

CONFIRMED MINUTES

**OF THE WAITAKI DISTRICT COUNCIL MEETING
HELD IN THE COUNCIL CHAMBER, THIRD FLOOR,
OFFICE OF THE WAITAKI DISTRICT COUNCIL, 20 THAMES STREET, OAMARU
ON TUESDAY, 10 AUGUST 2021 AT 9.01AM**

PRESENT: Mayor Gary Kircher (Chair), Deputy Mayor Melanie Tavendale (Associate Chair), Cr Hana Halalele, Cr Jeremy Holding, Cr Jim Hopkins (from 11.30am), Cr Ross McRobie, Cr Bill Kingan, Cr Guy Percival, Cr Jim Thomson, Cr Kelli Williams, and Cr Colin Wollstein

IN ATTENDANCE: Alex Parmley (Chief Executive)
Paul Hope (Acting Assets Group Manager / Finance and Corporate Development Group Manager)
Lisa Baillie (Deputy Chief Executive / People and Culture Group Manager)
Roger Cook (Acting Heritage, Environment and Regulatory Group Manager)
Bill Chou (Information Services Group Manager)
Ainslee Hooper (Governance and Policy Advisor)

IN ATTENDANCE FOR SPECIFIC AGENDA ITEMS:

Joshua Rendell (Assets Operations Manager)
Richard Maher (Finance and Corporate Development Operations Manager)
Erik van der Spek (Recreation Manager)

The Chair declared the meeting open at 9.01am and welcomed everyone present in the Council Chamber and watching the livestream online.

1 APOLOGIES

RESOLVED WDC 2021/112

Moved: Cr Ross McRobie
Seconded: Cr Colin Wollstein

That the apology for lateness received on behalf of Cr Jim Hopkins be accepted.

CARRIED

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PUBLIC FORUM

Speaker 1: Mr Mike Sweeney (Agenda Item 6.2: Freeholding of Leased Land in the Oamaru Harbour) shared his view that the proposal to freehold leased land in the Oamaru Harbour was not just a commercial question, as it would also mean a loss of control if that parcel of land was transferred to private ownership. He questioned why the proposal was being held 'in secrecy' at today's meeting, given that the LGOIMA reasons were about prejudice or disadvantage if the Council heard it in public and he did not understand that because it was not about a competitive tender. He felt that it was a fairly straight-forward question – to agree to freehold or not – and that it should be held in public.

The Chair replied that consideration had been given to the issues Mr Sweeney had raised. He noted that it would disadvantage Council, and by extension the ratepayers, if Council was looking at minimum terms. If Council did agree to sell, the owner of the building on the land would be advantaged if the minimum price that Council wanted was discussed as part of those terms in a public meeting; ie it would hinder the Chief Executive's ability to negotiate the best possible return for the district ratepayers. The Chair acknowledged that there was public interest in this matter, which is why a public report had been included in the agenda to let the community know that the topic would be discussed at this meeting. However, the points of negotiation provided reasons for that discussion to be held 'in committee' under the very strict legislative requirements and rules for meetings. Council believed that those reasons had met the required test under those rules. The Chair add that Council had tried to make the process as transparent as possible by including a public report in the agenda to make the public aware of the discussion topic, but by also acknowledging the need for appropriate protection to be given under meeting rules for Council to be able to discuss the negotiation points with the public excluded. It was hoped that the increased level of transparency in this process nowadays to what had been followed previously would be helpful to the community.

Mr Sweeney said he believed that Council needed to reconsider making a decision 'in secrecy'.

The Chair noted that the official term was 'in public excluded', and thanked Mr Sweeney for his comments. He added that Council was doing the best it could to put as much information in the public domain as possible, and that Mr Sweeney's comments would be taken into consideration when Council discussed the agenda item later in the meeting.

4 LEADERSHIP REPORTS

4.1 MAYOR'S REPORT - 10 AUGUST 2021

The report, as circulated, from the Mayor of Waitaki provided comments to bring Councillors and the public up to date with issues that have arisen since the last Council Meeting on Tuesday, 29 June 2021.

The Chair spoke briefly about the Future for Local Government (FfLG) Reform and the Three Waters Reform processes currently underway and noted that amended or new information on the latter was being received from Central Government if not daily, then weekly. He noted that the Chief Executive would elaborate further on what was being done to get a realistic picture of the financial issues involved with Three Waters Reform, given that that would be required by Council in order that it could understand the implications of them before speaking with the community.

The Chair also spoke about the 'very good' recent Local Government Conference, and then invited the elected members who attended with him to speak. Cr Hana Halalele thanked Council for the opportunity to attend and highlighted that she was very interested in the topic of housing and noted that there would be challenging conversations ahead with the community about Three Waters. Cr Ross McRobie said he was pleased to hear that the Local Government Minister had expressed a desire to work with local government to make the Three Waters Reform work. He said the conference was very well resourced, and he had appreciated representing Waitaki. Cr Jim Thomson also thanked Council for the opportunity to attend the conference.

It was noted that the Waitaki District Youth Council members had highlighted the topic of Youth Space in their strategic discussions, and it was suggested it may be a good time for someone associated with that project to share their experiences of getting it off the ground with our Youth Council.

