



Waitaki

DISTRICT COUNCIL

TE KAUNIHERA Ā ROHE O WAITAKI

I hereby give notice that the
Waihemo Community Board Meeting
will be held on:

Date: Monday, 17 November 2025

Time: 6:00 pm

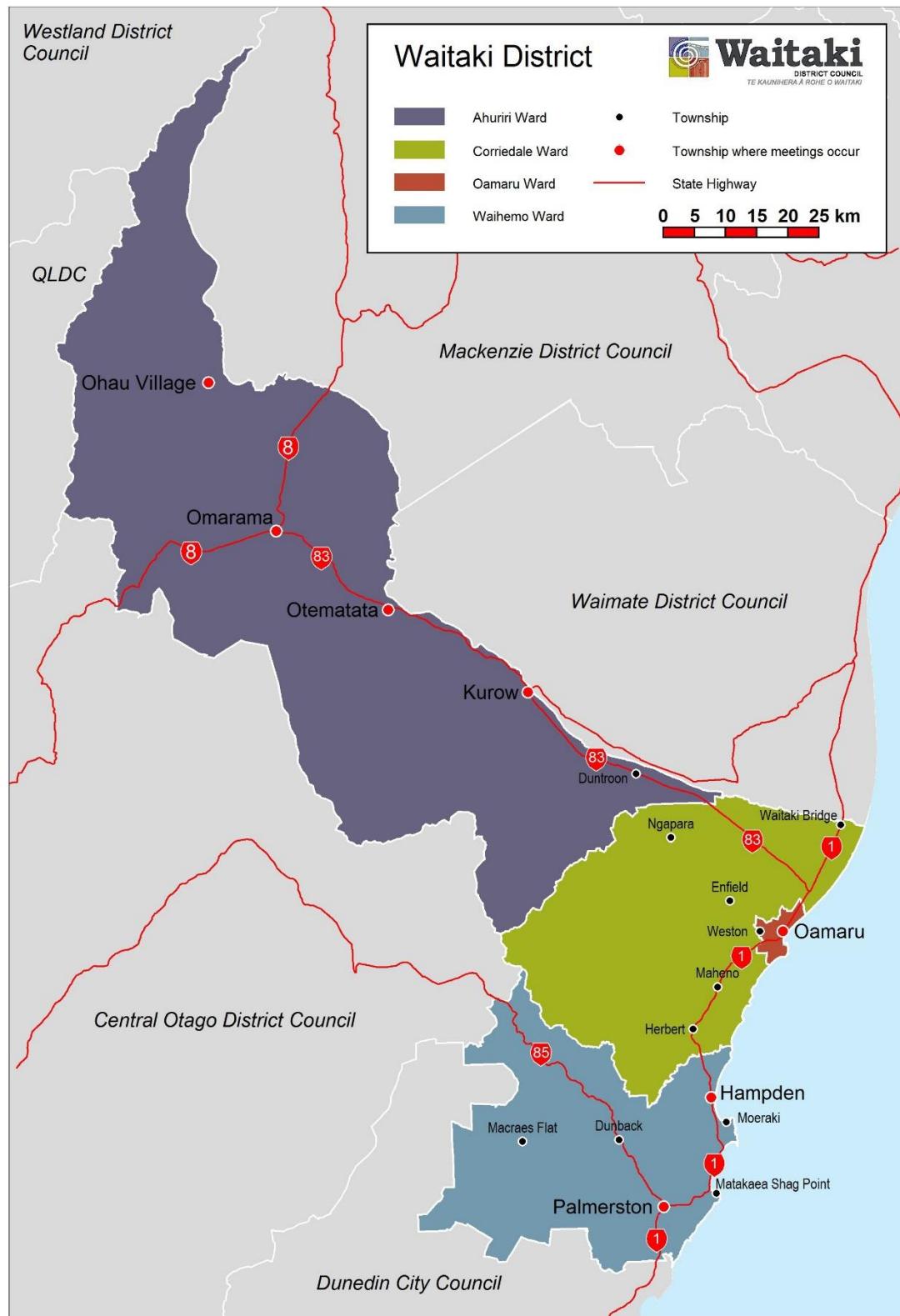
Location: Waihemo Service Centre, Palmerston

Agenda

Waihemo Community Board Meeting

17 November 2025

Alex Parmley
Chief Executive





Agenda Items

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1 APOLOGIES

2 DECLARATIONS OF INTEREST

3 PUBLIC FORUM

Hamish McFarlane from the Puketapu Community Trust has registered to speak in the public forum.

4 DECISION REPORTS

4.1 DECLARATIONS BY WAIHEMO COMMUNITY BOARD MEMBERS 2025-2028 TRIENNIAL

Author: **Allyson Wock, Governance Services Officer**

Authoriser: **Arlene Goss, Governance Services Lead**

Attachments: **1. Declarations to be given at meeting** 

RECOMMENDATION

That the Waihemo Community Board members-elect Tanya Bell and Paul Roy, and the Waihemo Ward Councillor Frans Schlack, make their declarations to the Mayor of Waitaki, Melanie Tavendale and are witnessed by the Chief Executive, pursuant to Schedule 7, Part 1, clause 14 of the Local Government Act 2002.

PURPOSE

The purpose of this report is to formally record the declarations sworn by the elected members of the Waihemo Community Board for the 2025-2028 triennium.

BACKGROUND

On Thursday 16 October 2025, the final result of the 2025 Triennial Elections was declared by the electoral officer. A copy of this is attached to the Election Report in this agenda.

A public inauguration ceremony was held at the Ōamaru Opera House auditorium at 5:30pm on Wednesday 22 October 2025.

Declarations by the following members of the Waihemo Community Board were taken at the inauguration ceremony:

- Heather McGregor
- Clifford Day
- Kerry Stevens

An apology for the inauguration ceremony was received from members-elect Tanya Bell and Paul Roy, who arranged to swear their declarations at the first meeting of the Waihemo Community Board on Monday 17 November 2025.

Waihemo Ward Councillor Frans Schlack made his Council declaration at the inauguration ceremony but not his Waihemo Community Board declaration. Under the Local Government Act 2002, Councillors appointed to community boards must make a community board declaration as well as their declaration as a councillor. This will take place at this meeting.



Declaration by Community Board Member

I, Tanya Bell, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Waihemo Ward of the Waitaki District, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Waihemo Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Palmerston this 17th day of November 2025.

Signed by:

.....
Tanya Bell

*Waihemo Community Board
Member*

Witnessed by:

.....
Alex Parmley

Chief Executive



Declaration by Community Board Member

I, Paul Roy, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Waihemo Ward of the Waitaki District, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Waihemo Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Palmerston this 17th day of November 2025.

Signed by:

.....
Paul Roy

*Waihemo Community Board
Member*

Witnessed by:

.....
Alex Parmley

Chief Executive



Declaration by Community Board Member

I, Frans Schlack, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Waihemo Ward of the Waitaki District, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Waihemo Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Palmerston this 17th day of November 2025.

Signed by:

.....
Councillor Frans Schlack
Waihemo Community Board
Member

Witnessed by:

.....
Alex Parmley
Chief Executive

4.2 ELECTION OF WAIHEMO COMMUNITY BOARD CHAIRPERSON FOR THE 2025-2028 TRIENNIAL

Author: **Allyson Wock, Governance Services Officer**

Authoriser: **Arlene Goss, Governance Services Lead**

RECOMMENDATIONS

That, pursuant to Part 2 of Schedule 7 of the Local Government Act 2002, the Waihemo Community Board:

1. Firstly, decides to use either election System A or System B as specified in the Act to elect the Chairperson of the Waihemo Community Board for the 2025 – 2028 triennium, and
2. Secondly, uses the System adopted in (1) to formally elect the Chairperson of the Waihemo Community Board for the 2025 – 2028 Triennium and confirms the name of the person elected as Chairperson; and
3. Thirdly, decides whether it wishes to appoint a Deputy Chairperson for the 2025 – 2028 triennium; and
4. Fourthly, if a decision is taken under (3) to appoint a Deputy Chairperson, then to formally elect the Deputy Chairperson using the agreed election System in (1) above.

DECISION OBJECTIVE

The purpose of this report is to provide information on the legislative process to be followed and facilitate that process for the election of the Chairperson of the Waihemo Community Board for the 2025 – 2028 Triennium in accordance with Part 2 of Schedule 7 of the Local Government Act 2002. It also provides similar information relating to the potential election of a Deputy Chairperson if the Board decides to make such an appointment at this meeting.

SUMMARY

Under Schedule 7 of the Local Government Act 2002 (“the Act”), a Community Board must have a Chairperson. The legislation is very specific in the process of electing a Chairperson and requires the use of either one of two systems set out in the Act. While the legislation requires a Community Board to have a Chairperson, it is silent on whether a Community Board should have a Deputy Chairperson. The decision to elect a Deputy is the choice of the Community Board.

BACKGROUND

Part 2 of Schedule 7 of the Local Government Act states that a Community Board must have a Chairperson and that Clause 25 applies to the election of Chairpersons of Community Boards.

