



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED THURSDAY, 5 SEPTEMBER 2019 IN THE
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.00AM**

PRESENT:

Mayor John Forbes (Chairperson)
Deputy Mayor Lyn Riesterer (Deputy Chairperson)
Councillors:
Shona Browne
Barry Howe
Haki McRoberts
Arihia Tuoro

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)
Gerard McCormack (Planning and Regulatory Group Manager)
Ari Erickson (Engineering and Services Group Manager)
Michael Homan (Finance, Systems and Property Group Manager)
Muriel Chamberlain (Corporate Services Manager)
Joseph Hayes (*i*-SITE Manager)
Garry Page (Reserves Manager)
Billy Kingi (Chief Financial Officer)
Sarah Jones (Corporate Planner and Executive Officer)
Amy Kirikiri (Payroll Officer and HR Advisor)
Sue Robb (Policy Planner)
Gae Newell (Executive Assistant and Governance Support Officer)

MEDIA:

James Sandbrook (Opotiki News)

PUBLIC:

Helen Laurence and several members of Extinction Rebellion
Xiao Yu Chen
Alex Dobie
Carol Quirk
Several members of the Extinction Rebellion

Prior to opening the meeting with a karakia, Councillor McRoberts acknowledged that this was the last full Council meeting of the triennium. As some elected members were not seeking re-election, he took the opportunity to say this has been the nicest Council he has worked with because everyone has worked so well together. Councillor McRoberts also extended thanks to Council staff for the work they do.

APOLOGY

Councillor Young.

RESOLVED

(1) That the apology be sustained.

HWTM/Tuoro

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

PUBLIC FORUM

Extinction Rebellion Ōpōtiki – Climate and Ecological Emergency Declaration

Tiaho Morehu tabled a paper which she spoke to, highlighting what Extinction Rebellion Ōpōtiki are asking of Council and addressing some issues raised by Council at the Ordinary Council meeting of 23 July 2019.

In conclusion, Tiaho Morehu stated that it is irresponsible of Council not to sign the Local Government Leaders Action Declaration. She urged Council to pass a resolution declaring a Climate and Ecological Emergency and to sign the Local Government Leaders Action Declaration.

Carol Quirk entered the meeting at 9.07am.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 23 JULY 2019 **p4**

RESOLVED

(1) That the minutes of the Ordinary Council meeting held on 23 July 2019 be confirmed as a true and correct record.

Tuoro/Riesterer

Carried

2. MINUTES – COAST COMMUNITY BOARD MEETING 18 JUNE 2019 **p18**

RESOLVED

(1) That the minutes of the Coast Community Board meeting held on 18 June 2019 and any recommendations contained therein be received.

McRoberts/HWTM

Carried

Helen Laurence (Extinction Rebellion) entered the meeting at 9.10am.

3. MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 21 JUNE 2019 p23

RESOLVED

- (1) That the minutes of the Civil Defence Emergency Management Group Joint Committee meeting held on 21 June 2019 be received.**

HWTM/Browne

Carried

4. MAYORAL REPORT – 19 JULY 2019–30 AUGUST 2019 p31

RESOLVED

- (1) That the report titled “Mayoral Report 19 July 2019–30 August 2019” be received.**

HWTM/Riesterer

Carried

The Corporate Services Manager and the Payroll Officer & HR Advisor entered the meeting at 9.13am.

5. ŌPŌTIKI MARINE ADVISORY GROUP UPDATE p36

RESOLVED

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

Browne/McRoberts

Carried

6. DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER DURING INTERIM ELECTION PERIOD p42

His Worship the Mayor queried cover around Civil Defence during the interim election period. He will raise this at the next Civil Defence Emergency Management Group Joint Committee meeting.

