1 consultation document; and
- (b) the special consultative procedure must be used in relation to both matters.

### **96 Effect of resolution adopting long-term plan or annual plan**

- (1) The effect of a long-term plan and an annual plan adopted by a local authority is to provide a formal and public statement of the local authority's intentions in relation to the matters covered by the plan.

- (2) A resolution to adopt a long-term plan or an annual plan does not constitute a decision to act on any specific matter included within the plan.
- (3) Subject to [section 80](#), and except as provided in [section 97](#), a local authority may make decisions that are inconsistent with the contents of any long-term plan or annual plan.
- (4) No person is entitled to require a local authority to implement the provisions of a long-term plan or an annual plan.
- (5) This section applies subject to [Part 4A](#) of the Local Government (Rating) Act 2002

**97 Certain decisions to be taken only if provided for in long-term plan**

- (1) This section applies to the following decisions of a local authority:
  - (a) a decision to alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the local authority, including a decision to commence or cease any such activity;
  - (b) a decision to transfer the ownership or control of a strategic asset to or from the local authority.
  - (c) *[Repealed]*
  - (d) *[Repealed]*
- (2) A local authority must not make a decision to which this section relates unless—
  - (a) the decision is explicitly provided for in its long-term plan; and
  - (b) the proposal to provide for the decision was included in a consultation document in accordance with [section 93E](#).
- (3) Nothing in this section applies to a decision of a local authority to fund a capital project by lump sum contributions if the local authority has complied with [section 117B\(3\)\(c\)\(i\)](#) of the Local Government (Rating) Act 2002.

## THE WEST COAST REGIONAL COUNCIL

To: Chairperson  
West Coast Regional Council

I move that the public be excluded from the following parts of the proceedings of this meeting, namely, -

- Agenda Item No. 8.  
25 – 28
- 8.1 Confirmation of Confidential Minutes 9 September 2014
  - 8.2 Overdue Debtors Report (to be tabled)
  - 8.3 Response to Presentation (if any)
  - 8.4 In Committee Items to be Released to Media

<b>Item No.</b>	<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution.</b>
8. 8.1	Confirmation of Confidential Minutes 14 October 2014		Section 48(1)(a) and in particular Section 9 of 2nd Schedule Local Government Official Information and Meetings Act 1987.
8.2	Overdue Debtors Report		
8.3	Response to Presentation (if any)		
8.4	In Committee Items to be Released to Media		

I also move that:

- Chris Ingle
- Robert Mallinson
- Michael Meehan
- Jackie Adams

be permitted to remain at this meeting after the public has been excluded, because of their knowledge on the subject. This knowledge, which will be of assistance in relation to the matter to be discussed.

The Minutes Clerk also be permitted to remain at the meeting.