

## Waitaki District Council

# Council

**CONFIRMED MINUTES of a meeting of the  
Waitaki District Council held in the Council Chamber,  
Office of the Waitaki District Council, Third Floor, 20 Thames Street, Oamaru  
on Tuesday 30 October 2018 at 9.00am**

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|------------------------|--|
| <b>Present</b>         | Mayor Gary Kircher (Chair), Deputy Mayor Melanie Tavendale, Cr Craig Dawson, Cr Peter Garvan, Cr Jeremy Holding, Cr Jim Hopkins, Cr Bill Kingan, Cr Guy Percival, Cr Hugh Perkins, Cr Colin Wollstein, and Cr Jan Wheeler  |
| <b>In Attendance</b>   | Fergus Power (Chief Executive)<br>Neil Jorgensen (Assets Group Manager / Deputy Chief Executive)<br>Paul Hope (Finance and Corporate Development Group Manager)<br>Lichelle Guyan (Heritage, Environment and Regulatory Group Manager)<br>Ainslee Hooper (Governance and Policy Advisor) |
| <b>Part Attendance</b> | Erik van der Spek (Recreation Manager); Lisa Scott (Communications Specialist); Renee Julius (Property Manager); Hamish Barrell (Heritage and Planning Manager)  |

The Chair declared the meeting open at 9.00am, and welcomed everyone present, noting that WDHSL was not able to be present at this meeting, and would attend an additional Council meeting scheduled for two weeks' time.

### 1. Apologies

There were no apologies.

### 2. Declarations of Interest

Deputy Mayor Melanie Tavendale declared an interest for a Public Excluded Agenda Item. She said she would raise and manage it at the appropriate time.

### 3. Public Forum

**Speaker 1 – Mr Robert Gaze** (a Tutu Hill Road resident) shared his concerns about the retaining wall that had been put up around the road near Elephant Rocks; the high cost of entrance tickets to the penguin colony; his view that there should be no zipline on the top of Cape Wanbrow; and that, despite paying more than \$100k in rates over the years, oil was still being applied to his road, which dust then stuck to and ended up on his car. He had asked for a water tanker to come up the road and keep the dust down; a grader had been sent instead. He also wanted a 50km speed limit around his neighbourhood for the safety of children. He suggested that Council was wasting money with SouthRoads, and that it go back to contracting Whitestone Roding to look after the roads.

The Chair advised Mr Gaze that some of the matters he had raised were for DOC and NZTA to attend to. He also mentioned that Council did not water roads as a matter of course, and that grader service was occurring all the time, given that Council had 1200 kms of gravel roads to maintain. With regard to DOC, Council was continuing to talk with that organisation about a range of matters.

As a final comment, Mr Gaze said he was in favour of St John relocating to the Awamoa Park site.

**Speaker 2 – Vicky Jayne (Coordinator of the Friends of the Oamaru Harbour)**

Mrs Jayne noted that Council owned most of the land around the Oamaru harbour, and made decisions about leasing, most of which were being kept secret in the public excluded sections of Council meetings. She respectfully requested that Council reconsider those secrecy terms. With regard to this meeting agenda, she highlighted Public Excluded Agenda Item 25 as an illustrative example. There is a public consultation process going on at the moment for the Oamaru Harbour, and yet Council was still doing lease arrangements in public excluded. Mrs Jayne noted that there are legal obligations under the Local Government Official Information and Meetings Act (LGOIMA), which were intended to mandate openness. In her view, that did not allow a blanket use of secrecy around a lease. The Ombudsman has ruled that the reasons must be established exactly what prejudice and harm could come from releasing such information. She believed that the public may be interested in records of leases, terms and conditions of leases, the legal status of all land parcels, and the like as part of the public consultation process now underway.

Mrs Jayne then made a specific formal request for the release to the public of the identity of the lease holder whose lease was considered during the Harbour Area Committee Meeting of 9 October 2018 (in public excluded) as well as the recommendation from that meeting that formed part of the agenda to this 30 October 2018 Council Meeting under Public Excluded Agenda Item 25.

In response, the Chair agreed that Council did stipulate in its agenda what the reasons for the public excluded determination were, and understood that there were stringent requirements to be met under the LGOIMA. He acknowledged that her request will have been noted formally by officers as a request for disclosure, and that it would need to be treated accordingly as an Official Information request.

The Chief Executive advised that, where Council was engaged in commercial negotiations, it was important to protect certain details in order to protect ratepayers' interests. The Chair concurred, noting that releasing negotiation terms before the negotiation had taken place would not enable Council to get the best deal it could for ratepayers.

Mrs Jayne replied that the blanket secrecy was not helpful to the public, as even the name of the lease holder had not been released.

The Chair said Councillors and staff would discuss her request during a break in the meeting. Mrs Jayne left a copy of her submission for the meeting record.

**Speaker 3 – Helen Stead**

Mrs Stead said she wanted to speak about the Geopark, Museum, and Waitaki Heritage Fund. She noted that there were many achievements in the residents' survey, but wondered whether there were still enough people with landlines to make that an effective survey method. Mrs Stead also encouraged Council to celebrate the eco-heritage of the district; and continue to love the land, listen to the locals; and value the volunteers. While she supported the Geopark concept, Mrs Stead said she remained concerned about the lack of grassroots input to it. With regard to the Annual Report, Mrs Stead noted the increase in staff numbers and that it was costing more to do things, but that was not necessarily involving more local people. She was particularly concerned about the closure of the North Otago Museum, which she had previously chaired. She believed it was essential to have the museum open if Council was seeking international recognition for the district (through the Geopark). Mrs Stead offered to help organise people to volunteer at the museum, because she believed it was manpower and will rather than money that was required to keep it open.

Mrs Stead also shared her view that Forrester Gallery needed a lift; and noted that she opposed the recommendation to use people from Heritage New Zealand or Wellington or Auckland for the Heritage Fund Committee, when it should be local people.

As a final question, Mrs Stead asked where the Waitaki County Honours Boards were, as they were not hung in the Council Chamber. In response, the Chair advised that the Borough ones were in the Borough Chamber, and the Waihemo ones were held in the Waihemo Service Centre, with only the District Council Boards being in the Chamber. He undertook to follow up on the location of the Waitaki County Boards.

In reply to some of the other matters raised, the Chair advised that the contributors to the Geopark process had largely come from Vanished World, and they were very much “grassroots” people. Ngai Tahu was also involved to provide ideas and cultural input. There was also a lot more to be done, with many more stories to be told which is where the local input, knowledge, and history will be needed. Sourcing that information from locals was happening and would continue to happen.

Other Councillor feedback on matters raised by Mrs Stead included that the museum closure was about providing room for a more ambitious project, which would include enhancing the gallery and museum. Changing direction like that took time, and a request for forbearance was made, to which Mrs Stead said she understood.

The Chair thanked all three speakers for their public forum presentations, and then declared the Public Closed, at 9.48am.

The Chair asked Group Manager Neil Jorgensen if he had any issue with moving the requested Public Excluded Agenda Item 25 into the public section of the meeting. Mr Jorgensen said he would prefer to talk to relevant managers first, and potentially also seek legal advice.

The Chair acknowledged Mr Jorgensen’s response, and directed the meeting on to Agenda Item 4.

#### 4. Confirmation of Previous Meeting Minutes

RESOLVED  
WDC 2018/194

Cr Colin Wollstein / Cr Craig Dawson  
That Council confirms the public minutes of the 11 September 2018 2018 Council Meeting, as circulated, as a true and correct record of that meeting, with one minor typographical correction.

CARRIED

#### 5. Mayor’s Report

The Mayor’s report, as circulated, was taken as read. It provided comments to bring Councillors and the public up-to-date with a number of issues that have arisen since the last Council meeting. Topics included the Oamaru Harbour and Heritage Quarter Strategy; the Opening of the Oamaru Courthouse; the Otago Regional Council Representation Review; updates on the Waitaki Whitestone Geopark, the Sports and Events Centre, and the Te Waipounamu me Rakiura Tracks and Trails Strategy Project; on Mount Cook Alpine Salmon; ShakeOut!; Power Up; the 2018 Trustpower Awards; the Bottom of The South NZMCA Rally; and Meetings Attended.

*[NOTE: The full version of the Mayor’s Report is available on Council’s website as part of the “30 October 2018 Council Meeting Final Agenda Papers PUBLIC”, and can be accessed through the pathway “Council / Council Meetings / Agendas and Minutes”.]*

The Chair acknowledged the efforts of Property Manager Renee Julius and her team for the excellent work they had done with regard to facilitating the Courthouse refurbishment, and of his own Executive Assistant Leanne Kingan for her superb organisation of the Courthouse opening event and Open Day.

Deputy Mayor Melanie Tavendale congratulated and thanked the Recreation Team for organising and facilitating the recreation centre visits for Councillors. They had provided an excellent opportunity to look at how other centres operated, and to gather learnings from the processes followed for their establishment. A discussion about fees would be a key follow up matter.

RESOLVED  
WDC 2018/195

Cr Jim Hopkins / Deputy Mayor Melanie Tavendale  
That Council receives and notes the information.

CARRIED

#### 6. Chief Executive’s Report

The Chief Executive’s Report, as circulated, was taken as read. It provided comments to bring Councillors up-to-date with issues that had arisen since the last Council meeting. Topics included: UNESCO Global Geopark Application; Economic Development New Zealand (EDNZ); and Growth in demand for Council services; Business and Site Visits; and Meetings Attended.

*[NOTE: The full version of the Chief Executive's Report is available on Council's website as part of the "30 October 2018 Council Meeting Final Agenda Papers PUBLIC", and can be accessed through the pathway "Council / Council Meetings / Agendas and Minutes".]*

RESOLVED  
WDC 2018/196

Cr Craig Dawson / Cr Hugh Perkins  
That Council receives and notes the information.

CARRIED

The Chair then directed the meeting to Agenda Item 20.

**Agenda Items are recorded out of agenda order from this point forward, and reflect the order of discussion instead.**

## **20. Tourism Waitaki – Annual Report 2017/18**

The report, as circulated, covered the unaudited Tourism Waitaki Annual Report for the year ended 30 June 2018, and presented a resolution for its receipt by Council and the appointment of auditors, such resolution being in lieu of a shareholders meeting.

The Chair welcomed the Tourism Waitaki Board Chair, Board Members, and General Manager for this agenda item. The Chair provided a summary of the year's highlights, and then thanked his Directors, General Manager and staff, and the Mayor and Councillors for their support.

During the ensuing discussion, the following points were highlighted / clarified:

- Council had put \$500k into Tourism Waitaki, but there was some discomfort about what the organisation is charging locals for access to attractions when ratepayers were already paying through the loan facility.
- There had been no follow up done yet on the two visioning sessions in the Upper Waitaki Valley about two years ago.
- A very successful summit had been held with A2O partners, with Tourism Waitaki making it clear that its new partnership employee would be dedicated to rebuilding such relationships.
- The Board was concerned that the only reason it could continue to trade at the moment was that Council had given a guarantee. This was due to the delay with the capital cost of the penguin colony. The company was cash positive now, although things would be tight for about another two months before it would be better. Everyone involved was making a concerted effort to get things back on track, and is acutely aware of the situation and what it meant.
- Attendance at and market awareness of Whitestone City was growing every month.
- The Omarama i-Site had had 1,236 visitors in September 2018.
- The variations in notes 6 and 7 were due to a lack of corporate sponsorship.

Additional breakdowns were requested for payment supplies for employees; expenditure items relating to the penguin colony refurbishments; and of the \$1.3m income line item.

**ACTION POINT:** Tourism Waitaki, with Group Manager Paul Hope

It was noted that missing the statutory deadline for submission of the Annual Report was due to a lack of communication amongst Board members. It was not the fault of Council, and should not happen again.

RESOLVED  
WDC 2018/197

Cr Jim Hopkins / Cr Craig Dawson  
That Council:

1. Receives the Tourism Waitaki 2017/18 Annual Report.
2. Authorises the Mayor and Chief Executive to sign the resolution pursuant to Section 122 of the Companies Act 1993 in lieu of the Annual General Meeting of shareholders of Tourism Waitaki.

CARRIED

The Chair suggested that the scheduled shareholder meeting with Tourism Waitaki on Tuesday 27 November could be extended to all Councillors (rather than just the Executive Committee). This idea was AGREED.

**ACTION POINT: Mayor / Governance Advisor to schedule**

*The meeting was adjourned at 10.24am for morning tea, and reconvened at 10.42am.*

The Chair welcomed St John representatives to the meeting, who then gave a presentation on their proposal to build a new emergency ambulance base on part of the Awamoa Park Reserve.

The Chair thanked them for their presentation, and directed the meeting to the report on this matter, under Agenda Item 13.

### **13. Proposed St John's Site – Awamoa Park**

The report, as circulated, sought Council's approval to commence a public notification process to see whether the community would like to facilitate the change of reserve classification of part of the Awamoa Park Reserve to enable St John to construct a purpose-built facility for its emergency ambulance base.

Group Manager Neil Jorgensen advised that Council was being asked today to consider whether or not it wished to go out to public consultation on the St John proposal, which would be just the first step in the project. The site would need to be reclassified to reserve, which was a considerable process in itself. If that was successful, then a resource consent would be required, and St John would need to apply for that, which would present another opportunity for public consultation.

During the ensuing discussion, it was noted that:

- Because there was a need to change the reserve classification under the Reserves Act, then a public consultation was required and there was a set timeframe for that.
- The change in classification would be for part of the reserve, not all of it.
- St John intended to include information in the public consultation documents about how it had chosen the Awamoa Park site as its preferred one over other alternatives.
- This was the start of the process only. If the public does not want the change of reserve, then they can make submissions accordingly.
- If there were no objections received, then it would proceed to the next stage.
- If objections were received, then it would come back to Council to hear those and to make a decision on each one. Then Council would have to provide a summary of the objections, and the Council's decisions on each, for a final sign off by the Minister under s.123 of the Reserves Act. It was noted that that represented a number of decisions that would be required for this project to be able to progress.

There was discussion about the potential for the public not to support the change of reserve classification for this project, and what plans St John had in place to respond to that. In response, a St John representative said it was very important to them that it ascertain what the genuine public opinion was. Representatives would be going out to meet with the public to explain their proposal and the reasons for it, and to seek to address any concerns members of the public may have.

Two Councillors supported the idea of St John doing its own public consultation before Council got involved.

Deputy Mayor Melanie Tavendale said she was happy to move recommendations 1 to 5 in the report. Cr Peter Garvan said he would second that motion.

#### **Discussion on the motion:**

Some Councillors agreed that there was a need to go out to public consultation to test the waters. St John has said it is happy to front-foot that process, and Council had the means to enable that community discussion to take place if it agreed to let it happen.

Other Councillors disagreed, citing a need to find another site that would not take space from a public park.

Several Councillors said they could support recommendations 1 and 2, but not 3 to 5, and that they were uncomfortable especially with the wording of 3.

#### **Amendment to the motion:**

After listening to the discussion, the Deputy Mayor sought to amend her motion to move only recommendations 1 and 2. Secunder Cr Garvan agreed to support that amendment.

Group Manager Neil Jorgensen advised that not passing recommendation 4 would provide no certainty for the project, and sought clarification about whether the removal of recommendation 5 would still provide the necessary authorisation of the Chief Executive. The Chair ruled that the authorisation was inherent in recommendation 2.

**Right of Reply:**

The Deputy Mayor noted that St John representatives had specifically said they would front-foot the process. They were simply asking Council's support today to get the public consultation started. As the mover of the original motion, she had listened to and agreed with other Councillors' concerns about recommendations 3 – 5, and had amended her motion to remove them. As things stood now, if even one person objects, then the matter will be referred back to Council anyway.

The Chair then directed the meeting to consider recommendations 1 and 2 in the report.

**RESOLVED**

WDC 2018/198

Deputy Mayor Melanie Tavendale / Cr Peter Garvan

That Council agrees to formally withdraw the prior set of recommendations relating to this matter that were included in a public excluded report to the 8 May 2018 Council Meeting, where it was resolved (WDC 2018/080) to leave the matter lying on the table pending further investigation and a workshop, and to agree to consider the following replacement recommendations and this report to the 30 October 2018 Council Meeting instead.

CARRIED

**RESOLVED**

WDC 2018/199

Deputy Mayor Melanie Tavendale / Cr Peter Garvan

That Council, pursuant to the Reserves Act 1977, and within the delegation from the Minister of Conservation, decides to publicly notify the intention to classify the portion of reserve, Part Section 86, Block IV, Town of Oamaru (commonly known as part of Awamoa Park), for Local Purpose (Community Buildings) Reserve.

CARRIED

AGAINST: Cr Jan Wheeler, Cr Guy Percival

Cr Jim Hopkins sought to move a motion to amend Recommendation 3. The Chair asked the mover and seconder of the substantive motion if they agreed; they did. The Chair then put the motion, which was resolved as follows:

**RESOLVED**

WDC 2018/200

Deputy Mayor Melanie Tavendale / Cr Peter Garvan

If no objections are received, that Council considers classifying, by Gazette Notice, the identified portion of the reserve for the required purpose.

CARRIED

AGAINST: Cr Jan Wheeler, Cr Guy Percival

Recommendations 4 and 5 in the report were neither discussed nor progressed to a resolution at this meeting.

At 11.45am, the Chair welcomed Sport Otago representatives to the meeting.

## **22. Sport Otago Annual Report 2017/18**

The report, as circulated, covered the Sport Otago Annual Report for the year ending 30 June 2018.

Sport Otago's Mitch Mcrae gave a presentation on the highlights of the year. He also thanked Council for its ongoing support, noting that it had allowed the organisation to be sustainable into the future.

*The Mayor and Chief Executive left at 11.56am to go to the Community Trust meeting. Deputy Mayor Melanie Tavendale assumed the role of Acting Chair.*



There was general discussion between Mr Mcrae and Councillors on the following topics:

- Funding sources: all five territorial local authorities are contributing to Sport Otago; 30% of its funding comes from Sport New Zealand; and the organisation has to source the rest itself, from the likes of the Community Trust. It had accountabilities to all funding partners.
- Exercise options for the elderly
- There was currently no contact with the Omarama sports complex, but the organisation would be happy to talk with them about what they were proposing and how Sport Otago could assist.

RESOLVED

WDC 2018/201

Cr Bill Kingan / Cr Jim Hopkins

That Council receives and notes the information.

CARRIED

## 7. Recommendations from Finance, Audit and Risk Committee Meeting, 11 September 2018

### Committee Agenda Item 4 – Treasury Strategy, Second Quarter, 2018/19 Financial Year

The report, as circulated to the Committee, sought the Committee's recommendation that Council to adopt the proposed Treasury Strategy to cover the second quarter of the 2018/19 financial year.

RESOLVED

WDC 2018/202

Cr Jim Hopkins / Cr Craig Dawson

That Council adopts the proposed Treasury Strategy to cover the second quarter of the 2018-19 financial year, by:

- continuing the use of term deposit facilities for terms between 7 days and 12 months, and
- continuing to make minimal use of the call account, but always dependent on consideration of short-term operational cash requirements and on achieving target interest rates.

CARRIED

### Committee Agenda Item 5 – Waitaki District Council Annual Residents' Survey Report July 2018

The memorandum, as circulated to the Committee, sought to provide information about the 2018 Waitaki District Council Annual Residents' Survey to assist the Committee to understand Council's service performance and may also inform future decisions of Council about resources, facilities and services provided by the Council.

Referring to a point made in the Public Forum about using landlines for the survey, a request was made for officers to report back to Council on the percentage of people in the district who still had a landline, and whether there is a cell phone directory that could be used for the survey in future years.

For clarity purposes, it was AGREED that there would not be a separate workshop held to discuss this additional information. It was suggested that it be emailed to Councillors with an explanation of the options, for further consideration ahead of next year's residents' survey.

**ACTION: Group Manager Paul Hope / Policy and Strategy Manager Mike Searle**

RESOLVED

WDC 2018/203

Cr Jim Hopkins / Cr Colin Wollstein

That Council:

1. Receives the Annual Residents' Survey Report (Residents' Survey) July 2018
2. Notes that the survey results provide an input for completing Council's 2017/18 Annual Report scheduled for Council approval on 30 October 2018
3. Notes that the Residents' Survey is to be posted on Council's website.

CARRIED

## **Committee Agenda Item 10 – Proposal to Form an Income Tax Group PE**

The report, as circulated to the Committee, sought to act on advice from Council's tax advisors to form a group for income tax purposes.

SPECIAL NOTE: Discussion on this agenda item was conducted in the Public Excluded session of the FAR Committee Meeting. However, that Committee subsequently agreed to release the resolution from the Public Excluded session for inclusion in the public minutes of that Committee meeting. Therefore, it is recorded below as part of this public Recommendations from Committee report to this Council meeting.

Group Manager Paul Hope advised that Council's tax advisor had recommended this proposal as a way of having a more efficient structure across the three entities. It would simplify the transfer of losses across all three, and was a positive development with very little downside.

RESOLVED  
WDC 2018/204

Cr Colin Wollstein / Cr Jim Hopkins  
That Council approves the formation of an Income Tax Group consisting of Council, Whitestone Contracting Limited, and Tourism Waitaki Limited, subject to agreement by the other two entities.

CARRIED

## **8. Recommendations from Assets Committee Meeting, 9 October 2018**

### **Committee Agenda Item – Plan for Public Toilets and Dump Stations 2018-28**

The report, as circulated, sought the Committee's recommendation to Council to adopt the revised 'Plan for public toilets and dump stations 2018-2028'.

RESOLVED  
WDC 2018/205

Cr Bill Kingan / Cr Jim Hopkins  
That Council adopts the revised 'Plan for public toilets and dump stations 2018-2028'.

CARRIED

### **Committee Agenda Item – Harbour Street Closure**

The report, as circulated, sought the Committee's recommendation to Council to determine the timings of when Harbour Street will be closed and reopened on Saturday, Sunday and Public Holidays.

RESOLVED  
WDC 2018/206

Cr Jim Hopkins / Cr Hugh Perkins  
That Council closes Harbour Street at 10.00am and reopens it at 4.00pm on each Saturday, Sunday and Public Holiday during the Labour Weekend to Easter closure period.

CARRIED

The Acting Chair then directed the meeting to the associated recommendations for closure, and suggested the additional information relating to recommendations 2 and 3 in the report be discussed first, namely:

2. Closes Harbour Street from midday Friday through to 4.00pm Monday on Queen's Birthday weekend 2019; and
3. Investigates any other opening times that could be included.



## Additional Information

Pursuant to point 3 of Resolution AC 2018/050 above and following investigations into any other opening times that could be included in the Harbour Street closure resolution when it is considered by Council, three additional events are being put forward, namely:

(a) Otago Anniversary weekend, which is when the Harbour Street Jazz and Blues Festival is held.

(b) The Victorian Fete weekend, which is generally in the middle of November. Closure of Harbour Street during this weekend allows for other organisations running cycle races on the Saturday with a set up time for the Fete which generally runs all of Sunday.

(c) Queen's Birthday Weekend – an earlier closure time is proposed. Harbour Street and Wansbeck Street cul de sac are used for The Fire and Steam event, usually from 10.00am to midnight on the Friday of Queen's Birthday weekend. The Steampunk Trust prefer to have Harbour Street from Friday 9.00pm until Monday 4.00pm over Queen's Birthday weekends, too. A separate road closure would be required for Wansbeck Street. The current Assets Committee resolution closes Harbour Street at midday on Friday, and it is recommended that Council brings that time forward to 10.00am.

## Associated Additional Recommendations for Closure:

Cr Jim Hopkins sought to move a different motion, which was seconded by Cr Jan Wheeler, as follows:

### MOTION

Cr Jim Hopkins / Cr Jan Wheeler  
That Council closes Harbour Street from 10.00am on Saturday [*ie not 4.00pm Friday*] to 4.00pm Sunday on Otago Anniversary Weekend.

### Discussion on the motion:

Cr Jim Hopkins felt it was excessive to close Harbour Street on Friday night, rather than Saturday morning. He suggested a 10.00am Saturday closure was more logical. Cr Jan Wheeler agreed.

Other Councillors did not agree. Being guided by past practice and officers was preferred, as was a standardised approach to closure times.

There was a request for officers to explain why a Saturday 10.00am closure was not feasible. Group Manager Neil Jorgensen believed it may be that the group required access for set up on the Friday evening, but he offered to find out.

The Cr Hopkins / Cr Wheeler motion above to change recommendation 1 to a 10.00am Saturday closure (rather than 4.00pm Friday) on Otago Anniversary weekend was put to the meeting.

It was DECLARED LOST by the Actng Chair.  
FOR: Cr Jim Hopkins, Cr Jan Wheeler

The Acting Chair directed the meeting to the remaining two additional recommendations, for resolution.

RESOLVED  
WDC 2018/207

Cr Jim Hopkins / Cr Jan Wheeler  
That Council closes Harbour Street from 10.00am Saturday to 6.00pm Sunday on the weekend of the Victorian Fete.

CARRIED

RESOLVED  
WDC 2018/208

Cr Jim Hopkins / Cr Jan Wheeler  
That Council closes Harbour Street from 10.00am Friday to 4.00pm Monday on Queen's Birthday weekend.

CARRIED

A further resolution was passed, as follows:

RESOLVED  
WDC 2018/209

Cr Hugh Perkins / Cr Colin Wollstein  
That Council leaves on the table until later in this meeting the associated additional recommendation 1 regarding Harbour Street closure times for Otago Anniversary weekend.

CARRIED

## 9. Recommendations from Community and Culture Committee Meeting, 9 October 2018

### Committee Agenda Item – Community Hub Feasibility Study

The report, as circulated to the Committee, sought the Committee's recommendation to Council of providing financial assistance for a feasibility study to be undertaken into the development of a Community Hub in Oamaru.

Deputy Mayor Melanie Tavendale advised that she had been disappointed with the newspaper article which reported Council had "balked" at funding the feasibility study. She said that was not the intention of the discussion. Rather, it had been to recognise that there was an opportunity to get Department of Internal Affairs' funding for this initiative, and she had no doubt that Council officers would do a wonderful job of the application for it. Other Councillors concurred with her understanding of the previous meeting's discussion and intent.

RESOLVED  
WDC 2018/210

Cr Jim Hopkins / Cr Craig Dawson  
That Council works with the community hub steering group to support an application to Central Government for funding to commission a feasibility study for the development of a community hub for Oamaru.

CARRIED

The Acting Chair then directed the meeting back to Agenda Item 8, to resume the discussion on the Otago Anniversary Weekend closure times since additional information was now to hand.

## 8. Recommendations from Assets Committee Meeting, 9 October 2018

### Associated Additional Recommendations for Closure (resumed discussion)

Group Manager Neil Jorgensen advised that the event started on the Friday night, which was why officers had recommended the 4.00pm Friday night closure time.

MOTION

Cr Colin Wollstein / Cr Jeremy Holding  
That Council closes Harbour Street from 4.00pm Friday night to 4.00pm Sunday on Otago Anniversary Weekend.

AMENDMENT  
TO MOTION

Cr Jan Wheeler  
To add "for the Harbour Street Jazz and Blues Festival" words after the word "Weekend".

Group Manager Neil Jorgensen advised against making the resolution too specific, given that it was simply to meet road closure requirements. He noted that there were often ancillary events, and the time could be changed at a later date if required.

The Acting Chair called for a seconder to Cr Wheeler's amendment motion, and declared it LAPSED when no one responded.

The Acting Chair then directed the meeting back to the earlier motion by Cr Wollstein and Cr Holding.

RESOLVED  
WDC 2018/211

Cr Colin Wollstein / Cr Jeremy Holding  
That Council closes Harbour Street from 4.00pm Friday night to 4.00pm Sunday on Otago Anniversary weekend closures.

CARRIED

The Acting Chair adjourned the meeting at 12.28pm for lunch, and reconvened the meeting at 1.00pm. She directed the meeting past Agenda Item 10 (which would be taken later in the meeting), to Agenda Item 11.

## 11. Representation Review 2018 – Decision on Final Proposal

The report, as circulated, recommended that Council's Initial Proposal for representation arrangements for the 2019 and 2022 elections be formally confirmed and adopted as Council's Final Proposal, and that the proposal be distributed for public consultation, in line with legislative requirements.

On behalf of (absent) Group Manager Lisa Baillie, Group Manager Paul Hope advised that this was a well-written report and had received some input and assistance from Electionz in order to meet legislative requirements. Mr Hope also noted that the impact on rates which had been raised at the hearings was not part of the Representation Review process. Therefore, the report was suggesting that, where there are unintended rate consequences such as those raised by the submitter, they be dealt with separately in the annual plan process.

*The Mayor returned to the meeting, at 1.04pm, and resumed in the role of Chair.*

Mr Hope further explained that the recommendation in the report is worded in accordance with statutory requirements, and proposes that Council adopts its initial proposal unchanged as its final proposal, because it is believed to provide the best possible option for Council to make a case to the Electoral Commission for an exemption for the non-compliance of the Ahuriri Ward under the representation rule. He noted that the proposal had been well navigated through the required process to date. If adopted as recommended at this meeting, the final proposal would then go out for another month's consultation, from this Saturday, 3 November 2018.

Two minor text changes were requested – first, the deletion of the word "namely" after "excluding point 5" at the top of the recommendation; and second, to amend the word "four" to "five" in 3(b) which was a typographical error only. Those changes were AGREED.

