



Waitaki

DISTRICT COUNCIL

TE KAUNIHERA Ā ROHE O WAITAKI

Notice of Meeting

and

AGENDA

Ordinary Council Meeting

Tuesday 4 December 2018
9.00am

A Public Forum will be held at the commencement of the meeting.

VENUE: Council Chamber, Third Floor
Office of the Waitaki District Council,
20 Thames Street, Oamaru

Waitaki District Council Meeting

Council Chamber, Third Floor,
Office of the Waitaki District Council
20 Thames Street, Oamaru

9.00am, Tuesday 4 December 2018

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17. Resolution to Exclude the Public

"That the public be excluded from the following parts of the proceedings of this meeting, namely items 18, 19, 20, 21, 22 and 23.

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:	To protect the privacy of natural persons.
• Confirmation of Public Excluded Meeting Minutes – Council Meeting 30 October 2018 PE	Section 48(1) (a). (The disclosure of the information would cause unnecessary personal embarrassment to the persons concerned.)
• Recommendations from Executive Committee Meeting, 25 September 2018 PE	
• Recommendation from Executive Committee Meeting 20 November 2018 PE	To enable the Council to carry out commercial negotiations without prejudice or disadvantage.
• Recommendations from Assets Committee Meeting, 20 November 2018 PE	Section 48(1)(a) (Premature disclosure of the information would detrimentally affect the Council's position in the negotiations.)
• Upper and Lower Waitaki Zone Committee Refresh Reports PE	
• Decisions Regarding 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."

18. **Confirmation of Public Excluded Meeting Minutes PE**
 - Council Meeting – 30 October 2018 PE 105 – 107
19. **Recommendations from Executive Committee Meeting, 25 September 2018 PE**
 - Decision Report and Recommendations 108
20. **Recommendations from Executive Committee Meeting, 20 November 2018 PE**
 - Decision Report and Recommendation 109 – 115
21. **Recommendations from Assets Committee Meeting, 20 November 2018 PE**
 - Decision Report and Recommendation 116
22. **Upper Waitaki and Lower Waitaki Zone Committee Refresh Reports PE**
 - Decision Report and Recommendation 117 – 124
23. **Decisions Regarding Release of Public Excluded Information PE**
24. **Resolution to Return to Public Session (*to be resolved*)**

“That Council resumes in open meeting and decisions made in public excluded session are confirmed and made public as and when required and considered.”
25. **Release of Public Excluded Information**

Public excluded information that is approved for release during the Public Excluded session of this meeting will be included in the public minutes of this meeting, under Agenda Item 25.

Waitaki District Council

Council Hearings

**UNCONFIRMED MINUTES of Waitaki District Council Hearings
for Class 4 Gambling Venues Policy 2018 and the TAB Reviews 2018,
held in the Council Chamber, Third Floor,
Office of the Waitaki District Council, 20 Thames Street, Oamaru
on Tuesday 11 September 2018 at 2.31pm**

Present 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

In Attendance Fergus Power (Chief Executive)
Paul Hope (Finance and Corporate Development Group Manager)
Roger Cook (Building Services Manager)
Jason Evered (Environmental Services Manager);
Ainslee Hooper (Governance and Policy Advisor)

The Chair declared the hearings open, at 2.31pm.

Environmental Services Manager Jason Evered gave a brief summary of the purpose of the two hearings. He noted that two verbal and one non-verbal submission had been received on the Class 4 Gambling Venues Policy 2018, and no submissions had been received on the TAB Venues Policy 2018.

Class 4 Gambling Venues Policy 2018 Review

Speaker 1 – Tania Piejus (New Zealand Community Trust)

Ms Piejus noted that the gaming sector is regulated by Government in order to protect community interests. There was a high level of transparency, and best practice harm minimisation in place. The New Zealand Community Trust recommended that Council maintain the current caps on venues (2) and gaming machines (140); and that Council should broaden its current relocation clause to allow venues to move for their own business reasons as well as when forced to by extraordinary circumstances (the Trust provided a suggested alternative clause). Ms Piejus also noted that the vast majority of other councils did have such a relocations clause.

Speaker 2 – Jarrod True (Gaming Machine Association of New Zealand):

Mr True advised that the Association also supported the retention of the current population-based cap of 20 venues and 140 gaming machines; and was also asking Council to expand the relocation provision to enable existing venues to move to new, modern premises; to move to buildings that have a higher earthquake rating; and to move if the current landlord is imposing unreasonable terms.

Mr True noted that things were changing in the sector, as more and more gambling went online. People have always gambled and they always will. Facebook's major form of revenue is online gaming.

During the question and answer session with Councillors, discussion addressed issues of lobbying government about how online gambling was impacting local communities; the difficulties of policing the internet; and how banning advertising was perhaps the best that could be expected.

The Chair thanked both speakers for their presentations, and adjourned the hearings at 2.56pm.

At 4.07pm, the Chair reconvened the Hearings, in order for Councillors to deliberate on the two verbal and one non-verbal submission that had been received during the public consultation period.

The non-verbal submission had been received from the North Otago Cricket Association. It supported the existence of gaming machines, because the money collected from them also helps to support “public good” within the community. Such funding went to many clubs and activities which helped volunteers to continue their roles in the community, and helped reduce the costs of the games and activities to members of the public.

Two Councillors supported the request of the two verbal submitters about expanding the relocations clause, in a similar way to the clause used by the Gaming Machines Association. One highlighted the point made about not wanting to see businesses tied into leases and not be able to upgrade if they wanted to.

A third Councillor believed that Council needed to retain discretion over whether a business could be relocated. A fourth supported the policy as it was, but did see some merit in expanding the relocations clause.

When asked how often a request to relocate gaming machines would be likely to occur, Mr Evered advised that the current policy had not been called upon in the last three years. He also noted that, while there was a ceiling of the number of gaming machines in place that had not been reached, there was always the potential for a problem if it ever was reached.

The Chair then summarised the discussions, and asked that officers review Clause 7 of the Class 4 Gambling Venues Policy and draft an alternative to the current clause, taking account of the suggestions that, under some circumstances, businesses could relocate, for example, to a more appropriately sized venue; when there were Earthquake Prone Buildings issues involved; but also allowing the maintenance and retention of discretion for Council around the relocations.

The report regarding the adoption of the Class 4 Gambling Venues Policy, with some recommended alternate wording for Clause 7, would be prepared for the 30 October Council Meeting.

TAB Venues Policy 2018

Given that no submissions had been received on the policy, Councillors supported the view that a report could be prepared for the 30 October Council Meeting recommending that the policy be formally adopted without change.

The Chair then declared the hearings closed, at 4.13pm.

TO BE CONFIRMED at the Council Meeting to be held on the 4th day of December 2018 in the Council Chamber, Third Floor, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

Chairperson

Waitaki District Council**Extraordinary Council**

**UNCONFIRMED MINUTES of
an Extraordinary Meeting of the Waitaki District Council
held in the Council Chamber, Third Floor,
Office of the Waitaki District Council, 20 Thames Street, Oamaru,
on Tuesday 2 October 2018 at 10.03am**

Present	Mayor Gary Kircher (Chair), Deputy Mayor Melanie Tavendale, Cr Craig Dawson, Cr Peter Garvan, Cr Jeremy Holding, Cr Jim Hopkins, Cr Bill Kingan, Cr Hugh Perkins, and Cr Jan Wheeler
Apologies	Cr Guy Percival (leave of absence), Cr Colin Wollstein
In Attendance	Fergus Power (Chief Executive) Paul Hope (Finance and Corporate Development Group Manager) Lisa Baillie (People and Culture Group Manager) Lichelle Guyan (Heritage, Environment and Regulatory Group Manager) Bill Chou (Information Services Group Manager) Martin Pacey (Acting Assets Group Manager) Ainslee Hooper (Governance Advisor)

The Chair declared the meeting open at 10.03am, and welcomed the Chair and Chief Executive of Whitestone Contracting Limited who were in attendance to present the company's Annual Report to Council.

1. Apologies

RESOLVED
WDC 2018/188

Cr Bill Kingan / Cr Jan Wheeler
That Council accepts apologies from Cr Guy Percival (leave of absence) and from Cr Colin Wollstein.

CARRIED

2. Declarations of Interest

There were no declarations of interest.

3. Whitestone Contracting Limited – Annual Report 2017/18

The report, as circulated, proposed that Council receive the audited Whitestone Contracting Limited 2017/18 Annual Report, and also that a resolution be presented for the receipt of the report and the appointment of auditors, such resolution being in lieu of a shareholders' meeting.

Chairman Michael de Buyzer and Chief Executive Glenn Campbell were in attendance to present the Whitestone Contracting Limited Annual Report 2017/18.

The Chairman advised that the major highlight was the increase in both revenue and profit pre-tax which had been records for the company and had been achieved through a large number of projects. With respect to distributions, these were usually discussed after the Annual Report was presented and company directors were scheduled to meet with the Executive Committee on 1 November to have that discussion. He noted that, over the last ten years, the company had distributed \$4m back to the community through dividends, sponsorships, etc, and \$2.5 m of that \$4m had been distributed in the last five years, showing the healthy growth and performance of the company. For now, it was 'business as usual', and the company was continuing to tender for work in the lower South Island. It currently had

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three major contracts in progress – Kawarau bridge landscaping, which had just started; continued work at Lake Tekapo and sub-divisions there; and the Oamaru water main project, which had also just commenced. Maintenance contracts would also continue to be tendered for, and the company was looking at specialist technology to see if it could enhance performance. Announcements about that would be made at a later date.

The following points were highlighted / clarified during discussion between Councillors and the Directors present:

Non-financial performance was also impressive – there had been no lost days of productivity, and the health and safety culture of the company was also a highlight.

The amount of work for Council was \$3.6m in 2017; and was now \$5.5m. All of it had been tendered for. The Chairman advised that the company believed it was prudent to have both a diversified client base and maintenance contracts as well.

Cr Bill Kingan congratulated the company on the success of the Hamnak project, and the joyous occasion that the opening had been. Mayor Gary Kircher endorsed Cr Kingan's remarks, and noted that the performance of the company and its sub-contractors during the project had been excellent and filled Councillors with great confidence.

The wages of company employees and contractors that were spent in the community were also recognised as another means of contributions the company was making to the district.

Looking ahead, the Chairman noted that the company would need to remain nimble and responsive, and geographic spread of work would be important. There were opportunities in Central Otago, and WCL had purchased a company there (Dunstan Contracting) recently to be better able to capture them.

A turnover target of \$30m was still in place, but one of around \$25m – \$26m was probably more realistic at the moment. The key was quality project management.

RESOLVED

WDC 2018/189

Cr Bill Kingan / Cr Peter Garvan

That Council:

1. Receives the Whitestone Contracting Limited 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 Whitestone Contracting Limited.

CARRIED

Mayor Kircher officially passed on his congratulations to the WCL Directors and Chief Executive. He acknowledged the benefit that the company brought through employment, the dividend, and other sponsorship to the community. He also highlighted the 'coming of age' of a much better relationship between Council and the company this year, and praised Chief Executive Glenn Campbell for the work he and his team were doing in that regard, and the directors for supporting that. The Hamnak pipeline had been a significant success for the company and the district, and it epitomised the relationship between the company and Council that was now being enjoyed. The Mayor then wished the company well for the next year.

Councillors acknowledged the WCL Directors and Chief Executive through a spontaneous round of applause.

4. Omarama Airfield Limited – Annual Report 2017/18

The report, as circulated, proposed that Council receive the audited Omarama Airfield Limited 2017/18 Annual Report, and also that a resolution be presented for the receipt of the report and the appointment of auditors, such resolution being in lieu of a shareholders' meeting.

Director Mr Glen Claridge had intended to be in attendance to present the report. The Chair advised that, unfortunately, he had had to put in a late apology due to an urgent need to attend another meeting. He had, however, emailed through some comments to Group Manager Paul Hope.

Mr Claridge had noted that there was nothing remarkable in Omarama Airfield Limited's (OAL) annual report for the 2017/18 year. It continued to be a successful little operation. There was more happening now, with a new tenant in the café who was spending money to refresh the operation. OAL was continuing to look at options to generate extra revenue that were non-airfield-related, and further information on that would be provided in due course.

Cr Craig Dawson noted that activity in this industry was picking up and, with constricting capacity in Queenstown, it was expected that there would be strong movement from companies to other areas, like Omarama, in the next 2-3 years.

There was discussion about the \$16k accounting and auditing fees representing 10% of the company's turnover. It was noted that this was a disadvantage of the CCO model. The suggestion of forming a Trust was made. The Mayor said that could be done, but Council would first need to talk to the community about it, and the pros and cons would need to be identified. Group Manager Paul Hope concurred, but also noted that the directors had not raised it as an issue. Accounting fees would still need to be paid, and they were happy with the service they received. The audit fee was unfortunate, but it could not be avoided.

Mr Hope also acknowledged he had received correspondence from Chairman Clive Geddes who was recovering from surgery. He and the Board were keen to have a workshop with Council to discuss some of the ideas they had for non-airfield-related revenue. Mr Geddes had highlighted the potential of the café development, and that the Board was very happy with the new tenant. They had experience, and were making quite a significant investment into the café. It was seen as a very positive development for the airfield and Omarama in general. The workshop between Councillors and the OAL Board would be held before Christmas.

RESOLVED

WDC 2018/190

Cr Jim Hopkins / Cr Craig Dawson

That Council:

1. Receives the Omarama Airfield Limited 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 Omarama Airfield Limited.

CARRIED

There being no further business, the Chair declared the meeting closed at 10.27am.

TO BE CONFIRMED on the Council Meeting to be held on the 4th day of December 2018, in the Council Chamber, Third Floor, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

Chairperson

**UNCONFIRMED MINUTES of Waitaki District Council Hearings
for the Representation Review 2018,
held in the Council Chamber, Third Floor,
Office of the Waitaki District Council, 20 Thames Street, Oamaru
on Tuesday 9 October 2018 at 1.15pm**

Present Mayor Gary Kircher (Chair), Deputy Mayor Melanie Tavendale,
Cr Craig Dawson, Cr Peter Garvan, Cr Jim Hopkins,
Cr Bill Kingan, Cr Guy Percival, Cr Hugh Perkins, Cr Colin Wollstein,
and Cr Jan Wheeler

Apology Cr Jeremy Holding (leave of absence)

In attendance: Fergus Power (Chief Executive)
Lisa Baillie (People and Culture Group Manager)
Ainslee Hooper (Governance Advisor)

The Chair declared the hearings open, at 1.15pm.
He welcomed verbal submitter Geoff Keeling, and also acknowledged the presence of the media.

Mr Geoff Keeling:

Mr Keeling noted that he was generally supportive of the Representation Review proposal, but had enquired of Group Manager Paul Hope about what would happen to the rates of properties with the proposed boundary change between the Ahuriri and Corriedale wards. He believed his rates would increase by approximately \$2,500, and he asked Councillors to give some consideration to that. He believed that there were about 10-12 properties that would fall into a similar category to his (all large-sized farms).

The Chair noted that Mr Hope had provided some information to Mr Keeling about the rating amounts and some other points. The quantum of the rates change for Mr Keeling had been a bit of a surprise, but there would be 'swings and roundabouts', and some other ratepayers could receive a reduction. Generally, Corriedale does not have many parks and gardens, but Ahuriri had more, so those costs would go up – but Corriedale residents affected by the boundary change would also get to enjoy the Ahuriri ones more. On the flip side, people in Corriedale paid more for libraries, the museum and gallery, and the aquatic centre, so once in the Ahuriri ward, those costs would go down, but they would still be available for use. Mr Keeling acknowledged those points.

One Councillor asked Mr Keeling if he had any other suggestions for how Councillors might address the matter, in addition to them telling him they were deeply sorry for the unintended impact on his rates of the Representation Review proposal. Mr Keeling said he recognised it was a difficult issue, and that Councillors were not likely to be able to isolate out a pocket of 10-12 properties. He wondered about a differential of some kind.

During further discussion, it was noted that:

- A rates review could be an option to consider the matter further.
- The other property owners who could face a similar rates impact had not submitted, but Mr Keeling had contacted them all, although very late in the consultation process.
- There were different rates in each ward for capital and land values.
- There was an additional cost for the community board in Ahuriri. However, Duntroon would also have the opportunity, with the boundary change, to be elected to be on that community board, and many business owners were very interested in that.
- The community visioning meetings that had been held in Duntroon were very well attended, and ratepayers there were passionate about and interested in being part of the wider vision and plans for the Ahuriri Valley area. The strengthening of the community of interest between Duntroon and the Ahuriri ward had been recognised as an important benefit of the Representation Review

proposal, which had been acknowledged in other submissions (including one from the Duntroon and Districts Development Association).

The Chair thanked Mr Keeling for coming to speak to his submission. Some good points and questions had been raised and discussed.

Deliberations

The Chair directed Councillors to the non-verbal submissions (four of them), and to the deliberations memorandum that had been circulated.

It was noted that the non-verbal submissions were uniformly positive and in support of the proposal.

The low number of submissions was seen as validation of the Initial Proposal. The one submission that was opposed was about the change between the Ahuriri and Corriedale ward boundary only (not on any other aspect) and it was opposed on financial and rating grounds, not on Representation Review issues.

The Chair also highlighted the final discussion point with Mr Keeling – that, during his discussions with Council today, it appeared that his opposition to the boundary change was not due to the representation review issues, but instead was due to Mr Keeling wanting some sort of amelioration on the rates issue when the next rates model was run, if possible. Accordingly, there were two parts to the matters before Council today – (a) the purity of a system of representation; and (b) the rating that comes out of it.

Councillors then discussed their views on whether the two parts needed to be different conversations. It was noted that, for Council to make the best decision for representation purposes, then the properties were best located in the Ahuriri ward. It would be immensely difficult, and potentially challengeable, to split the properties across the boundary line, and that was certainly not something that Council could decide today because it had not been part of the proposal. To do it a fair way and arrive at a result, then the costs in Ahuriri would need to be investigated.

