

Waitaki District Council**Council**

**CONFIRMED MINUTES of a meeting of the Waitaki District Council
held in the Council Chamber, Waitaki District Council Building, Third Floor,
20 Thames Street, Oamaru
at 9.00am on Wednesday 6 December 2017**

Present Mayor Kircher (Chair), Deputy Mayor Tavendale, Crs Dawson, Garvan, Holding, Hopkins, Kingan, Percival, Perkins, Wheeler and Wollstein

In Attendance Mr Power (Chief Executive)
Mr Jorgensen (Assets Group Manager)
Mrs Baillie (People and Culture Group Manager)
Mrs Guyan (Heritage, Environment and Regulatory Group Manager)
Mr Hope (Finance and Corporate Development Group Manager)
Mr Chou (Information Services Group Manager)
Mr Roesler (Policy and Business Improvement Manager)
Mr Voss (Roading Manager) (partial attendance)
Mr Wells (Accounting Manager) (partial attendance)
Ms Hooper (Governance and Policy Advisor)

Apologies

There were no apologies.

Declarations of Interest

Cr Holding declared an interest in Agenda Item 14.

Public Forum

1 Mr Michael O'Brien addressed the meeting about his concerns with the LED street lighting currently being installed along SH1 through Oamaru. He had undertaken a survey because he believed the lights failed to meet the Dark Sky Association and American Medical Association specifications and guidelines, in contrast to the view of NZTA which is the agency responsible for these particular lights. The following documents were supplied by Mr O'Brien to Council in support of his Public Forum presentation:

(a) Letter 1 – Mr O'Brien's letter of 27 November 2017 to the Mayor, Chief Executive, and Councillors of Waitaki District Council, to which was attached documents headed as stated below:

- (i) A "Summary of Survey Results", witnessed by JP 89205 on 30 November 2017;
 - (ii) "NZTA Guidelines and Specifications (NZTA M30 Aug 2014 – p22 on pdf" (initialled by JP)
 - (iii) "The recommendations of the American Medical Association (AMA) report" (initialled by JP)
 - (iv) "Practical examples – Some images of newly installed bad lighting at my home"
- (This letter was emailed to the addressees ahead of the meeting.)

(b) Letter 2 – A two-page letter from James R Benya, of Benya Burnett Consultancy in California, USA, to Mr O'Brien (via an email address), dated December 4, 2017

(This letter was tabled by Mr O'Brien at the 6 December 2017 Council Meeting Public Forum.)

ACTION POINT: It was AGREED that Councillors would instruct the Chief Executive to investigate this matter and report back to Mr O'Brien at the earliest opportunity.

2 Mr Graeme Clark addressed the meeting to share his views about the Harbour Area accommodation. He encouraged Councillors to be mindful of the unique qualities of the area, the heritage characteristics, and the needs and aspirations of the business owners when considering accommodation proposals, to ensure they preserved and promoted the area appropriately. The Mayor thanked Mr Clark for his comments, and assured him that Council would indeed be taking account of such factors when considering the proposals.

At 9.30am, the Chair closed the Public Forum, and discussion moved on to meeting agenda items.

1. Confirmation of Previous Minutes

RESOLVED
WDC17/211

Cr Hopkins / Cr Tavendale
“That Council confirms minutes of the 25 October 2017 Council Meeting, as circulated, as a true and correct record with the following amendment – last item under Agenda Item 5 (page 12 of the agenda papers as circulated), where “Motion was put”, correct record of votes for Crs Hopkins and Wheeler as “FOR” rather than “Abstention”.

CARRIED

RESOLVED
WDC17/212

Cr Tavendale / Cr Hopkins
“That Council confirms minutes of the 15 November 2017 Extraordinary Council Meeting, as circulated, as a true and correct record.”