Other elected members thanked the Chair for the update on Three Waters and for the approach that was being taken on behalf of Waitaki, including the Mayor's article in the Oamaru Mail the previous week.

When asked, the Chair briefed the meeting about discussions at the carbon forestry meeting he had attended in the North Island. Topics included opportunities for more appropriate tree plantings, financial models for some aspects of forestry; and varying perspectives on non-pine tree species. The Waitaki experience of the negative impact of carbon forestry on rural communities was different. It was evident that, while everyone is on board about the need to plant more trees, there were differences about what was the right tree in the right place across metro and urban environments.

RESOLVED WDC 2021/113

Moved: Cr Jim Thomson

Seconded: Deputy Mayor Melanie Tavendale

That Council receives and notes the information.

CARRIED

4.2 CHIEF EXECUTIVE'S VERBAL REPORT

The Chair invited the new Chief Executive, Alex Parmley, to give a verbal report to this meeting, noting that it is his first full Council Meeting since taking up the Chief Executive role on 19 July 2021.

Mr Parmley thanked the Mayor and Councillors for appointing him as their chief executive and said it was a great privilege to be here at Council and in Waitaki. He also thanked the local iwi for their warm welcome to his family. He noted that moving across the world during a global pandemic was challenging, but the warm welcome from everyone here had made it easier.

Mr Parmley acknowledged that there is a lot of potential change in local government at the moment, and there was a lot more discussions to be had yet before the shape and implications of that change could be understood. He is pleased to be part of a Council that seeks to openly explore what the opportunities from that change could be, but also to be cautious in that process. He looked forward to working with the Mayor, Councillors and staff to make a case for localism.

Mr Parmley described the Three Waters Reform as a 'pressing piece of work' and noted that Council was currently in a period of engagement (and not yet consultation) to be able to assess the implications of the Government's reform proposal. That proposal was based on a model, and all models have flaws, so he and his team were working hard to understand them with the aim of bringing something back to Council with an analysis of the implications. That would include matters relating to finance and funding for other services, the workforce in the long term and in the short-term during transition, as well as the social and economic impact on the district. He acknowledged that water is a big part of Council's work, and if it went to a separate entity (as the Government reform proposed), then it would have a big impact on resources, and it was his job to work with Council to ensure that elected members were well-sighted on that.

Mr Parmley acknowledged that it was normal for staff to wait for news of changes within the organisation following the appointment of a new Chief Executive. He noted that there were a lot more conversations he wanted to have first, and that there were many ways that the organisation and staff might change and adapt. He believed that the clear majority of staff wanted to do that, and that there would be better outcomes from the challenges ahead.

Mr Parmley also spoke about getting out and meeting people in the communities within the district. He highlighted his attendance at a recent event at which the Infometrics Chief Economist had spoken about national and international hotspots and challenges in global and local economy changes. He had already met with some local businesses and farmers and was looking forward to working with all business communities to build a strong relationship with them.

Mr Parmley mentioned that he was starting to develop key performance indicators that would come to Council for approval in due course, and that would include a focus on how to develop the economy and tourism more generally. He noted how 'really moving' it had been to spend time at the Family Harm Conference hosted in Waitaki recently and shared his view that safe and stable families is very important. He acknowledged that there was a lot of work to do in this area, but also that Waitaki was well placed to build on the sound platform already in place and that there were good opportunities to do so. He also shared that he appreciated the opportunity to attend a recent meeting of the Waitaki District Youth Council.

In summary, Mr Parmley highlighted that there were changes and challenges ahead for all, and he was looking forward to working with everyone together to build on the base that currently existed.

The Chair highlighted that Mr Parmley had been in the job for '3.5 weeks' and he was enjoying working with him and the amicable nature that he was bringing to discussions with elected members and staff. He thanked Mr Parmley for his very thorough verbal report and acknowledged that the content of it showed how well he was picking up on the critical issues for Waitaki now and into the future.

RESOLVED WDC 2021/114

Moved: Cr Ross McRobie
Seconded: Cr Jeremy Holding

That Council receives and notes the information.

CARRIED

5 DECISION REPORTS

5.1 WAITAKI INDOOR SPORTS AND EVENTS CENTRE BUSINESS CASE

The report, as circulated, sought Council's approval of the business case and to agree to consider a preferred site for the Waitaki Indoor Sports and Events Centre.

Group Manager Paul Hope introduced members of the Friends of the Waitaki Events Centre present at the meeting: Kevin Malcolm, Deirdre Senior and Adair Craik, as well as Morrison Low representative Helen Low participating in the meeting via Zoom.

Recreation Manager Erik van der Spek advised that there were two key things to consider in this next stage of the process, and they were a preferred location and undertaking some steps under the Resource Management Act (RMA), and to get the external funding search underway.

Mr Malcolm advised that the Waitaki Events Centre Trust had now been formed. It was focused on articulating the benefits of the new Indoor Sports and Events Centre which was going very well with very positive responses being received from potential external funders. The Trust had registered as an Incorporated Society, and the process to achieve charitable status was well underway but would take time. The funding plan was progressing well, with the aim of initially having corporate partners and keeping funding locally-based. The Trust hoped to have some very exciting news to announce by the end of the month. A benefactor has offered to provide \$5M to the Centre if the Trust can match that dollar for dollar with funding from the community by the end of October. Mr Malcolm advised that the Trust was confident it could achieve that goal, and then funding applications would be sent to the Otago Community Trust, Lotteries and the like. He noted that the Trust believed it was better to have the bulk of the money from larger sources before going out to the Mum and Dad investors in the community. The key was to achieve a good balance and to get the best support possible for the proposed Centre.