It was also noted that a lot of figures for properties had been quoted today, but there was no actual figures in front of Councillors that they could consider as part of the deliberations process. It was AGREED that a report on the implications for properties arising from the Representation Review's proposed boundary change should be sought, for future consideration.

ACTION: Group Manager Paul Hope and Accounting Manager Ian Wells

The Chair then summarised the deliberations discussions, as follows:

The Representation Review Initial Proposal which had gone out to the public for consultation redresses a representational imbalance in the Waitaki district. The Ahuriri ward fell outside of the representation criteria, but approval had been given for that in the past. Now, following a legislation change, any such variation beyond the +/- 10% rule had to go to the Electoral Commission for a decision, whether it was appealed or not. It was clear that the proposal that went out to the public reduced the extent to which Ahuriri is outside of the required representation rule, but it is closer to what Parliament expects. There have been unintended consequences (ie the rates impact), but the extent of that was as yet undetermined. A rates review is a legitimate way of ameliorating a rates equity issue, so we have asked our officers to give us the best estimate of the impact of the proposed changes as well as options to consider at a future date, if we choose to do so.

The key question now is: "Is there any reason to change what has been put out there already as a representation proposal?" The best answer appears to be "no".

Councillors endorsed the summary, noting that the rating problem could be dealt with in the Annual Plan next year; the proposal had largely been endorsed by the community as evidenced by the lack of opposition; it redressed an imbalance and a divergence from the preferred legislated guidelines.

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Importantly, Mr Keeling had not raised any issues around the representation itself – he had said that he generally supported it; his problem was with a consequence of it.

Accordingly, the Chair ruled that Councillors were in AGREEMENT that submissions had been heard and considered; that a very low number of submissions indicated that people in the district were not against what Council had proposed; and therefore that the Initial Proposal should become the Final Proposal and the report coming to the 30 October Council Meeting should recommend that.

The Chair then sought a mover and seconder to the recommendations in the deliberations memorandum.

RESOLVED

WDC 2018/191

Cr Jim Hopkins / Deputy Mayor Melanie Tavendale

That Council:

1. Receives the information;
2. Receives and notes the Initial Proposal Consultation Document;
3. Notes the legislative framework for deliberations on the Representation Review 2018;
4. Notes matters arising from submissions during the hearings on 9 October 2018;
5. Directs officers to prepare recommendations based on the deliberations, for presenting to the 30 October 2018 Council Meeting for adoption of Council's Final Proposal on the Representation Review 2018.

CARRIED

As a final comment, the Chair acknowledged that the Representation Review had been a complicated process, and he thanked the Governance Advisor and Group Manager Lisa Baillie for their concerted efforts, along with Electionz, to facilitate its progress through the various legislative steps.

The Chair then declared the hearings closed, at 1.55pm.

TO BE CONFIRMED at the Council Meeting to be held on the 4th day of December 2018 in the Council Chamber, Third Floor, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

Chairperson

Waitaki District Council

**Council Hearings on the Dangerous and Insanitary
 Buildings Policy Review and Alcohol Bylaw Ban
 2018**

**UNCONFIRMED MINUTES of Waitaki District Council Hearings
 held in the Council Chamber, Office of the Waitaki District Council,
 Third Floor, 20 Thames Street, Oamaru
 on Monday 29 October 2018 at 11.00am**

Present	Mayor Gary Kircher (Chair), Deputy Mayor Melanie Tavendale, Cr Craig Dawson, Cr Peter Garvan, Cr Jeremy Holding, Cr Jim Hopkins, Cr Guy Percival, Cr Hugh Perkins, and Cr Jan Wheeler, Cr Bill Kingan and Cr Colin Wollstein
Apologies	Cr Jeremy Holding (leave of absence), Cr Guy Percival
In Attendance	Fergus Power (Chief Executive) Roger Cook (Building Services Manager) Jason Evered (Environmental Services Manager) Ainslee Hooper (Governance and Policy Advisor) Eden Maher (Executive Assistant)

At 11.04am, the Chair declared the hearings open, and welcomed everyone present.

1. Dangerous and Insanitary Buildings Policy Review

Building Services Manager Roger Cook introduced the policy review process, and advised that no submissions had been received during the public consultation on the policy. In the absence of submissions, he advised that officers believed the policy is fit for purpose without change.

Councillors endorsed Mr Cook's view, and the Chair ruled that there was agreement that the report to the 4 December 2018 Council Meeting could recommend that the policy be adopted without change.

RESOLVED
WDC 2018/192

Cr Jim Hopkins / Cr Craig Dawson

That Council:

1. Receives this information
2. Receives and notes the Public Consultation Document;
3. Notes that there were no submissions received during the consultation process;
4. Directs officers to prepare recommendations based on the deliberations, for presenting to the 4 December 2018 Council Meeting for adoption of Council's Dangerous and Insanitary Building Policy.

CARRIED

2. Alcohol Ban Bylaw 2018

Environmental Services Manager Jason Evered introduced the Alcohol Ban Bylaw review process, and advised that three submissions had been received during the public consultation period, all of them positive. He highlighted the fact that the Bylaw proposed to include Otematata and Omarama for a year-round ban, rather than just during the Christmas period. Mr Evered also noted that part of the promotion of the consultation on the bylaw had been done through Facebook, so a copy of posts through that social media channel had also been included with the submissions and the deliberations memorandum that had been circulated for these hearings.

The Chair tabled and circulated a copy of a letter from Bill Dean to the Chief Executive dated 9 February 2017, in which Mr Dean referred to previous submissions he had made to Council in relation to the liquor ban in the harbor area and reiterated his view that the matter should be revisited and specifically the liquor ban removed from the harbour area, given the changed nature of activities there now, the greater use of it for commercial and family-friendly activities, and the fact that there are other ways that drunkenness and other public disturbances were being addressed. The Chair advised that Mr Dean had made specific requests to him and the Deputy Mayor for consideration of these views, so that is why a copy of his letter was being tabled at these hearings. The Deputy Mayor advised that she had recently been talking to Mr Dean about the matter, and that Mr Dean has not changed his stance since writing the letter.

The Chair said it was up to Councillors about whether to accept it as a submission and take the points raised in it into consideration today. When asked, Mr Evered advised that he had sent Mr Dean an email at the commencement of the consultation period, which was along the lines of "you previously had a view on this matter, so would you like to make a submission?". No reply or submission had been received.

The Chair called for an indication from Councillors about whether they felt that Mr Dean's letter should be accepted or rejected as a submission on the Alcohol Ban Bylaw 2018.

A clear majority of Councillors wished to reject it.

DECISION:

The Chair declared that Mr Dean's letter would be REJECTED as a submission on the Bylaw.

Discussion then turned to whether the Facebook comments should be accepted as official submissions.

One Councillor believed they should be, because Council wanted to hear from the community and people were engaging with Council through social media channels as well as the website submission process. It was also suggested that, through the Chief Executive, it was time for a Council discussion on this matter, so that a policy view could be agreed.

Chief Executive Fergus Power advised that the Ombudsman had made an official determination regarding social media and requests made online, in that they are to be regarded as official communications with councils and must be considered. Mr Power assumed that submissions made on social media would be captured by that determination, but said he would confirm that.

ACTION: Chief Executive

Another Councillor noted that there was an expectation of the submissions process that people took some trouble to inform themselves about the subject before submitting, yet some of the social media comments were an abuse of that process. He endorsed the suggestion that a policy on this issue was needed.

It was noted by another Councillor that there would need to be minimum requirements if social media comments were accepted – eg people would need to identify themselves, advise whether they wanted to be heard or not; and specifically state whether they are for or against

UNCONFIRMED MINUTES – Council Hearings, 29 October 2018
Dangerous and Insanitary Buildings Policy Review and Alcohol Bylaw Ban 2018

what is being proposed. The difficulty was not necessarily the platform, but the way social media submitters were responding – their position and views were frequently not clear.

The Chair acknowledged the views shared, and noted that, fundamentally, there was nothing in the social media comments that was likely to change anyone's views on what the Bylaw states – they were not saying the ban should be here or there.

The Chair believed there was a need, in due course, to have a proper debate about submissions, and specifically what constituted one. If Council wanted to consider social media, then should it be only on Council's Facebook page and official channels (rather than social media posts from elsewhere)? Should Council pose questions that people could answer directly on social media, for example? Council needed to go where the people are, and they are on social media. That said, it was a discussion for a future workshop, and the Chair ruled that it was not relevant to the hearings discussions today.

ACTION: Workshop to be arranged

MOTION

Deputy Mayor Melanie Tavendale moved the recommendations in the deliberations memorandum but with an amended point 3 that had additional words of "and Councillors were supplied with various comments from Council's Facebook page".
Cr Jim Hopkins seconded the motion.

Discussion on the motion:

The Deputy Mayor believed it was important to acknowledge the social media comments had been made, and point 3 did not currently do that (it referred only to "submissions").

Another Councillor was of the view that Council had different levels of consultation that generated submissions and Facebook comments, and therefore those two different platforms should not be treated the same. He suggested that social media comments be referenced as a separate point 4, not an extension of point 3.

Other Councillors felt that Facebook posts and emails should be taken notice of, especially if Council had invited them.

The Chair reiterated that the Deputy Mayor's motion was just about noting the social media comments had been included as information to Councillors, and was not about accepting them as submissions.

Cr Jim Hopkins also noted that all three submitters had also proposed a name change to the bylaw, and Council needed to consider and agree a view on that point, too. The Chair suggested that discussion happen now, so that the final recommendations could be moved, with or without amendments, at the same time.

Two Councillors supported not changing the name, one specifically because the negative, tougher message of a "ban" was better and far clearer. Several Councillors spoke in favour of keeping the name of the bylaw as a "ban". However, there was a suggestion that perhaps signage around the alcohol ban areas could say "alcohol-free zone", if that had legal status. Mr Evered said he would need to seek confirmation of that. It was also suggested that finding out what other councils were doing about signage would be a useful exercise.

Another Councillor believed that different signage would be confusing, and believed there was a need to stay with the word "ban" for everything.

The Chair ruled that the suggestion of a name change be left for the 4 December Council Meeting to determine, when further information would be available.

UNCONFIRMED MINUTES – Council Hearings, 29 October 2018
Dangerous and Insanitary Buildings Policy Review and Alcohol Bylaw Ban 2018

The Chair then put the motion as the substantive motion, and it was resolved as follows:

RESOLVED
WDC 2018/193

Deputy Mayor Melanie Tavendale / Cr Jim Hopkins

That Council:

1. Receives the information;
2. Receives and notes the Initial Statement of Proposal;
3. Notes that there were three submissions received during the consultation process, and Councillors were supplied with various comments from Council's Facebook page; and
4. Directs officers to prepare recommendations based on the deliberations, for presenting to the 4 December 2018 Council Meeting for adoption of the Waitaki District Alcohol Ban Bylaw 2018.

CARRIED
AGAINST: Cr Jan Wheeler

Cr Jim Hopkins then moved: "That Officers report on the design and wording of signage". The Chair called for a seconder, and no one responded. The motion was declared LAPSED in the absence of a seconder.

It was suggested that a resolution was not required – Councillors had put forward the idea, and it was up to officers whether they did anything in response as they had delegation in what was a matter of low importance.

The Chair thanked Councillors, Mr Cook and Mr Evered, and noted that reports on the outcomes of both hearings and deliberations would come back to Council on 4 December for final decisions.

The hearings were then declared closed, at 11.50am.

TO BE CONFIRMED at the Council Meeting to be held on the 4th day of December 2018 in the Council Chamber, Third Floor, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

Chairperson

Waitaki District Council**Council**

**UNCONFIRMED 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**

Present	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
In Attendance	Fergus Power (Chief Executive) Neil Jorgensen (Assets Group Manager / Deputy Chief Executive) Paul Hope (Finance and Corporate Development Group Manager) Lichelle Guyan (Heritage, Environment and Regulatory Group Manager) Ainslee Hooper (Governance and Policy Advisor)
Part Attendance	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 Roading 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. Seconder 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 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 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.

The Chair advised that he had to leave the meeting to attend to an urgent matter. Deputy Mayor Melanie Tavendale assumed the role of Chair in his absence.

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 Chair.

FOR: Cr Jim Hopkins, Cr Jan Wheeler

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

The 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 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.

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 WDHS 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, WDHS 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, 0 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) (The disclosure of the information would cause unnecessary personal embarrassment to the persons concerned.)
26. North Otago Irrigation Company Directorship PE	To enable the Council to carry out commercial negotiations without prejudice or disadvantage.
27. Oamaru Whitestone Civic Trustee Appointment PE	Section 48(1)(a) (Premature disclosure of the information would detrimentally affect the Council's position in the negotiations.)
28. Kurow Duntroon Irrigation Company (KDIC) – Contract Loan Update PE	
29. Decisions Regarding 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.

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.

TO BE CONFIRMED at the Council Meeting to be held on the 4th day of December 2018 in the Council Chamber, Third Floor, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

Waitaki District Council**Council Meeting (additional)**

**UNCONFIRMED MINUTES of an additional meeting of the
Waitaki District Council held in the Council Chamber, Third Floor
Office of the Waitaki District Council, 20 Thames Street, Oamaru
on Tuesday 13 November 2018 at 10.30am**

Present	Mayor Gary Kircher (Chair), Deputy Mayor Melanie Tavendale, Cr Craig Dawson (from 10.35am), Cr Peter Garvan, Cr Jeremy Holding, Cr Jim Hopkins, Cr Bill Kingan, Cr Guy Percival (from 10.38am), Cr Hugh Perkins, Cr Colin Wollstein, and Cr Jan Wheeler
Apologies	Cr Craig Dawson and Cr Guy Percival (for lateness)
In Attendance	Fergus Power (Chief Executive) Paul Hope (Finance and Corporate Development Group Manager) Lisa Baillie (People and Culture Group Manager) Ainslee Hooper (Governance and Policy Advisor)

The Chair declared the meeting open at 10.30am, and welcomed everyone present.

1. Apologies

RESOLVED
WDC 2018/232

Cr Jeremy Holding / Cr Hugh Perkins
That Council accept apologies for lateness from Cr Craig Dawson and
Cr Guy Percival.

CARRIED

2. Declarations of Interest

There were no declarations of interest.

3. North Otago Irrigation Company Limited Annual Report 2017/18

The report, as circulated, supplied the audited North Otago Irrigation Company Limited (NOICL) 2017/18 Annual Report to Council.

The Chair welcomed new NOICL Chairman Mr Matt Ross and Commercial Manager Mr Stephen Craig-Pearson to the meeting. They provided Councillors with an overview presentation of the 2017/18 year, which referred to operational and strategic matters, and also outlined the company's plans for the next irrigation season and beyond.

Cr Craig Dawson joined the meeting, at 10.35am.

Cr Guy Percival joined the meeting, at 10.38am.

Key highlights in the NOICL presentation included:

- NOICL was now fully operational, and focused on providing a reliable service and looking after its customers.
- Revenue had increased 42% over the previous year.
- The company had had a \$10.25m revaluation gain, and now had its strongest ever balance sheet.

The focus for 2017/18 had been on:

- health and safety (and specifically, a 'zero harm objective');
- its people (strengthening commercial and operational functions; and a focus on attracting and retaining talent)
- consolidation of the expansion build, both financially and operationally; cost management; and water quality.

NOICL's Environmental Strategy

- Was about farmer involvement / commitment.
- Water quality monitoring
- Science extension and practice improvement
- Innovation and experimentation.

Strategic Priorities

- Sale of remaining shares
- Long-term capital structure
- Asset management maturity
- Environmental leadership.

The final comment in NOICL's presentation to Council was:

"The Expansion Project is complete and the scheme is now transitioning into a stronger infrastructure company. Our vision is to underpin strong farms in a thriving Waitaki community. Thank you for your support."

Councillors then discussed with NOICL representatives their plans for selling shares, which would begin with a stakeholder meeting the following day to basically relaunch the company. It was noted that the scheme had run well and reliably over the past 12 months, and there was now an "amazing bit of infrastructure" in place which had changed the landscape. The company would now move into proactive asset management. It would also be aiming, ultimately, to have the same product for all shareholders. There were some historic issues to overcome, but the company was keen to find a solution regarding parity of water supply.

The Chair thanked Mr Ross and Mr Craig-Pearson for their excellent presentation. He wished them all the very best for the next stage of development as the company grows. He acknowledged that the achievements thus far were the realisation of a decades-long dream of North Otago farmers to get water into the district, and it was very pleasing to see where things stood now. NOICL was now a leader with its environmental strategy, and Council was delighted to see that happening.

Mr Ross thanked the Chair for his complimentary words and for Council's ongoing support. He too shared the view that it was a dream that had turned into a reality, and he was very proud of NOICL and the team for daring to dream that it could happen.

RESOLVED
WDC 2018/233

Cr Bill Kingan / Cr Colin Wollstein
That Council receives the North Otago Irrigation Company Limited 2017/18 Annual Report.

CARRIED

Mr Ross and Mr Craig-Pearson left the meeting.

4. Schedule of Meetings for 2019

The report, as circulated, supplied the proposed Schedule of Meetings for 2019 for approval. Group Manager Lisa Baillie introduced the report, and thanked the Governance Advisor for the work and effort that had gone into it.

Deputy Mayor Melanie Tavendale referred to the report's reference to Youth Council Meetings to be added once dates were confirmed, and advised that a decision had been taken to hold Youth Council Meetings every four weeks (rather than every calendar month). It was also noted that they would commence in February (rather than March).

ACTION POINT: Governance Advisor to be supplied with the Youth Council Meeting dates for including in the Schedule

Cr Jan Wheeler passed on a message from the Waihemo Community Board Chair Kathy Dennison about the nature of advance discussions with the Community Boards on the content of the Schedule. The Chair advised that each of the Community Boards had responded differently. The Ahuriri Board had seen the reasoning behind what Council had proposed to do (by moving to a bi-monthly meeting schedule for Community Boards instead of meeting every 6 weeks). Specifically, it would enable workshops and other informal meetings to happen in between formal ones, where community boards could talk directly to officers about what needed to happen so that agenda reports could then be written to get the necessary resolutions in place for the activities to be progressed. It would be a more streamlined, efficient process.