RESOLVED  
WDC 2018/212

Cr Jim Hopkins / Cr Colin Wollstein  
That Council:

1. Confirms and adopts – as its Final Proposal for the Representation Review 2018 – its Initial Proposal for the Representation Review for the local election to be held in 2019 and subsequent elections until altered by a subsequent decision, that was resolved at the 31 July 2018 Council Meeting, excluding point 5.

1. Adopts as its Initial Proposal for the Representation Review for the local election to be held in 2019, and subsequent elections until altered by a subsequent decision, the following:

- (a) That the Council comprises 10 Councillors elected from four Wards, and the Mayor elected at large;
- (b) That the Council retains the existing Ward names of Ahuriri, Corriedale, Oamaru and Waihemo;
- (c) That the proposed boundary of the existing Ahuriri Ward be amended, and the proposed boundary of the Corriedale Ward be consequently reduced, to the boundary between the Otago and Canterbury Regional Councils that runs through the Waitaki District (a map

showing the proposed extended Ward boundaries is attached as Appendix 3).

- (d) That the boundaries of both the Oamaru Ward and the Waihemo Ward remain as they are.
- (f) That the population each ward will represent will be as follows:

| General Wards | General Electoral Population | Number of councillors per ward | Population per councillor | Deviation from district average population per councillor | % deviation from district average population per councillor |
|---------------|------------------------------|--------------------------------|---------------------------|---|---|
| Ahuriri       | 1,732                        | 1                              | 1,732                     | -487  | -21.95  |
| Oamaru        | 13,715                       | 6                              | 2,286                     | 67  | 3.02  |
| Waihemo       | 2,337                        | 1                              | 2,337                     | 118   | 5.32  |
| Corriedale    | 4,408                        | 2                              | 2,204                     | -15   | -0.68   |
| Total         | 22,192                       | 10                             | 2,219                     |   |   |

2. Acknowledges that the proposed Ahuriri Ward percentage deviation of -21.95% is outside that permitted by section 19 V (2) of the Local Electoral Act 2001, and agrees to seek an exemption from the Local Government Commission on the basis that:
  - (a) there is a community of interest between those in the Duntroon area and the balance of the Ahuriri Ward in that the links between them are stronger than other links;
  - (b) altering the boundaries of the Ahuriri Ward further to make it compliant would limit effective representation of communities of interest by dividing a community of interest between wards;
  - (c) the Ahuriri Ward comprises a number of isolated communities and consequently needs a separate councillor and community board to be effectively represented;
  - (d) the extended area proposed for the Ahuriri Ward is included in the identified outstanding natural landscape area;
  - (e) there is considerable growth in tourism and holiday home activity in a number of the key isolated communities within the Ahuriri Ward (eg Omarama, Otematata, Kurow and Ohau) that results in them having much larger population bases during the summer months, and in them having a unique identity within the Ahuriri Ward and the Waitaki district as a whole that needs separate representation for effective representation to be achieved.
  
3. Retains both the Ahuriri and the Waihemo Community Boards and;
  - (a) that the name of the Boards be the Ahuriri Community Board and the Waihemo Community Board;
  - (b) that the Ahuriri and Waihemo Community Boards comprise five elected members, each elected "at large" within their respective communities;

- (c) that the Ward Councillor elected to the Ahuriri and Waihemo Wards be appointed to the Ahuriri and Waihemo Community Boards respectively; and
  - (d) that the proposed boundaries of the Ahuriri Community Board be extended to the boundary between the Otago and Canterbury Regional Councils that runs through the Waitaki District.
4. Gives public notice of the proposals contained in this resolution in accordance with the legislative requirements.

CARRIED

## MOTION

Cr Jim Hopkins / Cr Colin Wollstein

That the FAR Committee considers the rating implications of the Ahuriri / Corriedale Ward boundary changes prior to publication of the 2019 Waitaki District Annual Plan.

**Discussion on the motion:**

Some Councillors expressed concern about this motion being in response to only one submitter, when there had been no other submissions on this point.

When invited by the Chair, Group Manager Paul Hope commented that officers would look at such matters as part of a good process anyway, to confirm whether it was a minor implication or of more substance requiring further investigation.

In disagreement with that view, it was noted that everything Council did generated winners and losers. It would be a bad precedent to provide false hope that officers would look into such things every time, when it was not feasible to do so. There was support for this view amongst Councillors.

Taking into account the different views, the Chair announced that he would rule from the chair that the Council could decide on any change as part of next year's annual plan, and then put the motion which was resolved as follows:

## RESOLVED

WDC 2018/213

Cr Jim Hopkins / Cr Colin Wollstein

That the FAR Committee considers the rating implications of the Ahuriri / Corriedale Ward boundary changes prior to publication of the 2019 Waitaki District Annual Plan.

CARRIED

**12. Warrants of Appointment**

Cr Guy Percival expressed some concern that there was no feedback provided to Council about the results of the Police vetting process. For that reason, he felt that resolving to provide warrants without there being confirmation of a successful vetting process was "the cart before the horse". He said he could not support that approach.

In response, the meeting heard that the Police vetting would occur before the warrants were issued and only if the vetting was successful; that a robust employment process was in place; and that licensed security operators would already have had a Police check by their employer before being employed to that role.

## RESOLVED

WDC 2018/214

Deputy Mayor Melanie Tavendale / Cr Bill Kingan

That, subject to successful Police Vetting clearances, Waitaki District Council resolves as follows:

- 1) Waitaki District Council hereby appoints **Pradeep Kumar Medasani** (an employee of North Otago Security Services Ltd – a contractor to Council) as:
  - a) An 'Enforcement Officer' under Section 177 of the Local Government Act 2002 with authority to exercise the following powers:
    - i) Entry of private land or building other than a dwellinghouse (s171);
    - ii) Entry of land or building (including dwellinghouse, if accompanied by a constable) for enforcement purposes (s172);
    - iii) Entry of land or buildings in cases of emergency (s173); and
    - iv) Authority to act (s174).
  - b) An 'Enforcement Officer' under Section 38 of the Resource Management Act 1991 with authority to exercise all the powers of an Enforcement Officer under the Resource Management Act 1991, and in particular the following powers:
    - i) Avoid, remedy or mitigate adverse effects (s17);
    - ii) Acquire information (s22);
    - iii) Serve abatement notices (s322);
    - iv) Compliance with abatement notices (power to seize) (s323);
    - v) Issue and effect of excessive noise direction (s327);
    - vi) Compliance with an excessive noise direction (s328);
    - vii) Take preventative or remedial action (s330);
    - viii) Carry out, at any reasonable time, inspections of any place or structure (except a dwelling house) (s332);
    - ix) Enter for survey (s333); and
    - x) Issue infringement notices (s343C).
  - c) A 'Dog Control Officer' under Section 11 of the Dog Control Act 1996 with authority to exercise all the powers of a Dog Control Officer under the Dog Control Act 1996, and in particular the following powers:
    - i) Enter land or premises (except dwellinghouse) to inspect dog (s14)
    - ii) Seize and remove dog to provide food and shelter (s14)
    - iii) Request information about dog owner (s19)
    - iv) Request information about dog (s19)
    - v) Enter land, premises or dwellinghouse in relation to dog attack (s57)
    - vi) Seize or destroy dog in relation to dog attack (s57)
    - vii) Remove dog from land or premises in relation to barking dog (s55)
    - viii) Issue infringement notice (s66).
  - d) An 'Enforcement Officer' under Section 32 of the Freedom of Camping Act 2011 with all the powers of an Enforcement Officer under the Freedom of Camping Act 2011, and in particular the following powers:
    - i) Issue infringement notices for offences (s27);
    - ii) Require certain information (s35);
    - iii) Require certain persons to leave the area (S36); and
    - iv) Seize or impound certain property (s37).
  - e) A 'Litter Control Officer' under Section 5 of the Litter Act 1979 with authority to exercise all the powers of a Litter Control Officer under the Litter Act 1979.
- 2) Waitaki District Council hereby appoints **Ramanpreet Singh** (an employee of North Otago Security Services Ltd – a contractor to Council) as:

An 'Enforcement Officer' under Section 32 of the Freedom of Camping Act 2011 with all the powers of an Enforcement Officer under the Freedom of Camping Act 2011, and in particular the following powers:

  - i) Issue infringement notices for offences (s27);
  - ii) Require certain information (s35);
  - iii) Require certain persons to leave the area (S36); and
  - iv) Seize or impound certain property (s37).
- 3) Waitaki District Council hereby appoints **Matthew Simon Haywood** (Building Control Officer) as:
  - a) An 'Enforcement Officer' under Section 177 of the Local Government Act 2002 with authority to exercise the following powers:



- i) Entry of private land or building other than a dwellinghouse (s171);
    - ii) Entry of land or building (including dwellinghouse, if accompanied by a constable) for enforcement purposes (s172);
    - iii) Entry of land or buildings in cases of emergency (s173); and
    - iv) Authority to act (s174).
  - b) An 'Authorised Person' under Section 206 of the Building Act 2004 with authority to exercise all the powers of an Authorised Person/Enforcement Officer/Agent under the Building Act 2004, and in particular the following powers:
    - i) Inspection by building consent authority (s90);
    - ii) Inspection by territorial authority (s111);
    - iii) Measures to avoid immediate danger or to fix unsanitary conditions (s129);
    - iv) Inspection of building work under notice to fix (s167);
    - v) Request information or production of documents (s207a);
    - vi) Inspection by territorial authority (s222); and
    - vii) Issue infringement notices (s372)
  - c) An 'Inspector' under Section 6 of the Machinery Act 1950 with authority to exercise all the powers of an Inspector under the Machinery Act 1950.
  - d) An 'Officer' under Section 23 of the Amusement Devices Regulations 1978 with authority to exercise all the powers of an Officer under the Amusement Devices Regulations 1978.
  - e) A 'Litter Control Officer' under Section 5 of the Litter Act 1979 with authority to exercise all the powers of a Litter Control Officer under the Litter Act 1979.
- 4) Waitaki District Council hereby appoints **Joshua James Rendell** (Project Manager – 3 Waters and Waste) as:
- a) An 'Enforcement Officer' under Section 177 of the Local Government Act 2002 with authority to exercise the following powers:
    - i) Entry of private land or building other than a dwellinghouse (s171);
    - ii) Entry of land or building (including dwellinghouse, if accompanied by a constable) for enforcement purposes (s172);
    - iii) Entry of land or buildings in cases of emergency (s173); and
    - iv) Authority to act (s174).
  - b) An 'Enforcement Officer' under Section 38 of the Resource Management Act 1991 with authority to exercise all the powers of an Enforcement Officer under the Resource Management Act 1991, and in particular the following powers:
    - i) Avoid, remedy or mitigate adverse effects (s17);
    - ii) Acquire information (s22);
    - iii) Serve abatement notices (s322);
    - iv) Compliance with abatement notices (power to seize) (s323);
    - v) Issue and effect of excessive noise direction (s327);
    - vi) Compliance with an excessive noise direction (s328);
    - vii) Take preventative or remedial action (s330);
    - viii) Carry out, at any reasonable time, inspections of any place or structure (except a dwelling house) (s332);
    - ix) Enter for survey (s333); and
    - x) Issue infringement notices (s343C).
  - c) A 'Litter Control Officer' under Section 5 of the Litter Act 1979 with authority to exercise all the powers of a Litter Control Officer under the Litter Act 1979.
- 5) Waitaki District Council hereby appoints **Madeline Dawn Sinha** (Compliance Analyst – 3 Waters and Waste) as:
- a) An 'Enforcement Officer' under Section 177 of the Local Government Act 2002 with authority to exercise the following powers:
    - i) Entry of private land or building other than a dwellinghouse (s171);
    - ii) Entry of land or building (including dwellinghouse, if accompanied by a constable) for enforcement purposes (s172);
    - iii) Entry of land or buildings in cases of emergency (s173); and

- iv) Authority to act (s174).
- b) An 'Enforcement Officer' under Section 38 of the Resource Management Act 1991 with authority to exercise all the powers of an Enforcement Officer under the Resource Management Act 1991, and in particular the following powers:
  - i) Avoid, remedy or mitigate adverse effects (s17);
  - ii) Acquire information (s22);
  - iii) Serve abatement notices (s322);
  - iv) Compliance with abatement notices (power to seize) (s323);
  - v) Issue and effect of excessive noise direction (s327);
  - vi) Compliance with an excessive noise direction (s328);
  - vii) Take preventative or remedial action (s330);
  - viii) Carry out, at any reasonable time, inspections of any place or structure (except a dwelling house) (s332);
  - ix) Enter for survey (s333); and
  - x) Issue infringement notices (s343C).
- c) A 'Litter Control Officer' under Section 5 of the Litter Act 1979 with authority to exercise all the powers of a Litter Control Officer under the Litter Act 1979.

CARRIED  
AGAINST: Cr Guy Percival

#### 14. Adoption of TAB Venues Policy 2018

The report, as circulated, sought Council's adoption of the draft TAB Venues Policy in an unchanged form from the current policy, given that no submissions were received from the community during the consultation process.

RESOLVED  
WDC 2018/215

Cr Jim Hopkins / Cr Jan Wheeler  
That Council:

1. Notes that no submissions were received in regards to the TAB Venues Policy.
2. Approves the draft TAB Venues Policy to be adopted from 10 December 2018.

CARRIED

#### 15. Adoption of Class 4 Gambling Venues Policy 2018

The report, as circulated, sought Council's agreement to changes to the Class 4 Gambling Venues Policy based on consideration of the issues raised in submissions received during consultation between 6 August and 5 September 2018 using the special consultative procedure.

Cr Jim Hopkins sought to move the recommendations in the report. Deputy Mayor Melanie Tavendale seconded that motion.

##### **Discussion on the motion:**

There was a call for Clause 7 to be reworded again because it was now too permissive. It did not require applicants to give any reasons why they can or would be allowed to move; they could just apply to do so. Some Councillors felt that a policy was required to stipulate that that information needed to be provided.

It was noted that there were restrictions to the number of gambling venues across the district. With regard to locations, under 2.1, there were some safeguards about areas where they could be located.

The meeting heard the view that, if an applicant applied to move to a specific area and it complied with the location aspects, then Council was not able to restrict it. If some restrictions were deemed required, then the policy would need to be reworded to stipulate what they were.

In response, it was noted that there had been no submissions in relation to these matters. On that basis, the Chair put the motion to the meeting.

RESOLVED  
WDC 2018/216

Cr Jim Hopkins / Deputy Mayor Melanie Tavendale  
That Council:

1. Notes verbal and written submissions on the Class 4 Gambling Policy were considered on 11 September 2018;
2. Approves the proposed changes to clause 7 of the policy as a result of those deliberations;
3. Approves the draft Class 4 Gambling Venues Policy be adopted from 10 December 2018.

CARRIED

## 16. Waitaki District Health Services Trust Exemption from Reporting Duties

The report, as circulated, sought Council's review of the Waitaki District Health Services (WDHS) Trust exemption from financial reporting and other requirements for Council-controlled Organisations (CCOs) of the Local Government Act 2002 (LGA), as part of the usual three-year review cycle.

Group Manager Paul Hope advised that this was a technical matter only, because the financial and other reporting was included in the WDHSL Annual Report to Council. The company was required to still make all disclosures under the Charities Act; and all transactions would be covered in the annual report. With regard to auditing, WDHSL was audited as part of the broader Council-Controlled Organisations (CCOs) group.

RESOLVED  
WDC 2018/217

Cr Colin Wollstein / Cr Peter Garvan  
That Council agrees to exempt the Waitaki District Health Services Trust from reporting and other requirements for Council-controlled Organisations under Section 7 of the Local Government Act 2002.

CARRIED

## 17. Omarama Sporting Complex

The report, as circulated, noted that the Residents Association of Omarama (RAO) has initiated a project to provide multipurpose sports courts and a toilet on the Omarama Hall Reserve. RAO has requested a contribution of \$40,000 towards this project.

Some Councillors were concerned that the RAO had said in the letter that they would administer and maintain the complex, and were now contradicting that by asking Council to do so. Mr van der Spek noted that the RAO had not said they would not maintain it; they were just putting forward the alternative option of Council maintaining it for consideration.

The meeting heard that Council owned the land so, if no one else maintained it, then it would fall to Council anyway. It was also suggested that the maintenance could be funded through the Ward rate that is used to fund parks, because it would be used by the public. It was further noted that, if Council accepted responsibility for the public toilet, then it would be included in the toilet plan.

MOTION

Cr Craig Dawson / Cr Bill Kingan  
That Council:

1. Approves up to \$40,000 from the Whitestone Contracting dividend towards the community development of two sports courts for Omarama.
2. Approves use of part of the Omarama Hall Reserve for this purpose.
3. Accepts responsibility for ownership and maintenance of the facilities on the condition that works are completed to an acceptable standard as approved by Council's Recreation Manager.

**Discussion on the motion:**

Two Councillors supported the idea, and believed that the Whitestone dividend was the most appropriate funding source. However, both did not support the substitution of “two sports courts” for “a sporting complex”; they believed the whole complex would be key to the ability to secure external funding. It was also likely to be more difficult to raise additional seed funding later for the toilet project.

Cr Jim Hopkins sought to move an amendment to the motion with regard to the funding source, in the form of: “Approves up to \$20k from each of the Whitestone Contracting dividend and the RMA Fund ....”. Cr Jan Wheeler seconded that motion.

**Discussion on the amended motion:**

One Councillor disagreed with the amendment, noting that Councillors had already agreed to this forecasting during the Long Term Plan discussions.

When asked, the Chair clarified that the amended motion was only about the funding source. If Councillors wanted to go back to the original wording of “a sports complex”, then that could be done as another amendment.

Cr Jim Hopkins said he was happy to move the amendment go back to the original wording of “development of a sports complex” for Omarama. Cr Jan Wheeler seconded that.

The Chair spoke in support of that, and then put the motion for amendment, which was resolved as follows:

RESOLVED  
WDC 2018/218

Cr Jim Hopkins / Cr Jan Wheeler  
That recommendation 1 be amended to read (with regard to the funding source): “That Council approves up to \$20,000 from each of the Whitestone Contracting dividend and the RMA Fund..., and that the original wording of “sporting complex” be used.

CARRIED

The Chair then declared that that was now the substantive motion for recommendation 1, and directed the meeting back to move all three recommendations, which were resolved as follows.

RESOLVED  
WDC 2018/219

Cr Craig Dawson / Cr Bill Kingan  
That Council:

1. Approves up to \$20,000 from each of the Whitestone Contracting dividend and the RMA Fund towards the community development of a sporting complex for Omarama.
2. Approves use of part of the Omarama Hall Reserve for this purpose.
3. Accepts responsibility for ownership and maintenance of the facilities on the condition that works are completed to an acceptable standard as approved by Council’s Recreation Manager.

CARRIED

**18. Park Lane Connection, Omarama**

The report, as circulated, noted that the Omarama community has benefited from informal walking access across private land between Park Lane and TA Munro Lane to access the school. The private land is about to be developed, and the Omarama residents would like this walking connection to be maintained. Council has the opportunity through the Resource Management Act (RMA) to take land in lieu of development contributions and could do so for this purpose.

RESOLVED  
WDC 2018/220

Cr Craig Dawson / Deputy Mayor Melanie Tavendale  
That Council:

1. Accepts the transfer of land necessary for a walking connection from Park Lane, Omarama to TA Munro Lane, Omarama in part settlement of financial contribution under the District Plan, noting that the total financial contribution will be 7.5% of the value of the new lots.

2. Delegates to the Chief Executive all powers necessary to enter into negotiations and secure a walking connection between Park Lane and TA Munro Lane, Omarama.

CARRIED

## 19. Unreasonable Complainant Conduct Policy

The report, as circulated, provided Councillors with an understanding of the process that has been adopted to manage the issue of unreasonable complainants. Whilst acknowledging that it is a management policy, the report recognised that specific circumstances may come to the governance level for information if the process is escalated. It may also be raised at the governance level by the complainant themselves. Therefore, the report also provided Councillors with an opportunity to provide feedback on the policy and guidelines.

Chief Executive Fergus Power highlighted that the policy was based on a model one from the Office of the Ombudsman. It was important for Council to be a good employer and operate a safe working environment for staff and look after their welfare. This policy was an important tool in that regard, in particular where Council staff could be abused by vexacious complaints.

It was noted that the policy stated in several places that it did not cover elected members. Mr Hope suggested coming up with a process to protect elected members could be a useful addition, but it would be outside of the existing policy.

The meeting was adjourned at the sounding of the fire alarm. All occupants of the Council Chamber were directed to leave via the back fire escape stairs, and accounted for by the Governance Advisor (the nominated fire warden for the Chamber). They did so in a safe and orderly manner. It was then announced that the fire alarm had been a drill, and people were invited to return to the Chamber, which they did. Once seated again, the Chair thanked everyone present for following instructions during the fire drill.

The Chair then reconvened the meeting, and directed discussion back to the report recommendations for Agenda Item 19.

RESOLVED  
WDC 2018/221

Deputy Mayor Melanie Tavendale / Cr Jim Hopkins

That Council:

1. Receives the Unreasonable Complainant Conduct Policy and Guidelines for information;
2. Endorses the process as outlined in the Unreasonable Complainant Conduct Policy and Unreasonable Complainant Conduct Guidelines, and including any such minor amendments to it that Council agrees at the meeting as part of its endorsement;
3. Approves minor amendments to the Unreasonable Complainant Conduct Policy and Unreasonable Complainant Conduct Guidelines to be made by the Chief Executive as required in accordance with Office of the Ombudsman best practice; and
4. Agrees to provide input to the review of this policy on a three-yearly cycle, ideally to be actioned mid-triennium.

CARRIED

## 21. Waitaki District Health Services Limited – Annual Report 2017/18

The report, as circulated, covered the unaudited Waitaki District Health Services Limited Annual Report for the year ended 30 June 2018, and presented a resolution for its receipt by Council and the appointment of auditors, such resolution being in lieu of a shareholders meeting.