SUMMARY OF OPTIONS CONSIDERED

The appointment of Chairperson by the incoming Waihemo Community Board is a legislative requirement under the Local Government Act 2002. The only options available to the community board are whether it wishes to use System A or System B in electing a Chairperson/Deputy Chair, and whether it wishes to appoint a Deputy Chair.

LEGAL PROCESS FOR THE ELECTION OF CHAIRPERSONS FOR COMMUNITY BOARDS

Part 2 of Schedule 7 of the Local Government Act states that a Community Board must have a chairperson and that Clause 25 applies to the election of Chairpersons of Community Boards. Clause 25, Schedule 7 of the Local Government Act 2002 outlines the process to be followed:

“...a local authority must determine by resolution that a person be elected by using one of the following systems of voting:

System A

- (a) *Requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
- (b) *Has the following characteristics:*
 - i. *There is a first round of voting for all candidates; and*
 - ii. *If no candidate is successful in that round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
 - iii. *If no candidate is successful in the second round, there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
 - iv. *In any round of voting, if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.*

System B

- (a) *Requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*
- (b) *Has the following characteristics:*
 - i. *There is only one round of voting; and*
 - ii. *If two or more candidates tie for the most votes, the tie is resolved by lot.”*

Prior to electing a Chair, the Community Board must resolve which system to use.

Under System A, a majority will always prevail unless the final two candidates receive equal votes.

Under System B, a minority candidate can theoretically be elected.

As the Act calls for an election, there will still be a vote even if only one candidate were to be nominated.

APPOINTMENT OF A DEPUTY CHAIRPERSON

The Ahuriri Community Board can also appoint a Deputy Chairperson at this meeting if it so wishes. The Board may wish to consider the workload of the Chairperson for the next three years in considering whether there is a need for more formal support in the form of having an appointed Deputy Chair to stand in for them at specific times.

4.3 ADOPTION OF CODE OF CONDUCT

Author: Arlene Goss, Governance Services Lead

Authoriser: Paul Hope, Director Support Services

Attachments:

1. Draft Code of Conduct (under separate cover) 
2. Draft Policy for Investigating and Ruling on Breaches of the Code of Conduct (under separate cover) 

RECOMMENDATIONS

That the Waihemo Community Board:

1. **Adopts** the Draft Code of Conduct for Elected Members 2025-2028 Triennium as attached under separate cover, in accordance with Schedule 7 Clause 15 of the Local Government Act 2002, until the government provides a standardised document as a replacement.
2. **Adopts** the Draft Policy for Investigating and Ruling on Alleged Breaches of the Elected Member Code of Conduct 2025-2028 Triennium, as attached under separate cover, until the government provides a standardised document as a replacement.
3. **Agrees** to continue with the current arrangements of a two-step investigation process, and the investigator's decision being binding, for as long as the code is in place.

Note: The adoption of the Code of Conduct requires a supporting vote of not less than 75% of the members present.

PURPOSE

The purpose of this report is to ensure that the Waihemo Community Board has a Code of Conduct in place to enhance:

- The effectiveness of the Community Board for the good local governance of the Waihemo Ward; and
- The credibility and accountability of the Waihemo Community Board within its community; and
- Mutual trust, respect, and tolerance between the elected members as a group and between the elected members and management.

SUMMARY

The recommendations of this report relate to statutory requirements. Schedule 7 Clause 15(1) of the Local Government Act 2002 states that a local authority must adopt a code of conduct for members of the local authority. Clause 15(4) states that a member of the local authority must comply with the code of conduct of that local authority.

BACKGROUND

All elected members are required to adhere to a Code of Conduct. Once adopted, such a code may only be amended by a 75% or more vote of the Ahuriri Community Board. The code sets out the board's agreed standards of behaviour in the following circumstances:

- relationships with other elected members
- relationships with staff
- relationships with the community

- contact with the media
- confidential information
- conflicts of interest
- standing orders
- ethics
- disqualification of members from office or if an elected member is or has become an undischarged bankrupt

UPCOMING CHANGES TO LEGISLATION

The Local Government (System Improvements) Amendment Bill is currently before the Governance and Administration Select Committee.

As part of a package of local government reform, the Bill will make a range of changes to local governance frameworks including providing standardised Standing Orders and Codes of Conduct for use by all councils.

You can read the Bill online: [Local Government \(System Improvements\) Amendment Bill 180-1 \(2025\), Government Bill – New Zealand Legislation](https://www.legislation.govt.nz/bill/180-1/2025).

This means that if the attached documents are adopted, they will only remain in place until the standardised document is supplied to councils by the government. This is expected to happen in 2026.

OPTIONS

Option 1 – Not adopt a code of conduct.

If the board chooses this option, the existing code of conduct will remain in effect until the government issues a standardised document.

Option 2 – Vote that the matter “lie on the table” and request a workshop to refine the documents. If the board chooses this option a workshop will be arranged, and the updated code will come back to a future board meeting with the changes requested at the workshop.

Option 3 – Adopt the code and policy with any changes requested at this meeting. This is the recommended option.

CONCLUSION

It is recommended that the Waihemo Community Board adopts the attached Code of Conduct and Policy to cover the period between the 2025 election and the issuing of standardised documents by central government.

ADDITIONAL CONSIDERATIONS

Legal Considerations

Appendix 2: Schedule 7, Clause 15 Local Government Act 2002 (LGA02)

The LGA02 requires all local authorities to adopt a Code of Conduct for members as follows:

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
- (2) The code of conduct must set out:
 - a. Understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members including:
 - i. Behavior toward one another, staff, and the public; and
 - a. Is received by, or in the possession of, an elected member in his/her capacity as an elected member; and
 - b. Relates to the ability of the local authority to give effect to any provision of this Act; and
 - b. A general explanation of:
 - i. The Local Government Official Information and Meetings Act 1987; and
 - ii. Any other enactment or rule of law applicable to members.
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

4.4 ADOPTION OF STANDING ORDERS

Author: Arlene Goss, Governance Services Lead

Authoriser: Paul Hope, Director Support Services

Attachments: 1. Draft Waitaki District Council Standing Orders 2025 (under separate cover)

RECOMMENDATIONS

That the Waihemo Community Board:

1. **Adopts** the Standing Orders for Council and Community Boards, as attached under separate cover, until the government provides a standardised document to all councils.
2. **Agrees** to provide a casting vote to the community board chairperson in the event of equal votes (see item 19.3 in the attachment).
3. **Agrees** to continue with Option C as the default option for speaking to and moving motions (see item 22.2 in the attachment).
4. **Notes** that the Local Government Act 2002 (Clause 16 of Schedule 7) requires members to comply with the Standing Orders.

Note: The adoption of Standing Orders requires a supporting vote of not less than 75% of the members present.

PURPOSE

The purpose of this report is to ensure that the Waihemo Community Board has appropriate and relevant guidance and rules for the conduct of meetings. This supports good governance practice and meets the requirements of Schedule 7 27(1) Local Government Act 2002.

SUMMARY

The recommendations in this report relate to statutory requirements. Schedule 7 27(1) of the Local Government Act 2002 states that a local authority must adopt a set of Standing Orders for the conduct of its meetings and those of its committees. Once adopted, Standing Orders may be amended at any time, but only with a 75% voting majority. Legislation requires all elected members to follow the Standing Orders.

UPCOMING CHANGES TO LEGISLATION

The Local Government (System Improvements) Amendment Bill is currently before the Governance and Administration Select Committee.

As part of a package of local government reform, the Bill will make a range of changes to local governance frameworks including providing standardised Standing Orders and Codes of Conduct for use by all councils.

You can read the Bill online: [Local Government \(System Improvements\) Amendment Bill 180-1 \(2025\), Government Bill – New Zealand Legislation](#).

This means that if the attached Standing Orders are adopted, they will only remain in place until the standardised document is supplied by the government. This is expected to happen in 2026.

OPTIONS

Option 1 – Not adopt the Standing Orders.

If the board chooses this option, the existing standing orders will remain in effect until the government issues a standardised document.

Option 2 – Vote that the matter “lie on the table” and request a workshop to refine the documents. If the board chooses this option a workshop will be arranged, and the updated code will come back to a future board meeting with the changes requested at the workshop.

Option 3 – Adopt the Standing Orders with any changes requested at this meeting. This is the recommended option.

CONCLUSION

It is recommended that the Waihemo Community Board adopts the attached Standing Orders to cover the period between the 2025 election and the issuing of standardised documents by central government.