Governance Advisor Ainslee Hooper confirmed that she had discussed the contents of the schedule with the Community Board Chairs before it was finalised for inclusion in the Council Meeting agenda. Mrs Dennison had expressed concern at the long distance between the final Board meeting on 10 December and the first one on 5 March 2019. Council's Committees Day Meetings would have the same issue – the last set of meetings would be held on 20 November 2018 and the first set of Committee Meetings would be in February 2019. Ms Hooper had passed on Mrs Dennison's concerns to the Mayor, who had suggested that a priority meeting of the Waihemo Community Board could be scheduled in February if required, and the Chair could contact the Governance Advisor to arrange that. A decision to hold such a priority meeting in February would need to be mindful that staff and managers could still be on leave through to the end of January, which could compromise agenda report-writing given that the Waihemo Community Board required a ten-day advance agenda distribution because it was posted to Board members rather than distributed electronically.

Cr Craig Dawson said the Ahuriri Board Chair had initially had similar concerns about the distance between meetings, but in conversation with other members, had realised that it provided more opportunity to have time to discuss matters amongst themselves, sort out their priorities and engage with the communities, and have more interaction with officers to be able to progress matters. Collectively, the Ahuriri Board had decided it was a 'good move forward', especially with the Community Board plans now being developed.

The Chair said that he believed the Schedule presented a good balance across the year. He acknowledged that the hope of having every second Tuesday with nothing scheduled on it may be less realistic as the year unfolded (given the experience of 2018), and probably would not last. However, it was up to Councillors to state which workshops were important to them, and to ensure that they were incorporated into the scheduled opportunities in the best way possible.

The Chair then thanked the Governance Advisor for her late night work to develop the Schedule in addition to her other work. He acknowledged that it was not easy juggling all the various commitments for meetings and workshops, as well as national events.

RESOLVED
WDC 2018/234

Cr Jim Hopkins / Cr Craig Dawson
That Council adopts the Schedule of Meetings for 2019.

CARRIED

The Chair adjourned the meeting, at 11.14am. The public and media left the room.

The Chair reconvened the meeting, at 11.30am, and welcomed the Chair, other members of the Waitaki District Health Services Limited Board, and the new Chief Executive to the meeting.

5. Waitaki District Health Services Limited Annual Report 2017/18

The report, as circulated, supplied the audited Waitaki District Health Services 2017/18 Annual Report to Council and presented a resolution for its receipt and the appointment of auditors, such resolution being in lieu of a shareholders meeting.

Chairman Chris Swan took the report as read, and then provided an overview of the year's activities.

There was then considerable discussion about the Board's media statement the previous day which had talked about changes to the sourcing of meals, but had not provided any reasons for it. The Chair advised that that was generating a considerable amount of feedback from the community, and he asked Mr Swan to clarify the Board's plans and the reasons for them.

Mr Swan explained that all aspects of the hospital had been reviewed since the arrival of the new Chief Executive, and meals were included. The Board had considered their supply to be non-core, and agreed that if someone with the relevant expertise could provide it better, then negotiations would be entered into. The Board had set specific criteria aligned to its goals – the supplier had to be local (employing local people and sourcing local produce); they needed to have very strong expertise in this area; meals had to be freshly plated or supplied; there had to be significant savings attached to it. Indicative pricing from other suppliers had been obtained. Deloitte had done a review of the current food contract, and concluded that \$145K - \$150K could be saved for the remaining portion of this year, and an estimated saving of \$250k in a subsequent full year based on the indicative pricing received. The new financial controller at the hospital had also reanalysed the figures, and the Board is confident that that information is correct.

Other discussion points included providing extra health services in order to get back to a break-even point; seeking additional revenue contracts (eg with ACC); operating better and the HR processes in place to communicate with staff and unions about any changes proposed; the appointment of a new clinical director which would reduce the past reliance on locums; financial modelling and funding from the Southern District Health Board; the greater emphasis on community services, including the new hub; and capitalising on opportunities to generate more revenue (in radiology, with new scanner).

As final comments, the Chair noted that there was a lot of angst in the community about the meal outsourcing and also about staff morale, and that communications were very important at such times. Councillors acknowledged that there were matters that could not be discussed (eg for staff/HR and confidentiality reasons). However, Councillors were unanimous in a request that the Board consider all opportunities for communicating better. The public needed to be taken along on this particular journey and it was important to keep them involved. The company's relationship with its staff was a management issue for them, so it was their call as to what communication was appropriate. Council believed there was more the Board could do, and the Chair encouraged Board members to be mindful of the things that they were doing and how they were being perceived and communicated to other parties.

Mr Swann and WDHSL Board Members and Chief Executive confirmed that they had heard and accepted the Council's request with regard to future communications.

RESOLVED
WDC 2018/233

Deputy Mayor Melanie Tavendale / Cr Colin Wollstein
That Council:

1. Receives the Waitaki District Health Services Limited 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 Waitaki District Health Services.

CARRIED

There being no further business, the Chair declared the meeting closed at 12.05pm.

TO BE CONFIRMED at the Council Meeting to be held on the 4th day of December 2018 in the Council Chamber, Third Floor, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

Chairman

Waitaki District Council Memorandum

From Mayor Gary Kircher

Date 4 December 2018

Mayor's Report

Recommendation

That Council receives and notes the information.

Purpose

The following comments are provided to bring Councillors and the public up-to-date with a number of issues and happenings that have arisen since the last Council meeting on 30 October 2018.

Oamaru Harbour and Heritage Quarter Strategy – Update

By the time of this meeting, the official period for information from the public will have finished. We have had a very good response, and there have been many good suggestions come forward on what people want to see, or do not want to see, for the future of our harbour and surrounding area. The challenge will be to now put this information together in a draft plan. We will have some assistance to do that, and I will be suggesting that several representatives from stakeholder groups join us to give their perspectives on what will and will not work.

I am very pleased that so many people have engaged, and look forward to the work required to shape it into a plan!



An engaged crowd at the public meeting

The official 're-opening' of the Phoenix Mill Water Wheel

It has been six years in the making, though to be fair, a good part of that was just delay as the project found its feet and got underway properly. The water wheel had been taken down and dismantled, and for some reason had been removed to the foreshore beside our old freezer building. It languished there until the chair of the trustees, Carol Berry, was able to get the project progressing again. My Executive Assistant at the time was Mandy McIntosh, and she ended up with the unenviable task of getting much of the work done behind the scenes which would allow the work to commence on the wheel itself. If it had not been for these key people, the wheel would still be sitting where it was.

The many plans, approvals, funding issues, logistics and compliance matters were taken care of by Mandy, and Carol was also key in helping get the necessary funding. That allowed the physical work to proceed, and the skills and craftsmanship of Mike Firman and Allan Finlay were indispensable as the men and their volunteer helpers did the actual work on the wheel. Their work earned the praise of

Heritage New Zealand's regional archaeologist Matt Schmidt, who praised the quality of work, and the relatively hassle-free way that our people had gone about the project.

It was a huge pleasure to be part of the 'opening' event, and the gathered crowd enjoyed the opportunity to welcome back the wheel for another century of community appreciation.

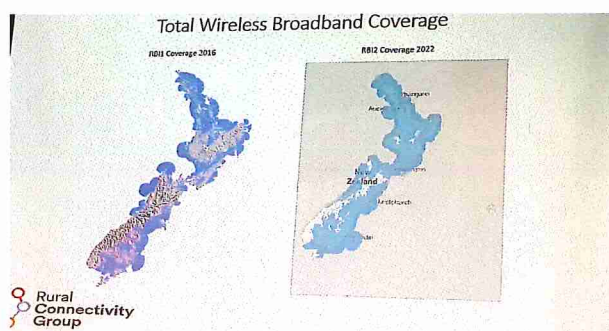


Phoenix Mill Water Wheel Trust chairwoman Carol Berry speaks at the opening



Rural broadband improvements

The image below shows the expected increase in broadband across the country, comparing Rural Broadband in 2016 with what is expected in 2022 after the RBI2 initiative is completed. This is most encouraging for many reasons, not the least for our big businesses such as farms, and for tourism. The uses of internet keep growing as people's imaginations keep thinking of new ways to make businesses easier and smarter. It is very good progress!



Working with DoC

Recently, Chief Executive Fergus Power and I met with Lou Sanson, Chief Executive of DoC. Mr Sanson had asked me to meet with him to talk about the possibility of working with us to get the Ahuriri Valley road better maintained. The good thing is that he is not expecting us to do it alone. It was an opportunity for us to look at a number of things, so I raised them with him. These included discussions on Grave's Track, and managing the reserve land inside Omarama's boundary which is important in the future planning for Omarama. We also discussed the need for a toilet at Moeraki Boulders car park, which we perhaps could help with if we got TIF funding for our contribution towards the cost of construction. The discussions went extremely well, and I think we have the opportunity to work closely with DoC to help each other. It was a refreshing exchange of ideas, and one which could see us create a stronger relationship.

Making it count in Waitaki

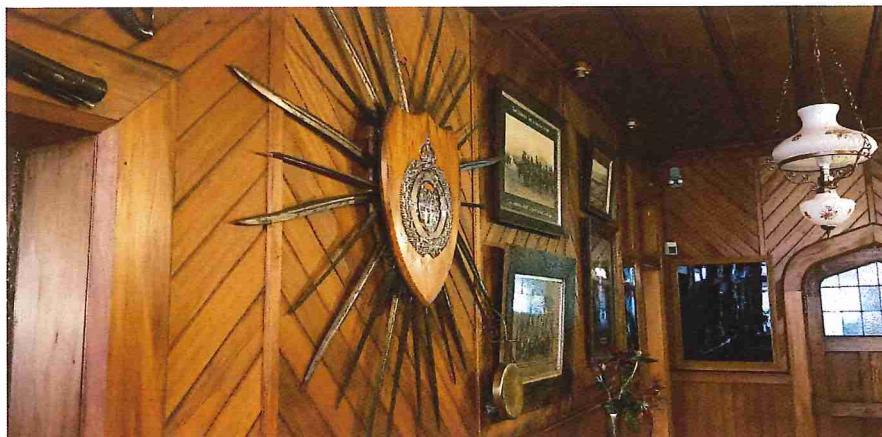
While we were in Wellington, Fergus and I also met with Stats NZ to discuss the census. The figures released recently, showing Waitaki grow by 100 people, were just the annual predictions based on 2013 data, with administrative information added (school roles, births, deaths, PHO information etc.) The 2018 census results are still to be released, and I am sure it will be interesting! Hopefully it will be accurate as well.... We have a good connection with Stats NZ now, and that could serve us well in future.



A visit to Kuriheka

A group of Councillors and other guests took the opportunity to visit Kuriheka, one of the historic treasure troves that hides a lot of secrets in the old homestead. It was my first visit inside the homestead itself, and like most of us, I was blown away with the size and variety of heritage items in the collection there. Sadly, some of the original collection has gone, and the homestead itself is in need of better care and attention. But what we saw would have to be one of the greatest privately owned collections of old militaria and anthropological artefacts in New Zealand. It is a shame that it is not shared with more people and one can only wonder what its future might be. I just count myself lucky to have been able to see it while it is still there.



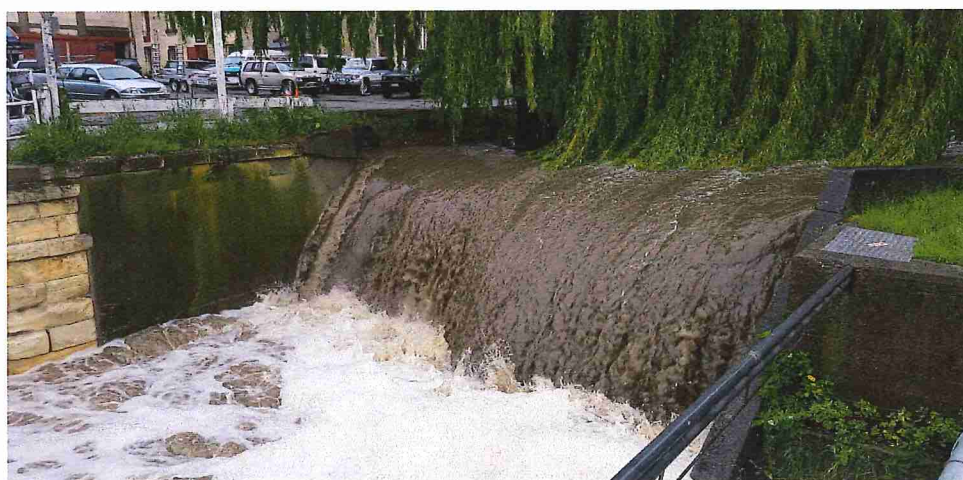


Some of the impressive rooms at Kuriheka

The latest flooding, and the clean-up

In yet another flood event, or series of events as it turned out to be, Waitaki again suffered damage to its infrastructure, and land. This event was unusual for its 'on again, off again' rainfall, which caused rivers and streams to rise and fall several times over the week. It has left us with the clean-up, and with once again adding up the bill.

Overall, our roading network withstood a lot of what was thrown at it. The most costly damage is probably on Westview Drive at Weston, where a suspected culvert collapse caused flooding and a road blowout. The road repairs will cost an estimated \$250k, and the peripheral damage may be close to that. Our contractors are busy as they get on with repairs. We should be working with our various contractors to get information together on which parts of our infrastructure are getting damaged each time we get these rainfalls. If there is preventative maintenance that we can put in place to minimise repairs in future, and they are cost-effective, it may be time we got on and made those improvements. It has worked well with our roading resilience, but it could be applied to other assets such as pathways,



Oamaru Creek by Meek's Mill

Sand sausages and uncomfortable results

The sand sausages that were our coastal protection solution north of Holmes Wharf have come to an early and messy end. After waiting a long time for nature to remove some of the excess stones on the beach, the sausages were filled with sand and placed on the beach. But they did not stay covered for long, and the merciless sea has ripped into them. The sand has been washed from many of the sausages, and the remnants lie there like yesterday's sodden Oamaru Mail that was left in the rain.

The reactions from some members of the public have not been complimentary, as the sand sausages variously get described as a waste of ratepayers' money, environmental pollution, and worse. It is time we got on and cleared them out of the way, and replaced them with tried and true rock armouring instead. I am expecting a report on this to come to Councillors soon, and we should also get a report on what went wrong in this case. It is something that we should do our best not to repeat in future.



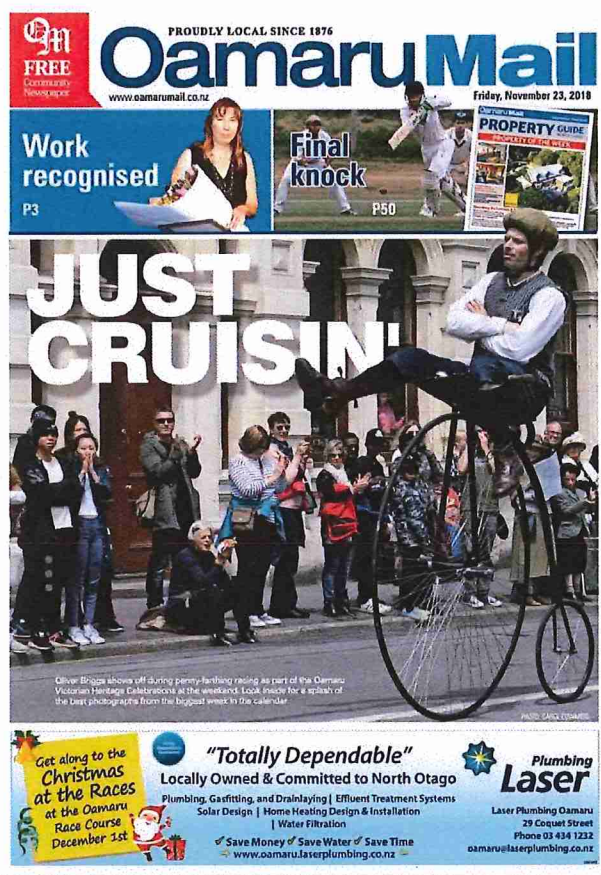
To be removed...

Oamaru Mail deliveries

Since it became a free, weekly paper, the Oamaru Mail has been plagued with problems of non-delivery. It has been a regular topic of conversation between locals, whether in person, or on social media. Anytime there has been a post on Oamaru Today (and there have been many), there has been a long and loud chorus from the numerous people who have not received a copy. Some miss the occasional one, others receive the occasional one, and quite a few have not seen one in a long time.

Some may say, what does it matter? It is a free paper, and people can get their news in other ways. But the fact is that this is one of the main methods that many people in our community find out what is going on around the district. And then there are the advertisers who pay good money on the basis that they are getting their message out to almost every household around Waitaki. That includes us, with our Link and Noticeboard being placed in the Oamaru Mail too.

Being a glutton for punishment, I have said to the public that I would see what I can do. There have been a series of delivery systems for the paper, but none seem to have been able to give the public the assurance that they will get their paper each week. Hopefully, we can get that sorted...



A vital cog in our community's cohesion

HMHS Maheno

Armistice Day this year was a very special one. It marked the centenary of the first Armistice Day, when fighting in Europe ceased, and the Germans and their allies surrendered. This year, well-attended ceremonies were held around New Zealand, and Waitaki was no exception. There was one in Palmerston, Oamaru, and Maheno.

I was invited to the Maheno one, so I handed over responsibility for the Oamaru service to our Deputy Mayor, who led that one very well. Special thanks to Melanie, and to Cr Hopkins who was MC for the service. Also, a big thank you to my Executive Assistant Leanne Kingan for all of her wonderful organisation of that service, which went smoothly.

At Maheno, the service had special significance, with a strong contingent of Aussies over to commemorate the special connection between Maheno and Fraser Island, where the wreck of HMHS Maheno lies to this day. The hospital ship helped save many lives as it transported thousands of wounded soldiers from WW1 battlefields such as Gallipoli, and it has continued to be an inspiration to many. A replica plaque was unveiled – a replica to the one unveiled on Fraser Island two years ago. There were speeches from a number of people who had ties to the ship, including several who admitted that they were only alive today because of their relatives who were saved by the Maheno. It was a moving service, and a privilege to be at.