The Chair thanked the Trust for its work to date and noted that it was great to have the Trust team in place to progress the project. Council was doing what it could to secure letters of support and to pass on leads for funding for the Trust to follow up to help things along.

It was clarified that the anticipated operational costs of \$545k per annum were after cost recovery from Centre users and conferences.

Ms Low, speaking via Zoom, summarised the key points of the business case.

Several Elected Members acknowledged receipt of the update and spoke in favour of the Sports Hub concept which would encourage sports to work together a lot more, with less administration being required. The good response from neighbours and no surprises in the business case were also highlighted.

There was brief discussion around the number of indoor courts that other councils had chosen (eg Selwyn chose to have eight; Ashburton went with four. There was general support for Waitaki having chosen to have six courts. The need to have as much storage space as possible and smaller meeting rooms were also lessons learned from the other events venues that elected members had visited.

It was clarified that the specialist geotechnical report would verify the view that the preferred location behind the grandstand was the better location than the area towards the back, which had shown indications of being a closed landfill. Ground-penetrating activities had been undertaken and the Trust was pretty confident that the preferred site was suitable for building on.

With regard to inflation, it was noted that there was considerable variation around the cost of materials, inflation and the labour market, that it was difficult to speculate about the level of inflation over the next 3-4 years. That is why the 'design and build' option is believed to be the better approach, but it meant that Council could still have the choice of 'go or no go' if costs were to blow out. Mr Malcolm noted that the Trust had always considered the \$30M as its fundraising target, and there was a lot of support to build the centre within that budget. It was a goal of the Trust to achieve that level of funding for Council.

Allowing for population growth and whether there was a need to consider how the Centre might need to be expanded in ten years was also discussed. Ms Low advised that a number of differently sized facilities had been considered, and guidelines around sports and sports development had been reviewed. The preferred site allowed for expansion if required. That said, rather than look at a timeframe, use of the Centre and the nature of users, how it could attract events outside of sports, and have multipurpose areas for a variety of different areas were primary considerations.

The Chair acknowledged that it was important to get a balance – having six courts was appropriate for Waitaki and then there was the opportunity to work with the existing Recreation Centre, and with the high schools which also had their own courts.

MOTION

Cr Jim Thomson moved the report's recommendations, and Deputy Mayor Melanie Tavendale seconded the motion.

Discussion on the motion:

Several elected members spoke in support of the motion, highlighting that the proposal was 'really exciting', that the feedback on what the Friends of the Waitaki Events Centre had been doing to progress it was very positive; and that agreeing on a site and size at this meeting were important steps in this process.

RESOLVED WDC 2021/115

Moved: Cr Jim Thomson

Seconded: Deputy Mayor Melanie Tavendale

That Council:

1. Approves the Waitaki Indoor Sports and Events Centre business case; and
2. Agrees to consider that the preferred site for the Waitaki Indoor Sports and Events Centre is the rear of the Grandstand at Centennial Park, subject to completing the required process under the Reserves Act 1977 and obtaining Resource Consent.

CARRIED UNANIMOUSLY

5.2 FORRESTER HEIGHTS

The report, as circulated, sought Council's consideration of the potential options in relation to 2.5390 hectares of land at Cape Wanbrow, known as Forrester Heights, and the level of engagement to be undertaken with the community should Council wish to proceed further.

Group Manager Paul Hope advised that this report was in response to comments from the wider public seeking to know what Council's intentions are in relation to Forrester Heights. Prior to doing a significant amount of work on it, officers are seeking direction from Council. There were three options included in the report and a recommendation to start the engagement process to see how it could be better utilised to help facilitate the discussion.

It was suggested that the land could be left as it is or turned into a reserve instead, but the value of the land would need to be known first. Property Manager Renee Julius advised that it was difficult to quantify, and there was no other similar land for any valuer to compare it to.

There was brief discussion about what Council would expect from a sale. It was suggested that it should not be about just selling the land for any price; Council would want to achieve a return that would be able to assist an initiative/project in some other area. There was a lot of pressure in the Long Term Plan related to rate increases. It was an aspirational LTP and there was a considerable amount of infrastructure work included. However, there was also a lot of other work to do, including doing more to improve recreation reserves that Council owned and is managing, including walkways; that work could benefit from any land sale funds.

The Chair suggested that it was time for Council to make a decision on this matter, given that there were recommendations and options in front of them. He asked Councillors if they wished to exclude any of the options put forward. His view was that the option for Council to develop the land on its own should be removed, because it would become a distraction when there was so much else requiring Council's priority attention at the moment.