4.5 CORRESPONDENCE

Author: Arlene Goss, Governance Services Lead

Authoriser:

Attachments:

1. Letter from Puketapu Community Trust 17 October 2025 [!\[\]\(fdf28e44f21900f7aee4a621979da7e0_img.jpg\)](#)
2. Letter from Hampden Community Energy 30 September 2025 [!\[\]\(64b2966b551ddf8d3abaa39a85bf5f0b_img.jpg\)](#)
3. Grant Request from Hampden Hall 16 September 2025 - letter [!\[\]\(d50ec1dbde8d4fd5ae577ffd4d350430_img.jpg\)](#)
4. Grant Request from Hampden Hall 16 September 2025 - quote [!\[\]\(a897dba118c90716b31302fbc27a224a_img.jpg\)](#)
5. Grant Request from Hampden Hall 16 September 2025 - Hampden Hall Committee accounts [!\[\]\(07671d928ae6f5105d13b9dadad2ff1c_img.jpg\)](#)

RECOMMENDATION

That the Waihemo Community Board formally receives items of correspondence and considers any actions in response.

PURPOSE

The purpose of this report is to present correspondence that has been received by the Chair for formal receipt by the Board and to provide additional officer comments where these have been sought by the Chair, and for actions to be agreed in response.



17 October 2025

Mrs Heather McGregor
Waihemo Community Board
18 Runbrake Street
Palmerston 9430

Dear Heather

Congratulations on your success in the Local Body elections. The Puketapu Community Trust (PCT) looks forward to working with you on projects to improve the wellbeing of those living in the Waihemo ward, and of course, visitors and tourists.

PCT's major project since the Trust's inception in 2019 is to "Reclaim, Rescue, Restore" to public access the Waihemo Recreation Reserve (WRR) on the southeast flank of Puketapu. Please see the accompanying material. Puketapu is the iconic hill and long extinct volcano overlooking Palmerston. It has a cairn commemorating the work of Sir John McKenzie on the summit. There is a track on the northwest flank, courtesy of Parks Holdings Ltd who farm Puketapu. This track is not a legal access and change of farm ownership could remove any access to the summit. Unfortunately access is closed during the lambing season and the ground is badly eroded approaching the summit, making access difficult and "on hands and knees". The Trust wishes to provide a track to the summit traversing the Reserve. This option gives beautiful views along the coastline, and once out of the Reserve, a Right of Way gives access to the summit. And this track will have legal access courtesy of an Unformed Legal Road (ULR), the Reserve, and the Right of Way (ROW).

The Timeline indicates the journey PCT has undertaken to gain access to the WRR. There is another player in the mix. In 1920 the local authority at that time gave "licence to occupy" (conditions different to a lease) to a local farming family (not Parks Holdings Ltd) to run sheep in the WRR. The occupier had to ensure that the native vegetation was protected and letters in New Zealand Archives attest that this happened and the Crown praised the farmer.

However, in the early 2000s the farming operation changed to deer farming and appropriate fencing was erected, denying public access to the Reserve. Also deer are partial to native vegetation and the trees have been severely damaged and any seedlings are literally nipped in the bud. Subsequent actions by the occupier — bulldozing a track, etc. — have not been notified. In 2016 the Waitaki District Council (WDC), charged with managing the Crown property of the WRR, issued a new grazing licence to the occupier which included a clause enabling the licence to be ended with a one-month's written notice from either party.

In 2024, after numerous meetings with elected members and salaried staff, the Waitaki District Council, the Waihemo Community Board (WCB) and PCT agreed on an MOU as to how to gradually return the WRR to public access. In 2025 the Waitaki District Council, because of the change to a grazing licence as required under the 1977 Reserves Act, held a submission process to further determine community feeling on this issue. At the conclusion of the submission process, the MOU remained unchanged.

On 20th August this year WDC issued a one-month's notice to the occupier to remove stock from that part of the WRR as agreed to in the Memorandum of Understanding (MOU — between the Trust and Council) and as a result of the submission process. However, the occupier appears to have ignored WDC's request and has again put hinds to calve in the WRR. It is difficult for PCT not to regard this action as "thumping the nose" at those wanting to see the WRR returned to its rightful and legal use as land accessible to the public and with vegetation able to regenerate.

A further issue is that PCT successfully applied to the Otago Regional Council's EcoFund to progress this project. In 2024 the sum of \$57,247.00 (GST inc.) was secured. However, as is common with such funds, it has a time limit of 12 months. An extension of a further 12 months has been granted but, with the occupier's latest refusal to remove stock, PCT's ability to deploy the funds is severely compromised.

Only the Waitaki District Council can resolve the matter as it is charged by the Crown to manage the Waihemo Recreation Reserve. Allowing the continuation of the farming operation is not managing the Reserve. Allowing deer to continue to destroy native vegetation is not managing the Reserve. Denying the public access to public land is not managing the Reserve.

Under the MOU a second deer fence is to be erected so that part of the Reserve can continue to be farmed while the Trust can start the "Reclaim, Rescue, Restore" process on at least a portion of the Reserve. However, this is also a stumbling block. It has yet to be decided where the new fence line will be, who will erect it, and who will pay for it. The occupier has shown no willingness to erect a new fence and it is doubtful if another fencing contractor will do it, considering that a close family member is the immediate past president of the NZ Fencing Contractors Ass. And whatever is eventually decided, the erection of the fence will only add further delay to the Trust, its band of volunteers, and the public being able to access some of the Reserve. Once again, PCT has no influence to resolve this matter.

In summary — only the Waitaki District Council has the power to act. The questions the Trust respectfully asks are:

- When will Council resolve the issues with the occupier and in what period of time, considering the Licence to Occupy has been terminated as of 20th September as we understand?
- Given the actions of the occupier, would the Council consider foregoing the construction of erecting a new fence and simply allow the Trust to access more of the Reserve?
- Would the Council intercede on behalf of the Trust if the Ecofund grant is withdrawn by the Otago Regional Council?

Thank you for taking the time to read the material supplied. Further contact is welcome via email puketapu.waihemo@gmail.com The Trust looks forward to a response that will move this project onwards and upwards — literally.

With thanks from Trustees of the Puketapu Community Trust:
H McFarlane (Chair), M Barta (secretary), A Clare (treasurer), J Rata Teraki (trustee),
F Skevington (trustee) J Teraki (trustee)

Enclosed:

A4 poster, flyer, "bumper" sticker, window sticker (remove shiny layer), timeline

Part of 1862 Crown Survey Map of Block IV Moeraki District: William Arthur, Sub Assistant Surveyor — showing in yellow the original south-west route to the summit of Puketapu accessed from Smithers Rd via Goodwood Road and using a legally defined route — an Unformed Legal Road, the Waihemo Recreation Reserve, and a Right of Way to the summit.

An invitation to become a Friend of the Trust



Rachel Welton (Secretary/Treasurer)
15 Appleby St.,
Hampden,
Otago, 9410 hcetreasurer2018@gmail.com

Heather McGregor
Chairperson
Waihemo Community Board hmcgregor@waitaki.govt.nz
30 Sept 2025

Dear Heather

Re Hampden Joint School and Workshop public carpark

Thank you for managing to include the above matter on the agenda for the last WCB meeting. We were delighted with the support the Board gave it and the resolution requesting Council undertake further investigation. We understand that will include both the car park and refurbishment of the existing irrigation disposal system used by the cottages.

Kerry Stevens advised us that it would assist Council to have a cost estimate for developing the car park and to have what our Society could contribute toward it confirmed. As Kakanui Construction Ltd provided the quote for constructing a crossing for the Community Workshop and are the approved contractor for that work, we have asked them to quote for the proposed carpark.

They quote \$32,500 plus GST for constructing 2 sealed crossings and the carpark with an aggregate finish on a gravel base (attached). That includes placing top soil removed from the carpark to improve conditions for the effluent disposal from the cottages, but does not include any other costs associated with refurbishing/extending the existing irrigation system, as that is required anyway.

As there are three parties involved in this project, our committee is pleased to confirm it will contribute a third of the car park cost estimate.

The urgency of vehicle access and park for the Workshop and the ongoing child safety issue at the school, make a speedy resolution to this proposal highly desirable. Yet we are concerned that Council's formal processes and financial pressures may mean delay. One way we might expedite the situation is if the Society and the School are able to start seeking funds from other funding organisations for the full project. Given the multiple benefits and the parties involved, we are optimistic most, if not all, could be independently raised.

To allow this process to start, the immediate need is Council approval in principle for the project. If that were granted, fundraising could start, the design could be firmed and access arrangements formalized ready for when full funding had been secured.

School Board representative, Chris Hepburn and school principal, Matt Hanagan, have approved this approach.

Kind regards,
Dugald MacTavish, (Chair Hampden Community Energy Inc)

Attached: Cost Estimate for new car park and vehicle accesses.



----- Forwarded Message -----

Subject:Re: Estimate for new car park at Hampden?
Date:Mon, 22 Sep 2025 08:08:09 +1200 (NZST)
From:Barry Monks <bmonks@xtra.co.nz>
To:Dugald <dugald.mactavish@zoho.com>

Hi Dugald,

Cost estimates for car park and vehicle entrances.

Vehicle crossings to boundary

Separate entry and exit single width crossings with two coat chip seal to the boundary.
\$12,500 + GST.

Gravel Car park 40m x 20m 800sqm

Excavate topsoil and use to form soil bund, Supply cart place and compact 150mm gravel base course and 100mm top course.
\$20,000 + GST.

Prices are estimates only and subject to change as no specifications have been provided.

Regards

Barry Monks

Kakanui Construction Ltd.

54 Norwich Street
Hampden 9410

Waihemo Community Board
C/- Waitaki District Council

16 Sept 2025

Dear Heather and Waihemo Community Board members

Hampden Hall Committee is requesting a Discretionary Grant of up to \$1,000 to help pay for new curtains and tracks to be installed on the northern interior wall of Hampden Hall.

In July this year we painted the interior of Hampden Hall and stage area at cost of \$12,800 +GST, which was paid from the Hampden Hall Rate Account. The balance of funds available in this account is now effectively Nil, so we will have to wait a few years for this account to build up again before taking on another big improvement project.

When the Hall was being repainted, we also upgraded the lighting in the Hall and stage area at a cost of \$3,532, which was paid from our Hampden Hall Committee bank account. This bank account typically receives about \$4,000 p.a. from Hall Hire and Storage Hire, and pays for a range of sundry operating expenses costing approx. \$3,800 p.a. – see copy of Annual Accounts 2024 for more details.

Whilst doing the above work, we noted that the Hall curtains and tracks on the northern (sunny) wall are in very poor condition -- the repainting and new lights have made this very obvious. Hence, we obtained 3 quotes to replace these curtains with a fabric that closely matches the curtains on the other walls and the stage, all of which are in very good condition.

Our preferred quote is from Waitaki Interiors (copy attached) because the fabric sample is almost identical to the existing curtains. The cost to do this job is \$2,699 incl. GST, which is a very similar price to both of the other quotes that we received.

However, the cost of replacing the curtains will need to be paid from the Hampden Hall Committee bank account, which has already been significantly depleted by the Hall lighting upgrade of \$3,532.

On behalf of the Hampden Hall Committee, we respectfully request Waihemo Community Board to support the replacement of curtains in Hampden Hall with a discretionary grant of up to \$1,000 to help pay for this project.

Thank you in advance for your consideration of this request.

Yours sincerely



Kerry Stevens
Secretary/Treasurer
Hampden Hall Committee

Waitaki Interiors Limited

29 Thames Street, OAMARU, 9400
Phone: 03) 434 7755
info@waitakiinteriors.co.nz
GST Reg No: 112-565-213

WAITAKI INTERIORS

Quote

Quote number
IV00004845

Issue date
09/09/2025

Expiry date
09/10/2025

Hampden Hall
25 London Street
Hampden
New Zealand

Ship to
Hampden Hall
25 London Street
Hampden
New Zealand

Item ID	Description	UoM	Qty	Unit price (\$) <i>including GST</i>	GST	Amount (\$) <i>including GST</i>
	WINDOW 1: Pair of short length drapes installed on a new cirrus track corded on the right fitted just above the window. Fabric = Zepel Deluxe - colour Sienna & stock block out lining with an gathered pleat.		1	1,505.00	S15	1,505.00
	Manufacture \$281 Fabric \$720 Lining \$200 Track \$304					
	WINDOW 2: Pair of short length drapes installed on a new cirrus track corded on the right fitted just above the window. Fabric = Zepel Deluxe - colour Sienna & stock block out lining with an gathered pleat.		1	1,024.00	S15	1,024.00
	Manufacture \$194 Fabric \$482 Lining \$132 Track \$216					
	INSTALLATION (Into block wall)		2	60.00	S15	120.00
	VAN		1	50.00	S15	50.00

Notes

GST

\$352.04

TERMS & CONDITIONS:
'Deposit of \$1300 required as confirmation to proceed with this quote & as acceptance of these terms & conditions.
'Balance due upon Installation of products.
'Waitaki Interiors reserves the right to refer accounts overdue by 7 days or more to a debt collection agency. The purchaser will be liable for any additional costs associated with this process.
'Manufacture of window furnishings will vary from approximately 4-8 weeks from date of order.
'This quotation does not include the use of a credit card for payment, a bank fee of 3% will apply should you wish to pay by credit card.
'If you cancel your order your deposit will be non-refundable if the goods have been either cut or they have been bought from suppliers.
'Please check your order details thoroughly. By paying your deposit online or in store, you confirm that the final decisions on the product/s have been made by you. We will not be held responsible for returns due to changes of mind upon purchase, delivery or installation.
'Bank account number: 06-0817-0379908-00

Total amount

including GST

\$2,699.00

Hampden Hall Committee

Statement of Receipts and Payments

For The Year Ended 31 December 2024

	Actual 2024	Actual 2023
	\$	\$
Operating Receipts		
Donations	250.00	2,107.20
Hall and Room Hire	1,430.00	1,431.80
Repairs & Maintenance	-	250.00
Storage Hire	<u>2,640.00</u>	<u>1,440.00</u>
	4,320.00	5,229.00
Interest and other investment income:	-	0.65
Other operating receipts	-	-
Total Operating Receipts	<u>4,320.00</u>	<u>5,229.65</u>
Operating Payments		
Payments for goods or services:		
Anzac & Community Events	159.85	202.80
Cleaning	1,080.00	1,080.00
Consumables	365.33	47.77
Insurance	392.73	379.50
Lawns & Grounds	640.00	705.00
Other	624.13	211.54
Repairs & Maintenance	<u>616.63</u>	<u>2,110.20</u>
	3,878.67	4,736.81
Grants and donations paid:	-	-
Other operating payments:	-	-
Total Operating Payments	<u>3,878.67</u>	<u>4,736.81</u>
Operating Surplus or (Deficit)	<u>441.33</u>	<u>492.84</u>
Increase/(Decrease) in Bank Accounts and Cash	441.33	492.84
Bank accounts and cash at the beginning of the financial year	2,649.34	2,156.50
Bank Accounts and Cash at the End of the Financial Year	<u>3,090.67</u>	<u>2,649.34</u>
Represented by Savings Account:	3,090.67	2,649.34
Total Bank Accounts and Cash at the End of the Financial Year	<u>3,090.67</u>	<u>2,649.34</u>



K Stevens
Secretary/Treasurer

4.6 GENERAL BUSINESS

Author: **Arlene Goss, Governance Services Lead**

RECOMMENDATION

That the Waihemo Community Board considers the items for discussion listed in the report below.

PURPOSE OF REPORT

The purpose of this report is to allow the community board to raise general business for discussion.

REQUESTS FOR DISCUSSION AT THIS MEETING

- a) Update on CCTV cameras. Will these be working before the Christmas tree goes up?
- b) Brough Street/Gilligan Street intersection. A member of the public has requested stop signs on all four entrances.
- c) Councillor marae visit on Saturday, December 6, at 9am. Can community board members attend this visit?
- d) Advocacy on behalf of the community to get a GP in Palmerston. Noted that a meeting between the Mayor/councillors and senior managers from Te Waka Hauora (formerly the district health board) will be taking place on December 2 in Oamaru. Is this an opportunity for advocacy?

OPTIONS

The options available to the board when discussing items of general business are:

1. Minor or administrative matters

These can be dealt with at the meeting.

2. Operational matters

The board can ask members of the public to lodge a service request, or ask the governance officer to lodge a service request when the member of the public is unable to, or make a verbal request at the meeting to a staff member to address an operational matter.

3. More involved matters

The board can pass a resolution to ask the chief executive to come back with a decision-making report outlining all the options.

Relevant Standing Order:

“Community boards and subordinate decision-making bodies may, by resolution, request reports on matters they determine.

The chief executive may delay commissioning, or not produce, reports that involve significant cost, unless agreed by the council, or are beyond the scope of the body that made the request.”

The chairperson of a meeting may prepare a report to be included in the agenda provided the matter falls within the terms of reference for the meeting.

4. Matters that are outside the community board's delegations

The board can pass a resolution recommending an action to full Council.

5. Matters that are not on the agenda

Relevant Standing Order

Urgent Matters A meeting may deal with an item that is not on the agenda where the meeting resolves to deal with that item, and the chairperson provides the following information during the public part of the meeting:

- a) the reason the item is not on the agenda; and
- b) the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor Items A meeting can discuss minor items which are not on an agenda if:

- a) the matter relates to council business; and
- b) at the start of the public part of the meeting, the chairperson explains that the matter will be discussed.

The meeting cannot make a resolution, decision, or recommendation on any minor matter that was not on the agenda for that meeting. The meeting can, however, refer the matter to a subsequent meeting (call for a report) for further discussion.

5 MEMORANDUM REPORTS

5.1 ELECTION REPORT

Author: **Carole Hansen, Deputy Electoral Officer**

Authoriser: **Alex Parmley, Chief Executive**

Attachments: 1. **Public Notice of Final Election Result 2025** 

RECOMMENDATION

That the Waihemo Community Board receives and notes the information.

PURPOSE

The purpose of the report is to provide the community board with the results of the 2025 local authority elections conducted in the Waitaki District.

This report includes information about voting documents and results of the 2025 triennial elections which were conducted in accordance with the Local Electoral 2001 and associated regulations.