The impressive plaque telling the story of HMHS Maheno



Kiwis can fly! The NZ Air Force's NH90 transported some of the armed forces personnel and VIPs, and it was definitely a crowd favourite on the day.

East Otago High School – Ignite Palmerston

Our southern-most high school has been running an interesting programme for its Year 7 and 8 students, called Ignite East Otago. The school gained 153 hours of professional development funded by the Ministry of Education. That gave them a facilitator at school on a regular basis to help with the delivery of that professional development. This term the facilitator has worked closely with Y7/8 classes as they developed an exciting new programme which they called “Ignite East Otago.”

This has involved them getting together in small groups, and working on ideas that they think could improve life in their town. There were some pretty cool ideas, and some with real merit which not only could be put into action, they are getting them done! This included environmental projects, economic development projects, and social projects. Deputy Mayor Tavendale and I took the opportunity to visit them and we were given a tour of their various presentations. Well done to the students involved for their quality work!



Some of the student groups involved in Ignite East Otago

Duntroon Fire Brigade

We owe a lot to our community volunteers, and up amongst the top of the pile are our volunteer fire fighters. So I was quick to accept the request to help out with promoting a meeting of interested people who might like to become volunteer firefighters for the Duntroon unit. With dwindling numbers, it was getting tough to keep the unit in action, so it was very pleasing to see the Duntroon area locals turn out in force.

The interest on the night was very encouraging, and if most of those who put their names down as potential volunteers end up taking on the roles, then the Duntroon area can rest easy, knowing that they have the people in their community who will help them in their hour of need, whether it is a fire, a motor vehicle accident, a weather event, or a medical issue. I will be kept informed of the situation, but I am pleased so many people want to keep their community safe.

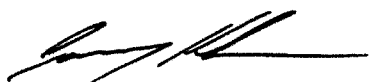


Meetings Attended:

23 October	Mayor and CEO catch-up
23 October	Sports Centre Tours – Ashburton, Waimate, Lincoln
24 October	Interview TV3
24 October	Corporate Planning Meeting
25 October	Meeting with Gerald Quinn, EDM
25 October	East Otago High School Student Meeting
25 October	Meeting re Palmerston Dump Station
25 October	Weston School Enviroschools Presentation
25 October	Victorian Fete Volunteer Meeting
25 October	NZ Whisky Crowdfunding Event

26 October	Meeting with Keith McIntosh, FENZ
26 October	A20 Annual Summit Meeting - Ohau
26 October	Waitaki Youth Council Movie Night
26 October	Colin Wheeler Memorial Exhibition
27 October	Kurow Kruisers – ‘Show us your Toys’ judging
29 October	Mayor and CEO Catch-up
29 October	Hearings – Submissions on Dangerous & Insanitary Building and Alcohol Bylaw
29 October	45 South TV Interview
29 October	National Electricity Museum Proposal Workshop
29 October	Harbour Area Strategy Workshop
30 October	Council Meeting
30 October	Presentation to the Otago Community Trust
30 October	Councillor briefing
30 October	Executive Committee Workshop
30 October	Interns Hosted Supervisors’ Dinner
31 October	Meeting with Thelma Bear re hospital
31 October	Site Visit with Neil Rooney, Glendale Crescent
31 October	St Kevin’s College Assembly welcoming Cuban Ambassador
31 October	Corporate Planning Meeting
31 October	Harbour Area Strategy public meeting
1 November	Meeting with Kathy Dennison, Waihemo Community Board Chair
1 November	Visit to EOHS Ignite East Otago presentations
1 November	Whitestone Contracting Shareholder Meeting
1 November	Meeting with Ian Hurst re hospital
1 November	Meeting with Mike Gray re Geopark
2 November	Radio Interview with OJ on The Breeze
2 November	Meeting with Anne Patterson – Omarama Residents’ Assn.
3 November	Water Wheel – Working Bee
3 November	Scooter Competition – Skate Park
4 November	Farmers’ Market drop-in session Oamaru Harbour Area Strategy
5 November	Waitaki Boys’ High School Graphic Design Exhibition – Forrester Gallery
5 November	Chamber of Commerce, North Otago Advisory Committee Meeting
5 November	CoC – Beer and Yarn
5 November	St Kevin’s College Graduation and Senior Prizegiving
6 November	FAR Committee Meeting
6 November	District Plan Review Committee workshop
6 November	Councillor briefing
6 November	Waitaki Girls’ High School Prizegiving Ceremony
7 November	Meeting with Rory Foley – re Events
7 November	Oamaru Harbour Area Strategy Drop-in Session at the Opera House
7 November	ORED’S Stakeholder Interview
7 November	Waitaki Boys’ High School Senior Prizegiving Ceremony
8 November	Meeting with Gerald Quinn, EDM
8 November	Meeting with Mark Smith – Whitestone Civic Trust
8 November	Meeting with Jane Campbell re Jazz Festival
8 November	Trustpower Award Presentation to Forest and Bird
9 November	40 th Anniversary Celebration – Employment and Education
10 November	Otematata Ratepayers and Improvements Assn AGM
11 November	Armistice Day Ceremony – Maheno; unveiling Plaque and Armistice Day
11 November	The Oamaru Garrison Band unveiling of Honours Board
12 November	Mayor and CEO catch-up
12 November	WEBINAR – Good Employer Governors
12 November	45 South TV Interview
12 November	Meeting with Pamela Kennedy – Chelmer Street
12 November	Phoenix Mill Trust Meeting
12 November	Ministry of Business, Innovation and Employment Meeting
12 November	Harbour Area strategy drop-in session – Scott’s Cafe
13 November	Draft Agenda Meeting for Committees Day Meetings
13 November	Council Meeting
13 November	Councillors’ Shareholder Workshop with WDHSL Board
13 November	Executive Committee – Interviews for CCO Directors
13 November	Executive Committee Workshop with CE re CE’s KPIs 2019
14 November	Meeting with Lisa Baillie – to discuss CFDP
14 November	Corporate Planning Meeting
14 November	Presentation to Stefan Wiehira’s Widow for a Long Service Award in Emergency Services

14 November	CCS Disability Action Waitaki AGM
14 November	Library Talk – Te Kiteroa
15 November	Meeting with Gerald Quinn, EDM
15 November	Community Hub Meeting
15 November	Phoenix Mill Water Wheel Opening
15 November	CDEM Meeting
15 November	Otago Mayoral Forum Dinner
16 November	Otago Mayoral Forum
16 November	Crombie and Price Garden Party
16 November	North Otago Temperance Benefit Ball
17 November	Grand Street Parade Victorian Fete
17 November	Oamaru Challenge Cup Boat Race
17 November	Servants' Shindig and Shenanigans dance
18 November	Victorian Fete
19 November	Mayor and CEO catch-up
19 November	Cultural Facilities update meeting
19 November	Event Coordinator discussion before Interviews
19 November	Meeting Helen Algar re hospital
19 November	AA District Council Meeting
19 November	Industry Training Graduation Ceremony
20 November	Committees Day Meetings
20 November	Executive Committee Meeting
20 November	Judging Panel Video Competition WBHS
21 November	Meeting with Joe Grace – DIA National Manager for the National Services Fund, Lottery Significant Projects Fund
21 November	South Island Destination Management Group Meeting
22 November	Rural & Provincial Meeting
22 November	Rural & Provincial Meeting
22 November	Meeting with Lou Sanson, DoC
23 November	Rural & Provincial Meeting
23 November	Meeting with Stats NZ, Wellington
23 November	Meeting with GNS Science, Lower Hutt



Mayor Gary Kircher

Waitaki District Council Memorandum

From Chief Executive

Date 4 December 2018

Chief Executive's Report

Recommendation

That Council receives the information.

Purpose

The following comments are provided to bring Councillors up-to-date with issues that have arisen since the last Council meeting on 30 October 2018.

1. UNESCO Global Geopark Application

Waitaki Whitestone Geopark's bid for UNESCO Global Geopark status took another significant step forward recently with the announcement by the New Zealand National Commission for UNESCO (NatCom) that it has accepted the recommendation of NatCom's Expert Advisory Panel that Waitaki's global geopark bid be endorsed by NatCom and forwarded to the UNESCO Secretariat in Paris for evaluation and accreditation.

This is an outcome worthy of celebration, having been achieved in a very brief timeframe, and as a result of the many outstanding efforts of all of the project team participants, the Waitaki Whitestone Geopark Advisory Group, the Trustees of the Waitaki Whitestone Geopark Trust and the members of NatCom itself.

The Waitaki district (and New Zealand) now have an opportunity to establish the only UNESCO Global Geopark in Australasia.

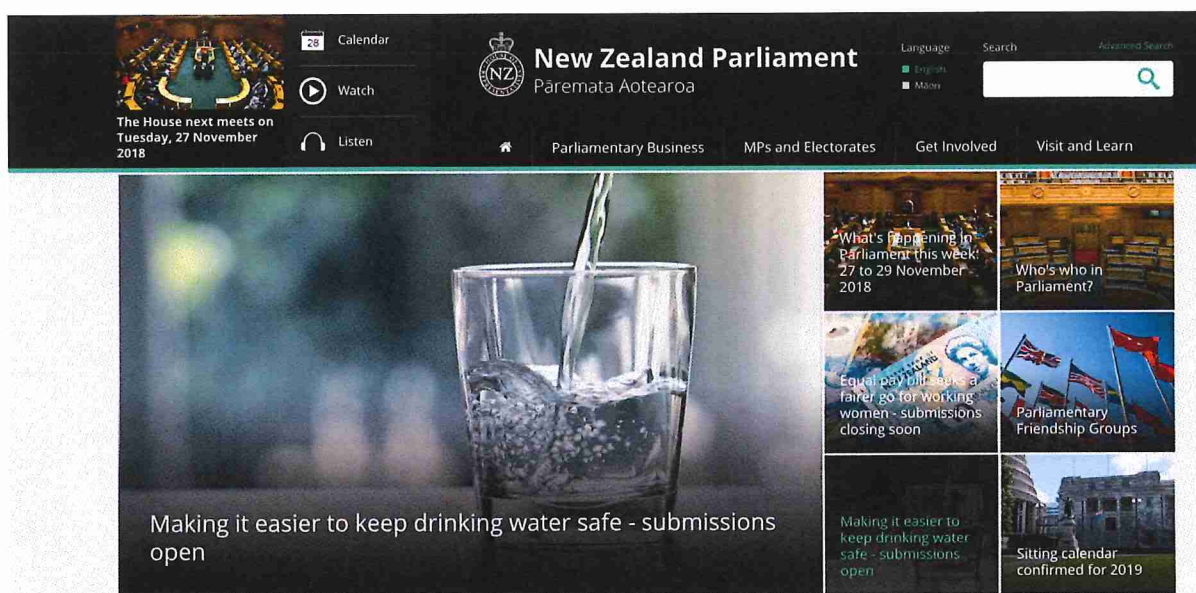
2. Drinking Water

The Waitaki district has invested substantially over the past decade or so in improved potable water supplies.

Largely as a result of the August 2016 Havelock North water contamination episode, central government has announced plans to initiate a strategic conversation with local government about community well-being and proposals to overhaul the regulation of water. Led by the Minister of Local Government Nanaia Mahuta, the multi-agency Three Waters Review has been investigating the state and performance of New Zealand's drinking water, wastewater, and storm water systems.

The Cabinet paper *Local governance for community well-being* can be found at: www.dia.govt.nz/Central-Local-Government-Partnership and the Cabinet paper *Future state of the three waters system: regulation and service delivery* can be found at: www.dia.govt.nz/three-waters-review

The government is advancing policy work towards new regulatory arrangements to ensure drinking water safety and to reduce environmental damage and contamination from wastewater. Detailed proposals on the shape and form of the arrangements are expected to be taken to Cabinet in June 2019.



As Chair of the LGNZ Rural and Provincial Chief Executives' (CEs) Forum, I invited Water New Zealand to attend the recent Rural and Provincial meeting in Wellington. This provided a useful forum for local authority CEs from throughout New Zealand to make their views known to Water NZ vis-à-vis the manner in which the latter has represented the interests of rural and provincial local authorities.

3. New urban development agency unveiled to build more homes

Minister for Housing and Urban Development Phil Twyford has announced that the Housing and Urban Development Authority will have 'cut-through powers' to build quality state and affordable homes and create thriving master-planned communities.

The Minister has stated that the new authority will be responsible for leading the Government's large-scale urban development projects and for being a world-class state housing landlord. It will bring together three existing agencies that build homes – Housing New Zealand, its subsidiary HLC, and the KiwiBuild Unit.

The Minister has indicated that this is the first step towards creating the authority, which will have wide-ranging powers to transform suburbs, cutting through the roadblocks to large-scale development. Housing New Zealand's role as a public landlord and its housing services and products will become part of the authority.

The authority will lead a range of large and small urban development projects throughout the country in partnership with local government, iwi and the private sector. For some large-scale complex development projects, it will have access to a range of statutory powers including:

- shortened planning and consenting processes;
- building and changing infrastructure;
- funding infrastructure and development;
- bringing together parcels of land; and
- reconfiguring reserves.

New legislation to establish the Housing and Urban Development Authority will be introduced to Parliament in 2019, with the government stating that the first projects are expected to be up and running in early 2020.

The government is seeking public submissions as it works through the detail of the new authority using the usual select committee process.

4. Ōamaru Victorian Heritage Festival

Grey weather made way for Victorian splendour as locals and visitors alike immersed themselves in the highly enjoyable 2018 festival. Grand Parade participation increased 11.6% relative to 2017.



CE Fergus Power (in appropriate dinner dress) and partner Tri preparing for the Grand Parade

Victorian Road Hazards - frocks vs steam monsters

5. Business and Site Visits

15 November	Official Opening of Phoenix Mill Water Wheel
17 November	Victorian Heritage Celebrations – Grand Street Parade
18 November	Victorian Fete – Fete Opening
27 November	Business Visit to Kuriheka
29 November	Site visit to McKeowns with Mayor

6. Meetings Attended

30 October	Meeting with Otago Community Trust
31 October	Meeting with Glenn Campbell, Whitestone Contracting
5 November	Canterbury Chief Executives Forum, Selwyn District Council
5 November	Otago Chamber of Commerce – North Otago Advisory Committee Meeting
5 November	Otago Chamber of Commerce Beer 'n Yarn Event
8 November	Otago Regional Economic Development Strategy Stakeholder Interview

8 November	Meeting with Faye Ormandy
9 November	Meeting with Dr Michael Mackay, Lincoln University
12 November	Meeting with Liz Moir
12 November	LGNZ Webinar – Good Employer Governors
12 November	Meeting with MBIE Senior Regional Officials, Ōamaru
14 November	Waitaki Whitestone Geopark Project Group Meeting
14 November	Corporate Planning Meeting and Executive Management Team Meeting
15 November	Otago CDEM Joint Committee, Dunedin
15 November	Otago Mayoral Forum Dinner Meeting, Dunedin
16 November	Otago Mayoral Forum, Dunedin
22-23 November	LGNZ Rural and Provincial Meeting, Wellington
23 November	Meeting with Liz MacPherson, Statistics NZ, Wellington
23 November	Meeting with Justine Daw and Bruce Girdwood, GNS Science, Lower Hutt
26 November	Meeting with Professor Etienne Nel and Dr Sean Connolly, Otago University
27 November	Tourism Waitaki Board Shareholder Meeting
28 November	Coordination Group Meeting
28 November	Waitaki Whitestone Geopark Project Group Meeting
28 November	Corporate Planning Meeting and Executive Management Team Meeting
29 November	A2O Joint Committee Meeting, Twizel
30 November	Meeting with Julie Hamilton re condition of Gibson Road
30 November	Barrie Osborn – Film Producer
3 December	Teleconference with Sarah Gardner, CE Otago Regional Council



Fergus Power
Chief Executive Officer

Waitaki District Council Report

From People and Culture Group Manager

Date 4 December 2018

Recommendation from Assets Committee Meeting, 20 November 2018

1. Palmerston Walking Track

The report, as circulated, sought the Committee's recommendation to Council to approve a boundary adjustment between District Road and Ronaldsay Street, Palmerston in order to allow for an easy graded recreation track connection.

RESOLVED
AC 2018/054

Cr Hugh Perkins / Mayor Gary Kircher
That the Assets Committee recommends:
That Council:

1. Approves a boundary adjustment between District Road and Ronaldsay Street (Palmerston) in order to allow for an easy graded recreation track connection.
2. Delegates to the Chief Executive the power necessary to negotiate the boundary adjustment including the creation of easements and land exchange.

CARRIED


2. Sale of Leasehold Land to Current Lessee

The report, as circulated, sought the Committee's recommendation to Council to sell a piece of endowment land, with the proceeds from the sale then available for other Oamaru Endowment purposes.

RESOLVED
AC 2018/055

Cr Hugh Perkins / Cr Bill Kingan
That the Assets Committee recommends:
That Council approves the sale of the fee simple estate in Oamaru Endowment (residential) land at 12 Dee Street Oamaru (Lot: 2DP: 8464) to the current lessee, subject to financial criteria being met.

CARRIED



Ainslee Hooper
Governance and Policy Advisor



Lisa Baillie
People and Culture Group Manager

Waitaki District Council Report

From People and Culture Group Manager

Date 4 December 2018

Recommendation from Heritage, Environment and Regulatory Committee Meeting, 20 November 2018

1. Public Consultation of Strategic Routes and Priority Thoroughfares

The report, as circulated to the Committee, sought the Heritage, Environment and Regulatory Committee's recommendation that Council approve public consultation on the Strategic Routes and Priority Thoroughfares.