Mr Hope clarified the need to be clear about the intent of the report's recommendations as they were written. Retaining the land in its current state was the lowest cost option. However, turning it into a reserve that is usable and attractive, with tracks and organised plantings that would need to be well maintained, would be a significant investment/cost and there would be no returns. The cost could probably be estimated, and that information would need to be made available to the public as part of any consultation process. That would lead to the key choice – how much do you want to invest in this alternate use, or the potential range of options to do something else with the land? Only part of the piece of land that is involved can be seen from the township, and that would need to be clarified, too. It is freehold so it is a Council decision that can be made because there are no encumbrances. Determining the best use of the land will be a useful conversation to have with the community.

NOTICE OF MOTION

Cr Colin Wollstein advised that he liked the Chair's earlier suggestion (to remove the option for Council to develop the land on its own) and was prepared to move the report's recommendations without that and also by removing 2(a)(vii) but retaining 2(a)(vi). The Chair accepted this as a Notice of Motion whilst questions were still being asked.

When asked about how ongoing costs were being met, Mr Hope noted that initially the cost had been a loan as this was originally a commercial development. If Council took another route, then that cost would have to be funded to reflect whatever Council chose to do with the land. If it was turned into a reserve, then it would have to be funded by the RMA reserves or rates.

The reference to "given current environment" in point 2(a)(i) was queried, given that it was considered to be quite bullish. Mr Hope explained that the intended reference was to the total environment, with staff workloads included in that. 'Do nothing' was always an option and it would always be expected to be seen in an engagement.

The Chair suggested that there should be a simple 'do nothing' option.

MOTION

Cr Colin Wollstein moved the report's recommendations with the exclusion of point 2(a)(vii) and Cr Ross McRobie seconded the motion.

AMENDMENT

Cr McRobie suggested that, for 2(a)(i), the words "given the current environment" be deleted. Cr Wollstein, as mover of the motion, agreed with this amendment.

Discussion on the motion:

Two elected members spoke in support of the motion, one noting that Council could expect some discussion and debate in the community but there was a need to start the process. The other expressed concern about staff workloads and suggested that the conversation with the community did not need to be a rushed process; it was more important to get the process right to ensure the community has a good opportunity for debate and feedback. Another Councillor noted that that approach was covered by recommendation 3, and they supported it.

Another Councillor expressed concern about not knowing what the final figure could be so that people could make an informed choice about whether they felt a sale would be worth it. As it was a complicated piece of land, there may not be as much value as some might hope.

An opposing view was put forward – supporting option 3 (opposition to the sale) – for the reason that, in order for staff to put in time and resources needed for the community engagement process, it would take them away from business as usual and there was too much going on at the moment to do that.

Another elected member said they were not quite as set in their view as the previous Councillor, but believed that there should be options saying (i) that Council could generate "X" amount of money from the sale, or (ii) would you prefer to leave it as it is? Their concern was centred on a belief that going out to the community without tabling all of the information would be "fraught".

The Chair acknowledged that it may be possible to decide on a potential figure as the information for the community was developed and collated.

When asked for comment, Group Manager Paul Hope advised that it was unlikely that a call for Expressions of Interest (EOI) would generate much response, given that any likely responder would not want to put in too much effort if there was not an outcome at the end or any indication of the level of community support. Officers had considered the best way to approach this matter and believed that there was a need to know what the community wants first. The options would be fleshed out so that the community knows what the questions are, but the key one would be "what do you think is the best use of that land?".

Using his Right of Reply, Cr Wollstein noted that the meeting discussion so far demonstrated that the matter is likely to promote a great deal of discussion. He took on board that the value of the property would be important but believed that that was the 'cart before the horse'. Council could not determine the value of the land to the community before it had community consent to do something, and therefore the first option should be to go to the community, get their views which he expected would be varied, and then Council could decide whether to proceed or not, and on what basis (eg which option from 1 – 6 is best). He noted that, if the public approved the sale in principle, then Council could still say no.

RESOLVED WDC 2021/116

Moved: Cr Colin Wollstein

Seconded: Cr Ross McRobie

That Council:

1. Instructs Officers to carry out a public engagement process to discern the community's views on the future of Forrester Heights;
2. Instructs Officers to compile feedback from a public engagement process on a range of options and present it to a future Council Meeting to enable a decision to be made on the future of the site;
 - a) Options to provide for feedback to include:
 - i) Do nothing
 - ii) Set aside the land as a greenspace reserve
 - iii) Develop the land as a reserve similar to Cape Wanbrow
 - iv) Set aside part of the land as greenspace reserve, and develop the remainder
 - v) Sell the land "as is" through a tender or similar open market process;
 - vi) Seek partners for a joint venture in developing the land; and
3. Instructs Officers to carry out parallel works to determine which approach will provide the best return for the ratepayer on a risk / return basis.

CARRIED

AGAINST: CR PERCIVAL

The meeting was adjourned at 10.35am and reconvened at 10.49am.

5.3 CULTURAL FACILITIES DEVELOPMENT PROJECT FUNDING

The report, as circulated, sought Council's approval to progress key steps in the CFDP2020 project at the Museum, Archive and Gallery through the allocation of previously approved funds, the use of bequest and other specified funds, and the contracting of an external specialist fundraiser position in accordance with Stage 2 of the agreed project plan.

Group Manager Lisa Baillie spoke to the report and noted the need for a correction in points 1 and 2 of the report recommendations to refer to "Stage 1" instead of "Stage 2". Mrs Baillie also announced the appointment of Ms Chloe Searle as the new Museum, Gallery and Archive Director.

