

THE WEST COAST REGIONAL COUNCIL

MINUTES OF A SPECIAL MEETING OF THE WEST COAST REGIONAL COUNCIL HELD ON 28 JUNE 2019, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.

PRESENT:

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

IN ATTENDANCE:

R. Beal (Acting Chief Executive Officer), R. Mallinson (Corporate Services Manager), N Costley (Strategy & Communications Manager), A. Mahuika (Minutes Clerk), Media x 2

1. APOLOGIES:

There were no apologies.

MOVED (Birchfield / Archer)

That Gary Howard (Mayor of Buller District Council) be granted speaking rights.

Carried

Mayor Howard spoke to the meeting. Mayor Howard spoke of the correspondence he circulated to Councillors from Mr Gavin Beattie from the Local Government Commission (LGC). Mayor Howard stated that he sought an opinion from Mr Beattie as to which legislation gives WCRC the ability to set the budget for the One District Plan (ODP). Mayor Howard stated that he does not dispute whether or not WCRC has the ability to rate for ODP. He stated that the First Order of Council from the Governor General which was signed in November, and the Second Order of Council put the Tai Poutini Planning Committee (TPPC) in place has not taken place yet. Mayor Howard stated that there is no committee appointed but there is a Chairman appointed but there is no legal authority for the Committee in place until the second Order of Council comes from the Governor General.

Mayor Howard expressed his concern with the proposed changes to the rating district classifications for the Punakaiki Rating District. He noted that Cr Clementson had stated in the media that he would follow the wishes of the community.

Mayor Howard stated that overwhelmingly, throughout the district there is opposition to ODP. Mayor Howard stated that because the Second Order of Council has not yet happened, ODP does not need to happen this year. Mayor Howard feels that ODP is not in the best interests of Buller ratepayers as he does feel that the process has not been followed correctly.

Cr Archer stated that the Second Order of Council has been signed off, this was done on 17 June 2019. Mayor Howard stated that he did not know this. Cr Archer stated that there is no mechanism to delegate to the Transitional Committee to set a rate or budget. Cr Archer stated that he is intrigued as to how this has come about. He asked Mayor Howard to elaborate on this. Mayor Howard stated that the Transition Board would always be the one to analyse, in consultation with the Chair and the LGC what the requirements of the TPPC would be. He stated that so far a Chairperson and a Project Manager have been engaged, and they have looked at what else is going to be required. Mayor Howard spoke of the meeting on 21 March which showed that there was a discussion with regard to a budget of \$250,000 to \$300,000, but there was no other advancing of future plans and what the money was going to be used for. Mayor Howard stated that the intent is to give WCRC the rating ability for the region, but WCRC is not running this project. Cr Archer expressed concern as to the community's ability to pay. Cr Robb advised that there are some timing issues as the ODP committee has only just been given the latest Order of Council, this was discussed at the most recent Transition Board meeting and that WCRC's Annual Plan would have to be consulted on and approved before the ODP Committee was in place. Mayor Howard stated that WCRC isn't following process and nobody

has shown him the clause that says WCRC can set the budget for ODP. Mayor Howard thanked Councillors for the opportunity to speak.

2. STAFF REPORT ON 2019 / 20 ANNUAL PLAN SUBMISSIONS

R. Mallinson spoke to this report.

R. Mallinson went through the staff report and stated that Councillors now have the legal advice from the LGC on ODP.

R. Mallinson stated that staff recommend that the Rapahoe proposed rating district does not proceed.

R. Mallinson stated that there was substantial opposition to the Carters Beach proposal and he believes this should not proceed. R. Mallinson stated that WCRC will provide BDC with copies of submissions, from both the March survey and annual plan submissions.

R. Mallinson advised that there was no strong preference from the Punakaiki community for one particular solution that was supported by all parties.

R. Mallinson stated that the proposed upgrade and loan for the Karamea stopbank should proceed based on what the rating district committee is in favour of.

R. Mallinson reported that the response to the increase in dairy shed inspection charge should proceed.

R. Mallinson advised that the Navigation Safety transfer to Grey District Council is supported.

R. Mallinson stated that various other matters raised by submitters will be acknowledged but there will be no change to the annual plan.

R. Mallinson advised that the formal rate setting resolution will go to the August meeting.

1. **MOVED** (Clementson/Ewen) *That all submitters be thanked for their submissions.*

Carried

There was substantial debate relating to the One District Plan (ODP). Cr Archer asked various questions relating to the ODP and the budget for this. R. Mallinson advised that discussions with the LGC indicate that the \$200,000 will be available and it is likely the targeted rate will be \$450,000 and not \$650,000.

R. Beal advised that meeting that he has just now received email confirmation that the funding has been approved by the LGC. The Chairman advised that Council has no control over the funding from central government. Cr Archer stated that he is not in support as he feels that the community may not have the ability to pay for this, and he is concerned this could be appealed.