RESOLVED

- (1) That the report titled "Delegations to the Chief Executive Officer During Interim Election Period" be received;**
- (2) That subject to the limitations set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002, the Council delegates all of its responsibilities, duties, and powers to the Chief Executive for the period from the day after the declaration of the election results**

until the swearing in of the new Council, subject to a requirement that the Chief Executive may only exercise this delegation after the following:

- (a) Consultation with the person elected to the position of Mayor;**
 - (b) May only attend to those matters that cannot reasonably await the first meeting of the new Council and;**
 - (c) Shall be reported to the first meeting of the new Council; and**
- (3) That if any urgent decisions arise in this period, requiring significant political input, then an Extraordinary Council meeting will be called; and**
- (4) That in accordance with Clause 30 (7) of Schedule 7 of the Local Government Act 2002 Council resolves not to discharge any of the committees of Council so that they can continue to function during the time between the declaration of the election results and the appointment of new committee members in November.**
- (5) That the Chief Executive Officer or delegate be authorised to appoint Independent Commissioners or re-elected Council members that are qualified Hearing Commissioners to hear and decide on any applications for resource consents between the period from 17 October until 31 October 2019 or when representatives take office.**

Tuoro/Riesterer

Carried

The Reserves Manager entered the meeting at 9.18am.

7. TE TĀHUHU O TE RANGI – LIBRARY REDEVELOPMENT

**p45
and separate document**

The Chief Executive Officer spoke to a powerpoint presentation which gave the background relating to the Library Redevelopment Project from its beginning in 2011 to date.

Staff answered queries around the consultation recently undertaken and the process Council went through before adopting a preferred option.

The Chief Executive Officer advised that every single Long Term Plan goes out with a preferred option. This is something Audit ask that we do.

Councillor Howe raised questions around the cost of the Library redevelopment and the funding of it, adding that this would be imposing on the new Council. He felt a decision should be left to the new Council.

Deputy Mayor Riesterer stated that the current status is a natural progression to where Council has got to. It is business as usual, not about waiting until after the election.

Councillor Howe moved that clause 3 of the recommendations be replaced as follows:

MOTION

1. That Council defer making a decision on the Library redevelopment.
2. That a decision regarding the Library redevelopment be made by the new Council post elections.

The motion failed for want of a seconder.

RESOLVED

- (1) That the report titled “Te Tāhuhu o Te Rangi – Library Redevelopment” be received.**
- (2) That Council notes the feedback and comments received through the recently completed consultation.**
- (3) That Council resolves to proceed with the full development of Te Tahuhu o Te Rangi and commit to funding up to \$3.1m through external loan funding source (LGFA).**

HWTM/Riesterer

Carried

Councillor Howe asked that his vote against be recorded.

The i-SITE Manager entered the meeting at 10.00am.

The Corporate Services Manager, the Payroll Officer & HR Advisor, the Chief Financial Officer and the i-SITE Manager left the meeting at 10.20am.

8. OPTIONS FOR MAKING A DECLARATION ON CLIMATE CHANGE

p65

The Corporate Planner and Executive Officer suggested that the word ‘ecological’ not be used as requested by the presenter in the Public Forum as it has not been included in any other New Zealand or international declaration.

Following a discussion as to the use of the word ‘emergency’, Deputy Mayor Riesterer moved that the word ‘crisis’ be used instead.

MOTION

That Climate Change Emergency be changed to Climate Change Crisis.

Moved: Deputy Mayor Riesterer

The motion failed for want of a seconder.

The original recommendations were put with clause 1 and clause 2(a) being carried.

RESOLVED

(1) That the report titled "Options For Making a Declaration on Climate Change" be received.

(2) That the Council makes a declaration in relation to climate change as follows:

Ōpōtiki District Council declares a climate change emergency and will consider further policies and initiatives as part of future planning processes.

HWTM/Browne

Carried

Councillor Howe asked for his vote against to be recorded.

The meeting adjourned for morning tea at 10.28am and reconvened at 10.38am.

The Finance, Systems and Property Group Manager, the Corporate Planner and Executive Officer, Carol Quirk and some Extinction Rebellion representatives did not rejoin the meeting at this time.

The Finance, Systems and Property Group Manager rejoined the meeting at 10.42am.

9. ŌPŌTIKI DISTRICT COUNCIL RESERVE MANAGAEMENT PLAN POLICIES AND PROCEDURES **p84
and separate document**

An updated draft of the Reserve Management Plan document was tabled.

The Reserves Manager spoke to the report and a powerpoint presentation. He noted that some work has been done to refine the timeframe to align with the bylaws work. The Reserves Manager suggested a change to the recommendations as follows:

- Clause 2 – the words "in accordance with Sections 41 and 119 of the Reserves Act 1977" be added to the recommendation.
- An extra clause be added as clause 3 of the recommendations:
That the ability to make minor amendments to the Draft Opotiki District Council Reserve Management Plan 2019 before its release for public consultation be delegated to the Chief Executive Officer.