RESOLVED

HERC 2018/043

Cr Jim Hopkins / Cr Craig Dawson

That the Heritage, Environment and Regulatory Committee recommends:

That Council:

1. Approves Option 1 to consult with the public during March 2019
2. Approves the draft Statement of Proposal for Consultation, with amendments
3. Approves the Community Engagement Plan
4. Notes that consultation will commence in March 2019 and deliberation dates will align with 2019 Committee Meetings.

CARRIED



Ainslee Hooper
Governance and Policy Advisor



Lisa Baillie
People and Culture Group Manager

Waitaki District Council Report

From People and Culture Group Manager

Date 4 December 2018

Recommendation from District Plan Review Committee Meeting, 20 November 2018

1. District Plan Review Timeline

The report, as circulated to the District Plan Review Committee, sought its recommendation to Council to determinate the District Plan Review process and timeframes from now to formal public notification, and to confirm key stakeholder engagement.

RESOLVED

DPRC 2018/001

Mayor Gary Kircher / Cr Jan Wheeler

That the District Plan Review Committee recommends:

That Council does not proceed with Option 1 in the report to the Committee to investigate the Streamline approach for geo-preservation sites and the notification of the proposed district plan in mid-2020.

CARRIED

RESOLVED

DPRC 2018/002

Cr Jim Hopkins / Mayor Gary Kircher

That the District Plan Review Committee recommends:

That Council approves the District Plan Review Option 1 excluding the use of the Streamline approach but including the release of a draft District Plan and timeframes as outlined in the Committee Agenda report.

CARRIED

RESOLVED

DPRC 2018/003

Cr Jim Hopkins / Cr Bill Kingan

That the District Plan Review Committee recommends:

That Council approves the adoption of the Engagement and Communication Plan, with amendments.

CARRIED



Ainslee Hooper
Governance and Policy Advisor



Lisa Baillie
People and Culture Group Manager

Waitaki District Council Report

From Building Services Manager

Date 4 December 2018

Adoption of Dangerous and Insanitary Buildings Policy

Recommendations

That Council:

1. Adopts the Dangerous and Insanitary Buildings Policy 2018
2. Notes that the Policy will take effect from 10 December 2018

Objective of the Decision

For Council to approve the proposed Policy that has been through public consultation with no submissions received in response. The revised Policy will take effect from 10 December 2018.

Summary

It is proposed that Council adopt the revised policy 2018, attached as **Appendix 1**. Consultation for the Dangerous and Insanitary Buildings Policy Review opened on 13 September and closed on 15 October 2018, in accordance with the requirements of section 83 of the Local Government Act 2002. No submissions were received during the consultation period.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Key	Environmental Considerations	No
Legal	No	Cultural Considerations	No
Significance	No	Social Considerations	No
Financial Criteria	No	Economic Considerations	No
Community Views	Moderate	Community Board Views	No
Consultation	Key	Publicity and Communication	Moderate

Background

The previous policy, adopted in 2006, covered earthquake-prone buildings (EPB), seismicity, and identification and assessment methods for EPB. The 2006 policy also outlined Council's priorities and methods of taking action on these EPB. However, pursuant to the Building Act 2004 (the Act), territorial authorities are no longer authorised to have individual EPB policies. Instead, a centralised framework has been introduced to ensure the way buildings are managed in earthquake events is consistent across the country and that adequate information is readily available for people using buildings, such as notices placed on an EPB and a public register.

Additionally, territorial authorities are now required to take into account affected buildings, which have the definition given in Section 121A of the Act 2004.

Dangerous and Insanitary Buildings Policy 2018

The draft policy removes mention of an EPB and includes affected buildings. The policy also includes definitions for Heritage Buildings and Land Information Memorandum (LIM), as well as relevant provisions from the Act. There are new sections on Dealing with Building Owners, Options for Immediate Action on Dangerous and/or Insanitary Buildings, and a Risk Calculator to aid in the decision-making process on the importance level of assessment timeframes.

No submissions were received from the public during the consultation period.

Summary of Options Considered

Option 1 – Adopt the revised 2018 policy, to come into effect from 10 December 2018. The Policy is detailed in **appendix 1**.

Option 2 – Do not adopt the revised 2018 policy.

This would mean that Waitaki District Council would not have a compliant Policy and therefore may be restricted and consequently unable to take action where buildings meet the criteria within the legislation.

Assessment of Preferred Option

Option 1 is the preferred option. The revised Policy meets the current criteria set out in the Building (Earthquake-prone Buildings) Amendment Act 2016.



Roger Cook
Building Services Manager



Lichelle Guyan
Heritage, Environment and Regulatory
Group Manager

Attachments

Appendix 1: Dangerous and Insanitary Buildings Policy 2018

Additional decision making considerations

Additional Decision Making Considerations

The following matters have been considered in making the decisions.

Outcomes

This policy aligns with the following Community outcomes

We maintain the safest community we can.

Waitaki District environment is valued and protected - in particular our Heritage buildings.

Policy and Plan Considerations

This policy has been developed as per requirements under the Building (Earthquake-prone Buildings) Amendment Act 2016.

Community Views

Public consultation took place from 13 September to 15 October 2018. No submissions were received.

Financial Considerations

There are no financial considerations for this Policy.

Legal Considerations

There are no legal considerations for this Policy.

Environmental Considerations

There are no environmental considerations for this Policy.

Publicity and Communication Considerations

The new Policy will be available to the public via Council's website.

Waitaki District Council



Waitaki

DISTRICT COUNCIL

TE KAUNIHERA Ā ROHE O WAITAKI

**POLICY ON DANGEROUS AND INSANITARY BUILDINGS
2018**

(proposed) Adopted: 4 December 2018

**(proposed) Effective:
10 December 2018**

**Next review date:
December 2023**

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WAITAKI DISTRICT COUNCIL DANGEROUS AND INSANITARY BUILDINGS POLICY 2018

1. Introduction and Background

- 1.1 Section 131 of the Building Act 2004 ("the Act") requires territorial authorities ("TAs") to have a policy on dangerous and insanitary buildings. Additionally, Council is now also required to take into account affected buildings¹.
- 1.2 One of the key purposes of the Act, as set out in Section 3, is to ensure 'people who use buildings can do so safely and without endangering their health'. Section 4 details the principles to be applied in performing functions under the Act and specifically states that TAs must take these principles into account in the adoption and review of their dangerous and insanitary building policies.
- 1.3 This policy was originally adopted by the Waitaki District Council ("Council") in 2006 in accordance with the requirements of the Building Act 2004.
- 1.4 The policy is required to state²: The approach that the Council will take in performing its functions under the Act; Council's priorities in performing those functions; and how the policy will apply to heritage buildings.
- 1.5 In reviewing, amending and adopting this policy, Council has followed the special consultative procedure set out in Section 83 of the Local Government Act 2002.
- 1.6 In many, but not all, cases whether a building is dangerous, affected or insanitary status will not be readily apparent. For that reason, any attempt to identify these buildings proactively is unlikely to be successful unless Council has considerable resources to undertake inspections and evaluations of buildings.
- 1.7 As a consequence, the most likely sources of information concerning dangerous, affected or insanitary buildings continues to be from building occupants, neighbours, or as the result of an inspection by the Police, the Fire Service or other agencies authorised to inspect buildings. Other sources of information will be known directly by Council, possibly following a significant weather event.
- 1.8 Relying on complaints to provide information concerning potentially dangerous or insanitary buildings continues to be the most practical way in which Council can identify both these buildings and affected buildings within the district and undertake its statutory responsibilities.
- 1.9 The Dangerous and Insanitary Buildings Policy will no longer cover earthquake-prone buildings. Earthquake-prone buildings are now covered under Section 133 of the Act.

2. Definitions

The following definitions, contained in the Building Act 2004, will be used to determine whether a building is insanitary, dangerous or earthquake-prone:

- ***Dangerous:*** (s121(1)) – "A building is dangerous for the purposes of this Act if –
 - a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –
 - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property, or
 - (ii) damage to other property; or

- b) In the event of fire, injury or death to any person in the building or to persons on other property is likely.”

- **Insanitary:** (s123) “A building is insanitary for the purposes of this Act if the building

- a) is offensive or likely to be injurious to health because –
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
- b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
- c) does not have a supply of potable water that is adequate for its intended use; does not have sanitary facilities that are adequate for its intended use.”

- **Affected building:** (s121A) “The building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby –

- a) a dangerous building as defined in Section 121; or
- b) a dangerous dam within the meaning of Section 153.”

- **Heritage building:** “a building that is included on -

- a) The New Zealand Heritage List/ Rārangī Kōrero maintained under Section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
- b) The National Historic Landmarks/ Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under Section 81 of the Heritage New Zealand Pouhere Taonga Act 2014”
- c) The Waitaki District Plan Heritage Values Section 2

- **Land Information Memorandum:** document drawn from council records containing -

- a) Any special features or natural hazards of the land
 - a. Ex. Potential erosion, falling debris, subsidence, inundation, likely presence of hazardous substances
- b) Information on private and public storm water and sewerage drains
- c) Valuation and rating information, including any rates owing
- d) Any consents, certificates, notices, orders, or requisitions affecting land or buildings

- **Other Provisions contained in the Act**

- a) Section 123A defines “parts of a building”
- b) Section 124 describes powers of territorial authorities in respect of dangerous, affected buildings
- c) Sections 125-130 describe procedures to be applied in the exercise of those powers
- d) Section 131 provides that a territorial authority must adopt a policy on dangerous buildings

3. Policy Approach

3.1 Policy Principles

Provisions of the Act with regard to dangerous, affected or insanitary buildings reflect the government’s broader concern with the safety of the public in buildings, and with the health and safety of people occupying buildings that may be considered to be dangerous, affected or insanitary. However, Council recognises that public safety must be balanced against the other broader economic issues and in relation to other Council Policy. This policy replaces any previous iterations of this or similar acts or policies.

3.2 Overall Approach

- (i) Sections 124 to 130 of the Act provide the authority necessary for TAs to take action on dangerous, affected or insanitary buildings and set out how this action is to be taken.
- (ii) Council will continue to encourage the public to discuss their development plans with Council and to obtain building consent for work Council deems is necessary prior to any work commencing. This is particularly important in order to avoid creating dangerous or insanitary conditions that could be injurious to the health of occupants, particularly children and the elderly, or where safety risks are likely to arise from a change in use.
- (iii) Council has in the past relied upon complaints from various sources to identify dangerous or insanitary buildings and will continue with this passive approach.
- (iv) All new buildings must meet guidelines

3.3 Identifying Dangerous, Affected or Insanitary Buildings

- (i) Council will:
 - Take a passive approach to identification of buildings.
 - Actively respond to and investigate all buildings complaints received.
 - Identify from these investigations any buildings that are dangerous, affected or insanitary.
 - For dangerous buildings, inform the owner(s) and occupier of the building to take action to reduce or remove the danger; as is required by Sections 124 and 125 of the Act; (and liaise with the New Zealand Fire Service when Council deems it is appropriate, in accordance with Section 121(2) of the Act).
 - For insanitary buildings, inform the owner(s) of the building to take action to prevent the building from remaining insanitary as is required by Sections 124 and 125 of the Act (and liaise with the Medical Officer of Health when required).
- (ii) For affected buildings, inform the owner(s) of the building only when restricting entry to the building.

3.4 Assessment Criteria

- (i) Council will assess dangerous, affected or insanitary buildings in accordance with the Act and established case law, as well as the building code.
- (ii) Council will:
 - Investigate as to whether the building is occupied.
 - Assess the use to which the building is put.
 - Assess whether the dangerous or insanitary conditions pose a reasonable probability of danger to occupants or visitors, or to the health of any occupants of the building. Upon the determination that a building is dangerous assess whether the dangerous building poses a reasonable probability of danger to occupants or visitors of any adjacent, adjoining or nearby buildings.
- (iii) Considerations as to dangerous assessment where a building is either occupied or not may include:
 - Structural collapse.
 - Loose materials/connections.
 - Overcrowding.
 - Use which is not fit for purpose.
 - Seeking advice from the New Zealand Fire Service³.

- (iv) Considerations as to insanitary assessment where a building is occupied may include:
- Adequate sanitary facilities for the use.
 - Adequate drinking water.
 - Separation of use for kitchen and other sanitary facilities.
 - Likelihood of moisture penetration.
 - Natural disaster.
 - Defects in roof and walls/poor maintenance/occupant misuse.
 - The degree to which the building is offensive to adjacent and nearby properties.
- (v) A building will be deemed to be an affected building if it is adjacent, adjoining or nearby a building which Council has assessed as being a dangerous building.
- (vi) If, following a seismic event or other disaster a building had previously been assessed as not dangerous or insanitary, the Council will reassess the building under the conditions laid out in this policy.

3.5 Taking Action

- (i) In accordance with Sections 124 and 125 of the Act the Council will:
- Advise and liaise with the owner(s) of the buildings identified as being dangerous, affected or insanitary.
 - As a consequence of a building being identified as dangerous consider whether any buildings should be regarded as being an affected building for the purposes of the Act.
 - May request a written report on the dangerous building from the New Zealand Fire Service.
- (ii) If found to be dangerous or insanitary:
- Attach written notice to the building requiring work to be carried out on the building, within a time stated in the notice being not less than ten (10) days, to reduce or remove the danger.
 - Give copies of the notice to the building owner, occupier, and every person who has an interest in the land, or is claiming an interest in the land, as well as the Heritage New Zealand Pouhere Taonga, if the building is a heritage building.
 - Contact the owner at the expiry of the time period set down in the notice in order to gain access to the building to ascertain whether the notice has been complied with.
 - Where the danger is the result of non-consented building work, Council will formally request the owner(s) to provide an explanation as to how the work occurred and who carried it out and under whose instructions; (and apply for a Certificate of Acceptance if applicable).
 - Pursue enforcement action under Section 328 of the Act if the requirements of the notice are not met within a reasonable period of time as well as any other noncompliance matters.
- (iii) Where Council has determined under Section 121A of the Act that a building is an “affected building” Council may do any or all of the following:
- Erect a hoarding or put up a fence around the building;
 - Attach a notice warning people not to approach the building;
 - Issue a written notice restricting entry to the affected building for particular purposes or to particular groups of people for a maximum period of thirty (30) days. Such notice may be reissued once for a further thirty (30) days.

- Liaise with the New Zealand Fire Service when Council deems it appropriate, in accordance with Section 121 (2) of the act.
- (iv) If the building is considered to be immediately dangerous or insanitary Council may:
- Cause any action to be taken to remove that danger or insanitary condition (this may include prohibiting persons using or occupying the building and demolition of all or part of the building); and
 - Take action to recover costs from the owner(s) if Council must undertake works to remove the danger or insanitary condition.
 - The owner(s) will also be informed that the amount recoverable by Council will become a charge on the land on which the building is situated.
 - Building Act Section 375 allows council to prosecute building owners.
- (v) Options for immediate action include:
- Prohibiting any person from occupying or using the building;
 - If necessary, erecting barriers and warning signs, plus securing the building to prevent entry until such time that remedial action can be taken;
 - Undertaking remedial action under Section 129 of the Act. Note that in the case of insanitary buildings, Council reserves the right to use powers available under Section 34 of the Health Act 1956.
- (vi) All owners have a right of appeal as defined in the Act, which can include applying to the Department of Building and Housing for a determination under Section 177 of the Act.
- 3.6 Interaction between the Dangerous and Insanitary Buildings policy and related sections of the Act:
- (i) Section 41: Building consent not required in certain cases under Section 41(1) of the Act.
- (ii) In cases where a building is assessed as being immediately dangerous or insanitary Council may not require prior building consent to be obtained for any building work required so as to remove the dangerous or insanitary condition immediately. However, where Council has issued a notice under Section 125(1) of the Act it must advise the owner of the building if a building consent will be required prior to the owner commencing any remedial works to the building.
- (iii) Prior to the lodging of a building consent application for the work required under the notice it is imperative that building owners discuss any works with Council. In those circumstances where Council has not required a building consent to be issued prior to the commencement of the remedial works required by the notice, the building owner will still be required to apply for a certificate of compliance as required by the Act.

3.7 Record Keeping

- (i) Any buildings identified as being dangerous or insanitary will have a notation placed on the property file for the property on which the building is situated until the danger or insanitary condition is remedied.
- (ii) A notation will be placed on the property file of an affected building until such time as the dangerous condition of the adjacent, adjoining or nearby building has been rectified.
- (iii) In addition, the following information will be placed on the Land Information Memorandum (LIM):

- Notice issued that the building is dangerous, insanitary or is an affected building.
- Copy of letter to owner(s), occupier and any other person that the building is dangerous, insanitary or is an affected building.
- Copy of the notice given under Section 124(1) that identifies the work to be carried out on the building and the timeframe given to reduce or remove the danger or insanitary condition.

3.8 Economic Impact of Policy

Due to the lower number of dangerous, affected or insanitary building encountered annually by Council, the economic impact of this policy is, at this date, considered to be low. However, Council will be conscious of the costs of any work required to remove dangerous or insanitary conditions in the broader social and economic context of the community.

3.9 Access to Information

- (i) Information concerning dangerous, affected or insanitary buildings will be contained on the relevant LIM and Council records.
- (ii) In granting access to information concerning dangerous, affected or insanitary buildings, Council will confirm to the requirements of the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

3.10 Dealing with Building Owners

- (i) Before exercising its powers under Section 124 of the Act, Council will seek, within a defined time-frame, to discuss options for action with owners on a mutually acceptable approach leading to receipt of formal proposal from the owners for dealing with the dangerous, affected, or insanitary situation under Section 124 of the Act, or action being taken under the Health Act 1956.
- (ii) In the event that discussion do not yield a mutually acceptable approach and proposal, Council may commence with proceedings in accordance with Section 124 of the Act.
- (iii) Where parties other than the building owner have access to the building, Council will exercise its powers without delay in the interests of protecting the public. The owner will be kept fully informed of the process.

4. **Heritage Buildings**

- 4.1 Council believes it is important that heritage buildings within the District do not pose a risk to the safety of occupants or other buildings. However, Council does not wish to see the intrinsic heritage value of such buildings adversely affected by structural improvement measures.
- 4.2 Heritage buildings (that is those buildings identified in the Waitaki District Council Operative District Plan or by Heritage New Zealand Pouhere Taonga) will be assessed in the same way as other dangerous or insanitary buildings.
- 4.3 Where a heritage building has been identified as dangerous or insanitary, discussions will be held with owners of the building, Heritage New Zealand Pouhere Taonga and other stakeholders to identify a mutually acceptable way forward. Special efforts will be made to meet heritage objectives specified in the Operative District Plan.
- 4.4 The fact that a building has heritage status does not mean that it can be left in a dangerous or insanitary condition. As per Section 125(2) (f) of the Act, a copy of any notice issued under Section 124 of the Act will be sent to Heritage New Zealand Pouhere Taonga where a heritage building has been identified as a dangerous,

affected or insanitary building. Council will support heritage buildings whenever possible but ultimately, safety will take priority over heritage.

5. Priorities

- 5.1 The Council will give priority to buildings where it has been determined that immediate action is necessary to fix dangerous or insanitary conditions. Immediate action will be required in those situations to fix those dangerous or insanitary conditions such as prohibiting occupation of the property, putting up a hoarding or fence or taking prosecution action where necessary.
- 5.2 Buildings that are determined to be dangerous or insanitary, but not requiring immediate action to fix those dangerous or insanitary conditions, will be subject to the minimum timeframes to prevent the building from remaining dangerous or insanitary (not less than ten (10) days) as set in Section 124(1)(c) of the Act.
- 5.3 Council will use the following matrix to determine the timeframe in which the initial assessment will commence.

Assessment priority matrix

Risk calculator (Level of risk x Consequence of Failure)

Level of Risk	CONSEQUENCE OF FAILURE				
	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Very High (5)	5	10	15	20	25
High (4)	4	8	12	16	20
Medium (3)	3	6	9	12	15
Low (2)	2	4	6	8	10
Very Low (1)	1	2	3	4	5

Priority	Score	Working Days
Immediate	≥ 15	2
High	10-14	3
Medium	6-9	10
Low	≤ 5	20

Definitions

Level of Risk:

- **Very high:** accessed daily by large groups of people (e.g. hospital, education facilities, police/fire stations, prisons, community centres, supermarkets).
- **High:** accessed regularly by small groups of people (e.g. offices, shops, apartments).
- **Medium:** accessed daily (e.g. personal dwellings).
- **Low:** infrequent access, or exposure to hazard (e.g. detached garages, workshops, and sleepouts).
- **Very low:** unlikely to be occupied, space typically used for storage only (e.g. sheds, barns, storage units).

Consequence of failure:

- **Negligible:** no injuries, no inconvenience to building users, no impact on adjacent buildings/property.
- **Minor:** no injuries, some inconvenience to building users, unlikely to impact adjacent buildings/property.
- **Moderate:** No injuries, inconvenience to building owners, likely to impact adjacent buildings/property.
- **Major:** serious injury or death, evacuation or short term sheltering may be required.
- **Extreme:** multiple deaths/ serious injuries, failure of building likely to impact on adjacent buildings/property, evacuation or short term sheltering is required.

6. Policy Review

This policy will be reviewed on a 5 yearly basis from the date of adoption as required by Section 132(4) of the Building Act 2004. Policy can be amended when required, subject to provision of building code.

Notes

- 1 Section 132(a) Building Act 2004 which came into force on 27 November 2013
- 2 Section 131(2) of the Building Act 2004
- 3 Section 121(2)(a) of the Building Act 2004

Waitaki District Council Report

From Heritage, Environment and Regulatory Group Manager **Date** 4 December 2018

Adoption of Alcohol Ban Bylaw 2018

Recommendations

That Council:

1. Adopts the Alcohol Ban Bylaw 2018
2. Notes the Policy will take effect from 10 December 2018.

Objective of the Decision

For Council to approve the proposed Bylaw that has been through public consultation. Three submissions were received, with none of the submitters wishing to be heard. The revised Policy will take effect from 10 December 2018.

Summary

It is proposed that Council adopt the revised Bylaw as set out in **Appendix 1**. Consultation for the Alcohol Bylaw 2018 opened on the 13 September and closed on the 15 October 2018, in accordance with the requirements of section 83 of the Local Government Act 2002. Three submissions were received, as follows:

- WellSouth Primary Health Network,
- Southern District Health Board, and
- The Cancer Society of New Zealand.

None of the submitters wished to speak to their submission.

Council deliberated on the submissions on 29 October 2018.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Key	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	No	Social Considerations	No
Financial Criteria	No	Economic Considerations	No
Community Views	Moderate	Community Board Views	No
Consultation	Key	Publicity and Communication	Moderate

Background

The current Liquor Ban Bylaw was adopted in 2013, at which time the review period for the bylaw was agreed as ten years. However, with the introduction of the Sale and Supply of Alcohol Act 2012, it was a requirement that any current Alcohol/Liquor Ban Bylaws were to be reviewed within five years. To fulfil this legislated requirement, the Waitaki District Liquor Ban Bylaw needed to be reviewed by the end of 2018.

Although not a submitter to this process, Police has advised that it is supportive of the retention of the bylaw and view it as a necessary tool to help reduce alcohol-related incidents. It is also noted by local licensed premises as a way of controlling disorder and patrons leaving premises and drinking alcohol in public areas.

Consultation on the Waitaki District Alcohol Ban Bylaw was undertaken between 13 September and 15 October 2018 as part of the mandatory review.

Alcohol Ban Bylaw 2018

The review process allowed Officers to incorporate the permanent inclusion of the Otematata and Omarama Alcohol Ban areas in the draft bylaw. These areas had previously been applied for on a yearly basis which required extra time and effort to do. Wording has also been amended to reflect the use of "Alcohol" rather than "Liquor" as well as the addition of definitions. Several additional sections were also inserted to provide clarification on changes in legislation.

All three submissions were supportive of the retention of the bylaw. However, all three also requested a move away from the word "Ban" to suggested "Alcohol-free zone". During deliberations, Councillors were in favour of retaining the word "Ban", because it conveyed the tougher message in a clearer, more specific way. However, Officers were asked to investigate whether other Councils used the words "Alcohol-free Zone" for signage purposes. Those investigations have identified that the word "Ban" is being used predominantly elsewhere in the country, but some areas do use both. Tauranga City Council, for example, uses the phrase "Permanent Alcohol-Free Areas", but references it back to the Alcohol Control Bylaw 2018 that it has in place. This matter could be explored further when and if signage is proposed for replacement.

Summary of Options Considered

Option 1 – Adopt the revised 2018 Bylaw, to come into effect from 10 December 2018. The Bylaw is detailed in **appendix 1**. This would mean that the Waitaki District Council has fulfilled its requirements under the Sale and Supply of Alcohol Act 2012.

Option 2 – Do not adopt the revised 2018 Bylaw. This would mean that the Waitaki District Council has still fulfilled its requirements under the Sale and Supply of Alcohol Act 2012, but Council would be left without an Alcohol/Liquor Ban Bylaw.

Assessment of preferred options

Option 1 – is the preferred option. The revised Bylaw meets the requirements of the legislation. It is considered to be the most appropriate and proportionate way of meeting the legislative requirements, and the views of Council and the community.



Jason Evered
Environmental Services Manager



Lichelle Guyan
Heritage Environment and Regulatory
Group Manager

Attachments

Additional Decision-Making Considerations

Appendix 1 – Alcohol Ban Bylaw 2018

Additional Decision-Making Considerations

The following additional matters have been considered in the decision-making process.

Policy/Plan

The Council currently has a Liquor Ban Bylaw 2013 and this is a review of that bylaw.

Legal

The proposed policy meets the requirement as set out in the Sale and Supply of Alcohol Act 2012.

Community Views

Community views were sought during the 13 September to 15 October 2018 consultation period. Within this time period, three submissions were received, from:

- WellSouth Primary Health Network,
- Southern District Health Board, and
- The Cancer Society of New Zealand.

Consultation

This matter was consulted on under the requirements of the Local Government Act 2002.

Publicity and Communication Considerations

Once adopted, the policy will be put on the Council website.

Appendix 1:



Waitaki Alcohol Ban Bylaw 2018

The Local Government Act 2002 (the Act) allows Council to prohibit the consumption of alcohol for the purpose of minimising the potential for offensive behaviour and alcohol-related harm in public places. This bylaw is made pursuant to sections 145 and 147 of the Local Government Act 2002. The Local Government (Alcohol Reform) Amendment Act 2012 sets out new requirements for the creation and review of an alcohol ban bylaw.

1. Title, Purpose and Commencement

This bylaw shall be known as the Waitaki Alcohol Ban Bylaw 2018 and is made for the control of alcohol consumption in public places.

This bylaw shall come into force on 10 December 2018.

2. Acts Prohibited

The following acts are prohibited in a specified public place for a specified period:

- 2.1 The consumption of alcohol in a public place
- 2.2 The possession of alcohol in a public place
- 2.3 The bringing of alcohol into a public place
- 2.4 Consumption of alcohol in a vehicle in a public place

3. Interpretation

- 3.1 Alcohol has the meaning given by section 5 (1) of the Sale and Supply of Alcohol Act 2012
- 3.2 Offence means an offence under section 239 of the Local Government Act 2002 for breach of this bylaw
- 3.3 Alcohol-related harm has the meaning given in section 5 of the Sale and Supply of Alcohol Act 2012
- 3.4 Public Place means a place –
 - a) That is under the control of Council; and that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; and includes
 - b) A road, whether or not the road is under the control of Council; and
 - c) Any part of a public place but (a) does not include any licenced premises

- 3.5** Specified Public Place – means a public space defined or listed in Schedule A and such additional place as may be defined by the Council by resolution from time to time and publicly notified in accordance with Clause 9 of this bylaw.
- 3.6** Specified Time – means a time defined or listed in Schedule B and such additional times as may be defined by the Council by resolution from time to time and publicly notified in accordance with Clause 9 of this bylaw.
- 3.7** Alcohol ban means a bylaw made under section 147 of the Act

4. Offence

Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out below.

4.1 Section 21 of the Summary Proceedings Act 1957 applies to a breach of a bylaw made under section 147 of the Act as if –

- a) the breach was an infringement offence within the meaning of that Act; and
- b) the person who has committed the breach has committed the offence; and
- c) the references in subsection (9) of that section to a defendant's being found guilty of, or pleading guilty to, an infringement offence for which an infringement notice has been issued were references to the person's being found to have committed, or admitting to having committed, the breach.

5. Penalty for Breach of Bylaw

5.1 Any person convicted of an offence against this bylaw is liable, on conviction, to a fine not exceeding \$250

An infringement notice relating to a breach of an alcohol ban may be served –

- a) by a constable personally delivering it to the person alleged to have committed the breach; or
- b) by a constable personally delivering it, at a time after the person alleged to have committed the breach has been arrested for committing it, to the person; or
- c) by post address to the last known place of residence or business of the person alleged to have committed the breach

6. Exemptions

6.1 This bylaw does not prohibit in the case of alcohol, in an unopened bottle or container,

- 6.1.1 The transport of that alcohol from premises that adjoin a public place during any period when, under the Sale of alcohol Act 1989, it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place:
- 6.1.2 The transport of that alcohol from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of alcohol under the Sale of Liquor Act 1989:
- 6.1.3 The transport of that alcohol from outside a public place to premises that adjoin a public place —
 - 6.1.3.1 By, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - 6.1.3.2 From those premises to a place outside the public place by a resident of those

premises, provided the alcohol is promptly removed from the public place.

6.2 This bylaw does not apply where the sale or consumption of alcohol is authorised by any licence granted under the Sale and Supply of Liquor Act 2012 or any other exemption approved by Council for specific civic or public events.

6.3 Temporary Exemption for Specified Areas

6.3.1 The Council may from time to time by resolution specify public places within the Waitaki Alcohol Ban Area and in relation to which the provisions of this Bylaw relating to the prohibition, regulation or control of alcohol and vehicles shall not apply during a specified period not exceeding twenty four hours.

6.3.2 Every resolution made pursuant to clause 6.3.1 above shall be publicly notified at least 14 days before it shall take effect.

7. Enforcement – Powers of arrest, search, and seizure—

Pursuant to Section 245A of the Act, a constable who believes on reasonable grounds that a person is committing or has committed an infringement offence may direct the person to give the constable his or her name, address, and date of birth.

Pursuant to Section 169 (2) of the Act, a constable may, without warrant,

7.1 For the purpose of ascertaining whether alcohol is present, search—

7.1.1 a container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place:

7.1.2 a vehicle that is in, or is entering, a restricted place:

7.2 Seize and remove alcohol and its container if the alcohol is in a public place in breach of a bylaw. Alcohol or a container seized under this section is forfeited to the Crown if the person from whom the alcohol or container is seized is convicted of breaching the bylaw

7.3 Arrest a person whom the constable finds committing an offence:

7.4 Arrest a person who has refused to comply with a request by a constable—

7.4.1 To leave the public place; or

7.4.2 To surrender to a constable the alcohol that, in breach of a bylaw, is in that person's possession.

8. Conditions relating to power of search—

Before exercising the power of search in relation to a container or a vehicle, a constable must—

8.1 Inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and

8.2 Provide the person with a reasonable opportunity to remove the alcohol or the vehicle, as the case may be, from the public place.

8.3 However, on specified dates or in relation to specified events, duly notified by Council in accordance with Part 8, section 170, subsection (3) of the Local Government Act, 2002, a constable may, immediately and without further notice, exercise the power to search a container or a vehicle.

9. Proving substance is alcohol in relation to alleged breach of alcohol ban

- 9.1** In this section, labelled trade container means a container that is of a type sold in the ordinary course of trade, and is labelled to the effect that it contains 1.15% or more ethanol
- 9.2** This subsection applies to a substance in respect of which a breach of alcohol ban is alleged to have been committed if the substance was in a container at the time of the offense is alleged to have been committed, and-
- a) The container was a labelled trade container; or
 - b) The container was not a labelled trade container but appeared to contain alcohol, and when it was opened the substance smelled like alcohol; or
 - c) The defendant has at any time made to a constable an admission to the effect that the substance was alcohol
- 9.3** If, in any proceedings for a breach of alcohol ban, it is proved that subsection (2) applies to the substance in respect of which the breach is alleged to have been committed, the substance must be presumed to be alcohol unless the defendant-
- d) Proves that it was not; or
 - e) Has given notice in writing at least 20 working days before the hearing that he or she disputes that the substance was alcohol

10. Addition of Specified Periods and Public Places

- 10.1** The Council may from time to time by resolution specify additional periods during which the bringing of alcohol into a public place and the possession or consumption of alcohol in a public place may be prohibited and (in conjunction with such a prohibition) the presence or use of vehicles may be regulated or controlled. The Council may make such a resolution in relation to any planned public event, function or social gathering to be held in a public place or in relation to a period when the congregation of a large number of people in a public place is anticipated.
- 10.2** The Council may from time to time by resolution specify additional public places that are to be defined as Specified Public Places and in relation to which the provisions of this Bylaw relating to the prohibition, regulation or control of alcohol and vehicles may apply during a Specified Period.
- 10.3** Every resolution made pursuant to Clause 9.1 or Clause 9.2 above shall be publicly notified at least 14 days before it shall take effect.

11. Criteria for Making Resolutions Relating to Bylaws

- 11.1** Pursuant to Section 147B of the Act, before making a resolution to an Alcohol Ban bylaw, Council must be satisfied that –
- 11.1.1** There is evidence that the area to which the bylaw applies has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
 - 11.1.2** The bylaw –
 - d) is appropriate and proportionate in light of the evidence; and
 - e) can be justified as a reasonable limitation on people's rights and freedoms.

12. Bylaw Review

- 12.1** Pursuant to Section 159 of the Act, a local authority must review this bylaw no later than 10 years after it was last reviewed.

Control of Alcohol Consumption in Public Places Bylaw 2003

Schedule A – Specified Public Places

All public places within the area shown on the map 'Oamaru Alcohol Ban Area' dated 24.11.2009, the map 'Omarama Alcohol Ban Area' and the map 'Otematata Alcohol Ban Area'.