CARRIED

2. 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:

- Long Term Plan
- International Intern Programme
- Harbour Accommodation
- Restorative Justice Service
- Gold Star Service Awards
- Art on Bikes
- LGNZ Zone 5 and 6 Meeting – Cromwell
- Rainbow Colour Run
- East Otago Field Days
- Harbour Street Closure
- Onya Bike Project
- High School Graduations and Prizegivings
- Goodland Group Development
- Victorian Heritage Weeks
- Heritage NZ’s Landmark Programme
- Visit to Canterbury Wool Spinners Factory
- Committee Structure and Membership Realignment
- Rural and Provincial Meeting – Summary Report from Deputy Mayor

[NOTE: The full version of the Mayor’s Report is available on Council’s website as part of the “6 December 2017 Council Meeting Agenda Papers PUBLIC”, and can be accessed through the pathway “Council / Council Meetings / Agendas and Minutes”.]

There was general discussion about freedom camping national standards, rural health, and biodiversity.

The Mayor thanked Deputy Mayor Tavendale for her excellent report on the Rural and Provincial Meeting, and for attending on behalf of Waitaki District Council.

RESOLVED
WDC17/213

Mayor Kircher / Cr Wollstein
“That Council receives the information.”

CARRIED

3. 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 have arisen since the last Council meeting. Topics included:

- Leadership and Council Committee Structure Change following Realignment (diagram)
- Internship Programme
- LGNZ Rural and Provincial
- Business Visits

[NOTE: The full version of the Chief Executive's Report is available on Council's website as part of the "6 December 2017 Council Meeting Agenda Papers PUBLIC", and can be accessed through the pathway "Council / Council Meetings / Agendas and Minutes".]

Internship Programme – The Chief Executive advised that all seven intern positions for the first round had now been filled. Two were in the tourism area (one international translator for marketing materials), two in IT, and one each in engineering, finance (LTP budgeting process) and human resources. Nationalities included French, German, and Dutch.

RESOLVED

WDC17/214

Cr Tavendale / Cr Dawson

"That Council receives the information."

CARRIED

The meeting was adjourned at 10.02am, and reconvened at 10.15am.

4. Recommendations from Finance, Audit and Risk Committee Meeting, 8 November 2017

Second Quarter 2017-18 Treasury Strategy

RESOLVED

WDC17/215

Cr Wollstein / Cr Dawson

"That Council adopts the proposed Treasury Strategy for the second quarter of the 2017-18 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

5. Recommendations from Assets Committee Meeting, 22 November 2017

Acquisition of Land – Weston

RESOLVED

WDC17/216

Cr Kingan / Cr Hopkins

"That Council accepts the gift of land known as Weston Triangle from the North Otago Tree Planting Association Incorporated contained in certificate of title OT58/161 (Sec 53, Block III District of Oamaru)."

CARRIED

Waterfront Road Extension

RESOLVED
WDC17/217

Cr Kingan / Cr Wollstein
That Council:

1. Approves the tendering and construction of the realigned route of Arun Street between Tyne Street and Waterfront Road within approved budgets.
2. Approves the naming of the new route as Waterfront Road.”

CARRIED

Closed Portion of Beach Road

RESOLVED
WDC17/218

Cr Tavendale / Cr Dawson
That Council:

1. Approves expenditure of \$12k +GST to relocate access to a dwelling from the unmaintained portion of Beach Road to Gardiners Road, funded from the Extent of Network budget.
2. Restricts access to vehicles along the unmaintained section of Beach Road due to increasing safety concerns.”

CARRIED

Oamaru Creek Bridge: Decorative Enhancements

It was AGREED that discussion on this matter need not occur at this meeting, because it had been referred by the Assets Committee to the Harbour Area Committee which would ultimately make its own recommendation to Council about required action.

6. Recommendations from Community Services Committee Meeting, 22 November 2017

Infants' Area – Oamaru Cemetery

RESOLVED
WDC17/219

Cr Tavendale / Cr Holding
That Council:

1. Sends a letter from the Mayor, thanking Roseanne Sheridan and donors for their initiative and contributions.
2. Approves refurbishment of the infants' area of the Oamaru Cemetery in accordance with the concept plans provided in Attachment Two to this report.

CARRIED

7. Adoption of Waitaki District General Bylaw 2017

The report, as circulated, incorporated resolutions agreed at the Customer Services Committee Meeting of 22 November 2017, as well as additional changes arising from legal advice sought on matters raised there. It also summarised the robust process implemented for this review of the Waitaki General Bylaw 2006, which had included consultation with the community and Councillor consideration in various forums. The resulting changes (Appendix 3) had been reflected in the Waitaki District General Bylaw 2017 (Appendix 5) attached to the report for this agenda item.