The Chair advised that this agenda item would need to be deferred, because WDHSL had not yet received its audit opinion. It would be included in the agenda for the additional Council Meeting now scheduled for 13 November 2018.

The Chair adjourned the meeting at 2.22pm for a discussion on Public Excluded Agenda Item 25. The Chair reconvened the meeting at 2.30pm.

### **Public Forum follow up:**

The Chair advised that officers had sought legal advice on the request from the Public Forum to release the information pertaining to the Recommendation from the Harbour Area Committee Meeting of 9 October 2018, which was listed as Public Excluded Agenda Item 25 to this meeting. He noted that conservative advice had been to keep all of that information in Public Excluded, based on the need to be a good landlord, and to keep the terms and conditions of any lease between the landlord and lessee unless explicitly agreed by the lessee that they can be made public. In this particular case, officers had sought and received agreement from the lessee that they agree to release information relevant to the one piece of land and the lease for that. The Chair added that no specific terms or dollar amounts would be released; just a reference to the piece of land involved and the period of time for the extension. He sought Councillors agreement that, if they could keep discussion to those matters only, then a decision of Council could be taken to discuss that information in public.

All Councillors agreed to abide by the conditions proposed by the Chair.

The Chair then advised that, having explained the conditions and securing agreement to them from Councillors, he proposed that Public Excluded Agenda Item 25 could come out of public excluded.

Deputy Mayor Melanie Tavendale declared an interest in that item, and left the table. She remained in the Council Chamber, but took no part in the discussions.

## **25. Recommendation from Harbour Area Committee Meeting, 30 October 2018 (declassified to be heard in public)**

RESOLVED

WDC 2018/222

Cr Colin Wollstein / Cr Hugh Perkins

That Public Excluded Agenda Item 25 to this 30 October 2018 Council Meeting come out of public excluded and be discussed in public.

CARRIED

The Chair then reported to the meeting that the lease extension request had been from McKeown Group, for a small piece of land that it was due to relinquish. Group Manager Neil Jorgensen added that agreement had also been sought and received from McKeown representatives to release the information about the nature and term of the lease extension request. That information was declared as an extension of its lease for a further two 12-month term for its fee simple site.

The Chair sought a formal decision of Council on the Recommendation from the Harbour Area Committee Meeting of 9 October 2018, as proposed in the agenda report under Public Excluded Agenda Item 25 (as declassified for discussion in the current public session).

RESOLVED

WDC 2018/223

Cr Colin Wollstein / Cr Hugh Perkins

That Council authorises the Chief Executive to negotiate further with McKeown Group Limited.

CARRIED

The Chair then directed the meeting back to Agenda Item 10.

## **9. Adoption of Annual Report for the Year Ended 30 June 2018**

The report, as circulated presented Council's Annual Report for the year ending 30 June 2018, for adoption, in accordance with Local Government Act 2002 statutory requirements.

Accounting Manager Ian Wells tabled an additional memorandum entitled "WDC Annual Report – updated following Audit New Zealand review", which contained changes in the Annual Report arising from the audit process.



There was general discussion about the challenges in the process to produce the Annual Report, which had been impacted by a change in Audit Director and Audit Manager this year, and additional workloads on staff as a result. Group Manager Paul Hope noted that there was also an historical pattern in play every triennium that the Annual Report for the year after the adoption of the Long-Term Plan was a larger, more complex process than the other two years.

Mr Hope suggested that a workshop be held with Councillors before the end of the year, where financial and policy matters could be discussed in more detail. This was AGREED.

It was also suggested that the Audit Director be present at the same workshop.

**ACTION POINT: Group Manager Paul Hope**

Mr Hope took the opportunity to thank Accounting Manager Ian Wells and Management Accountant Stuart Paisley and the Finance team for their extensive time and effort to produce the Annual Report financials, and Policy and Strategy Manager Mike Searle and his team for providing the text. He also thanked the Mayor and Chief Executive for their introduction to the front of the Annual Report.

The Chair also extended his thanks, on behalf of all Councillors, to the same key staff (Mr Wells, Mr Paisley, and Mr Searle, and their respective teams).

Given that there were some text changes to be made to the Annual Report mentioned in Mr Wells' tabled memorandum, the Chair moved an amendment to the report recommendations, adding the words "with amendments" in point 1. The resulting resolution is provided below.

RESOLVED

WDC 2018/224

Mayor Gary Kircher / Deputy Mayor Melanie Tavendale

That Council:

1. Adopts the Annual Report with amendments for the year ended 30 June 2018 in accordance with sections 98 and 99 of the Local Government Act 2002.
2. Notes that:
  - The Mayor and Chief Executive have signed the Annual Report 2017/18 letter of representation;
  - The Audit Opinion will be available once the Annual Report 2017/18 is adopted;
  - The Mayor and Chief Executive may approve final non-material, editorial changes and corrections to the Annual Report 2017/18 document prior to its printing and publication on or before 30 November 2018.

CARRIED

At 2.47pm, the Chair signalled his intention to move into Public Excluded.

## 23. Resolution to Exclude the Public

It was noted that Public Excluded Agenda Item 25 had been discussed in public earlier in the meeting, so the resolution to exclude the public was amended to exclude that agenda item.

RESOLVED

WDC 2018/225

Cr Jim Hopkins / Cr Colin Wollstein

That the public be excluded from the following part of the proceedings of this meeting, namely agenda items 24, 26, 27, 28 and 29.

The general subject of each matter to be considered while the public is excluded; the reasons 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 – Section 48(1)                                    |
|--|--|
| Public Excluded:   |  |
| 24. Confirmation of Public Excluded Meeting Minutes – Council Meeting 11 September 2018 PE | To protect the privacy of natural persons. Section 48(1)(a)  |
| 26. North Otago Irrigation Company Directorship PE   | (The disclosure of the information would cause unnecessary personal embarrassment to the persons concerned.)     |
| 27. Oamaru Whitestone Civic Trustee Appointment PE   | To enable the Council to carry out commercial negotiations without prejudice or disadvantage.                    |
| 28. Kurow Duntroon Irrigation Company (KDIC) – Contract Loan Update PE                     | Section 48(1)(a)   |
| 29. Decisions Regarding Release of Public Excluded Information PE                          | (Premature disclosure of the information would detrimentally affect the Council's position in the negotiations.) |

These resolutions are made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of the Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

CARRIED

**Public Excluded Minutes apply**

**30. Resolution to Return to the Public Meeting**

RESOLVED  
WDC 2018/231

Cr Jeremy Holding / Cr Guy Percival  
That Council resumes in open meeting and decisions made in public excluded session are confirmed and made public as and when required and considered.

CARRIED

**31. Release of Previously Public Excluded Information**

In accordance with Clause 17.5 of the Waitaki District Council Standing Orders 2016 to 2019, and pursuant to Resolution WDC 2018/230 of this meeting, Council agreed to release in the public minutes of this 30 October 2018 Council Meeting the following previously public excluded information:

**24. Confirmation of Public Excluded Meeting Minutes PE**

RESOLVED  
WDC 2018/225

Cr Jim Hopkins / Cr Jeremy Holding  
That Council confirms public excluded minutes of the 11 September 2018 Council meeting, as circulated, as a true and correct record.

CARRIED

There being no further business, the Chair declared the meeting closed at 3.03pm.

CONFIRMED at the Council Meeting held on the 4<sup>th</sup> day of December 2018 in the Council Chamber, Third Floor, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

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Chairperson