FINAL ELECTION RESULTS

The final results of the election were received and published on Council's website on Thursday 16 October 2025. The successful candidates elected to represent the Waihemo Ward are:

Mayor

Melanie Tavendale

Waihemo Ward Councillor

Frans Schlack

Waihemo Community Board

Tanya Bell

Heather McGregor

Paul Roy

Clifford Day

Kerry Stevens

OAMARU LICENSING TRUST

Council undertook the election on behalf of the Oamaru Licensing Trust. The successful candidates are:

Denise McMillan

Ali Brosnan

Peter Bond

John Bringans

John Clements

VOTING DOCUMENTS

The number of voting papers issued to residential and ratepayer electors and the valid returns for each ward (excluding special votes returned) were as follows:

Issue	Voting Papers Issued	Returns	% Return

Ahuriri	1,231	540	43.87%
Corriedale	3,022	1,612	53.34%
Oamaru	10,320	5,411	52.43%
Waihemo	1,790	882	49.27%
Total	16,363	8,595	52.26%

The percentage of returns in this election was 52.26% compared with 49.29% in 2022.

GENERAL

Election Team

The election team consisted of Electoral Officer Anthony Morton, Electionz.com and Deputy Electoral Officers Carole Hansen and David Blair. A team of Electoral Officials also assisted with special voting leading up to election day and collecting orange voting bins from around the district on election day.

Processing of Voting Documents

All voting documents were processed by Electionz.com in Christchurch.

The orange voting bins that we had situated across the district were emptied every 3 days by couriers and the voting papers then delivered to Electionz.com in Christchurch for counting. Voting papers collected from the orange bins and hand-delivered votes to the Council office on Friday 10 October 2025 were couriered to Electionz.com at 2.00pm that same day. Any remaining voting papers hand-delivered to the Council office up until 12.00pm Saturday 11 October 2025 were couriered to Electionz.com at 1.30pm on 11 October 2025.

Orange Bins

Orange Voting bins were used this election and were situated in nine places around the district for the ease of last-minute voting for the community. These bins were very successful as they were situated in supermarkets, rural towns, library and council headquarters. Also, given the number of votes collected from these bins, this option appears to have had a positive impact on our voting percentage.

The communications activities undertaken during this election were more extensive than we have carried out in previous elections. Communications via social media and the council website kept people engaged and the reminder messaging was consistent. Big shout out to Media and Communications Specialist John Palenthalope, and the wider Strategic Communications and Engagement team for their efforts.

Results

Progress results based on 85% of the voting documents were released on Saturday 11 October 2025.

Preliminary results were received on Sunday 12 October 2025.

The official results were received at 8.51pm on Thursday 16 October 2025 and were publicly advertised via Council's website that evening 16 October 2025.



Waitaki District Council

2025 Triennial Elections

DECLARATION OF RESULT

The final result for the Waitaki District Council elections held on Saturday 11th October is as follows.

Mayor		Votes Received
TAVENDALE, Melanie	(Independent)	3,811
WILSON, David		2,148
PERCIVAL, Guy		1,775
WILLIAMS, Kelli	(Independent)	784
INFORMAL		16
BLANK VOTING PAPERS		59

Melanie TAVENDALE is declared elected.

Ahuriri Ward (1 vacancy)	Votes Received
As the number of nominations received did not exceed the number of vacancies, Brent COWLES is elected unopposed.	

Ōamaru Ward (6 vacancies)	Votes Received
RYAN, Rebecca	2,993
LINWOOD, Courtney	2,934
HOLDING, Jeremy	2,832
HOPKINS, Jim	2,716
LEWIS, Dan	2,503
FANENE-TAITI, Mata'aga Hana Melania	2,284
DE REUS, Peter	2,159
VINBRUX, Richard	1,639
TOWNSEND, Mark	1,606
NEWSON, Sheridan	1,192
BARNES, Nathan	1,063
DE BOER, Andy	1,057
KRUGER, Ferdie	1,001
KIRK, Ramon	520
HARREX, Teenica (Teeni)	513
INFORMAL	11
BLANK VOTING PAPERS	80

Mata'aga Hana Melania FANENE-TAITI, Jeremy HOLDING, Jim HOPKINS, Dan LEWIS, Courtney LINWOOD and Rebecca RYAN are declared elected.

Waihemo Ward (1 vacancy)	Votes Received
SCHLACK, Frans	432
DODD, Garry	256
O'REILLY, Gervais 'G'	153
INFORMAL	2
BLANK VOTING PAPERS	53

Frans SCHLACK is declared elected.

Corriedale Ward (2 vacancies)	Votes Received
As the number of nominations received did not exceed the number of vacancies, John MCCONE and Sven THELNING are elected unopposed.	

Ahuriri Community Board (5 vacancies)	Votes Received
As the number of nominations received did not exceed the number of vacancies, Steve DALLEY, Mike KING, Alan PONT, Calum REID and Karen TURNER are elected unopposed.	

Waihemo Community Board (5 vacancies)	Votes Received
BELL, Tanya	664
MCGREGOR, Heather	633
ROY, Paul	584
DAY, Clifford	476
STEVENS, Kerry	446
CLARE, Andy	429
INFORMAL	1
BLANK VOTING PAPERS	27

Tanya BELL, Clifford DAY, Heather MCGREGOR, Paul ROY and Kerry STEVENS are declared elected.

Ōamaru Licensing Trust (5 vacancies)	Votes Received
MCMILLAN, Denise	5,868
BROSnan, Ali	5,670
BOND, Peter	5,546
BRINGANS, John	4,790
CLEMENTS, John	3,932
LYELL, Ken	2,846
INFORMAL	29
BLANK VOTING PAPERS	1,658

Peter BOND, John BRINGANS, Ali BROSnan, John CLEMENTS and Denise MCMILLAN are declared elected.

The voter return was 52.26%, being 8,595 votes, including special votes.

Anthony Morton
Electoral Officer
Waitaki District Council
16 October 2025

5.2 EXPLANATION OF LEGISLATION BY THE CHIEF EXECUTIVE

Author: **Arlene Goss, Governance Services Lead**

RECOMMENDATION

That the Waihemo Community Board receives and notes the information.

PURPOSE

The purpose of this report is to provide a summary of the key legislation that is of importance to elected members, as required under the Local Government Act 2002.

SUMMARY

To report on legislation as set out in Section 48 and Clause 21(5)(c) of Schedule 7 of the Local Government Act 2002.

BACKGROUND

The Local Government Act 2002 ("the Act") requires that, at the first meeting of the Ahuriri Community Board following the triennial general election, a general explanation must be given of the Local Government Official Information and Meetings Act 1987 (LGOIMA 1987) and appropriate provisions of:

- (a) The Local Authorities (Members' Interests) Act 1968;
- (b) Sections 99, 105 and 105A of the Crimes Act 1961;
- (c) The Secret Commissions Act 1910; and
- (d) The Financial Markets Conduct Act 2013.

An explanation of the Health and Safety at Work Act 2015 and the Public Records Act 2005 as it applies to Council and elected members has also been provided.

LOCAL GOVERNMENT ACT 2002 (LGA)

The LGA spells out local government's purpose, its general powers, specific bylaw making powers and the principles and processes that councils must abide by when making decisions.

The purpose of local government is defined in section 10 of the LGA as:

- a. to enable democratic local decision-making and action by, and on behalf of, communities; and
- b. to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.¹

The role of a local authority is to:

- a. give effect, in relation to its district or region, to the purpose of local government; and

¹ The Local Government (System Improvements) Amendment Bill is expected to be passed by the end of this year. It changes the purpose of Local Government to:

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and
(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses; and
(c) to support local economic growth and development by fulfilling the purpose set out in paragraph (b).

b. perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

The LGA is based on the principle of general competence that enables a local authority to do whatever is necessary to fulfil its role and achieve its purpose. Within this framework, there is a considerable degree of flexibility in deciding what activities are undertaken and how they are carried out.

As elected members, you are responsible for making key policy decisions that guide the community board's activities and provide the direction for the district's future.

In performing its role, a community board must act in accordance with the key principles set out in Section 14 of the LGA (refer Appendix 1).

If any of these principles, or any aspects of wellbeing referred to in section 10 are in conflict in any particular case, then the community board should resolve the conflict in accordance with the first key principle – by conducting its business in an open, transparent, and democratically accountable manner.

Personal Liability of Elected Members

Section 43 of the LGA provides an indemnity (by the Council) for elected members in relation to:

- a. civil liability (both for costs and damages) if the member is acting in good faith and in pursuance of the responsibilities or powers of the community board;
- b. costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as an elected member.

The LGA provides for a theoretical personal exposure for elected members in certain circumstances. The loss must arise out of one of the following situations:

- a. the Council unlawfully spends money;
- b. the Council unlawfully sells or disposes of an asset;
- c. the Council unlawfully incurs a liability; or
- d. the Council intentionally or negligently fails to enforce the collection of money it is lawfully entitled to receive.

The loss is recoverable as a debt due to the Crown and must be paid back to the Council from each elected member jointly and severally.

However, as a member of the Council, you have a defence if you can prove that the act or failure which led to the loss occurred:

- a. without your knowledge; or
- b. with your knowledge but against your protest made at or before the time when the loss occurred; or
- c. contrary to the manner in which you voted on the issue at a meeting of the Council; or
- d. in circumstances where you acted in good faith and relied on information, or professional or expert advice given by a Council officer or professional advisor on matters which you reasonably believed were within that person's competency.

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 (LGOIMA)

(a) General Principle

The stated purpose of this Act is to make official information held by local authorities more freely available, to provide for access to that information, to provide for admission to meetings of local authorities and to protect official information held by local authorities consistent with the public interest and preservation of personal privacy.

The Act is very broad. It does not define the word "information". It sees official information as any item of information held by a local authority. So official information is not limited to documents like letters, reports, memoranda, or files, but includes also sound tapes, video tapes, computer tapes and discs, maps, films, photographs and plans.

The heart of the Act is contained in the "principle of availability" set out in Section 5 of the Act: *"The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it."*

Therefore, the fundamental principle of the Act is that information must be made available unless there is "good reason" under the Act to withhold it.

(b) Requests

Anyone can make a request for official information.

If the information sought is not held by the Council, or a Council officer believes the request to be more closely connected with another organisation, then the officer must, within 10 working days transfer the request.

Where the Council holds the information, a decision on whether to release the information must be made within 20 working days of receipt of a request. Charges may be made for supplying information.

Where the information sought is large or consultations are necessary for a proper response, then the Chief Executive or an authorised officer may extend the time limit for a "reasonable period". The requester must be told of the period of extension, the reasons for the extension, and the fact that the extension can be referred to the Ombudsman.

Every request must be dealt with on its merits and a decision whether to refuse or not is made on the circumstances of each case.

Generally, where the information is released, then it must be released in the manner requested.

(c) Refusals

In considering a refusal of a request for official information, the Act fixes the responsibility on the Chief Executive, or an officer authorised by him/her. While the statutory responsibility is placed on the Chief Executive, that officer is not prevented from consulting the Council or any other person in relation to a decision to refuse.

The Act sets out approximately 25 'good reasons' why official information can be refused. If the grounds for refusal do not fall within one of these "good reasons", the information **must** be released.

Good reasons' include:

- (i) Protecting the privacy of natural persons;
- (ii) Maintaining the effective conduct of public affairs through free and frank expressions of opinions by or between elected members and officers;

- (iii) Enabling a local authority to carry out, without prejudice or disadvantage, commercial activities;
- (iv) Enabling a local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); and
- (v) To maintain legal professional privilege.

All of the reasons outlined above are subject to a “public interest” test; that is, even if the information sought falls within one of the refusal categories, it must be released where the withholding of the information is outweighed by other considerations rendering it desirable in the public interest that the information be released.

The Act also contains a number of administrative grounds as to why a request can be refused. These include the fact that:

- (i) The information is or will soon be publicly available;
- (ii) The information requested cannot be made available without substantial collation and research.

If a request is refused, the Council must give the requester:

- (i) The reason for its refusal;
- (ii) The grounds in support of that refusal; and
- (iii) Advice as to the right to apply to the Ombudsman to seek a review of the refusal.

(d) Ombudsman’s Investigation

Under the Act, the Ombudsman can investigate any refusal by the Council to provide information and can investigate the charges made by the Council.

If the matter cannot be resolved during the investigation, the Ombudsman may make a recommendation to the Council. The Council is under a public duty to observe that recommendation unless, within 21 working days of receiving the recommendation, it resolves not to accept it.

A decision not to accept an Ombudsman’s recommendation must be notified to the applicant and the Ombudsman and published in the New Zealand Gazette together with the Council’s reasons for its decision. The applicant may apply to the High Court for a review of the Council’s decision. Whatever the result of the High Court hearing, the applicant’s legal costs must be paid by the Council unless the Court is satisfied the application was not reasonably or properly brought.

(e) Other Rights of Access

The Act also gives every person a right of access to any document, including manuals which the Council holds containing policies, rules, or guidelines by which decisions or recommendations are made. There are limited rights of refusal available to the Council.

Section 22 of the Act provides that where the Council makes a decision or recommendation in respect of any person in that person’s personal capacity, that person has the right on request to have, within a reasonable time, a written statement from the Council of:

- (i) The findings on material issues of fact;
- (ii) A reference to the information on which the findings were based; and
- (iii) The reasons for the decision or recommendation.

(f) Access to Meetings

The Act provides that the public and media have a right of access to all meetings of the Council, committees, sub-committees (with power to act) and Community Boards unless the meeting resolves to exclude the public. Copies of meeting agendas must be available for the public and the media.

The grounds for excluding the public and the media from a meeting can only be those provided in the Act and essentially are the same grounds as for withholding official information. A motion to exclude must state the subject matter of the 'non-public' matter and the specific reason provided in the Act.

Even where a meeting has resolved to exclude the public, a person can request a copy of the minutes of the meeting and that request must be treated in the same way as a request for official information and is subject to review by an Ombudsman.

(g) Order Papers (also known as Agenda Papers)

Order Papers for meetings must be publicly available at least two working days before the meeting. Generally, supplementary reports cannot be dealt with unless agreed to by the meeting and unless the Chairperson explains why the report was not in the Order Paper and why the subject cannot wait until the next meeting.

(h) Order at Meetings

Section 50 of the Act provides that the chairperson of a meeting may require a member of the public to leave the meeting if the Chairperson believes on reasonable grounds that person's behaviour is "likely to prejudice or continue to prejudice" the orderly conduct of the meeting.

The Chairperson may call on a Police Constable or Council officer to remove a person from the meeting.

(i) Qualified Privilege

Sections 52 and 53 of the Act provide that **written or oral** statements on any matter before a meeting of the Council, Committee or Community Board is privileged unless the statement is proved to be motivated by ill-will. This type of privilege is known as qualified privilege.

Qualified privilege is a protection afforded by the law on certain occasions to a person acting in good faith and without any improper motive who makes a defamatory statement about another person.

It is established law that meetings of local authorities are privileged occasions. This would now include Community Boards. The reason given by the Courts is that those who represent local government electors should be able to speak freely on any matter they believe affects the interests of their residents.

The situation regarding statements made outside a formal meeting is not so clear. Certainly, the statutory protection of sections 52 and 53 would not necessarily extend outside a meeting.

What is required for qualified privilege to apply is a positive belief in the truth of what is said, and that there is no suggestion of personal spite or ill-will by the maker.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968 (LAMIA)

This Act contains provisions relating to contracts between elected members and the Council and provisions relating to elected members voting on matters where they have a pecuniary interest.

(a) Contracts

The Act provides that no person can be an elected member if the total of all contract payments made or to be made by the Council in which that person is 'concerned or interested' exceeds \$25,000 in any financial year². Contracts include sub-contracts.

² A bill suggesting that this limit be raised to \$100,000 is currently before a select committee.

There are provisions regarding contracts between the Council and a company in which an elected member or spouse has an interest. Generally, a person will be concerned or interested in a contract where that person or spouse holds 10% or more of the issued capital of the company or a controlling company, or the member or spouse is a shareholder and is either a managing director or general manager.

Certain exclusions are provided for, such as where the member and spouse are living apart, or the member did not know and had no reasonable opportunity of knowing the spouse was a shareholder and managing director or general manager.

The limit of \$25,000 may be extended by the Office of the Auditor General in special cases. Such approval can be given retrospectively.

Provision is made for contracts entered into by the Council before an election and for continuing contracts.

If a person breaches the \$25,000 limit, that person is disqualified from holding office and an extraordinary vacancy arises. The disqualification remains until the next triennial election. Where a disqualified person acts as a member, an offence is committed with a maximum fine of \$200.

(b) Pecuniary Interest

The Act provides that no elected member shall vote on or take part in the discussion of any matter in which that person has, directly or indirectly, any “pecuniary interest” other than an interest in common with the public.

The prohibition applies where the member’s spouse has a pecuniary interest and where the member or spouse holds 10% or more of the shares in a company or a controlling company which has a pecuniary interest, or either person is a shareholder and is managing director or general manager of the company.

Members who are prohibited under the Act from voting on or discussing a matter are under a duty to declare to the meeting their pecuniary interest and their abstention from discussion or voting must be recorded in the minutes.

The prohibition against discussing or voting on a matter does not apply in certain situations, such as:

- (i) Members’ remuneration where the maximum rate has already been fixed;
- (ii) Election or appointment of any member to a Council, or community board, office notwithstanding that remuneration is payable; and
- (iii) The preparation, approval, or review of a district scheme or district plan, unless the matter relates to any variation or change or departure from a district scheme or district plan or to the conditional use of land.

The Audit Office has the power to declare that the prohibition shall not apply in respect of any particular matter if the Office is satisfied the prohibition would impede the business of the Council or that it is in the interest of the electors that the prohibition not apply.

Any member who contravenes the prohibition commits an offence liable to a fine of \$100. Upon conviction, the member vacates office, and an extraordinary vacancy is created.

CRIMES ACT 1961: SECTIONS 99, 105 AND 105A

(a) Section 99

Section 99 defines, for the purposes of the Crimes Act 1961, an “official” as any member or employee of any local authority. Member here would include a Community Board member.

(b) Section 105

Section 105 provides that it is an offence punishable by seven years imprisonment for an “official” to corruptly accept or obtain, or to attempt to obtain, any bribe in respect of anything done or omitted to be done by the official in an official capacity.

A person making or attempting to make the bribe is liable to three years’ imprisonment.

(c) Section 105A

Section 105A provides that every official is liable to seven years imprisonment who corruptly uses any information acquired in an official capacity, to obtain, directly or indirectly, an advantage or a pecuniary gain for the official or any other person.

SECRET COMMISSIONS ACT 1910

This Act puts in legislation the principle that a person holding a position of trust, such as elected members, should not make a profit through their office.

The Act provides that elected members and officers are ‘agents’ of the Council and that every agent commits an offence who corruptly accepts or obtains or solicits, for themselves or any other person, any gift or other consideration as an inducement or reward for doing or not doing any act in relation to the Council’s affairs, or for having shown favour or disfavour to any person in relation to the Council’s affairs.

Any agent who diverts, obstructs, or interferes with the proper course of the Council’s business, or fails to use due diligence in the prosecution of such business with intent to obtain for themselves or any other person any gift or other consideration shall be deemed to have corruptly solicited a consideration.

While ‘gift’ is not defined, ‘consideration’ is. It includes discounts, commissions, rebates, bonuses, deductions, percentages, employment, and money (including loans).

Generally, trade practices or customary gifts do not constitute a defence to a charge under the Act.

Section 5 of the Act provides that the agent, who makes a contract on behalf of Council, must disclose to the Council any pecuniary interest in the contract. This provision is similar to that contained in the Local Authorities (Members’ Interests) Act 1968.

Also, it is an offence to advise the Council with intent to induce it to enter into a contract with a third person and receive any gift or consideration from the third person, without disclosing to the Council the fact of payment.

Upon conviction for any offence under the Act, an agent is liable to a maximum fine of \$2,000 or two years imprisonment and would vacate their office.

FINANCIAL MARKETS CONDUCT ACT 2013 (FMCA)

Waitaki District Council does not currently offer any financial products to the public. If Council was, in the future, to decide to venture into the area of retail fund-raising, it would have to comply with the requirements of the Financial Markets Conduct Act 2013.

The main purpose of the Financial Markets Conduct Act 2013 is to promote the confident and informed participation of businesses, investors, and consumers in the financial markets; and to promote and facilitate the development of fair, efficient, and transparent financial markets. The Act also provides for timely, accurate, and understandable information to assist in making decisions about financial products and the provision of financial services; and to ensure that appropriate governance and monitoring arrangements apply to financial products and services.

The Act essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product

disclosure statement, contain false or misleading statements. Members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

HEALTH AND SAFETY AT WORK ACT 2015 (HSWA)

On 4 April 2016, the Health and Safety at Work Act 2015 (HSWA) came into force. The HSWA provides a significant change to New Zealand's current health and safety legislation and is a response to the scrutiny placed on New Zealand's health and safety practices following the Pike River tragedy.

The Act allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes.

One of the significant changes is the introduction of "Officers", who is any person occupying a position in relation to the business or undertaking, that allows the person to exercise significant influence over the management of the business or undertaking.

For the purposes of the HSWA, elected Council members (which include the Mayor and Councillors but excludes Community Board members) and the Chief Executive are by default identified as "Officers".

Officers have obligations of due diligence, which are:

- (a) to acquire, and keep up-to-date, knowledge of work health and safety matters; and
- (b) to gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations; and
- (c) to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- (d) to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information; and
- (e) to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
- (f) to verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).

The duties of the Officers and of the PCBU are independent of each other. This means that, if a PCBU has failed to meet its duty but the Officers exercised due diligence, then they may not be personally liable for the health and safety failings.

PUBLIC RECORDS ACT 2005 (PRA)

The Public Records Act's purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained, and accessible. The Public Records Act 2005 provides for the continuity of the National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.

In the conduct of their affairs, elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the Council's records.

Appendix 1: LGA Part 2, section 14: Principles relating to local authorities

- (1) In performing its role, a local authority must act in accordance with the following principles:
 - (a) a local authority should—
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner;
 - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (c) when making a decision, a local authority should take account of—
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on each aspect of well-being referred to in section 10:
 - (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes;
 - (e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and
 - (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
 - (fa) a local authority should periodically—
 - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
 - (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
 - (h) in taking a sustainable development approach, a local authority should take into account—
 - (i) the social, economic, and cultural well-being of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.
- (2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

6 CONFIRMATION OF PREVIOUS MEETING MINUTES

6.1 PUBLIC MINUTES OF THE WAIHEMO COMMUNITY BOARD MEETING HELD ON 1 SEPTEMBER 2025

Author: Arlene Goss, Governance Services Lead

Attachments: 1. Public minutes of the Waihemo Community Board Meeting held on 1 September 2025

RECOMMENDATION

That the Waihemo Community Board confirms the Public minutes of the Waihemo Community Board Meeting held on 1 September 2025, as circulated, as a true and correct record of that meeting.

CONFIRMED MINUTES
OF THE WAIHEMO COMMUNITY BOARD MEETING
HELD IN THE WAIHEMO SERVICE CENTRE, PALMERSTON
ON MONDAY, 1 SEPTEMBER 2025 AT 6:00 PM

PRESENT: Chairperson Heather McGregor, Cr Jim Thomson, Member Tanya Bell, Member Paul Roy, Member Carol Watson, Member Kerry Stevens

IN ATTENDANCE: Mayor Gary Kircher
Lisa Baillie (Deputy Chief Executive)
Joanne O'Neill (Director Strategy, Performance and Design)
Arlene Goss (Governance Services Lead)
Claire Foster (Property Manager)

VISITORS: Vanessa Barsby
Cliff Day
Jo Lassen
Dugald MacTavish
Rachael Welton
Frans Schlack

MEETING OPEN

The Chair declared the meeting open at **6pm** and welcomed everyone present.

1 APOLOGIES

RESOLVED WCB 2025/012

Moved: Mr Kerry Stevens
Seconded: Cr Jim Thomson

That the apology received from Chris Hepburn, Hampden School, for the public forum, be accepted.

CARRIED

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PUBLIC FORUM

Dugald MacTavish spoke regarding his request for a carpark for the use of Hampden Community Energy and Hampden School. He tabled an email which was circulated to community board members before the meeting. A copy of this is available on request as an attachment to these minutes.

Council has tabled a report regarding the carpark at Item 6.1 on the agenda for this meeting. Mr MacTavish said there was no need for the problems mentioned in the report to stop the proposal. The council was concerned that the effluent disposal on the site would be affected by the car park.

He did not think the problems brought up by the council staff regarding the effluent disposal system were real.

He also raised safety concerns about children crossing the road. He felt that more parking along the side of the road wouldn't solve that problem. He asked the community board to support his carpark proposal and suggested the way forward was to approve a modified option 2, and option 7, as listed in the report.

Rachael Welton then spoke. She said trucks were driving quickly past the school. Having extra carparking off road would be good for the school, as well as the Community Energy workshop.

Member Kerry Stevens asked how much money they had on hand to put towards the project. Mr MacTavish said he has asked for a quote to build a carpark inside their block and did not yet have a figure. The group has about \$15,000 to put into an accessway that is already consented and the committee might be able to put more funds towards it from fundraising efforts. No discussion has been held with the school regarding a financial contribution.

Cr Thomson asked about the large trucks that went down that road and there was some discussion on how to stop large trucks from using those back streets. Cr Thomson offered to raise this problem with roading staff as a safety concern.

Chair Heather McGregor brought forward Item 6.1 on page 20 of the agenda and asked the Property Manager, Claire Foster, to speak to this paper.

6.1 HAMPDEN COMMUNITY ENERGY AND HAMPDEN SCHOOL CAR PARKING

The purpose of this report was to update the Community Board on the current requirements and options for effluent disposal for 41 Lincoln Road, Hampden and provide options for community parking on Norwich Street, Hampden.

This paper was for information rather than decision-making, and staff asked for guidance on what direction the board wanted to go so it could be investigated further.

Members asked questions about details in the report and these were answered.

There was some discussion about moving topsoil from the carpark area and using it to create bunds on the dispersal field, to increase the surface area and promote effluent dispersal.

Cr Stevens also showed the meeting a photograph of the speed limit sign near the school and believed it was not working because it did not state that the limit was 50km/h at times when the 30km/h sign did not apply. Trucks were exiting state highway one at 100km/h and not slowing down.

The community board was concerned about the safety issues and wanted staff to act on them as soon as possible to protect children crossing the road.

RESOLVED WCB 2025/013

Moved: Mr Kerry Stevens
Seconded: Cr Jim Thomson

That the Waihemo Community Board requests that staff further investigate Options 2 and 7 in the staff report on page 22 of the agenda for this meeting, as follows:

Option 2 - Investigate extending the community housing effluent dripline by a further 100-200m to allow a wider land soakage area, but with the drainage field to be extended in such a way that the parking can be implemented as well, also using the excess top soil from the parking area to help create a better drainage field

Advantages	Disadvantages
Ensures that Council's obligations for safe nutrient enriched water to land are fully met.	Doesn't offer land to community in sought after location.

Adds additional capacity to the soakage area.

Option 7 - School implements travel plans to change parent behaviours and encourage walking.

Advantages	Disadvantages
Lowest financial impact to all parties.	May take time to embed. Doesn't solve HCE parking needs.

CARRIED

4 CONFIRMATION OF PREVIOUS MEETING MINUTES

4.1 PUBLIC MINUTES OF THE WAIHEMO COMMUNITY BOARD MEETING HELD ON 7 JULY 2025

RESOLVED WCB 2025/014

Moved: Mrs Tanya Bell

Seconded: Mrs Carol Watson

That the Waihemo Community Board confirms the public minutes of the Waihemo Community Board Meeting held on 7 July 2025, as circulated, as a true and correct record of that meeting, with a correction on page 9, where Cr Stevens should be changed to member Stevens.

CARRIED

5 DECISION REPORTS

5.1 WAIHEMO MINOR IMPROVEMENTS BUDGET PRIORITIES

The Waihemo Community Board has \$28,091.00 available for minor recreation improvement projects.

The board met with the locality lead and went through the suggested improvements. They agreed with the suggestion in the staff report regarding giving highest priority to the Dunback Domain trees, as these were a safety risk.

Kerry Stevens noted that on page 36 of the agenda, in the financial report, that the Palmerston Street Scape was budgeted for in the last financial year and there was \$53,000 budgeted and none of that was spent. Will the money roll over and the project still go ahead? Mayor Kircher thought this was "better off funding" and had been moved to pay for the Puketapu Track and new mountain bike track. Cr Thomson agreed.

However there was some uncertainty over whether this was correct from other members.

RESOLVED WCB 2025/015

Moved: Mr Kerry Stevens

Seconded: Mr Paul Roy

That the Waihemo Community Board:

Approves three priority projects to progress from the Waihemo minor recreation improvement budget, namely the Dunback Domain first, Hampden Beach second, and Macraes streetscape third.

CARRIED

5.2 PALMERSTON COMMUNITY SAFETY CAMERA PROJECT

The purpose of this report was to provide the Waihemo Community Board with an update on the Palmerston Community Safety Camera project and to seek approval for funding to implement a solution that will enable the system to become operational.

The chair said this had been going on for four years and there were issues with vandalism in the street that were not being captured because the CCTV was not working. The board paid \$7,000 from the amenity fund and suddenly the cost was \$25,000. And now the community board was being asked to pay more.

Discussion took place on the incompetence of the manager putting up cameras without a connection being confirmed. Why should the community board pay for this?

The Mayor suggested that the community board recommend that council finds the money to pay the additional cost instead of it coming from the community board budget. This was agreed.

The chairwoman asked to get the cameras working before Christmas to protect the town Christmas tree from vandals.

RESOLVED WCB 2025/016

Moved: Mr Paul Roy

Seconded: Mrs Carol Watson

That the Waihemo Community Board:

1. **Endorses** Option 2 – directional drilling and connection to the toilet block power supply, as scoped in the KB Contractors quote, subject to NZTA approval and Council coordination.
2. Requests that Council finds the additional \$6,383.80 (exclusive of GST) from council budgets to implement the recommended option.

CARRIED

6 MEMORANDUM REPORTS

6.2 CHAIRPERSON'S REPORT

The purpose of this report was to share the Chairperson's report with board members and the public. It was noted that member Carol Watson has served nine years on the board, not six as mentioned in the report.

RESOLVED WCB 2025/017

Moved: Mrs Heather McGregor

Seconded: Mrs Tanya Bell

That the Waihemo Community Board receives and notes the information.

CARRIED

6.3 COMMUNITY BOARD MEMBERS AND WARD COUNCILLOR'S REPORT

The purpose of this report was to convey reports from the Waihemo Community Board Members and the Waihemo Ward Councillor for the information of communities throughout the Waihemo Ward.

RESOLVED WCB 2025/018

Moved: Mr Paul Roy
Seconded: Mr Kerry Stevens

That the Waihemo Community Board receives and notes the information.

CARRIED

6.4 FINANCIAL REPORT TO WAIHEMO COMMUNITY BOARD (JULY 2025)

This report is intended to update the Waihemo Community Board on financial matters and activities within the Waihemo ward.

Kerry Stevens asked about funding for the Palmerston streetscape. He would like clarity on what money was available for this project and if the project was still planned.

RESOLVED WCB 2025/019

Moved: Mr Kerry Stevens
Seconded: Mrs Tanya Bell

That the Waihemo Community Board receives and notes the information.

CARRIED

6.5 CORRESPONDENCE

The purpose of this report was to present Board correspondence and to provide additional officer comments. The members received:

1. Response to Long Term Plan submission, for information.
2. Correspondence regarding historic bridge sign, for follow up.

The board thanked staff for the letter in response to their Long Term Plan submission. The sign at the historic bridge has been completed.

RESOLVED WCB 2025/020

Moved: Mrs Carol Watson
Seconded: Mrs Tanya Bell

That the Waihemo Community Board formally receives items of correspondence and considers officer comments (where available) and any actions in response.

CARRIED

6.6 BUILDING CONSENTS ISSUED IN THE WAIHEMO WARD DURING JUNE AND JULY 2025

RESOLVED WCB 2025/021

Moved: Cr Jim Thomson

Seconded: Mr Kerry Stevens

That the Waihemo Community Board receives and notes the information.

CARRIED

6.7 COUNCIL INFORMATION REPORT

Lisa Baillie noted an apology from the chief executive for not attending the meeting, and noted his report to council, which is the last one for the triennium.

She went over the highlights from his report and encouraged people to read it.

The Mayor said he met with Runanga at Moeraki and talked about how to work together in the next term. The swearing in ceremony for the new council was on October 22. A hui at Moeraki was planned for November 8.

Council was awaiting feedback from the Department of Internal Affairs on its water services delivery plan.

RESOLVED WCB 2025/022

Moved: Mrs Carol Watson

Seconded: Mr Paul Roy

That the Waihemo Community Board receives and notes the information.

CARRIED

6.8 RETIRING ELECTED MEMBERS - VALEDICTORY SPEECHES

The members discussed a plan for the newly-elected community board to join the Mayor and councillors in Oamaru in October for the inauguration ceremony, instead of holding a separate ceremony in the ward area. Anyone unable to attend in Oamaru will be sworn in at the beginning of the first community board meeting on November 12.

The chairperson asked to record that there was some discussion from board members regarding holding a combined ceremony in Oamaru. In the past the community boards had separate ceremonies in their own communities.

Each member gave their views on whether to join the combined ceremony. They noted the difficulties of travelling to Oamaru, but also the benefits of working more closely with the Mayor and councillors.

The retiring members then gave short speeches and were thanked by the chair.

Carol Watson

She said she enjoyed her three terms on the community board and learned heaps. She thanked the chair, members and staff, and noted some successful projects that had been completed during her time on the board.

Member Tanya Bell thanked Carol and appreciated her wisdom and advice, and will miss her. The chairwoman also thanked her and recognised that it was hard to balance work and board duties at the same time.

Cr Jim Thomson

Cr Thomson was resigning after four and a half years on the board. He said he originally offered to fill in for 18 months, but got the bug and stayed for another term. He thanked the board members for being the type of people who put their hands up rather than hands out. One of the things he

regretted was the failure to deal with flooding issues in Palmerston. His first meeting over flooding was in December 2022 and there were still issues that the regional council don't want to address. A highlight of his time has been being described as being rude. Some people's expectation of what council could deliver was totally unrealistic and he was direct in telling them. He would like to acknowledge the length of service of Mayor Kircher.

The chairwoman responded. Jim Thomson came in on a by-election right before Covid. The community board worked to set up immunisation buses and to support the community, and Jim was part of that effort. They had worked well together. Wished him well spending time with family.

Mayor Gary Kircher

He acknowledged and thanked Carol Watson and Cr Thomson. The Mayor has seen a lot of faces around the table and thought back to 2001 when he was first elected as a councillor. For too long there has been a lack of power around this (community board) table. He hoped that the new structure and locality officers would make things happen. He was still deciding what to do after leaving, and noted he had 21 years of service over 24 years. This was his last Waihemo Community Board meeting. He thanked them.

The chairwoman thanked the Mayor for showing up in Palmerston, in particular at Anzac Day services and school prizegiving's. This was appreciated by the community. And he also had not missed many board meetings, so thank you for that.

Gifts were handed out and the meeting ended. Supper was served.

7 MEETING CLOSE

The Chair declared the meeting closed at 7.21pm.

7 MEETING CLOSE