



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED, WEDNESDAY, 7 FEBRUARY 2024 IN THE  
ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 10.00AM**

---

PRESENT:

Mayor David Moore (Chairperson)  
Deputy Mayor Shona Browne (Deputy Chairperson)  
Councillors:  
Tom Brooks  
Barry Howe  
Maxie Kemara, via Zoom  
Steve Nelson  
Dean Petersen

IN ATTENDANCE:

Stace Lewer (Chief Executive Officer)  
Gerard McCormack (Group Manager Planning and Regulatory)  
Anna Hayward (Group Manager Community Services and Development)  
Peter Bridgwater (Group Manager Finance and Corporate Services)  
Nathan Hughes (Group Manager Engineering and Services)  
Garry Page (Reserves Manager)  
Mercedes Neems (Executive Support Officer)  
Gae Finlay (Executive Assistant and Governance Lead)

MEDIA:

Diane McCarthy (Local Democracy Reporter, The Beacon)  
Mike Fletcher (Correspondent)

---

Deputy Mayor Browne opened the meeting with an inspirational reading.

**APOLOGIES**

Councillor Kemara

*It was noted that Councillor Kemara may join the meeting via Zoom if he is able to.*

**RESOLVED**

**(1) That the apology be sustained.**

HWTM/Browne

**Carried**

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

Councillor Nelson declared an interest in Item 19 (Waiotaha Drifts Subdivision – Vehicle Access) and asked if he could be part of the discussion. His Worship the Mayor was happy for Councillor Nelson to take part in the discussion.

*Councillor Kemara joined the meeting at 10.06am via Zoom.*

*The Executive Support Officer entered the meeting at 10.08am.*

*The Reserves Manager entered the meeting at 10.09am.*

## **PUBLIC FORUM**

*Linda Conning (Forest and Bird) – Vehicle Access to Beaches, in particular at Ohiwa*

Linda Conning tabled a paper which she read from. The paper focused on:

- The ecology of Ohiwa
- Management of the area
- Conflict of use
- The issue – being the implementation and enforcement of the rules and bylaws
- Possible solutions
- Cost
- Conclusion
  - The Council has a responsibility to follow through on its rules and bylaws and enforce them. The Council's role is one of leadership, and Forest and Bird implores you to step up into that role – only you can do it.

*Sharon Oxley and Ross Palmer – Waiotaha Drifts Subdivision: Vehicle Access*

Sharon Oxley read a statement signed off on behalf of around 15 residents who endorsed it:

*"We are writing to express our support for the ODC staff's recommendation that Council adopt Option 2 regarding quad bike use in the Waiotaha Drifts and Dunes subdivision. In their report to Council, staff have rightly pointed out the many regulatory and consenting hurdles that would need to be overcome to provide legal access for quad bikes from the subdivision to the beach.*

*Option 1 contemplates spending possibly hundreds of thousands of taxpayer dollars to attempt to undo the work of prior Council members, who themselves spent tax dollars to ensure a liveable community for everyone. To pursue this option in order to accommodate a small vocal minority of residents, flies in the face of good governance particularly given the high cost and low likelihood of success."*

Ross Palmer made some personal comments acknowledging that the situation is gutting. It has divided the Drifts community when that did not need to happen. People could have been told what the rules are and always have been since the consent for the subdivision was given. Ross Palmer said he understood that people had an expectation they could use their quad bikes etc. they did not do their homework like I did, adding that he bought next to a pedestrian walkway. Personal interest is getting in the way of enforcement and Councillors would prefer it be ignored so they themselves can use quad bikes. The messaging from some elected members is that they are condoning a clear violation of the law.

His Worship the Mayor allowed two further people the opportunity to speak in the Public Forum on the Waiotaha Drifts vehicle access topic.

*Graeme Thomson*

Graeme Thomson stated he has returned to Ōpōtiki after a 50-year absence. He is disappointed that an activity which seems to create a good atmosphere for people who use it is being questioned as wrong. It was the spirit of intention from the original developer, who went to the beach every day on his quad bike. For 15 years the status quo was access for vehicles to the beach. Yes, there were some issues but it allowed people to go down to fish and partake in good, clean, healthy family activities. There might be one or two in anything we do where people get carried away, but most putter down to the beach. Allowing the community down on to the beach with quad bikes is absolutely in line with the health aspect, and I have used by quad bike and my boat when people need rescuing, getting down to the beach through the walkway. The walkway would be the length of the Council chambers and quad bike users stop and wait for people who are walking; there is no danger of people getting hurt.

With regard to the environmental effect, surely Option 2 would have been signed off in the policy. All we are asking is to have access on to the boardwalk to the high tide mark. It is impractical to drive a bike on the driftwood and affect bird nests etc.

Graeme Thomson concluded by saying that he did not think the problem is as big as some people make out. A small minority of people have turned this into something bigger than Ben Hur. We need to consider all people, along with the elderly and disabled and keep a happy place.

*Mike Gallagher*

Mike Gallagher said a big part of why he purchased a property at the Drifts was to bring his children to a coastal environment, teach them to ride a quad bike and enjoy the beach. He believed a code of ethics

should be developed and consulted on which would be fair to everyone. It would probably not be a high cost for Council to go through that process.

*His Worship the Mayor advised that Item 19 (Waiotaha Drifts Subdivision – Vehicle Access) will be brought forward and considered now. (Refer page of these minutes).*

*Sharon Oxley, Ross Palmer, Graeme Thomson, Mike Gallagher and other members of the public left the meeting at 10.37am.*

*The Executive Support Officer and the Reserves Manager left the meeting at 10.38am.*

**1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 5 DECEMBER 2023 p4**

**RESOLVED**

- (1) That the minutes of the Ordinary Council meeting held on 5 December 2023 be confirmed as a true and correct record.**

HWTM/Howe

**Carried**

**2. CONFIRMATION OF MINUTES – EXTRA ORDINARY COUNCIL MEETING 11 DECEMBER 2023 p21**

**RESOLVED**

- (1) That minutes of the Extra Ordinary Council Meeting held on 11 December 2023 be confirmed as a true and correct record.**

HWTM/Nelson

**Carried**

**3. CONFIRMATION OF MINUTES – EXTRA ORDINARY COUNCIL MEETING 21 DECEMBER 2023 p25**

**RESOLVED**

- (1) That the minutes of the Extra Ordinary Council Meeting held on 21 December 2023 be confirmed as a true and correct record.**

Browne/Nelson

**Carried**

**4. MINUTES – RISK AND ASSURANCE COMMITTEE MEETING 21 AUGUST 2023 p27**

**RESOLVED**

- (1) That the minutes of the Risk and Assurance Committee meeting held on 21 August 2023, and any recommendations therein, be received.**

Brooks/HWTM

**Carried**

**5. MINUTES – COAST COMMUNITY BOARD MEETING 31 OCTOBER 2023 p35**

**RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 31 October 2023, and any recommendations therein, be received.**

Kemara/HWTM

**Carried**

**6. MINUTES – STRATEGY PLANNING AND REGULATORY COMMITTEE MEETING 15 MAY 2023 p38**

**RESOLVED**

- (1) That the minutes of the Strategy Planning and Regulatory Committee meeting held on 15 May 2023, and any recommendations therein, be received.**

HWTM/Nelson

**Carried**

**7. MINUTES – PERFORMANCE AND DELIVERY COMMITTEE MEETING 25 SEPTEMBER 2023 p42**

**RESOLVED**

- (1) That the minutes of the Performance and Delivery Committee Meeting held on 25 September 2023, and any recommendations therein, be received.**

Brooks/Nelson

**Carried**

*Councillor Howe left the meeting at 10.42am and returned at 10.45am.*

*The Executive Support Officer rejoined the meeting at 10.43am.*

**8. DRAFT MINUTES – COAST COMMUNITY BOARD MEETING 12 DECEMBER 2023 p45**

Councillor Kemara extended thanks to staff for providing draft Coast Community Board minutes to Council.

**RESOLVED**

- (1) That the draft minutes of the Coast Community Board meeting held on 12 December 2023, and any recommendations therein, be received.**

Kemara/HWTM

**Carried**

- 9. DRAFT MINUTES – CHIEF EXECUTIVE’S PERFORMANCE COMMITTEE MEETING 18 DECEMBER 2023** p49

**RESOLVED**

- (1) That the draft minutes of the Chief Executive’s Performance Committee meeting held on 18 December 2023, and any recommendations therein, be received.**

HWTM/Nelson

**Carried**

- 10. MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 15 DECEMBER 2023** p52

**RESOLVED**

- (1) That the minutes of the Civil Defence Emergency Management Group Joint Committee meeting held on 15 December 2023 be received.**

Browne/HWTM

**Carried**

- 11. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 15 DECEMBER 2023** p63

**RESOLVED**

- (1) That minutes of the Regional Transport Committee meeting held on 15 December 2023 be received.**

HWTM/Browne

**Carried**

- 12. MAYORAL REPORT 25 NOVEMBER 2023-26 JANUARY 2024** p69

Highlights noted by His Worship the Mayor from the report were:

- Interviews to promote the Ōpōtiki district – feedback was received from quite a number of people who listen to the radio
- The Lantern Festival

His Worship the Mayor extended thanks to Councillor Kemara for his assistance with an issue which arose at the Lantern Festival and Councillor Howe for assisting in relation to the venue.

**RESOLVED**

**(1) That the report titled "Mayoral Report 25 November 2023-26 January 2024" be received.**

HWTM/Browne

**Carried**

**13. ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE**

**p74**

Councillor Howe, as Chair of OMAG, alluded to two items not mentioned in the report:

*Coastguard Boat Ramp*

The majority of OMAG members think it is inappropriate and against what the community needs. Another boat ramp is required and Coastguard would not have an access problem if there were two.

*Vehicular Access to the Western Groyne*

Hundreds of people use this area as a kai moana gathering place and allowing vehicular access would be detrimental to our people.

The Chief Executive Officer advised that vehicular access to the western groyne has been taken on board by the Harbour Steering Group for further investigation.

**RESOLVED**

**(1) That the report titled "Ōpōtiki Marine Advisory Group (OMAG) Update" be received.**

HWTM/Howe

**Carried**

*Councillor Brooks left the meeting at 10.58am.*

**14. LONG TERM PLAN 2024-2034 UPDATE**

**p81**

**RESOLVED**

**(1) That the report titled "Long Term Plan 2024-2034 Update" be received.**

HWTM/Nelson

**Carried**

**15. ENDORSEMENT OF DIRECTION FOR DRAFT BUDGET FOR LONG TERM PLAN 2024-2034** **p85**

Points made in the discussion:

- Do not like the idea of comparing Ōpōtiki to other councils
- We have a deprived community and asking them to pay more does not go down well
- All for squeezing the belt a bit tighter than what we are already proposing to
- A good result to get the percentage down from 34% to 10.5%-13%; ratepayers would appreciate it if it could be squeezed down a bit lower as times are tough
- If you find 1% or 2% savings please let us know
- When tightening the belt in business, it is about doing it differently and smarter.

**RESOLVED**

- (1) That the report titled "Endorsement of Direction for Draft Budget for Long Term Plan 2024-2034" be received.**
- (2) That Council endorses the direction for the draft budget for the Long Term Plan 2024-2034.**
- (3) That Council directs the Chief Executive to create the final draft of the budget based on the direction received for the Long Term Plan 2024-2034.**

HWTM/Petersen

**Carried**

*Kent Duston entered the meeting at 11.03am.*

**16. DEFERRAL OF ADOPTION OF LONG TERM PLAN 2024-2034** **p96**

His Worship the Mayor moved that the report be received. This was seconded by Councillor Nelson.

**RESOLVED**

- (1) That the report titled "Deferral of Adoption of Long Term Plan 2024-2034" be received.**

HWTM/Nelson

**Carried**

Recommendation 2:

Council agreed to Option 2b. (Defer the adoption of the Long Term Plan 2024-2034 to 30 September 2024).

Recommendation 3:

Council agreed to Option 3a. (Have an audited Consultation Document).



Recommendation 4:

Council agreed to Option 4b. (Defer the adoption of the Annual Report 2023-2024 to a date no later than 31 December 2024).

The substantive motion was PUT and CARRIED

**RESOLVED**

- (1) That the report titled "Deferral of Adoption of Long Term Plan 2024-2034" be received.**
- (2) That Council directs the Chief Executive to defer the adoption of the Long Term Plan 2024-2034 to 30 September 2024.**
- (3) That Council directs the Chief Executive to have an audited Consultation Document.**
- (4) That Council directs the Chief Executive to defer the adoption of the Annual Report 2023-2024 to a date no later than 31 December 2024.**

HWTM/Browne

**Carried**

**17. RISKPOOL CALL**

**p106**

**RESOLVED**

- (1) That the report titled "Riskpool Call" be received.**
- (2) That Council authorises the unbudgeted expenditure of \$35,223.00.**

HWTM/Nelson

**Carried**

*The Executive Support Officer left the meeting at 11.26am and returned at 11.29am.*

**18. CONSIDERATION OF ADDITIONAL BOAT RAMP AND JETTY FOR THE RESOURCE CONSENT APPLICATION FOR JETTY EXTENSION AND RELOCATION OF THE CHILDREN'S PLAY EQUIPMENT** **p111**

From a discussion it was agreed that clause 2 of the recommendations be amended to read:

*That Council agrees to proceed with the resource consent applications for the extension to the existing jetty and relocation of the children's play equipment and the new boat ramp and jetty to the south west side of the Coastguard building.*

It was further agreed that two new clauses, being clauses 3 and 4, be added to the recommendations as follows:

- *That Council agrees to a further allocation of up to \$190,000 to fund the Resource Consent applications to be taken from the existing wharf budget as outlined in the Long Term Plan.*

- *That the cost of the boat ramp and jetty be estimated and form part of the next Long Term Plan.*

The mover and seconder agreed to the amendments and additions to the recommendations.

#### **RESOLVED**

- (1) That the report titled “Consideration of Additional Boat Ramp and Jetty for the Resource Consent Application for Jetty Extension and Relocation of the Children’s Play Equipment” be received.**
- (2) That Council agrees to proceed with the resource consent applications for the extension to the existing jetty and relocation of the children’s play equipment and the new boat ramp and jetty to the south west side of the Coastguard building.**
- (3) That Council agrees to a further allocation of up to \$190,000 to fund the Resource Consent applications to be taken from the existing wharf budget as outlined in the Long Term Plan.**
- (4) That the cost of the boat ramp and jetty be estimated and form part of the next Long Term Plan.**

HWTM/Petersen

**Carried**

*Kent Duston left the meeting at 11.40am.*

*The Group Manager Community Services and Development left the meeting at 11.42am and returned at 11.44am.*

*The Group Manager Engineering and Services left the meeting at 11.46am and returned at 12.03am.*

*Item 19 was considered earlier in the meeting, following the Public Forum.*

#### **19. WAIOTAHE DRIFTS SUBDIVISION –VEHICLE ACCESS**

**p119**

The Group Manager Planning and Regulatory noted a correction at the end of the letter appended to the report. The reference to Appleton Road, should be ‘totem poles’.

Following a discussion it was agreed that having a public meeting was the best course of action.

His Worship the Mayor moved an amendment to the recommendations that clauses and 2 and 3 of the recommendations be replaced with a new clause 2.

Moved: HWTM

Seconded: Browne

That the item Waiotahe Drifts Subdivision – Vehicle Access be left on the table and Council arrange a community meeting.

The motion was PUT and CARRIED.

**RESOLVED**

- (2) That the item Waioatahe Drifts Subdivision – Vehicle Access be left on the table and Council arrange a community meeting.**

HWTM/Browne

**Carried**

Abstained: Nelson

The substantive motion was PUT and CARRIED

**RESOLVED**

- (1) That the report titled “Waioatahe Drifts Subdivision – Vehicle Access” be received.**

- (2) That the item Waioatahe Drifts Subdivision – Vehicle Access be left on the table**

Browne/HWTM

**Carried**

*Deputy Mayor Browne left the meeting at 12.09pm and returned at 12.13pm.*

**20. CHIEF EXECUTIVE OFFICER’S UPDATE**

**p139**

The Chief Executive Officer highlighted the following from the report:

- Blessing of the waharoa at the Skate Park.
- Discussion with LGNZ regarding the Mayors Taskforce For Jobs programme.

**RESOLVED**

- (1) That the report titled “Chief Executive Officer’s Update” be received.**

HWTM/Petersen

**Carried**

*Diane McCarthy left the meeting at 12,12pm.*

*The meeting adjourned for lunch at 12.13pm and reconvened at 12.43pm. Mike Fletcher did not rejoin the meeting at this time.*

**21. RESOLUTION TO EXCLUDE THE PUBLIC**

**p145**

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

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

- 22. Confirmation of In-Committee Minutes – Ordinary Council Meeting 5 December 2023.**

23. **In-Committee Minutes – Risk and Assurance Committee Meeting 21 June 2023.**
  24. **Draft In-Committee Minutes – Chief Executive’s Performance Committee Meeting 18 December 2023.**
  25. **Harbour Operating Model.**
  26. **Chief Executive’s 12 Month Performance Review – January 2023-December 2023.**
  27. **Notes From Council Workshops.**
2. **THAT the following person be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following. This knowledge will be of assistance and is relevant to the matters to be discussed:**
- Name: Kent Duston**
- Item: 25 – Harbour Operating Model**
- Business: To provide Council with detailed information and updates in relation to Item 25 relevant to the Ōpōtiki Harbour Development Project (Harbour Operating Model)**
- Reason: To enable the accurate presentation of sensitive information to the Council and to provide responses to queries**
3. **THAT the following person be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following. This knowledge will be of assistance and is relevant to the matters to be discussed:**
- Name: Miles McConway**
- Item: 26 – Chief Executive’s 12 Month Performance Review – January 2023-December 2023.**
- Business: To provide Council with guidance and/or advice on process, if sought by Council, in relation to Item 26 relevant to the Chief Executive Officer’s 12 Month performance review.**
- Reason: To enable the accurate presentation of sensitive information to the Council and to provide responses to queries.**

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:

<b>Item No</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
22.	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 5 December 2023.</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)
23.	<b>In-Committee Minutes – Risk and Assurance Committee Meeting 21 August 2023.</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)
24.	<b>Draft In-Committee Minutes – Chief Executive’s Performance Committee Meeting 18 December 2023.</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)
25.	<b>Harbour Operating Model.</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)
26.	<b>Chief Executive Officer’s 12 Month Performance Review – January 2023- December 2023.</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)
27.	<b>Notes From Council Workshops</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:**

22.	Protect the privacy of natural persons Protect information  Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii)  Section 7(2)(f)(ii)
-----	--	--

	Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities	Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
23.	Protect the privacy of natural persons Protect information (commercial sensitivity) Protection from improper pressure or harassment Carry out negotiations Prevent disclosure or use of official information Carry out commercial activities	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii) Section 7(2)(i) Section 7(2)(j) Section 7(2)(h)
24.	Protect the privacy of natural persons Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(j)
25.	Protect information (commercial sensitivity)	Section 7(2)(b)(ii)
26.	Protect the privacy of natural persons Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(j)
27.	Protection from improper pressure or harassment Prevent disclosure or use of official information	Section 7(2)(f)(ii) Section 7(2)(j)

Nelson/HWTM

**Carried**

**RESOLVED**

- (1) **That the resolutions made while the public was excluded be confirmed in open meeting, except for clauses 2, 3 and 4 of Item 26 (Chief Executive’s 12 Month Performance Review January 2023-December 2023).**
- (2) **That the public be readmitted to the meeting.**

Nelson/HWTM

**Carried**

**RESOLVED**

- (1) **That the in-committee minutes of the Ordinary Council meeting held on 5 December 2023 be confirmed as a true and correct record.**

HWTM/Petersen

**Carried**

**RESOLVED**

- (1) **That the report in-committee minutes of the Risk and Assurance Committee meeting held on 21 August 2023, and any recommendations therein, be received.**

HWTM/Petersen

**Carried**

**RESOLVED**

- (1) **That the draft in-committee minutes of the Chief Executive’s Performance Committee held on 18 December 2023, and any recommendations therein, be received.**

Browne/HWTM

**Carried**

**RESOLVED**

- (1) That the report titled "Harbour Operating Model" be received.**
- (2) That Council endorse Option 1 and direct staff to negotiate with the Ministry of Business, Innovation and Employment to defer the commencement date of Operations and Maintenance of the harbour.**
- (3) That Council endorses Option 2 as a fallback position to Option 1, allowing staff to prepare the Long Term Plan utilising available funding sources.**
- (4) That Council supports utilising an independent to negotiate harbour usage fees with WMOL.**

HWTM/Browne

**Carried**

**RESOLVED**

- (1) That the report titled "Chief Executive's 12 Month Performance Review – January 2023-December 2023" be received.**

HWTM/Browne

**Carried**

**RESOLVED**

- (1) That the report titled "Notes From Council Workshops" be received.**
- (2) That the Council agrees to publicly release the full notes related to the 30 November 2023 Workshop.**
- (3) That Council agrees to publicly release the full notes related to the 18 December 2023 Workshop.**

HWTM/Browne

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 2.13PM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 19 MARCH 2024**

**D G T MOORE**

**HIS WORSHIP THE MAYOR**