

South Taranaki District Council

Minutes of the Extraordinary Meeting of the South Taranaki District Council held via audio visual link on Monday 6 April 2020, commencing at 1.00 pm.

PRESENT: Mayor Phil Nixon, Councillors Andy Beccard, Mark Bellringer, Gary Brown, Celine Filbee, Aaron Langton, Steffy Mackay, Robert Northcott, Jack Rangiwahia, Diana Reid, Bryan Roach, Brian Rook and Chris Young.

IN ATTENDANCE: Waid Crockett (Chief Executive), Fiona Aitken (Group Manager Community and Infrastructure Services), Marianne Archibald (Group Manager Corporate Services), Liam Dagg (Group Manager Environmental Services), Darleena Christie (Governance and Support Team Leader), Sara Dymond (Governance Officer), Gerard Langford (Communications Manager), Vipul Mehta (Chief Financial Officer) and Becky Wolland (Policy and Governance Manager).

APOLOGIES: Nil.

The meeting was held in accordance with Amendment to Local Government Act 2002, 25B Modifications to clause 25A while epidemic notice in force for COVID-19:

- (1) *Subclauses (2) to (4) apply instead of clause 25A(1).*
- (2) *A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee by means of audio link or audio-visual link.*
- (3) *To that end, a member may attend a meeting by means of audio link or audio-visual link despite—*
 - (a) *clause 27(5)(a); and*
 - (b) *any limitation or condition on the use of an audio link or audio-visual link that is contained in the local authority's standing orders; and*
 - (c) *anything else to the contrary in the local authority's standing orders.*
- (4) *For a Civil Defence Emergency Management Group, the reference in subclause (3) to a local authority's standing orders includes any standing orders that apply to the Group under section 19 of the Civil Defence Emergency Management Act 2002.*
- (5) *Subclause (6) applies instead of clause 25A(4).*
- (6) *A member of the local authority or committee who attends a meeting by means of audio link or audio-visual link, in accordance with this clause, is to be counted as present for the purposes of clause 23.*
- (7) *This clause is repealed when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.*

1 Confirmation of Minutes

1.1 Ordinary Council Minutes 24 February 2020

RESOLUTION

(Cr Reid/Cr Filbee)

23/20

THAT the Council adopts the minutes of the Ordinary Council meeting held on 24 February 2020 as a true and correct record.

CARRIED

2 Committee and Board Minutes

2.1 Eltham Drainage Committee held on 26 February 2020

Councillor Bellringer acknowledged the presentation from Taranaki Regional Council's Land Management Officer, Claire Robertson. He also commended the farmers within the drainage area on the work they had undertaken to voluntarily plant the drains.

RESOLUTION

(Cr Bellringer/Cr Mackay)

24/20 **THAT the Council receives the minutes of the Eltham Drainage Committee meeting held on 26 February 2020.**

CARRIED

2.2 Extraordinary Environment and Hearings Committee held on 2 March 2020

RESOLUTION

(Cr Beccard/Cr Northcott)

25/20 **THAT the Council receives the minutes of the Extraordinary Environment and Hearings Committee meeting held on 2 March 2020.**

CARRIED

2.3 Eltham-Kaponga Community Board held on 10 March 2020

RESOLUTION

(Cr Mackay/Cr Bellringer)

26/20 **THAT the Council receives the minutes of the Eltham-Kaponga Community Board held on 10 March 2020.**

CARRIED

2.4 Te Hāwera Community Board held on 10 March 2020

RESOLUTION

(Cr Reid/Cr Filbee)

27/20 **THAT the Council receives the minutes of Te Hāwera Community Board held on 10 March 2020.**

CARRIED

2.5 Pātea Community Board held on 11 March 2020

It was highlighted that two resolutions within the Pātea Community Board minutes needed to be reconfirmed by the Board. Resolutions 07/20 PA and 10/20 PA were moved or seconded by Councillor Rook. In accordance with the Standing Orders a Councillor was unable to vote during a Board meeting, with the exception of the Mayor and the Councillor appointed back to the Board.

Councillor Rook pointed out that there had been 22 members of the public attend the Pātea Community Board meeting and said it was heart warming to know that the community were keen to be a part of what the Board was doing. The Mayor agreed and added that the majority of Board meetings have good attendance from the public and this was positive to see.

RESOLUTION**(Cr Rook/Cr Northcott)****28/20****THAT the Council receives the minutes of the Pātea Community Board excluding resolutions 07/20 PA and 10/20 PA held on 11 March 2020.****CARRIED**

2.6 Taranaki Coastal Community Board held on 12 March 2020

Councillor Langton referred to the concern raised regarding the overflow that ran from Farmlands into the Ōpunakē Lake and asked if there had been an investigation. Councillor Roach asked if the trees in the powerlines on Fox Street, Ōpunakē had been addressed. Ms Aiken would follow-up these matters and report back.

Councillor Langton reiterated Councillor Rook's comments earlier regarding the number of public in attendance at the Board meetings and said it was humbling that so many people give up their free time for their communities.

RESOLUTION**(Cr Langton/Cr Young)****29/20****THAT the Council receives the minutes of the Taranaki Coastal Community Board held on 12 March 2020.****CARRIED**

2.7 Iwi Liaison Committee held on 18 March 2020

Mr Crockett highlighted the recommendation from the Iwi Liaison Committee regarding the Road Naming Policy and the establishment of a Road Naming Policy Advisory Group. Councillors Reid, Filbee and Beccard indicated their interest in being part of the Advisory Group.