There was discussion on the following matters:

- (i) The requested and received legal advice on the meaning of the word “reduce” (in relation to cat numbers per household where a disturbance is claimed and investigated), which had clarified that Council could not reasonably require all cats to be removed but had resulted in some strengthening of the Bylaw wording to enable officer judgment to be exercised and for the clause to be legally defensible.
- (ii) The national cat management strategy (still to come from central government)
- (iii) Stock crossing (covered by separate regulations)
- (iv) Busking guidelines (attached to the report as Appendix 4).

With regard to discussion point (i) above, an alternate motion was put, as follows:

ALTERNATE
MOTION PUT

Cr Hopkins / Cr Wheeler
“That the original wording of clause 54 be reinstated”.

LOST
FOR: Cr Hopkins and Cr Wheeler

After further discussion on the same matter, another motion was put, as follows:

ALTERNATE
MOTION PUT

Cr Hopkins / Cr Wheeler
“That Clause 55 of the proposed final Bylaw 2017 at Appendix 5 be amended to allow, under (i) “Reduce or remove” the number of ...” and, under (ii) “to avoid the effects” ...

LOST
FOR: Cr Hopkins and Cr Wheeler

It was suggested that the “reduce” portion of the Bylaw talks to public nuisance. The type of animal was not the issue. If the number of any animal was “reduced” to one in a particular household and it still caused a public nuisance, then the clause provided scope for a further “reduction”. With regard to the replacement of “reduce the effects” with “avoid the effects” in (ii), it was noted that no animal had no effect; everything had some effect on everything else.

The original motion was then put to the meeting, and resolved as follows:

RESOLVED
WDC17/220

Cr Tavendale / Cr Dawson
That Council:

1. Agrees to the implementation of changes to the Draft Waitaki District General Bylaw 2017 as provided in Appendix 3.
2. Notes that the changes to the Draft Waitaki District General Bylaw 2017 do not represent a significant departure from the Draft Bylaw as consulted, and that community feedback and national direction was received and considered around these matters.
3. Having regard to sections 155, 159 and 160 of the Local Government Act 2002 (the Act):
 - i) Agrees that the Waitaki District General Bylaw 2017 provided in Appendix 4 is considered the most appropriate and proportionate way of addressing the perceived problems to protect persons using and trading in reserves and public places, and minimise nuisance and maintain public health and safety associated with the keeping of animals, birds and bees; and
 - ii) Revokes and replaces the Waitaki District Council General Bylaw 2006 with a new Bylaw;
 - iii) Agrees that the proposed Bylaw attached as Appendix 4 (with amendments as Council sees fit) is the most appropriate form of bylaw;
 - iv) Agrees that the proposed Bylaw is consistent with the New Zealand Bill of Rights Act 1990 as the controls are reasonable and justifiable in the circumstances.

(continued next page)

4. Adopts the Waitaki District General Bylaw 2017 (as set out in Appendix 4 with amendments as it sees fit), and subject to the approval from the Minister of Conservation – Reserves section to come into effect on 1 July 2018.
5. Commits for consideration through the 2018-28 Long Term Plan an amount of \$10,000 per annum for two (2) years to support responsible cat ownership in the District.
6. Supports the development of a Cat Management Strategy in line with national direction with a view to promoting responsible cat ownership and management in the Waitaki District which may include a joint campaign with vets, the SPCA and regional councils.

CARRIED
AGAINST: Cr Hopkins

8. Enviroschools Programme

The report, as circulated, sought the agreement of Council to a programme so that Enviroschools can be implemented in the 2018 school year.

RESOLVED
WDC17/221

Cr Dawson / Cr Tavendale
"That Council approves the Enviroschools Programme for implementation in 2018."

CARRIED

9. Warrants of Appointment

Cr Percival commended Group Manager Lisa Baillie for introducing the condition of a successful Policy Vetting clearance as a foundation for Warrants of Appointment.

RESOLVED
WDC17/222

Cr Percival / Cr Holding
"That, subject to a successful Police Vetting clearance, Waitaki District Council resolves as follows:

- 1) Waitaki District Council hereby appoints **Grant Michael Rhodes** (Projects and Assets Officer – Property) 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) Carry out, at any reasonable time, inspections of any place or structure (except a dwelling house) (s332);
 - iv) Take preventative or remedial action (s330); and
 - v) Enter for survey (s333).

- 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.
- 2) Waitaki District Council hereby appoints **Roger Charles Cook** (Building Services Manager) 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."

CARRIED

10. Committee Structure / Membership Changes

A report circulated with the agenda had proposed a Committee structure incorporating some membership changes, as per the original intention to review Committees after 12 months since the implementation of the current Committee arrangement. This review coincides with the realignment of the organisational structure, confirmed on Friday 24 November 2017.

A revised version of the report dated 6 December 2017 was tabled and circulated at the meeting, including to members of the public and media. Discussion and the ensuing resolution focused on the Committee structure and membership set out in that revised report.

RESOLVED
WDC17/223

Cr Hopkins / Cr Tavendale

"That Council adopts the proposed Committee structure, with amendments as proposed by the Mayor in his revised report dated 6 December 2017, to take effect from 1 January 2018."

CARRIED

It was further AGREED that:

- (a) The four main standing committees (Assets; Heritage, Environment and Regulatory; Community and Culture; and Finance, Audit and Risk) would remain in place for the remainder of the three-year term of current elected members.
- (b) All other committees and sub-committees would be considered for any necessary structural and/or membership changes in the new year.

At 11.10am, the Chair signalled his intention to move the meeting into public excluded. The only member of the public present (media representative) left the room.

RESOLVED
WDC17/224

Cr Hopkins / Cr Percival

“That the public be excluded from the following part of the proceedings of this meeting, namely:

- Confirmation of Public Excluded Meeting Minutes – Council Meeting 25 October 2017
- Public Excluded Recommendation from Assets Committee Meeting – 22 November 2017
- Harbour Visitor Accommodation PE
- Sale of Improvements PE
- Upper and Lower Waitaki Zone Water Management Committees Refresh Papers PE
- Recommendation for Release of Public Excluded Information.”

CARRIED

“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:	
11. Confirmation of Public Excluded Minutes – Council Meeting 25 October 2017	To protect the privacy of natural persons. Section 48(1)(a)
12. Public Excluded Recommendation from Assets Committee Meeting – 22 November 2017	(The disclosure of the information would cause unnecessary personal embarrassment to the persons concerned.)
13. Harbour Visitor Accommodation PE	To enable the Council to carry out commercial negotiations without prejudice or disadvantage.
14. Sale of Improvements PE	Section 48(1)(a)
15. Upper and Lower Waitaki Zone Water Management Committees Refresh Papers PE	(Premature disclosure of the information would detrimentally affect the Council’s position in the negotiations.)
16. Recommendation for Release of Public Excluded Information PE	

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.”

Refer to Public Excluded Minutes

RESOLVED
WDC17/232

Cr Wollstein / Cr Hopkins

“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

16. Release of Public Excluded Information

RESOLVED
WDC17/233

“That Council, in accordance with Clause 17.5 of the Waitaki District Council Standing Orders 2016 to 2019, releases in the public minutes of this 6 December 2017 Council Meeting previously public excluded information as set out below, namely:

RESOLVED
WDC17/231

Cr Hopkins / Cr Dawson

“That Council:

- 1 Endorses the recommendation of Environment Canterbury to reappoint Lisa Anderson as the community member of the Upper Waitaki Zone Water Management Committee; and
- 2 Endorses the recommendation of Environment Canterbury to appoint community members of the Lower Waitaki South Coastal Canterbury Zone Water Management Committee as follows:
 - a. Brent Packman
 - b. Daniel Isbister
 - c. Barney Hoskins
 - d. Kate White.”

CARRIED

There being no further business, the Chair declared the meeting closed at 12.14pm.

CONFIRMED at the Council Meeting held on the 13th day of February 2018 in the Council Chamber, Third Floor, Waitaki District Council Headquarters, 20 Thames Street, Oamaru.

[signed]

Chairperson