



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED, TUESDAY, 5 OCTOBER 2021 VIA AUDIO  
VISUAL LINK AT 9.00AM**

---

**PRESENT:**

Mayor Lyn Riesterer (Chairperson)  
Deputy Mayor Shona Browne (Deputy Chairperson)  
Councillors:  
Debi Hocart  
Barry Howe  
David Moore  
Steve Nelson  
Louis Rāpihana

**IN ATTENDANCE:**

Aileen Lawrie (Chief Executive Officer)  
Gerard McCormack (Group Manager Planning and Regulatory)  
Stace Lewer (Group Manager Engineering and Services)  
Peter Bridgwater (Group Manager Finance and Corporate Services)  
Anna Hayward (Group Manager Community Services and Development)  
Sarah Jones (Strategic Development Manager)  
Vernei Mullen (Facilities and Office Manager)  
Joseph Hayes (*i*-SITE and Events Manager)  
Barbara MacLennan (Workforce Development Co-ordinator)  
Madeline Kaa (Workforce Administration Officer)  
Gae Finlay (Executive Assistant and Governance Support Officer)

**GUEST:**

Sheryl Kirner

**MEDIA:**

Diane McCarthy (Local Democracy Reporter, The Beacon)

---

Councillor Hocart opened the meeting with a reading from a book titled "Aroha" by Dr Hinemoa Elder.

**APOLOGIES**

Nil.

**DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS**

There were no declarations of interest.

**PUBLIC FORUM**

Nil.

**1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 30 AUGUST 2021 p3**

Deputy Mayor Browne noted that the word 'cold' in the second paragraph under Item 15 should be 'could'. This will be corrected in the minutes.

**RESOLVED**

- (1) That the minutes of the Ordinary Council meeting held on 30 August 2021 be confirmed as a true and correct record.**

Hocart/Browne

**Carried**

**2. MINUTES – COAST COMMUNITY BOARD MEETING 10 AUGUST 2021 p19**

**RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 10 August 2021, and any recommendations contained therein, be received.**

Rāpihana/Howe

**Carried**

**3. MAYORAL REPORT 7 AUGUST 2021 – 24 SEPTEMBER 2021 p24**

**RESOLVED**

- (1) That the report titled "Mayoral Report 7 August 2021 – 24 September 2021" be received.**

HWTM/Browne

**Carried**

*Sheryl Kirner joined the meeting at 9.05am.*

**4. REVIEW OF COUNCIL'S CLASS 4 GAMBLING VENUE POLICY p30**

The Group Manager Planning and Regulatory spoke to the report.

The draft submission to the Draft Strategy to Prevent and Minimise Gambling Harm was tabled. The Group Manager – Community Services and Development gave an overview of the submission.

It was agreed that the submission will be signed by Her Worship the Mayor and the Chair of Tohe Ora - Ōpōtiki District Council Social Development Advisory Group.

It was further agreed that a fourth clause be added to the recommendations to note that Council receives the draft submission as tabled and that it be sent under the signatures as agreed above.

**RESOLVED**

- (1) That the report titled "Review of Council's Class 4 Gambling Venue Policy" be received.**
- (2) That Council adopt the Class 4 Gambling Venue Policy (Appendix 1).**
- (3) That Council receives the draft letter addressed to Hon Jan Tinetti (Minister of Internal Affairs) with regard to stronger Class 4 provisions in the Gambling Act 2003 (Appendix 2) and agree for it to be sent out accordingly.**
- (4) That Council receives the draft Submission to the Draft Strategy to Prevent and Minimise Gambling Harm and direct it to be sent under the signatures of Her Worship the Mayor and the Chair of Tohe Ora – Ōpōtiki District Council Social Development Advisory Group.**

Rāpihana/Howe

**Carried**

*The Strategic Development Manager joined the meeting at 9.10am.*

**5. LOTS 9 AND 10 REDEVELOPMENT PROJECT – DEMOLITION AND SITE  
REMEDICATION PROCUREMENT**

**p43**

The Strategic Development Manager spoke to the report.

In response to a query, the Strategic Development Manager stated that the project is currently within budget.

Responding to a query regarding concerns around increase in the cost of materials, Sheryl Kirner advised that once the contract is locked in Council should not see any increase in prices from the contractors.

Councillor Hocart thanked the Strategic Development Manager and Sheryl Kirner for a good report and the work they have done in relation to the project.

**RESOLVED**

- (1) That the report titled "Lots 9 and 10 Redevelopment – Demolition and Site Remediation" be received.**

**(2) That Council endorse and retrospectively approve the following procurement:**

- **Azzie Specialist Limited**
  - **Pre commencement asbestos removal relating to multiple buildings in CBD- \$44,175.00**
  - **Removal (and monitoring) of high risk vinyl asbestos – \$15,550.00.**
- **Livingstone Building Limited (in conjunction with Shane Moore Services)**
  - **Demolition of Lots 9 and 10 (including verandah) and 10 Potts Avenue- \$97,072.50**
  - **Asbestos removal to date - \$46,624.43**
  - **Asbestos removal to be carried out – up to \$81,270.00.**
- **Carlyon Projects Limited**
  - **Tank removal – \$28,642.00.**

Hocart/Browne

**Carried**

*The Facilities and Office Manager joined the meeting at 9.20am.*

*The Strategic Development Manager and Sheryl Kirner left the meeting at 9.22am.*

**6. PROPERTY, i-SITE AND LIBRARY ACTIVITY REPORT**

**p50**

The Facilities and Office Manager spoke to the report.

**RESOLVED**

**(1) That the report titled “Property, i-SITE and Library Activity Report” be received.**

Hocart/HWTM

**Carried**

*The Facilities and Office Manager left the meeting at 9.27am.*

*The Workforce Development Co-ordinator and the Workforce Administration Officer joined the meeting at 9.28am.*

**7. ŌPŌTIKI WORKFORCE DEVELOPMENT CO-ORDINATION – UPDATE**

**p58**

The Workforce Development Co-ordinator spoke to the report.

**RESOLVED**

**(1) That the report titled “Ōpōtiki Workforce Development Co-ordination – Update” be received.**

HWTM/Rāpihana

**Carried**

*The i-SITE and Events Manager joined the meeting at 9.41am.*

*The Workforce Development Co-ordinator and the Workforce Administration Officer left the meeting at 9.42am.*

## **8. ŌPŌTIKI SUMMER FESTIVAL FUNDING APPLICATIONS**

**p65**

The i-SITE and Events Manager spoke to the report.

### **RESOLVED**

- (1) That the report titled “Opotiki Summer Festival Funding Applications” be received.**
- (2) That Council approves a funding application to be lodged with the Southern Trust to support the 2021-22 Ōpōtiki Summer Festival subject to quotes.**
- (3) That Council approves a funding application to be lodged with The Lion Foundation to support the 2021-22 Ōpōtiki Summer Festival subject to quotes.**
- (4) That the Council approves a funding application to The Bay Trust to support the 2021-22 Ōpōtiki Summer Festival subject to quotes.**
- (5) That Council approve Person 1, (Joseph Hayes – i-SITE & Events Manager) and Person 2 (Iranui Huriwai – Senior i-SITE & Events Officer) to apply on behalf of the Ōpōtiki District Council to the Southern Trust, Lion Foundation, and Bay Trust to support the 2021-22 Ōpōtiki Summer Festival.**

Hocart/Rāpihana

**Carried**

*The i-SITE and Events Manager left the meeting at 9.46am.*

## **9. CHIEF EXECUTIVE OFFICER’S UPDATE**

**p68**

A replacement report was tabled.

### *Three Waters*

The Chief Executive Officer stated that the response to a letter Council sent to DIA last year made commitments which have not been met. Likewise, commitments outlined in the MOU with Government have also not been met.

Council’s feedback on the proposed Three Water Reform was sent last Friday, being the close of the conversation period.