RESOLUTION**(Cr Beccard/Cr Northcott)****30/20****THAT the Council;**

- a) **Receives the minutes of the Iwi Liaison Committee held on 18 March 2020.**
- b) **Adopts recommendation 07/20 IL to approve the draft Terms of Reference for the Road Naming Policy (attached in Appendix I) and establish a Road Naming Policy Advisory Group.**

CARRIED

2.8 Environment and Hearings Committee held on 18 March 2020

Councillor Reid referred to the minutes in relation to the proposed accommodation on Grey Street, Hāwera and asked that the word transient be changed to temporary.

RESOLUTION**(Cr Beccard/Cr Mackay)****31/20****THAT the Council receives the minutes of the Environment and Hearings Committee meeting held on 18 March 2020.****CARRIED**

3 Report

3.1 Code of Conduct

The Local Government Act 2002 requires the Council to adopt a Code of Conduct as soon as practicable after the beginning of the triennium. The amended Code of Conduct was being presented to the Council for consideration and adoption.

Councillor Beccard pointed out that there were a number of changes he would like considered prior to the adoption of the Code of Conduct. He said given the circumstances he would rather have the debate within the Council Chamber and moved a motion to have the report lie on the table.

MOTION

(Cr Beccard/)

THAT the Council lay the Code of Conduct report on the table until the debate could be held within the Council Chamber.

LOST

The motion was lost due for the want of a seconder.

Councillor Bellringer referred to section 4.2 regarding the Chief Executive's role in providing advice to all elected members. Mr Crockett replied that the Code of Conduct was being amended to reflect conduct matters and the responsibility to provide advice to elected members sits within the Local Government Act 2002.

Councillor Beccard sought clarification on section 5.3 in relation to elected member's representing the views of the community. The Mayor confirmed that it was to ensure elected member's report back on the community's views accurately rather than the elected member's personal opinions on a particular matter.

An amendment was requested to 5.3 bullet point four, local authority be changed to South Taranaki District Council.

Councillor Beccard raised a concern with section 8, conflicts of interest and the requirement to seek guidance from the Chief Executive. He noted that in many cases this could be difficult. Mr Crockett believed that the intention of this was for advice to be provided through the Chairperson, Group Manager and/or governance staff. He reminded the Councillors that it was their responsibility to declare a conflict of interest.

Councillor Beccard queried what complaints were referred to the Chief Executive as highlighted in section 12.2. Mr Crockett pointed out that depending on the nature of the complaint that there would need to be stringent processes. The Code of Conduct could be amended to include both the Chief Executive and/or the Mayor.

RESOLUTION

(Cr Roach/Cr Northcott)

32/20

THAT the Council;

Adopts the amended Code of Conduct, including section 10.1 Undischarged Bankrupt attached as Appendix I, with the following further amendments:

- a) **Section 5.3, bullet point four, change from local authority to South Taranaki District Council.**
- b) **Section 12.2 that complaints be forwarded to the Chief Executive and/or Mayor.**

CARRIED

4 Information Report

4.1 Taranaki Regional Council – Notice of Motion

A Notice of Motion was presented by previous Councillor Ian Wards in August 2019 seeking that the Council review the contract with the Taranaki Regional Council (TRC) to collect their rates. A review was undertaken and the findings were presented to the Council.

Councillor Mackay suggested that the Council renegotiate their contract with TRC to only pay TRC the rates that were collected. Any debt unable to be recovered should not be paid to TRC.

Councillor Beccard believed that the TRC should be responsible for collecting their own rates. He pointed out that staff at the South Taranaki District Council had to manage complaints on behalf of TRC. He believed TRC to be too removed from their ratepayers. The Mayor understood Councillor Beccard's concerns however pointed out that if TRC were to collect their own rates that this would impact South Taranaki ratepayers greatly.

Mr Mehta said that the contract could be renegotiated to ensure there was not a financial loss to the South Taranaki District Council.

Councillor Roach felt that this needed more discussion and consideration and was wary that any increase in costs would be passed onto South Taranaki ratepayers. The Mayor noted that the report at this stage was to simply receive the information provided.

RESOLUTION

(Cr Filbee/Cr Beccard)

33/20

THAT the Council receives the Taranaki Regional Council – Notice of Motion.

CARRIED

5 Resolution to Exclude the Public

RESOLUTION

(Cr Roach/Cr Rook)

34/20

THAT the Council agrees that the public be excluded from the following parts of the proceedings of this meeting, namely:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this
1. Confirmation of minutes – Ordinary Council 24 February 2020	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

2. Receipt of minutes – Environment and Hearings Committee 2 March 2020.		That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where: ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development contributions or hearings under the Dog Control Act. s. 48(1)(d)
3. Receipt of minutes – Environment and Hearings Committee 18 March 2020.		

This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
1	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i)).

CARRIED

6 Resume Open Meeting

RESOLUTION

(Cr Mackay/Cr Young)

38/20

THAT the South Taranaki District Council resumes in open meeting.

CARRIED

The meeting concluded at 2.11 pm.

Dated this day of 2020.

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CHAIRPERSON