The Chairman asked each Councillor for his opinion. Cr Ewen stated he is not supportive of the budget; costs are too high. Cr Ewen stated he is astounded that the Government can take notice of less than 1% of the Coast's population, and he is unsure how many of these people are ratepayers. Cr Ewen feels this is a tax on a tax and he will not support this. Cr Ewen stated that he would like to see questions similar to what was in our Annual Plan on the voting papers for the Local Body Elections, then those who actually pay rates will have their say when they vote. Cr Ewen stated that the \$200,000 from the LGC is only for one year. He stated that the West Coast is currently in a decline and he will be voting against this.

Cr Birchfield agreed with Cr Ewen and Cr Archer. Cr Birchfield stated he agrees with the ODP but is not happy with the budget and will be voting against it.

Cr Challenger stated that Council has to listen to the ratepayers, Council needs to look at the budget and he feels that the rate is wrong and should be relooked at. He stated that he also opposes the recommendation to strike a rate for this and wonders if there is some other way of funding this, possibly via the investment portfolio.

Cr McDonnell stated he is not against the ODP, as he feels it is a good idea but he does have concerns about the open-endedness of it all. He is concerned about the money budgeted for planners (\$350,000) and noted that there are no planners employed at this stage. Cr McDonnell is concerned about how much ODP is going to cost overall, (\$6M) and how this is going to be rated. Cr McDonnell feels that the budget is not right but if it could be strictly ring-fenced and money not spent this year could be rolled over to next year, then he would support it. Cr Birchfield agreed with Cr McDonnell.

Cr Clementson stated that he agrees with the comments of fellow Councillors, he is concerned about Commissioners coming in as Council could end up with decisions being made that we do not need. Cr Clementson stated that he agrees with Cr Challenger's comments regarding possible funding via the investment portfolio. Cr Clementson feels something more concrete is required but he is supportive of the ODP.

The Chairman stated that he is concerned that Council could be in breach of central government's orders if Council does not go ahead with ODP rate strike. He outlined the implications of what could happen if the rate strike for ODP isn't set. The Chairman stated that this has been imposed on Council by the LGC. The Chairman stated that he is in favour of striking the rate but Council does need to look at the amount to be struck for the first year. R. Mallinson clarified that this would be a targeted rate and targeted rates can only be spent on the purpose that they are rated for, they are ring fenced and a rate set for ODP can only be spent on ODP. R. Mallinson advised that capital would be run down if the investment portfolio was used to fund ODP. It was noted that the makeup of the ODP committee will change after the local body elections. R. Mallinson clarified the budget and targeted rate to the meeting. He explained the rating impact per \$100,000 of capital value of \$4.00 GST incl (based on a targeted rate of \$250,000 +GST). Cr Birchfield stated that this is too expensive and there is not enough control. The Chairman advised that the next Annual Plan will address the following year's budget. Extensive discussion took place and it was agreed that the budget would be reduced to \$700,000.

2. **MOVED** (McDonnell / Archer)

That the One District Plan budget be amended from \$900,000 to \$700,000 and a targeted rate of \$250,000 + GST be confirmed for 2019/20.

*Crs Ewen and Birchfield Against
Carried*

3. **MOVED** (Birchfield / Ewen) *That the Rapahoe proposal does not proceed.*

Carried

Cr Archer spoke of the sand bund option and stated that this is not a long term option or a quick fix. He stated that it is important that Council takes on board the strong opposition to the forming of a rating district and supports the community's wishes. Cr Archer stated that he supports the recommendation. The Chairman spoke of the importance of listening to the engineering advice.

4. **MOVED** (Archer / Birchfield)

That the Carters Beach proposal does not proceed.

That Council continues dialogue with the Carters Beach community, Domain Board & Buller District Council in an attempt to achieve a mutually acceptable solution.

That Council provides Buller District Council with copies of submissions from both the March survey and Annual plan submissions, and provides support and advice to Buller District Council on the community preferred option, which is a community led sand based bund as a wave overtopping protection option.

Carried

5. **MOVED** (Clementson / Challenger)

That Council reaffirms its commitment to the principle that the communities that benefit from river or coastal protection works are the ones that should pay for those works through an appropriate targeted rate.

Carried

Cr Archer stated that at the last meeting of the Punakaiki rating district the suggestion was made for Council to look at options for changing differentials. Cr Ewen stated that the voting was 11/9 and Council was going with the status quo, he noted that there were two votes in it for Karamea's proposal. Cr Ewen stated that in Punakaiki's case Council is going against what the community wants. Cr Ewen stated that with the recent work done by NZTA now improving this area, he feels that Council should go with option 3 as there is no better time as the seawall now offers optimum protection. Cr Ewen stated that all properties in the Punakaiki rating district are on the seaward side of the highway and he feels it makes logical sense and this is the time to do it. Cr Birchfield

agreed and stated he would like to see one even rate for everyone as they are all very close together. Cr Challenger agreed and stated that it is all one area with no differential. Cr Archer stated he has a different view as the properties further away from the sea are at less risk. He stated that over the years' maintenance costs of the seawall have continued to increase, and ongoing maintenance costs will continue to increase. Cr Archer stated that if there is a breach the properties closest to the sea will face the greater risk. The Chairman advised that rating districts are always looked at individually as issues are different for each one. Cr Archer stated that each rating district has an annual meeting and the same matter can come up again. R. Beal clarified that the intent for Option 3 is for maintenance only and not capital works. Further discussion took place with Cr Ewen moving an amendment to the motion and that Option 3 becomes the preferred option. Cr McDonnell asked that in view of the survey being undertaken after the annual rating district meeting, could the discussion be had with the community again given that there are concrete results from the survey. Cr Ewen called a Point of Order as he has a motion on the table. Cr Ewen stated that Option 3 got nine votes, 11 votes were for the status quo and therefore if one person had of voted either way it would have been a draw at 10 all. Cr Ewen moved that the Punakaiki Rating District be changed to a holistic rating district for maintenance purposes. This was seconded by Cr Birchfield. Cr Archer acknowledged what Crs Ewen and Birchfield are saying but noted that elections are a few months away and therefore he suggests that Council delays making a decision on this as it is a highly emotional discussion. It was agreed that the motion would stand. Cr Clementson agreed with Cr Archer's comments as he has sat in on the rating district meetings. Cr Birchfield asked if it is likely more capital works would be required in the future. Cr Archer commented that currently the seawall offers best level of protection that it has ever had.

6. **MOVED** (Ewen/Birchfield)

That there be a change to the Punakaiki Special Rating area as per Option 3 in the consultation document, which is no differentials for the maintenance rate.

*Against Crs Archer, McDonnell, Clementson
Carried*

Cr Archer noted that 17 submitters support the Karamea stopbank upgrade and 19 submitters oppose the upgrade. Cr Archer stated that at the last meeting of the rating district committee all present were in favour of the upgrade but they requested that work is done when it fits in with farming activities. It was noted that the engineering advice is that this work is progressed and is urgent. Cr Archer stated that this work will offer an increased level of protection to likely risks. Cr Clementson confirmed that he was at the same meeting as Cr Archer and there was an unanimous show of hands in support of the stopbank upgrade.

7. **MOVED** (Archer / Birchfield)

That Council proceeds with the Karamea stopbank upgrade proposal as outlined in the Consultation Document.

Carried

8. **MOVED** (Clementson / Birchfield)

That Council proceed with the increase in the Dairy inspection charge as outlined in the Consultation Document.

Carried

Cr Archer suggested an amendment to the motion as per below.

9. **MOVED** (Ewen / Archer)

That Council confirms the Transfer of Navigation Safety Powers to Grey District Council as outlined in the Consultation Document.

Carried

R. Mallinson confirmed that he will be preparing a table of decisions and every submitter will be sent a copy of this.

10. **MOVED** (Archer / McDonnell)

That submitters seeking outcomes in regards to air shed monitoring, protection of sources of public drinking water supplies, walking & cycling strategies, be advised that Council considered their submissions but did not make any change to the Annual Plan for 2019/20.

Carried

11. **MOVED** (Clementson / McDonnell)

That submitters with concerns regarding climate change be advised that Council does take this into account when preparing Regional Policies and Plans.

Carried

12. **MOVED** (Ewen / Challenger)

That Council formally adopts the information that it relied on for inclusion in the Consultation Document pursuant to Section 95 (4) of the Local Government Act 2002.

Carried

R. Mallinson suggested that the words "*taking into account the amendments previously determined*". All Councillors were in agreement.

13. **MOVED** (McDonnell / Archer)

That Council confirms the Annual Plan for 2019/20 pursuant to section 95 of the Local Government Act 2002, taking into account the amendments previously determined.

Carried

LATE ITEM

R. Mallinson advised that H. McKay (Consents & Compliance Manager), requested that he bring the late item to the meeting, in her absence.

MOVED (Archer/Ewen) *That a late item be accepted, under urgency.*

Carried

Councillors agreed to accept a late item with regard to a Deed extending the agreement with Otago Regional Council (Dam Certification and the Building Act) to June 2021, as the Deed needed to be signed by 30 June 2019. Councillors agreed that the Chairman and Deputy Chairman would execute the Deed under Council Seal.

MOVED (Ewen / Archer)

That the above Deed be executed by the Chairman and Deputy Chairman, under the Council Seal.

Carried

The meeting closed at 11.58 a.m.

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Chairman

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Date