Schedule B – Prohibited Times

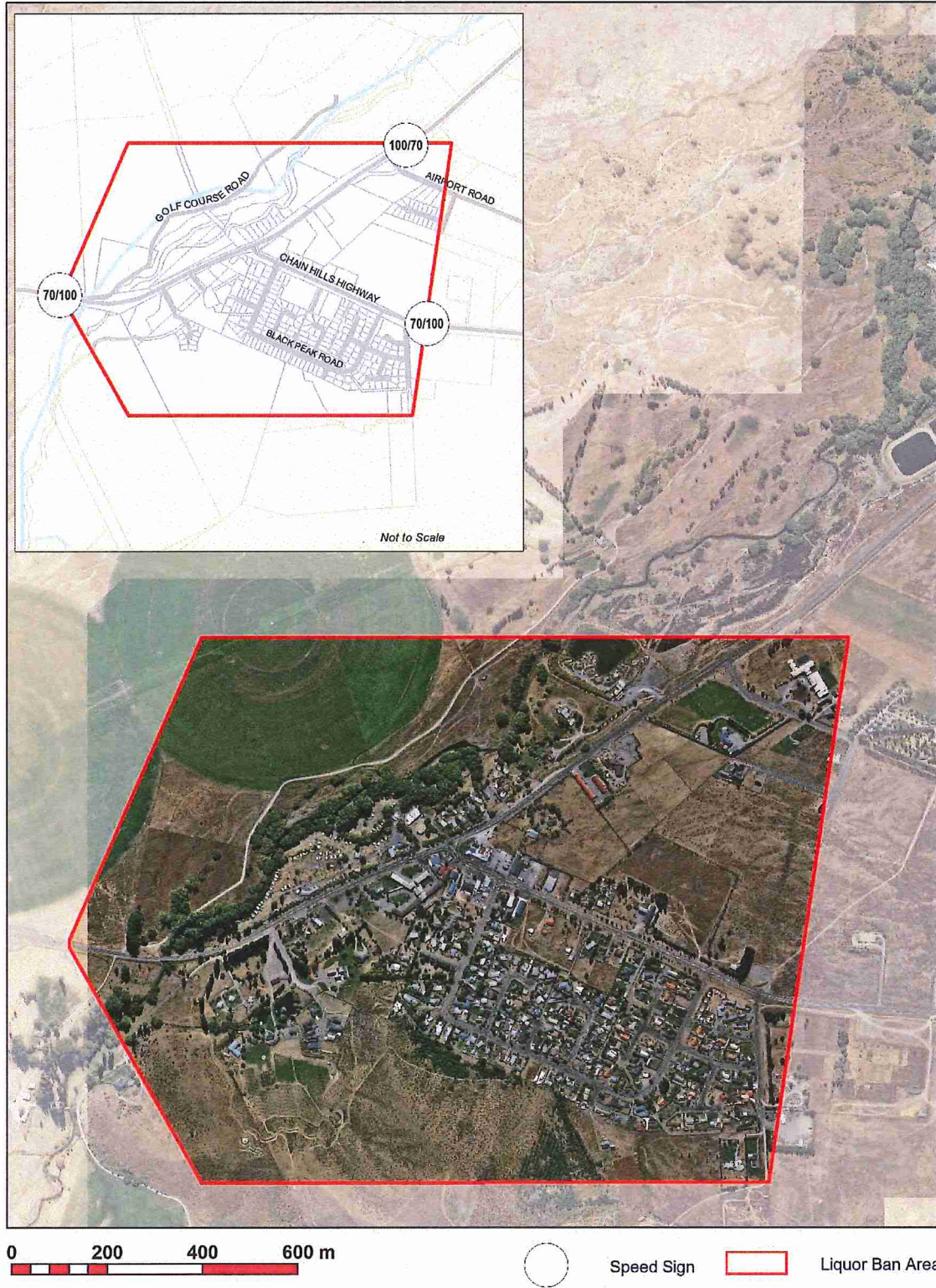
At all times within the area shown on the map 'Oamaru Alcohol Ban Area' dated 24.11. 2009, the map 'Omarama Alcohol Ban Area', and the map 'Otematata Alcohol Ban Area'.



 OAMARU LIQUOR BAN AREA

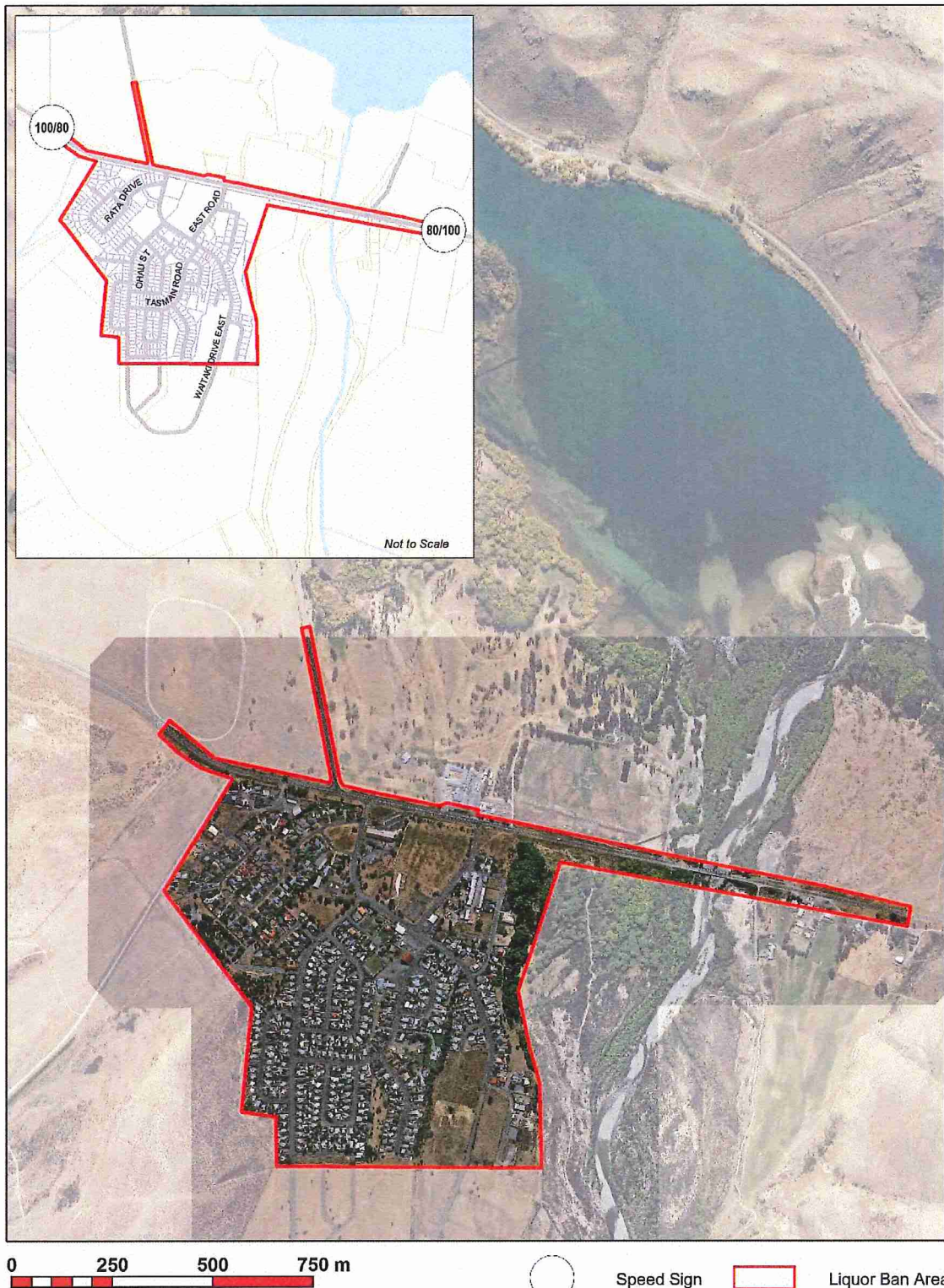
October 2009

Omarama



Omarama Alcohol Ban Area

Otematata



Otematata Alcohol Ban Area

Waitaki District Council Report

From Assets Group Manager

Date 4 December 2018

Waitaki Resource Recovery Trust Funding Request

Recommendations

That Council:

1. Provides the Waitaki Resource Recovery Trust with a one-off grant of \$55,000, to cover loss of income in the current financial year, funded from the waste minimisation reserve.
2. Provides the Waitaki Resource Recovery Trust with a one-off grant of \$30,000, to reimburse the cost of a second baler purchased in 2017, funded from the waste minimisation reserve.
3. Increases the annual grant to the Waitaki Resource Recovery Trust from \$220,000 to \$242,000 effective from 1 January 2019 onwards and adjusts the annual plan accordingly;
4. Agrees that the \$11,000 contribution from the current financial year be funded from the waste minimisation reserve.

Objective of the Decision

To consider a request from the Waitaki Resource Recovery Trust (WRRT) for financial assistance.

Summary

The current state of the recycling markets has meant that WRRT is requiring financial assistance in order to be able to continue to provide its current services.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Moderate	Environmental Considerations	No
Legal	No	Cultural Considerations	No
Significance	No	Social Considerations	Key
Financial Criteria	Key	Economic Considerations	Key
Community Views	Moderate	Community Board Views	No
Consultation	No	Publicity and Communication	Moderate

Background

The downturn in recycling markets has put financial pressure on WRRT and assistance is being sought from Council.

Council currently grants WRRT \$220,000 per annum, paid in quarterly payments of \$55,000. The lease on the site is waived and is valued at \$40,000 per annum. Council also commits \$10,000 each year to site maintenance. Therefore, Council contributes an assessed value of \$270,000 each year to WRRT's operation.

WRRT has asked for:

- A one-off \$55,000 cash grant to cover loss of income due to the downturn in the recycling sales market.
- A one-off \$30,000 reimbursement to cover the cost of a second baler bought in 2017 to cope with the additional volumes as a result of the closure of the Oamaru landfill.
- An annual \$22,000 (10%) increase in the annual grant to cover increasing operational costs, like the minimum wage increases.

More information is provided in the attachment which has been supplied by WRRT.

Council's Finance team has advised that it is expected that there will be \$275,000 left in the waste minimisation reserve fund as of 30 June 2019. This is after the contribution made to the WRRT facility upgrade of \$285,000. The team has said that this reserve would be appropriate for Council to use to provide the financial assistance WRRT is requesting.

Summary of Options Considered

Option 1 – Provide funding requested by WRRT (recommended)

Under this option, the one-off contribution would be funded from the balance sitting in the waste minimisation reserve, with the ongoing increase in the annual grant added to the annual plan budget from 1 July 2019.

Option 2 – Provide some of the funding requested by WRRT

Under this option, Council would choose which parts it would like to fund, with funding sources the same as option 1.

Option 3 – Retain the current level of funding to WRRT

Under this option, staff would continue to work with WRRT under current financial arrangements.

Assessment of Preferred Option

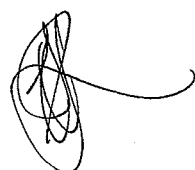
Option 1 – Provide funding requested by WRRT

Having considered the options summarised above, the following conclusions have been reached:

1. There has been a significant downturn in recycling revenue which is affecting the financial arrangements of many recyclers, including WRRT.
2. Providing a mix of one-off and an adjustment for ongoing grants will mean that WRRT can continue to provide a full range of services to the community.
3. If circumstances change, then funding arrangements can be adjusted at a later date.
4. There is enough money available in the waste minimisation reserve to cover the one-off requests.

Conclusion

The Waitaki Resource Recovery Trust provides a range of services to the community, and its request for some additional financial assistance at this time is worthy of consideration.



Neil Jorgensen
Assets Group Manager

Attachments

- Additional decision making considerations
- WRRT Funding Application

Additional Decision Making Considerations

The following matters have been considered in making the decisions.

Outcomes

We keep our District affordable

We provide and enable services and facilities so people want to move here and stay here

Policy and Plan Considerations

Waste Management and Minimisation Plan (WMMP)

Community Views

The WMMP process showed that there is strong support for WRRT and the services it provides.

Publicity and Communication Considerations

It is recommended that the decision from this report is updated through normal channels.



Waitaki Resource Recovery Trust

42 Chelmer Street
PO Box 322
Oamaru 9444
New Zealand
Tel/Fax: 03 4340999

Email: info@resourcewaitaki.co.nz
Website: www.ResourceWaitaki.co.nz
GST Number 84 002 658

23 October 2018

Application for additional funding from WDC.

Background information.

Trading results for the last two years have resulted in increased incomes and profits of \$28K and \$27K respectively. Our cash position as at 30 June for the past three years has been 2015 \$116K, 2016 \$149K, 2017 \$134K and 2018 \$56K.

As you are aware, since Christmas, the world of recycling has been in turmoil since the Chinese banned importation of most recycled plastics. This has lead to dramatic falls in returns for plastics, cardboard and paper on a worldwide basis. To compound the problem most alternative Countries in South East Asia have placed a 3 month ban on importation of recycled plastic until backlogs of redirected plastic shipments have been cleared.

You will also be aware Christchurch City Council have financially assisted Eco Central to the tune of \$3.2 million to cover the shortfall in returns.

Wastebusters in Ashburton have closed their operation and Wanaka and Alexandra are assessing their current situation.

Current situation at WRRT.

The last 6 months have seen our budgeted returns on paper and cardboard reduce by \$55,000.00. We have been unable to ship containers of plastic overseas due to the ban on importation in SE Asia. Orders have been placed and we hope to re commence shipments in November 2018. However this has further reduced our cashflow by \$25,000.00. We have employed another 3.5 personel to cope with increased volumes of recycling plus the recent minimum wage increase has further affected our cashflow position. In fact we have absorbed over \$100K of minimum wage increases over the last 5 years with no increase in Waitaki District Council grant. Site redevelopment with an "INITIAL" budget of

\$285,000.00 is progressing slowly, however we have contributed \$30,000.00 from cashflow to purchase a second baler in late 2017 to ensure increased volumes now and in the future can be accommodated. We have also utilised all funds in our depreciation account to assist with cashflow. Essentially overheads have increased in line with increased volumes whilst returns have dramatically reduced.

Funding/Assistance Request.

We would like Council to consider funding assistance as follows:

- 1 Cash grant of \$55K to cover loss of income.
- 2 Reimbursement of \$30K for the second baler purchase in late 2017 to handle increased volumes since the closure of the Oamaru Landfill.
- 3 10% increase in our Annual Grant which has not been adjusted for at least 5 years and was recommended in the latest Waste Management & Minimisation Plan 2018-24.

Outcomes Positive.

Assuming we receive some assistance we are confident in our ability to further improve our services to the Waitaki District and continue to employ 30+ staff, many of whom would have difficulty finding employment elsewhere. In fact we have just been awarded the Trust Power 2018 Regional Winner for outstanding contribution to the Waitaki District Community. Workbridge are also doing an article on how important we are to them with regards to our assistance with their programs. The site redevelopment will reap benefits once finished. Last Financial year we diverted 2973.67 tonnes from Landfill with a saving for the Community of \$774,046.30. Assuming similar diversion rates at the new waste disposal rates that figure would rise to \$948,452.04.

Summary.

The ongoing support from the Waitaki District Council is essential for WRRT, which has been a success story for our Community and is widely regarded Nationally, to continue to operate. The current problem has been created by world markets of which we have no control, but we are looking at ways to grow our income with the new site developments taking place at Chelmer Street which will help in the future.

Dave Clare
Trust Manager.

Waitaki District Council Report

From Payroll Administrator
People and Culture Group Manager

Date 4 December 2018

Warrants of Appointment

Recommendation

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

- 1) Waitaki District Council hereby appoints **Genevieve Naomi Paisley** (3 Waters Department) 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, if with a constable) (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.
- 2) Waitaki District Council hereby appoints **Katrina Dawn Clark** (Planning Department) 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, if with a constable) (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.
- 3) Waitaki District Council hereby appoints **Anna Jane McKenzie** (Planning Department) 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, if with a constable) (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.
- 4) Waitaki District Council hereby appoints **Ramanpreet Singh** (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) Acquire information (s22);
 - ii) Serve abatement notices (s322);
 - iii) Compliance with abatement notices (power to seize, with a constable) (s323);
 - iv) Issue and effect of excessive noise direction (s327);
 - v) Compliance with an excessive noise direction (s328);
 - vi) Carry out, at any reasonable time, inspections of any place or structure (except a dwelling house) (s332);
 - vii) Enter for survey (s333); and
 - viii) Issue infringement notices (s343C).

Background and Objective

These resolutions are required to provide enforcement powers for the following: a Project Engineer, a Resource Management Planner, and the Senior Planner.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	No	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	Low	Social Considerations	No
Financial Criteria	No	Economic Considerations	No
Community Views	No	Community Board Views	No
Consultation	No	Publicity and Communication	No

Significance and Outcomes

This decision is of low significance. It relates to the following outcome:

- Our Local and Central Governments demonstrate efficient and effective use of resources.



Rob Murray
Payroll Administrator



Lisa Baillie
People and Culture Group Manager

Waitaki District Council Report

From Environmental Services Manager

Date 4 December 2018

Introduction of PayMyPark

Recommendations

That Council:

1. Approves that Mobile apps/Online and/or web-based sites is an acceptable method for payment of parking fees.
2. Notes that when the Roding Bylaw 2013 is reviewed during 2019, Mobile apps/Online and/or web-based sites will be included as a valid payment method.
3. Notes that Mobile apps/Online and/or web-based sites will be available to the public before Christmas (if approved).
4. Notes the requirements of 5.2.4 Roding Bylaw 2013 (as noted in **Appendix 1**) and approves changes to signage.

Objective of the Decision

To obtain a Council resolution to allow for parking fees to be collected through Mobile apps/Online and/or web-based sites.

Summary

Council has requested that Officers complete a review of parking options and report back in February 2019. The community has requested Council introduce a mobile app option which creates a wider range of payment methods and greater convenience for the public.

An opportunity exists to implement PayMyPark now. PayMyPark is considered a suitable option for Waitaki district needs and is compatible with current equipment. It allows for people to pay for parking from their mobile devices and extend parking without going back to their vehicles.

To enable payment to be collected by this method, a Council resolution is required.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	Key	Environmental Considerations	No
Legal	Key	Cultural Considerations	No
Significance	No	Social Considerations	No
Financial Criteria	Key	Economic Considerations	No
Community Views	Key	Community Board Views	No
Consultation	No	Publicity and Communication	Moderate

Background

A number of customers have requested that Waitaki District Council (WDC) make available a Mobile apps/Online and/or web-based. PayMyPark is one available option to allow a more convenient payment method for some of the community.

PayMyPark is an online service or mobile phone app that will compliment current customer choices regarding a convenient payment method for parking. Customers have the current options of cash, text parking, and credit card; the addition of PayMyPark is now proposed. WDC has 47 parking machines with a depreciation life set until 31 July 2023 and which are currently showing a book value of \$153,365. By entering into a contract with PayMyPark, Council can view this as a trial around community acceptance of new technology. At \$252 per annum to license the PayMyPark service, it would offer a cost-effective dimension to the review of parking within the district.

PayMyPark has three different payment options:

- PayMyPark web-based: No account is required. Users have the ability to pay for parking through a mobile device. This option does not have the ability to send reminders or to enable users to top up whilst away from the vehicle.
- PayMyPark app-based: A similar option to the above, but with the additional benefits of being able to send notifications and to enable users to top up whilst away from the vehicle.
- PayMyPark app – Start and Stop: This allows the user to use the GPS capability of the device and pay only for the time they are parked.

Funds collected through these payment methods are transferred to Council monthly.

The system is compatible with current equipment and requires minimal effort for implementation.

Summary of Options Considered

Option 1 – Council approval for parking fees to be collected through PayMyPark. The resolution will enable fees to be collected by this method until the Bylaw is reviewed and updated. (Preferred Option)

Option 2 – PayMyPark is introduced once the Rooding Bylaw 2013 has been reviewed and updated. This option delays the opportunity to provide choice of payment methods to customers.

Option 3 – PayMyPark is not introduced until a full Parking review is completed. Council has requested a review of our parking services. This method of payment will form part of that review.

Assessment of Preferred Option

Option 1 is the preferred option. This option meets the needs of the community by creating choice in parking payment methods. The only charge to Council is \$21 per month (\$756 over the three-year contract) for the monitoring provision and a 50% share of marketing costs, up to \$5,000.

Having considered the options summarised above, the following conclusions have been reached:

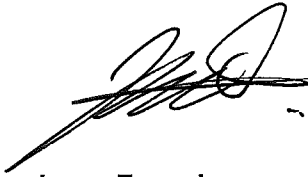
1. Legal advice has confirmed that Council can resolve to accept payment by this method.
2. This option provides choice to customers and is convenient for users if they are delayed unexpectedly longer than anticipated and for those who do not have coins or small change.
3. The cost to Council is minimal.

Conclusion

For very little expense, Council can expand the options for people to pay for parking within the Waitaki district. A review of parking options has been requested by the Heritage, Environment and Regulatory Committee and this will be presented in February 2019. However, Council can introduce a customer-friendly option now with a resolution to allow the use of Mobile apps/Online and/or web-based services. Making this resolution now will not influence the outcome of the parking review, but it will enhance the choice for customers.

The app has proved popular in several New Zealand areas, including Dunedin City, Wellington City, Hutt City, Hamilton City, and Tauranga City, and with both Timaru District and New Plymouth District Councils.

Council has received requests for better options, and this will allow Officers to assess the benefit of such systems over the more traditional methods of parking control.



Jason Evered
Environmental Services Manager



Lichelle Guyan
Heritage, Environment and Regulatory Group Manager

Attachments

Additional Decision-Making Considerations

Appendix 1 – Roading Bylaw 2013 Part III Parking (5.2)

Additional Decision Making Considerations

The following matters have been considered in making the decisions.

Outcomes

We understand the needs of our community – there is demand for a Mobile apps/Online and/or web based site from the community.

We keep our district affordable – the cost of the service is minimal. It is possible a Mobile apps/Online and/or web-based site such as PayMyPark could reduce the need to replace some parking machines in the longer term.

Policy and Plan Considerations

The Roothing Bylaw is being reviewed in 2019 and will be revised to include this option.

Community Views

As previously noted, the community has asked that Council consider this option.

Financial Considerations

Implementation and ongoing costs to Council are minimal.

Legal Considerations

Council resolution for a *Mobile apps/Online and/or web based site service such as PayMyPark* is an acceptable parking payment method until the Bylaw is reviewed.

Environmental Considerations

Not considered.

Publicity and Communication Considerations

A communication plan including media release, website and fliers will be used to educate the community. It will be developed once the implementation dates are confirmed.

Appendix 1 Roothing Bylaw 2013 Part III Parking (5.2)

Parking Controls and Offences

- 5.2 It is an offence to park in any controlled area, parking area or public place except as permitted by:
 - 5.2.1 an authorisation issued by the Chief Executive, or
 - 5.2.2 the provisions of this Bylaw, or
 - 5.2.3 by resolution of Council, or
 - 5.2.4 by signage or equipment installed by Council to regulate parking in a controlled area.

Waitaki District Council Report

From Finance and Corporate Development Group Manager **Date** 4 December 2018

Tourism Waitaki Contract Extension

Recommendations

That Council:

1. Notes the recently announced change management plan developed by the board of Tourism Waitaki Limited to reshape the business so that it is fit for purpose.
2. Extends the current service agreement with Tourism Waitaki until 30 June 2019 subject to resolution of issues in relation to local pricing and events management.
3. Pays the full amount due under the extension in the first month of the extension period.
4. Instructs the Chief Executive to negotiate that an update of the district tourism strategy be significantly advanced by Tourism Waitaki Limited prior to the development of a new service agreement between Council and Tourism Waitaki Limited.
5. Instructs the Chief Executive to negotiate a revised draft service agreement with Tourism Waitaki Limited, taking account of discussions at any workshops, strategies developed, or any other relevant matters or developments, and that the revised agreement be presented to Council for final approval.
6. Confirms the Mayor's authority to provide undertakings required from third parties in relation to Council's ongoing support of Tourism Waitaki's operations while these matters are being addressed.

Objective of the Decision

To address a number of financial matters raised by the Tourism Waitaki Limited (TWL) Board at the workshop held on 27 November 2018 and provide financial certainty while the various strategic and operational matters between Council and TWL are resolved.

Summary

The service agreement between TWL and Council ended on 30 June 2018. The current service arrangements were extended by six months under resolution WDC 2018/117. Due to a number of ongoing issues, it has not been possible to negotiate a new agreement prior to the expiration of the extension. Therefore, it is proposed to formally extend the current agreement for a further six months.

Summary of Decision Making Criteria

	No/Moderate/Key		No/Moderate/Key
Policy/Plan	No	Environmental Considerations	No
Legal	Moderate	Cultural Considerations	No
Significance	No	Social Considerations	No
Financial Criteria	Moderate	Economic Considerations	No
Community Views	No	Community Board Views	No
Consultation	No	Publicity and Communication	No

Background

Various matters were discussed by Council at its meeting of 26 June 2018 in relation to TWL. Following these discussions, Council agreed to various financial arrangements including an extension to the service agreement and a short-term cash flow facility. It also required that a workshop be arranged and a new agreement be negotiated prior to 31 December 2018.

Discussion

The workshop required under resolution WDC 2018/117 was held on 27 November 2018. At this workshop, TWL Board members presented their plan to address a number of operational and financial issues. The presentation outlined the scope of the issues the Board and General Manager have worked through over the last five months. The primary issue that was identified during this period was a belief that the organisation was not appropriately structured to deliver much of what Council wanted in an efficient and effective manner. In addressing this fundamental matter, the Board did not have sufficient time and resource to develop a new service agreement with Council.

TWL has now commenced the change management process it sees as necessary to make the company fit for purpose. However, the TWL Board believes it cannot complete this process and negotiate a new agreement prior to the current extension expiry date and therefore a further six month extension has been requested.

TWL also believes that a review of the District Tourism Strategy should be substantially complete prior to any agreement being finalised, as this will be a good mechanism to help establish the expectations of both parties. Therefore, it is considered that that strategy should be advanced as a priority.

Summary of Options Considered

Service Agreement

Option 1 – Extend the current Service Agreement for a further six months (Preferred)

Option 2 – Operate without an agreement in place

To provide comfort to the Board and other interested parties and provide to the Board some time and space to make the organisational changes it sees as necessary, a formal extension of the agreement is seen as a prudent and appropriate action.

However, in granting the extension, any further requirements should be made clear to TWL. This should include the need to make significant progress on other issues, in particular (but not limited to) the redevelopment of the district tourism strategy and the need to immediately address Council's concerns in relation to entry pricing for locals and event management.

Conclusion

Extending the agreement is prudent for both Council and Tourism Waitaki, as it provides certainty for them and all stakeholders.



Paul Hope
Finance and Corporate Development Group Manager

Waitaki District Council Memorandum

From Gerard Quinn, Economic Development Manager

Date

4 December 2018

Waitaki Whitestone Geopark Update

Recommendation

That Council receives the information.

Summary

The Waitaki Whitestone Geopark project reached a significant milestone on 27 November 2018 when the Economic Development Manager electronically delivered the full Application Dossier for UNESCO Global Geopark status to UNESCO in Paris. This milestone was achieved ahead of deadline, as a result of significant 'above and beyond' effort by Council and related organisations' staff.

Purpose

The purpose of this memorandum is to present information on the current status and the future work and activity streams of the Geopark project.

Background

At the time of the last Council update (a workshop on 9 October), staff had just completed the Geopark self-evaluation process, which looked at all aspects of our preparedness to submit an application to UNESCO. Since then, significant work has been done to progress the Geopark project, culminating in the submission of our application to UNESCO on 27 November.

Application Dossier compilation

The compilation of the application was a huge and high-quality effort by numerous staff from Council, aided by inputs from various external partners. Many Council staff went above and beyond in terms of their hours and diligence while continuing to deliver on their other workloads. The information gained by the Economic Development Manager (EDM) through his attendance at the Global Geopark Network Conference in September was particularly relevant and helpful in shaping the thrust of the application.

The submission was reviewed by the New Zealand Commission for UNESCO Advisory Panel. The Panel undertook extensive scrutiny of the application documents, provided some helpful suggestions to enhance and clarify specific items, and complemented the quality of the submission overall. The Panel recommended to the New Zealand Commissioners that the application was in a fit state to be submitted. The New Zealand Commission accepted the recommendation on 20 November. A copy of the New Zealand Commission's letter of support is attached. The EDM submitted the application electronically to UNESCO on 27 November 2018.

The application contained a lot of technical information on the geology within the Geopark, supported by information on how the Geopark and the Waitaki District would use UNESCO Global Geopark status to advance sustainable development within the District and wider.

The full set of application documents can be viewed at

https://www.dropbox.com/sh/dzci6ld1q1219nk/AABNmclz4v_m4E81wTwmh1QGa?dl=0

Timeline

The timeline from here is as follows:

- UNESCO will conduct a desktop review of the application in the first quarter of 2019.
- If that review is satisfactory, UNESCO will send a team of two Assessors to Waitaki in May 2019.
- UNESCO's Global Geoparks Council will assess all Global Geopark applications from around the world by September 2019.
- UNESCO's Global Geoparks Council will recommend meritorious applications to the Executive Board of UNESCO by 31 October 2019 for endorsement.
- The Executive Board of UNESCO will decide which applications receive Global Geopark status during its Spring Session meeting (by 31 March 2020).
- Successful Geoparks will be notified of UNESCO accreditation by 30 April 2020.

WWG Validation Business Case

The Request for Quotes for the Geopark Validation Business Case was issued to a selected set of (largely) tourism-oriented consultants on 22 November 2018. The Case will provide an independently-authored report which:

- identifies, evaluates, ranks and quantifies the likely benefits of the WWG project, with emphasis on the **economic benefits and returns** to New Zealand and to the businesses and communities within and around the Waitaki district.
- identifies the opportunities for **significant capital investment** (both public and private) in facilities which would enhance the offering of the WWG.
- identifies potential **supporters, commercial partners and revenue streams** which could be developed to make the operation and development of the WWG self-funding.
- identifies and ranks **challenges, risks and opportunities** associated with the WWG project (along with methods to mitigate risks and actions to realise opportunities).

The creation of the Case is 75% funded by a grant successfully secured from the Provincial Growth Fund, and will be used to inform Government, iwi and private sector investors of the opportunities afforded by the creation of a UNESCO-endorsed Global Geopark. The timeline for this consultancy is:

Deadline for Quotes:	10 December 2018
Selection of and contracting with successful Respondent	18 December 2018
Anticipated Contract start date:	21 January 2019
Desired completion date	26 April 2019

Social Licence to Operate

Daniele van Duin, one of the Council's international interns, has completed a Social Licence to Operate strategy paper, which will be used to guide how we interact with the various stakeholder and interested groups in a way which engenders support for the geopark and its objectives. This will ensure that the geopark operation is conducted in a sustainable and environmentally- and community-friendly manner. It will form part of the reciprocal obligations contained within the to-be-developed Partner Agreements with local businesses and organisations.

Trust and company arrangements

The Waitaki Whitestone Geopark Trust has passed the necessary resolutions required to establish its bank accounts and to allow for the creation of Waitaki Whitestone Geopark Limited, a company which will hold contracts and perform management services to the Geopark on behalf of the Trust. The initial Director of the company will be Gary Kircher in his capacity as interim Chair of the Trust.

Stakeholder engagement

An extensive stakeholder engagement programme has been undertaken, at both a grass-roots community level (eg East Otago Field Days, Otematata Residents' Association AGM, Otago Rock & Mineral Club) and at national agency level (GNS Science, Department of Conservation). A briefing to the A2O Partner Summit was particularly well-received, as the Geopark provides them with more 'content' to sell to cyclists. Local interest has seen the Geopark record the highest uptake of social media followers across the Council-sponsored stable. National agencies have been enthusiastic about the potential to partner with the Geopark. The nature of these partnerships is now to be negotiated.

A very successful Council-facilitated event enabled the participation of Waitaki Girls' High School in a Global 'Junkjam' – a youth-oriented musical event, hosted by the English Riviera Geopark, simultaneously broadcast across ten countries, and reported on by the BBC. Technical capabilities provided by Council staff meant that (in our humble opinion) the Waitaki Whitestone Geopark contingent was the star of the show.

Memoranda of Understanding

Memoranda of Understanding have been signed between the Geopark and Otago University and Lincoln University. The Otago MOU covers arrangements, duties and obligations for staff and students seeking research opportunities or internships. The MOU with Lincoln, centred around its newly formed Centre of Excellence: Sustainable Tourism for Regions, Landscapes and Communities, will see up to 15 students (up to PhD level) engaged in research on rural-, food-, agri- and geo-tourism, destination management, community impact assessment, and sustainable tourism planning and management in the Waitaki Valley.

A further MOU with GNS Science is currently in preparation.

Funding avenues

The Mayor is continuing to seek a meeting with Associate Minister of Education Jenny Salesa (Minister responsible for UNESCO relations) regarding long-term funding of the Geopark as a national tourism and reputational asset for New Zealand. A verbal agreement has been secured to host Regional Economic Development Minister Shane Jones and Under-Secretary Fletcher Tabuteau to the Waitaki district early in the New Year.

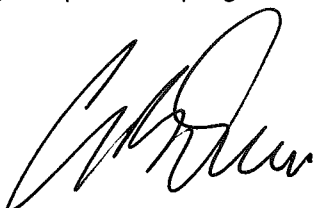
Comment

Significant work on the Geopark project will continue to be undertaken by Council officers and by Tourism Waitaki. Areas of activity include:

- Continued delivery of the stakeholder engagement schedule with relevant stakeholders such as Councillors, tourism operators, ratepayer associations, landowners, iwi, Government, sponsors, science and education sector, and the public.
- Developing the 'Masterplan' for the next four years operation of the Geopark, including goals and targets for each of four major work-streams.
- Negotiating the transitional arrangements of Vanished World Incorporated and the Friends of Vanished World Charitable Trust to life within the Geopark umbrella.
- Continuing to seek Central Government establishment funding and ongoing funding.
- Funding approaches to philanthropic organisations whose goals are aligned with those of the Geopark.
- Further developing the Geopark website and mobile app.
- Developing the Geopark Partner package and 'ParkMark' brand for local produce, with emphasis on 'geogastronomy'.
- Interaction with landowners of sites which are located on private property – eg Anatini and Elephant Rocks – to secure access covenants or other arrangements.

- Development of geopark educational materials that can be used stand-alone and in conjunction with proposed GNS Science 'Geocamps'.
- Pursuing sources of grant funding to assist with the above.
- Plans for the upgrading of facilities at the prime geosites, and producing new interpretative signage.
- Working with North Otago Museum on developing Geopark-related exhibits.

It is anticipated that a lot of this work will be funded in the coming year by corporate sponsorship, merchandising, contracts won from Government Ministries (including the Tourism Infrastructure Fund), the contributions of Vanished World Incorporated, contributions in kind from agencies such as GNS Science, and philanthropic grants.



Gerard Quinn
Economic Development Manager



Fergus Power
Chief Executive

Attachment – Letter of Endorsement from New Zealand Commission for UNESCO



United Nations
Educational, Scientific and
Cultural Organization

**New Zealand National
Commission for UNESCO**
Te Kōmihana Matua o Aotearoa mō UNESCO

Mme Audrey Azoulay
Director-General
UNESCO
7 place de Fontenoy
75352 Paris
FRANCE

23 November 2018

Dear Mme Azoulay

Waitaki Whitestone Aspiring Global Geopark – New Zealand

The New Zealand National Commission for UNESCO is writing in support of the application by Waitaki Whitestone to become a UNESCO Global Geopark and to join the UNESCO Global Geoparks Network.

The area of the proposed Geopark covers 7214 km², home to 22,000 people living in small communities and many areas of interest including metamorphic, sedimentary, and volcanic features, along with Cenozoic fossils. The Vanished World Centre and trail has been operating as a Geopark for 17 years, drawing visitors of all ages.

If successful, Waitaki Whitestone will be New Zealand's first UNESCO Global Geopark and the first for Australasia, offering geographic balance to the present distribution of geoparks. The proposed Geopark is uniquely New Zealand in nature due to its firm foundation in Te Ao Māori (recognising the place of the people of the land).

In 2017, the New Zealand National Commission for UNESCO established an independent Expert Advisory Panel (EAP) to encourage, support and advise New Zealand nominations for UNESCO Global Geopark status.

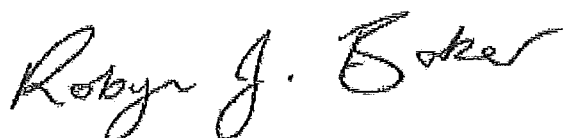
Chaired by Dr Geoff Hicks (Natural Sciences Commissioner, New Zealand National Commission for UNESCO), the other members are Dr Hamish Campbell (Senior Geologist, GNS Science, Dr Bruce Hayward (GeoMarine Consultant and Convenor of the New Zealand Geopreservation Inventory), David Bamford (Specialist and Consultant in tourism management, parks and recreation planning and small business development) and Holden Hohaia (General Manager Māori Development, Manaaki Whenua Landcare Research).

The group unanimously recommended to the National Commission that it endorse Waitaki Whitestone Aspiring Global Geopark as a candidate for the

UNESCO Global Geopark Network. It notes that the proposal has been developed in partnership with local iwi (Māori tribes).

The New Zealand National Commission for UNESCO wholeheartedly supports Waitaki Whitestone's bid to become a UNESCO Global Geopark.

Sincerely

A handwritten signature in black ink, reading "Robyn J. Baker". The signature is written in a cursive, flowing style.

Robyn Baker
Chair New Zealand National Commission for UNESCO