A response to Council’s letter sent to the Minister in August 2021 was only received late on Friday, three hours after the feedback letter was submitted and 15 minutes before submissions closed.

Her Worship the Mayor acknowledged the large amount of work which has gone into the proposed Three Waters Reforms; hundreds and hundreds of hours. She thanked Councillors for remaining staunch and united in relation to Council's position around the proposed reforms.

Referring to feedback received from the community, Her Worship the Mayor was of the opinion that Council is correct to keep pushing the Government to acknowledge what they have not done well, or have not done at all in respect of the MOU with Council. She added that LGNZ are now collating all Councils' information and Mayors are particularly looking to see where everyone stands.

The Chief Executive Officer said the responses to Question 12 and Question 31a in Council's letter to the Minister in August were of particular concern. This is the assertion that LGNZ has agreed with an all-in approach, and that the residual viability of Councils was "out of scope".

The Group Manager Engineering and Services gave a summary of the response to Council's August letter, received from the Minister last Friday. The response is top down and does not give a clear understanding of how the reforms would impact our community.

Councillors expressed views which ranged from feeling let down by LGNZ to being frustrated by the large amount of staff and Councillor time the proposed reforms have taken, along with being asked for feedback which is not being listened to.

The Chief Executive Officer referred to the recommendations in the tabled report. She suggested, and Councillors agreed, that an extra bullet point be added noting that the response from the Minister does not change Council's views.

Although the MOU committed to two-way conversations there has been no proactive engagement with Council. It was agreed that there has also been no proactive engagement with iwi and this should be added in to the bullet point referencing that lack of engagement.

#### **RESOLVED**

- 1. That the report titled "Chief Executive Officer's Update" be received.**
- 2. That Council retrospectively approve the response on the Three Waters Reform that was submitted to DIA, LGNZ and Minister Mahuta on Friday, 1 October 2021.**

3. That Council note the receipt of the Minister's letter at 4.45pm on 1 October 2021 in response to a letter from Ōpōtiki District Council dated 17 August 2021 was too late to inform our response on the reforms.
4. That a letter is sent to Minister Mahuta from the Mayor that conveys the following concerns:
  - That it is disappointing that after seven weeks to consider our questions, a response was provided 15 minutes from the close of the comments period and almost three hours after we provided our comments.
  - The response from the Minister has not changed Council's views.
  - That the MOU we signed with Government in August 2020 committed us to two way conversations in good faith. We note that other than a Zoom meeting a week ago, that there has been no conversation at all between the Government, Ōpōtiki District Council and iwi.
  - That we raised a number of concerns in a letter dated 27 August 2020, to which your Chief Executive made a number of commitments (letter dated 4 September 2020).
  - Neither the commitments in the MOU nor those made subsequently by DIA staff have been met in practice.
  - That the response to the question of residual viability of Councils post reform as "out of scope" is inconsiderate and suggests a lack of regard for local leadership and democracy.
  - Any technical matters identified by staff for discussion at the meeting.

HWTM/Browne

Carried

*Diane McCarthy left the meeting at 10.18am.*

## **10. RESOLUTION TO EXCLUDE THE PUBLIC**

p73

### **SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987**

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

#### **11. Confirmation of In-Committee Minutes – Ordinary Council Meeting 30 August 2021.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
11.	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 30 August 2021</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

**This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that 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 the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:**

11.	Protect the privacy of natural persons Protect information  Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage Carry out negotiations Maintain legal professional privilege Carry out commercial activities	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(j)  Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
-----	---	--

Browne/Hocart

**Carried**

# **RESOLVED**

**(1) That the resolutions made while the public was excluded be confirmed in open meeting.**

**(2) That the public be readmitted to the meeting.**

HWTM/Hocart

**Carried**

# **RESOLVED**

**(1) That the In-Committee Minutes of the Ordinary Council meeting held on 30 August 2021 be confirmed as a true and correct record.**

Rāpihana/Browne

**Carried**



**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.34AM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 16 NOVEMBER  
2021**

**L J RIESTERER  
HER WORSHIP THE MAYOR**