These amendments were agreed to.

RESOLVED

- (1) That the report titled “Ōpōtiki District Council Reserves Management Plan – Policies and Procedures” be received.**
- (2) That the Draft Ōpōtiki District Council Reserves Management Plan 2019 be adopted for public consultation.**
- (3) That the ability to make minor amendments to the Draft Opotiki District Council Reserve Management Plan 2019 before its release for public consultation be delegated to the Chief Executive Officer.**

Tuoro/Browne

Carried

The Chief Executive Officer left the meeting at 10.58am.

The Reserves Manager left the meeting at 11.00am.

The Policy Planner entered the meeting at 11.01am.

The Chief Executive Officer rejoined the meeting at 11.02am.

10. REPEAL OF THE ŌPŌTIKI DISTRICT COUNCIL EARTHQUAKE-PRONE BUILDINGS POLICY 2006 **p90**

RESOLVED

- (1) That the report titled “Repeal of the Ōpōtiki District Council Earthquake-Prone Buildings Policy 2006” be received.**
- (2) That the Ōpōtiki District Council Earthquake-Prone Buildings Policy 2006 be repealed.**
- (3) That the development of a new Ōpōtiki District Council Earthquake-Prone Buildings Policy is delayed until after Council has completed the identification of ‘priority’ earthquake-prone buildings.**

Tuoro/Howe

Carried

11. PROGRESS REPORT ON THE IDENTIFICATION OF ‘PRIORITY’ EARTHQUAKE-PRONE BUILDINGS AND CONSULTATION ON THOROUGHFARES **p93**

It was noted that in clause 2B there is reference to a roundabout at the intersection of King and St John Streets. As there is no roundabout at that intersection, the words “ending at the roundabout” will be deleted from clause 2B.

RESOLVED

1. The report titled "Progress Report on the Identification of 'Priority' Earthquake-Prone Buildings and Consultation on Thoroughfares" be received.
2. The following thoroughfares (including the footpath on both sides) are identified as having sufficient vehicle or pedestrian traffic and unreinforced masonry buildings (or parts) that could fall onto them in an earthquake:
 - A Church Street from Richard Street to Kelly Street
 - B King Street from Potts Avenue to St John Street
 - C Elliott Street from Potts Avenue to St John Street ending at the roundabout
 - D Kelly Street from Potts Avenue to the Kelly Street cemeteryand are adopted for consultation in relation to determining 'priority' buildings.
3. There are no buildings that have been identified that if they collapsed in an earthquake would impede routes of strategic importance and that given this it is not considered necessary to undertake consultation on transport routes of strategic importance.
4. The Statement of Proposal prepared in relation to thoroughfares (recommendation no. 2) under section 83 of the *Local Government Act 2002* Special Consultative Procedure is adopted for consultation (appendix 1).
5. That the consultation period for determining the thoroughfares relating to 'priority' buildings is from Monday 9 September 2019 to Friday 18 October 2019.
6. That Council will consider submissions and hear the views of people and organisations at the meeting of Council on 12 November 2019.

Riesterer/McRoberts

Carried

12. 2019 REVIEW OF THE ŌPŌTIKI DISTRICT COUNCIL DANGEROUS AND INSANITARY BUILDINGS POLICY p107

RESOLVED

- (1) That the report titled "2019 Review of the Ōpōtiki District Council Dangerous and Insanitary Buildings Policy" be received.
- (2) That the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 be adopted for public consultation using the special consultative procedure in accordance with section 83 of the Local Government Act 2002.
- (3) That it be noted that the submission period for feedback on the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 will be aligned

with the submission period of feedback on Ōpōtiki District Council's reserve management plans, Dog control policy and Bylaw review 2019.

- (4) That the ability to make minor amendments to the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 before its release for public consultation be delegated to the Chief Executive Officer.**

HWTM/Browne

Carried

The Policy Planner left the meeting at 11.17am.

13. WAINUI ROAD SAFETY IMPROVEMENTS FUNDING p119

The Chief Executive Officer noted that this is a very small component of the wider programme, adding that Council has not formally been advised that the full programme has not been funded.

