

**CONFIRMED MINUTES**

**OF THE ADDITIONAL COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBER, THIRD FLOOR,  
OFFICE OF THE WAITAKI DISTRICT COUNCIL, 20 THAMES STREET, OAMARU  
AND VIA ZOOM VIDEO-CONFERENCE  
ON MONDAY, 28 FEBRUARY 2022 AT 1.00PM**

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

**IN ATTENDANCE:** Simon Neale (Independent Member of the PAR Committee) (via Zoom)  
Alex Parmley (Chief Executive)  
Paul Hope (Finance and Corporate Development Group Manager and Acting Assets Group Manager)  
Lisa Baillie (Deputy Chief Executive / People and Culture Group Manager) (via Zoom)  
Roger Cook (Acting Heritage, Environment and Regulatory Group Manager) (via Zoom)  
Ainslee Hooper (Governance and Policy Advisor)

**IN ATTENDANCE FOR SPECIFIC AGENDA ITEMS:**

Joshua Rendell (Assets Operations Manager)  
Renee Julius (Property Manager)  
Mathew Scott (Property Assets Officer)

The Chair declared the meeting open at 1.00pm and welcomed everyone present.

**1 APOLOGIES**

There were no apologies.

**2 DECLARATIONS OF INTEREST**

Deputy Mayor Melanie Tavendale declared an interest in Public Excluded Agenda Item 6.2 and advised that she would leave the meeting and take no part in discussion on that item.

**3 PUBLIC FORUM**

The Chair explained that the Public Forum was not able to be held within the time allocated to the meeting because the number of agenda items had increased since it was first notified and there were other commitments for some elected members and managers either side of this meeting.

## 4 DECISION REPORTS

### 4.1 FORRESTER HEIGHTS FUTURE USE ENGAGEMENT

The report, as circulated, sought to finalise the options and material for public engagement on the future of Forrester Heights.

When asked if the terms “public consultation” and “engagement process” had been used interchangeably or had a different meaning in this instance, Group Manager Paul Hope confirmed that they were interchangeable. He also noted that some members of the public believe that ‘consultation’ is about a special consultative procedure, but ‘engagement’ is not necessarily that. One elected member expressed a preference to refer to ‘consultation’ rather than ‘engagement’ and suggested that the wording be changed throughout the documents. Mr Hope advised that using ‘consultation’ in the documentation would mean Council was committing to hearing submissions and a far more formal process. One of the key purposes of this meeting and agenda report was to seek and receive Council’s decision on whether it was happy with the consultation / engagement process outlined by officers.

The decision to dismiss the option to set aside part of the area as green space and develop the rest because of difficulties associated with the creation of a reserve was noted, but in response, the option of including “doing nothing and leaving it as it is” was raised. It was clarified that that did not mean ‘do nothing forever’, but rather ‘do nothing now but leave it as an option for later’. Another elected member endorsed this suggestion as a ‘half do nothing’ and ‘half do development’ which was different to the ‘do nothing’ second bulletpoint.

The officer response noted that a mid-point could be considered at a later stage, eg if a decision is to try and make it into a reserve, then how much of the area to be considered could be a factor at that time, once the appetite of the community for the options – all or part of it – had been able to be assessed. The elected member reply was that, if it was still an option, then it should be included in the engagement materials.

After brief discussion, elected members confirmed that they were comfortable with hearing submissions; it was always intended that that would be a part of the engagement.

The potential for concern about how Council managed the process, rather than the process itself, were also raised, given that the subject matter was ‘emotive’ and a need to be clear about how differing views in the community could be received and heard.

In response to a question, it was clarified that historical holding costs for options to date and the cost of consultation or engagement had not been factored in so far.

The matter of a number of submissions being sent to Elected Members over the weekend was raised. It was clarified by the Chair that the submissions were in fact emails that had been sent to Elected Members and were not part of the formal consultation process which had not commenced at this stage.

One elected member advised that he had put aside the emails because he believed they would be prejudicial to his ability to consider all viewpoints at the hearings of all submissions after the engagement process, and he respectfully asked his colleagues to do the same.

#### **MOTION**

Cr Jim Hopkins said he was willing to move the report’s recommendations with one minor amendment to point 2(a)(ii) so that it read “to sell all or part of...”. Cr Kelli Williams seconded the motion.

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

At the request of the Chair, officers clarified that that would require a subdivision process in order to result in the boundary adjustment required and that there would be costs associated with that.

### **Motion Amendment**

Deputy Mayor Melanie Tavendale moved that, wherever the reference to “public engagement” appeared in the recommendation and materials, they were to be replaced with the words “public consultation”. Cr Colin Wollstein agreed to second the motion.

### **Discussion on the amendment:**

It was highlighted that, if the words could be used interchangeably, it was better to be very clear and go with the stronger wording of “public consultation”. This was endorsed by other elected members, who noted that Appendix 3 referred to “consulting”, and that having a submissions process was always intended so it would be appropriate to formalise that.

### **Chair’s Declared Vote Result and Ruling on the amendment:**

The Chair put the amendment to them meeting and declared it **CARRIED** by a vote of voices. He then ruled that the **amendment was now part of the substantive motion**.

### **Discussion on the Substantive Motion:**

It was suggested that Council must be willing to consider selling for the right price and the right reasons. The key issue was about how Council was to pay for things the community wanted or needed. 58% of ratepayers are already not happy with the level of rates. Council could either carry on adding to costs imposed on ratepayers, or it could ask them how they wanted Council to fund the things they want, noting that endowment land traditionally enable that to happen. This public consultation process would be an opportunity for the public and Council to consider that option and others.

These points were acknowledged, along with the extensive amount of work that had gone into this process and was still going into it. There were questions about whether selling the land would achieve the desired or required return, especially given the costs that would be involved. The response from the community could also be divided and using it as a reserve may still not be the way forward. There were other major issues taking up Council’s time and resources (eg the multiple reforms in the local government sector) that also needed to be a focus for Council and for members of the public.

Other points reiterated in the discussion included that some people still think Forrester Heights is a reserve, but it is not; currently, it is land Council could sell for the benefit of the community. A decision is now needed one way or the other, and it was important that as many people as possible have a fair and equal opportunity to have their say through a full public consultation process.

### **RESOLVED WDC 2022/009**

Moved: Cr Jim Hopkins

Seconded: Cr Kelli Williams

That Council:

1. Rescinds item 2 of resolution WDC 2021/116 from the Waitaki District Council Meeting held on 10 August 2021, as follows:
  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;*
2. Instructs Officers to compile feedback from the public consultation process 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 – continue to hold the land as endowment for capital gains;
    - ii. Sell all or part of the land; or
    - iii. Undertake work to establish the land as a Reserve.
3. Notes the difficulties in establishing the endowment land as a Reserve or using it as a park given the obligations of the endowments.
4. Endorses the consultation plan for the Forrester Heights public consultation process.
5. Delegates to the Chief Executive, in consultation with the Communications Portfolio Elected Members, the ability to approve the Forrester Heights consultation document.

**CARRIED**

#### **4.2 AMENDMENT TO COUNCIL COMMITTEE MEMBERSHIP FOR THE 2019 - 2022 TRIENNIUM**

The report, as circulated, sought Council's approval to amend the current version of the Council Committee Structure for the 2019-2022 triennium to appoint a new Associate Chair (Risk) for the Performance, Audit and Risk (PAR) Committee, for the remainder of the triennium.

Brief comments from elected members supported this appointment, notably because it made "perfect sense" and that Mr Neale had the necessary skills and experience for it.

#### **RESOLVED WDC 2022/010**

Moved: Cr Jim Hopkins

Seconded: Cr Colin Wollstein

That Council approves an amendment to the current version of the Council Committee Membership for the 2019-2022 triennium, by appointing the Independent Member of the Performance, Audit and Risk Committee as the Associate Chair (Risk) for that Committee, with effect from the date of this meeting for the remainder of this 2019-2022 triennium.

**CARRIED**

The Chair congratulated Mr Neale (who was participating via Zoom) and thanked him for the contributions he has already made to meetings and the different viewpoints he brought to them. Mr Neale thanked the Chair in response.

## **5 RESOLUTION TO EXCLUDE THE PUBLIC**

#### **RESOLVED WDC 2022/011**

Moved: Deputy Mayor Melanie Tavendale

Seconded: Cr Bill Kingan

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
<b>6.1 - Oamaru Whitestone Civic Trust - Trustee Appointment PE</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons  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
<b>6.2 - Directorship Appointments to the WDHS Board - February 2022 PE</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons  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

**CARRIED**

## **6 PUBLIC EXCLUDED SECTION**

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

## **7 RESOLUTION TO RETURN TO THE PUBLIC MEETING**

### **RESOLVED WDC 2022/015**

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**

**8 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 not to release any previously public excluded information under this Agenda Item in the Public Minutes of this meeting.

**9 MEETING CLOSE**

There being no further business, the Chair declared the meeting closed, at 1.57pm.

CONFIRMED at the Council Meeting held on Tuesday, 29 March 2022.

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CHAIRPERSON