Ms Searle thanked Council for their support and advised that she was very much looking forward to progressing Stage 2 project and scoping out the funding in what was a relatively buoyant funding environment.

MOTION

Deputy Mayor Melanie Tavendale moved the report's recommendations, with the inclusion of references to "Stage 1" (instead of Stage 2) in points 1 and 2. Cr Hana Halalele seconded the motion.

Discussion on the motion:

When asked if all of the work could be done within budget, Property and Assets Officer Toby Armour advised that it was hard to gauge ahead of putting the project to market, but going through the preliminary stages, he was confident that it could be done.

Several elected members acknowledged the considerable amount of work already done and shared their excitement about getting the two projects over the line.

When asked if bequests could be used for any cost overruns, Ms Searle advised that the team was in ongoing discussions with the Finance team about that option and would be looking at using bequests where the project was able to meet the specific conditions of the bequests.

The Chair acknowledged that the Museum and Gallery development projects had been underway for a long time, and both facilities had been closed for substantial periods of time. It was exciting to see stage 2 happening at the Museum now, and to have that and the Gallery finished so that both facilities could be accessible to all the community and able to present the district's taonga and art would be great. He wished the team all the best in their endeavours.

RESOLVED WDC 2021/117

Moved: Deputy Mayor Melanie Tavendale

Seconded: Cr Hana Halalele

That Council:

1. Approves the allocation of the listed bequest and special funds, to the value of \$94,426.86, to the remaining Waitaki Museum and Archive stage 1 fitout expenses;
2. Approves the allocation of the detailed unspent operational funds, to the value of \$15,000, to the remaining Waitaki Museum and Archive stage 1 fitout expenses;
3. Approves that the remaining portion of the CFDP loan can be accessed for use on stage 2 of the Forrester Gallery; and
4. Approves the contracting of an external specialist fundraiser for the Forrester Gallery Stage 2 component of the CFDP2020 project.

CARRIED

The Chair directed the meeting forward to Agenda Item 5.5.

5.5 LIQUOR BAN FOR LOCH LAIRD

The report, as circulated, sought Council's agreement to place an alcohol ban on the upper terrace of Loch Laird and the foreshore between Loch Laird and Wildlife camp for Labour weekend to protect the community and improve safety.

MOTION

Deputy Mayor Melanie Tavendale moved the report's recommendations and Cr Ross McRobie seconded the motion.

Discussion on the motion:

It was noted that the aim of the liquor ban was to keep young people safe. There was good support offered from the Police and, if participants in the event felt inclined at the time to move the event elsewhere, then Police representatives had undertaken to move with them to facilitate that ongoing safety.

It was also highlighted that a number of options had been looked at, and it was appropriate to test the theory that a liquor ban for the event would work. The results of this year's trial would be discussed, and the matter would be revisited for the 2022 year.

RESOLVED WDC 2021/118

Moved: Deputy Mayor Melanie Tavendale

Seconded: Cr Ross McRobie

That Council agrees to specify the area shown in Attachment One as a specified public place under the Waitaki Alcohol Ban Bylaw 2018 from 5.00pm on the Friday preceding Labour Weekend to 12.00am on the Tuesday following Labour weekend 2021.

CARRIED

5.6 DUNTROON TOILET LOCATION

The report, as circulated, sought Council's approval for the site of the new public toilet for Duntroon.

Group Manager Paul Hope and Recreation Manager Erik van der Spek spoke to the report, noting that the location of the new Duntroon toilets had been an ongoing discussion with the community for several years, and that the neighbouring landowner has now offered to provide an easement so that Council can service the toilets once they are installed.

MOTION

Cr Ross McRobie moved the report's recommendations and Deputy Mayor Melanie Tavendale seconded the motion.

Discussion on the motion:

It was noted that the pharmacy on the toilets intended site had already been demolished.

One elected member thanked the Duntroon community for making their views known about a different preferred site to locate the toilets and noted that it was good to see that Council had listened to their views and agreed to support the alternate site.

Traffic was highlighted as an ongoing issue for this location, and the need for Council to continue to have discussions with Waka Kotahi in relation to those remained.

RESOLVED WDC 2021/119

Moved: Cr Ross McRobie

Seconded: Deputy Mayor Melanie Tavendale

That Council:

1. Approves the 'Pharmacy' site as the location for replacement toilet facilities in Duntroon township; and
2. Delegates to the Chief Executive all necessary powers to negotiate and purchase the necessary land and enter easements.

CARRIED

5.7 SUPPORT AND STIMULUS FUND RECONCILIATION REPORT

The report, as circulated, provided a reconciliation report for the Support and Stimulus Fund and sought Council's feedback on the Fund's achievements and a decision regarding its future.

Economic Development Manager Gerard Quinn advised that Council's Support and Stimulus Fund (SSF) had fulfilled its intent – to provide a response to the COVID-19 pandemic to assist the community.

MOTION

The Chair then moved the report's recommendations, and Deputy Mayor Melanie Tavendale seconded the motion.

Discussion on the motion:

A request was made for the Council resolution that established the Support and Stimulus Fund initially to be recirculated to elected members. That was agreed.

ACTION: Economic Development Manager, with Governance Advisor

Other elected members spoke in support of the motion, noting that the SSF had been a good move by Council to provide support to the community at a difficult time.

RESOLVED WDC 2021/120

Moved: Mayor Gary Kircher

Seconded: Deputy Mayor Melanie Tavendale

That Council:

1. Notes that the Support and Stimulus Fund (SSF) has been successful in providing tactical relief from a range of social and economic impacts of the COVID-19 pandemic.
2. Notes that some SSF awards and commitments extend beyond the date of this report and will be completed in early 2022.
3. Agrees that the SSF has fulfilled its purpose and therefore decides to close the SSF.
4. Instructs Council Officers to return unallocated funds from the SSF to the Disaster Fund.

CARRIED

5.8 UPPER AND LOWER WAITAKI WATER ZONE COMMITTEE 2021 REFRESH REPORT

The report, as circulated, attached a decision report from Environment Canterbury advising the 2021 Refresh appointments for the Upper and Lower Waitaki South Coastal Canterbury Water Zone Committees that seeks the approval of those appointments from Waitaki District Council, which is a participating council in both Zone Committees.

The Governance Advisor noted that the refresh of member appointments to the Upper and Lower Waitaki Zone Committees was an annual process, and that Council was represented on those Committees by Cr Ross McRobie (Upper Waitaki) and Cr Jim Hopkins (Lower Waitaki). New appointments this year were only in the Upper Waitaki Zone Committee; there were no new appointments to the Lower Waitaki Zone Committee. There was no discussion on the report.

RESOLVED WDC 2021/121

Moved: Cr Ross McRobie

Seconded: Cr Bill Kingan

That Council:

- (a) Receives the report.
- (b) Notes the recommended changes to the CWMS Lower Waitaki South Coastal Canterbury Zone Committee membership were approved by Environment Canterbury (ECan) at their 8 July meeting.
- (c) Approves the reappointment of Brent Packman to the CWMS Lower Waitaki South Coastal Canterbury Zone Committee.
- (d) Approves the appointment of Jonnie Rutherford, Fraser McKenzie and Jakki Guilford to the CWMS Lower Waitaki South Coastal Canterbury Zone Committee.
- (e) Notes no appointments were made to the CWMS Upper Waitaki Water Zone Committee.

CARRIED

5.9 RATIFICATION OF COUNCIL SUBMISSION ON EXPOSURE DRAFT OF NATURAL AND BUILT ENVIRONMENTS BILL

The report, as circulated, sought Council's formal ratification, in a retrospective fashion, of the Waitaki District Council's submission on the Exposure Draft of the Natural and Built Environments Bill (see Attachment 1) as presented to the Environment Select Committee on 4 August 2021.

There was no discussion on the report or the submission.

RESOLVED WDC 2021/122

Moved: Deputy Mayor Melanie Tavendale

Seconded: Cr Hana Halalele

That Council formally ratifies Waitaki District Council's submission on the Exposure Draft of the Natural and Built Environments Bill.

CARRIED

5.10 RATIFICATION OF OTAGO AND SOUTHLAND COUNCILS' SUBMISSION ON EXPOSURE DRAFT OF THE NATURAL AND BUILT ENVIRONMENTS BILL

The report, as circulated, sought Council's formal ratification, in a retrospective fashion, of the Waitaki District Council's (WDC's) participation in the Otago and Southland Councils' regional submission on the Exposure Draft of the Natural and Built Environments Bill (see Attachment 1) as presented to the Environment Select Committee.

Executive Officer Victoria van der Spek clarified that this combined Otago and Southland Councils' submission was slightly more high-level than Waitaki District Council's own submission, but the key points in each were aligned.

There was no discussion on the report or the submission.

RESOLVED WDC 2021/123

Moved: Cr Ross McRobie
Seconded: Cr Guy Percival

That Council formally ratifies the Otago and Southland Councils' regional submission on the Exposure Draft of the Natural and Built Environments Bill.

CARRIED

6 MEMORANDUM REPORTS

6.1 REVIEW OF BURIAL AND CREMATION ACT 1964 – IMPLICATIONS FOR WAITAKI

The report, as circulated, updated Council on the proposed changes to the Burial and Cremation Act 1964 and note the possible implications for Waitaki District Council.

Recreation Manager Erik van der Spek advised that there was no timeframe available yet on when the Act would be reviewed. With regard to online records, Council already provides services through archives and with volunteers tending to the grave sites. It is intended to develop a more formal process once appropriate software has been identified. With regard to burials on private land, this was not typical in Waitaki, and it could be a complicated area. Burying family members on one's own property could only be done in very exceptional circumstances.

With regarding to the scattering of ashes, Mr van der Spek advised that there may be more control over where that could be done in future.

Maintenance of headstones was highlighted as perhaps one of the biggest challenges that Council may face as part of the review. Currently, that was the responsibility of families. It was also clarified that it may not be just headstones, but indeed the whole gravesite, that Council may have to maintain in future.

The authorising of cremations was also raised as another challenge.

RESOLVED WDC 2021/124

Moved: Deputy Mayor Melanie Tavendale
Seconded: Cr Bill Kingan

That Council receives and notes the information.

CARRIED

6.2 FREEHOLDING OF HARBOUR LEASED LAND

The report, as circulated, outlined the decision being asked of Council through the 'Freeholding of Harbour Leased Land PE' report and notify the reason for the public excluded nature of the report.

Group Manager Paul Hope advised that this report in public was to highlight to the public that the topic of freeholding of harbour leased land would be discussed in public excluded.

It was suggested and agreed that the outcome of discussions in the public excluded session could and should be released to the public as soon as possible after the meeting and included in the public minutes of this meeting.

ACTION: Group Manager Paul Hope (decision outcome action) and Governance Advisor (Minutes action)

RESOLVED WDC 2021/125

Moved: Cr Jim Thomson
Seconded: Cr Ross McRobie

That the Council receives and notes the information.

CARRIED

At 11.29am, the Chair signalled his intention to move the meeting into Public Excluded, but also advised that the meeting would resume in Public session after lunch from 1.15pm for discussion on Agenda Item 5.4.

7 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLVED WDC 2021/126

Moved: Cr Jim Thomson
Seconded: Deputy Mayor Melanie Tavendale

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter 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 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 for the passing of this resolution
8.1 - Recommendations from Development Contributions Committee PE	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - 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 would exist under section 6 or section 7
8.2 - Infrastructure Acceleration Fund Submissions PE	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - 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

	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	reason for withholding would exist under section 6 or section 7
8.3 - Freeholding of Harbour Leased Land PE	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - 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 would exist under section 6 or section 7
8.4 - Flat Charge Amenity Rates PE	s7(2)(e) - the withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	s48(1)(a)(i) - 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 would exist under section 6 or section 7

CARRIED

8 PUBLIC EXCLUDED SECTION

The Public Excluded Minutes apply to this section of the meeting.

9 RESOLUTION TO RETURN TO THE PUBLIC MEETING

RESOLVED WDC 2021/131

Moved: Cr Kelli Williams
Seconded: Cr Jeremy Holding

That Council resumes in open meeting and decisions made in the public excluded session are confirmed and made public as and when required and considered.

CARRIED

The meeting was adjourned at 12.15pm for lunch and reconvened at 1.15pm.

The Chair directed discussion back to agenda item 5.4 and welcomed members of the Whalan Lodge Trust to the meeting.

5.4 WHALAN LODGE FUNDING REQUEST

The report, as circulated, sought Council's consideration of an updated request for loan funding from the Whalan Lodge Trust (the Trust) in order to provide funding to allow the redevelopment of the aged care facility in Kurow, following the supply of additional information.

Mr Barney McCone (Chair), Mr James Meehan, Mr Simon Taylor, and Mr Peter McIlraith were in attendance from the Whalan Lodge Trust.

Group Manager Paul Hope advised that this formal request related to a discussion held earlier in the year where Council had been supportive in principle of providing a loan to the Whalan Lodge Trust but required further information. That had now been provided, and Mr Hope acknowledged the time and effort put in by the Trust to do so.

Trust Chair Mr Barney McCone thanked Council for the opportunity to make the request of Council and to be invited to address the meeting. The redevelopment was very important for the community, and older people in Kurow are relying on the Trust and on Council to support the redevelopment initiative. The Trust had funds from the heritage building but still needed to source one-third of the cost which is \$1.5M.

Mr Peter McIlraith noted that the request would have no impact on rates. Three years of market research had been undertaken to underpin this project, and several previous discussions with Council had been helpful. The Trust believes the proposal as outlined is the best option and is now asking Council to support it financially on a loan basis. He acknowledged that \$750k was a big ticket item on Council's investment accounts, but the Trust believed it could provide 20 residents with accommodation for that level of funding, which he hoped Council would recognise as a good return on that proposed investment.

It was noted that repayments of the \$750k loan at an interest rate of 2.5% would mean an additional amount of just under \$27k across the three year term would need to be paid, and the Trust was asked if it had considered that. Mr McIlraith advised that \$30k had been included in the spreadsheet to cover that sum.

Asked if the capping of interest at 2.5% when there was an expectation that interest rates would go up would create a risk for Council, Mr Hope noted that Council could not agree to a capped rate at this time. Council could get a better rate for the first three years, and the aim was for Council to break even on this loan.

The Chair noted that the Trust had been a recipient of a huge amount of community generosity, and the community had rallied around the Trust. Asked if the Trust saw that support continuing, Mr McCone said he expected that it would. If the Trust could get the building up to standard, there

would be less requirement for maintenance and the need to fundraise to carry out repairs. The Trust also planned to go back to the community to give them a feeling of buy-in to the redevelopment and that they are contributing to it.

One elected member advised that they were very supportive of the proposal. Another queried whether Council needed to build a small margin into the 2.5% interest rate to cover Council administration before the proposal is considered. When asked for comment, Mr Hope advised that the arrangement would effectively run itself; the quarterly interest payment would be a very simple calculation and would be different to the loans Council had with the North Otago Irrigation Company and the Observatory Village Charitable Trust, for example. The loan sum was a relatively small amount that Council could accommodate; if there was a margin of 0.5% added, it would only provide another \$3k. Instead, it was suggested that the loan could be more about the gesture of Council seeing this as a community endeavour and acknowledging and supporting that as a 'community wellbeing', which the Trust could then take to other providers. This point was acknowledged by the meeting.

MOTION

Deputy Mayor Melanie Tavendale moved the report's recommendations, and Cr Ross McRobie seconded the motion.

Discussion on the motion:

Two elected members spoke in support of the motion, and of the Trust and Council management finalising the loan details.

One elected member advised that, while they would not vote against it, they felt that Council's borrowing of money from the LGFA and granting a loan to the Whalan Lodge Trust was a community risk and adding in a small margin would not be an unreasonable recognition that Council is deciding to take on that risk on behalf of ratepayers. They also noted that the Trust was helping Council do its job, but it was also important to remember that it should be the Crown and the district health board helping the Trust, as health is a central government responsibility.

Mr Hope clarified that the recommendation was his, and not a request from the Trust. The Trust had originally suggested an interest rate, and he had looked at it and considered everything else being discussed.

Another elected member spoke of their support for the Trust's case, because of the importance of elderly people being given the opportunity to remain in their own communities where they have lived over many years. This was one way that Council could show that it cared for the community. That view was echoed by another elected member. They commended the Trust and the community getting behind it rather than closing up years ago. It was also highlighted that wellbeing of the community is a requirement of the Local Government Act and allowing people to be able to stay in the Kurow area was important when the Lodge had such a wonderful environment and was the only rest home in the area.

It was suggested that Council did need to consider whether it was creating a precedent, but also that this proposal was different – the model is different, and the project did not present competition in the area for business but instead was providing a service and employment. To be able to see the Whalan Lodge continue as a retirement home was a good thing, as it was a special building from a heritage perspective.

Using her right of reply, Deputy Mayor Tavendale agreed that keeping the building as a community asset was special and acknowledged the work that had been done by the Trust and the community thus far. It is proposed that Council use its access to low interest funds to help our communities and adding a very small margin did not negate the risk; rather, it would just add to the Trust's risk and costs. For those reasons, the Deputy Mayor said she was comfortable with what Mr Hope was recommending, and she wished the Trust all the best with the project.

RESOLVED WDC 2021/132

Moved: Deputy Mayor Melanie Tavendale

Seconded: Cr Ross McRobie

That Council:

1. Agrees to provide the Whalan Lodge Trust (the Trust) a loan to help fund the redevelopment of the Whalan Lodge aged care facility in Kurow; and
 2. Agrees that the key terms to be offered to the Trust are:
 - a) Amount \$780,000
 - b) Term 3 years plus 25 years
 - c) Interest rate annual weighted average LGFA cost with no margin
 - d) Repayment plan Table Mortgage
 - e) Security First Ranking Security through a mortgage
 - f) Other conditions as negotiated
- and
3. Delegates the Chief Executive authority to finalise the loan agreement with the Trust.

CARRIED

The Chair congratulated the members of the Whalan Lodge Trust. In response, Chairman Barney McCone thanked the Mayor and Councillors for their time and support and noted that it was a very big day for the Trust to receive such good news that would allow them to proceed with the redevelopment. There was a round of applause in the meeting.

10 RELEASE OF PUBLIC EXCLUDED INFORMATION

In accordance with Waitaki District Council Standing Orders, and pursuant to resolutions in the public excluded session of the meeting, Council decided to release previously Public Excluded information under this agenda item in the Public Minutes of this meeting, as set out below.

8.2 INFRASTRUCTURE ACCELERATION FUND SUBMISSIONS PE

RESOLVED WDC 2021/133

Moved: Deputy Mayor Melanie Tavendale

Seconded: Cr Bill Kingan

That Council:

1. Receives the information;
2. Endorses the submission of an application to the Infrastructure Acceleration Fund for the proposed Redcastle Road development;
3. Endorses the submission of an application to the Infrastructure Acceleration Fund for the Observatory Village Stage 3.

CARRIED

8.3 FREEHOLDING OF HARBOUR LEASED LAND PE

RESOLVED WDC 2021/134

Moved: Cr Jim Thomson
Seconded: Mayor Gary Kircher

That Council declines the request at this point in time to dispose of the land in Ōamaru Harbour that is currently leased to Aquatech Limited and from which Scott's Brewing Limited currently operates.

CARRIED

8.4 FLAT CHARGE AMENITY RATES PE

RESOLVED WDC 2021/135

Moved: Cr Jim Thomson
Seconded: Cr Ross McRobie

That Council:

1. Approves that a remission be applied to all Ōamaru and Weston Amenity Fixed Charges to reduce the charge to an amount equivalent to the charge that would have applied if the rating unit had been charged the Ōamaru or Weston land-value-based Amenity Rate;
2. Instructs officers to contact all affected ratepayers as soon as practicable to make them aware of this remission and the revised amount due for instalment 1;
3. Unfunds Ōamaru Stormwater depreciation for one year to an amount equivalent to any necessary reduction in rates income;
4. Instructs officers to investigate alternative rating approaches to achieve the desire of a maximum amount charge on high value rating units in amenity rate areas.

CARRIED

11 MEETING CLOSE

There being no further business, the Chair declared the meeting closed, at 1.53pm.

CONFIRMED at the Council Meeting held on Wednesday, 8 December 2021.

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CHAIRPERSON