RESOLVED

- (1) That the report titled "Wainui Road Safety Improvements Funding" be received.**
- (2) That Council approves the loan fund of \$115,000 to complete the project in 2020-21.**
- (3) That Council approves the loan fund of \$10,000 to complete the project in 2019-20.**

Tuoro/Browne

Carried

The i-SITE Manager entered the meeting at 11.20am.

Councillor Howe left the meeting at 11.25am and returned at 11.27am.

14. LAND TRANSPORT FUNDING 2019-20 p122

RESOLVED

- (1) That the report titled "Land Transport Funding 2019-20" be received.**
- (2) That Council approves additional loan funding of \$91,500 for land transport capital works in 2020-21.**

Riesterer/HWTM

Carried

15. SUMMER FESTIVAL FUNDING APPLICATIONS p125

RESOLVED

- (1) That the report titled "Summer Festival Funding Applications" be received.**
- (2) That Council approves a funding application to be lodged with the Southern Trust to support the 2019/20 Summer Festival subject to quotes.**

- (3) That Council approves a funding application to be lodged with The Lion Foundation to support the 2019/20 Summer Festival subject to quotes.**

Howe/McRoberts

Carried

16. CHIEF EXECUTIVE OFFICER'S UPDATE

p128

RESOLVED

- (1) That the report titled "Chief Executive Officer's Update" be received.**

HWTM/Riesterer

Carried

His Worship the Mayor advised that there will be a late item tabled in the in-committee section of the meeting relating to the former Scout Hall, Ford Street. This item cannot be delayed due to the urgency for Council to agree to the next steps following the non-compliance of a Notice under the Litter Act.

17. RESOLUTION TO EXCLUDE THE PUBLIC

p132

A replacement Resolution to Exclude the Public to allow John Galbraith to remain in the in-committee meeting for Items 19-22 inclusive and the consideration of the urgent late item was tabled

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:**

18. Confirmation of In-Committee Minutes – Ordinary Council Meeting 23 July 2019.

19. Ōpōtiki Harbour Development Project – Procurement of Expert Advice

20. Ōpōtiki Harbour Development Project Workstream 2 – Rock Sources

21. Ōpōtiki Harbour Development Project Workstream 3

22. Ōpōtiki Harbour Development Business Case Input

23. Ōpōtiki District Land

Extra Item: Update Former Scout Hall, Ford Street

- 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: John Galbraith

Items: 19-22 inclusive

Business: To provide Council with detailed information and updates in relation to Items 19-22 inclusive relevant to the Ōpōtiki Harbour Development Project

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:

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
18.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 23 July 2019	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)
19.	Ōpōtiki Harbour Development Project – Procurement of Expert Advice	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)
20.	Ōpōtiki Harbour Development Project Workstream 2 – Rock Sources	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)
21.	Ōpōtiki Harbour Development Project Workstream 3	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)
22.	Ōpōtiki Harbour Development business Case Input	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.	Ōpōtiki District Land	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.	Section 48(1)(a)

Extra Item	Update Former Scout Hall, Ford Street	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.	Section 48(1)(a)
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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:

18.	Protect the privacy of natural persons Protect information Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities Commercial sensitivity	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) Section 7(2)(b)(ii)
19.	Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(ii) Section 7(2)(a)
20.	Protect information Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(i) Section 7(2)(b)(ii) Section 7(2)(a)
21.	Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(ii) Section 7(2)(a)
22.	Protect information Prevent the disclosure or use of official information Carry out negotiations	Section 7(2)(b)(i) & (ii) Section 7(2)(j) Section 7(2)(i)
23.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)
Extra Item	Protect the privacy of natural persons Carry out negotiations Avoid prejudice to measures protecting the health or safety of members of the public	Section 7(2)(a) Section 7(2)(i) Section 7(2)(d)

Riesterer/McRoberts

Carried

Alex Dobie, Xiao Yu Chen and James Sandbrook left the meeting at 11.34am.

RESOLVED

- (1) That the resolutions made while the public was excluded, except for the resolutions for 19-23 inclusive, be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

McRoberts/Browne

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 23 July 2019 be confirmed as a true and correct record.**

Browne/Tuoro

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.51PM.

CONFIRMED PURSUANT TO ŌPŌTIKI DISTRICT COUNCIL STANDING ORDERS 27.4

**J H FORBES
MAYOR**

**A LAWRIE
CHIEF EXECUTIVE OFFICER**

Date: