ATTACHMENT A

- $85,702 for installation of Eco Cycle Waste Water System as required by Bay of Plenty Regional Council instead of the budgeted system at $17,000.
- $40,130 for storm water reticulation through the new car park area and neighbouring land required by council at the final stages of construction.

2 Additional Council requirements not determined at time of Consent but required for compliance for Certificate of Public use amounted to $ 12,501.

We would also like to point out that in our estimates there were maintenance requirements at time of construction that would have been required on the hall had we not undertaken the renovation project. These deferred maintenance costs were priced at $ 47,639.41 and would have been considerably more had we not been able to do this work in conjunction with the rebuild construction programme.

The total of all the additional requirements came to $184,974.

We are very disappointed that during the consenting process the additional environmental costs that the Oropi Hall Committee faced during final stages of construction were not advised to the Committee at the time of issue of the Building Consent. These storm water and sewerage treatment requirements are the costs that caused the budget blowout.

When these extra costs became evident, we had to continue with the construction programme as two of our grants were getting close to expiring and we could not leave the project 90% complete. An option had been to stop work on the building, while additional funds were raised, but this was unacceptable as any stop would have increased the final cost considerably and the Hall would have been out of action for a further lengthy period.

The Oropi Hall Committee asks that Council arrange a loan to Oropi Settlers, repayable out of an addition to the targeted rate in the hall area of benefit as detailed in the letter to ratepayers attached, or offer an alternative to funding the shortfall.

Yours sincerely

Richard Somerfield
Chairman

Allan Hartwell
Project Manager

ATTACHMENT A

OROPI MEMORIAL HALL
1295 Oropi Road, RD3
Tauranga 3173

31 October 2016

Oropi Hall Cost Variations Including GST

Unforeseen soakage holes and septic tank discovered during demolition pump out, fill and compact.	2647.95
Revised foundations due to discovery of soft ground conditions at time of foundation excavations, this required additional concrete piling, steel reinforcing, blockwork and concrete.	11199.89
Additional reframing of decayed timber areas discovered at time of demolition and not visible at the design stage this involved bearing plates, floor joists and some wall framing.	15858.97
New foundation detail to edge of meeting and Supper Rm due to code requirements.	1159.41
Removal of asbestos sheeting not known at design stages.	1070.37
Replacement of Old Playgroup particleboard flooring due to its decayed state at time of construction did not meet certificate of public use standards.	5775.29
Grinding of existing storeroom concrete floor as 50mm out of level and did not align with other floors not visible at design stages.	938.63
Supply and install Eco cycle waste water treatment system as per extra requirements demanded by Environment Council.	84702.19
Remove and replace section of flat roof and modify structural steel over supper room to allow correct gutter depths and falls. This was not able to be detected at time of design.	9663.02
Delete membrane secondary roof to Music Rm and Dressing Rm and plywood gutters due to future maintenance hazards and replace with 2 piece metal flashings and metal TRM Flashing Detail.	11171.10
Provide Acoustic Composition board to main Auditorium Walls due to unacceptable acoustic imbalance discovered at time of fixing internal wall linings.	7294.50
Security prewire not part of Tender but required for future security system.	5723.76

ATTACHMENT A

OROPI MEMORIAL HALL
1295 Oropi Road, RD3
Tauranga 3173

Additional food prep basins in kitchen and beverages area required by Council to meet certificate of Public use regulations not known at time of Building Consent.	2464.57
Remove and replace decayed gable end cladding and framing not known at time of design.	1301.74
Stabilize existing Entry foyer wall complete with ply bracing and hold downs to engineers design and Council code requirements. This was not known at time of design.	8090.04
Refix and paint existing roof areas due to water leakage and original fastener deterioration required for weather tightness and Building code Compliance .	7525.13
Removal of original decayed 45 Degree Timber Sarking and replace with new timber framing packing to existing frame lines for EZ Panel Cladding System . Decayed material not visible at time of Design.	6858.46
Supply and fit Hardboard overlay to floor areas receiving vinyl floor coverings required due to multiple changes in floor materials this required an overlay to give a consistent substrate for the vinyl's to be layed over. This was not part of the Tender Documents.	7750.40
Supply and install a 445 Ltr Hynds Grease Trap to new Eco Cycle Sewerage System at Hall Kitchen to prevent clogging and Environmental damage to the Eco Cycle Sewerage Treatment System. This was not a requirement at the time of the Building Consent but required by the Environment Council to protect the system.	6524.82
Powdercoated Deck Handrail to Playgroup Deck required due to changes In ground levels required by Engineered Foundations.	1591.51
Provide Fire Service Connection to water tanks to comply with Fire Safety requirements not known at Consent Stage Public use requirement for new building.	2997.36

ATTACHMENT A

OROPI MEMORIAL HALL
1295 Oropi Road, RD3
Tauranga 3173

To complete additional Stormwater reticulation to protect neighbouring Properties as per Council requirements not known at time of issueing of Building Consents.	40,130.50
Additional Terminal Vent required at Kitchen by Council Building Inspector to meet Code Compliance.	515.20
Total Variations Incl Gst	**$242,954.81**

Proposed Funding of Variations :-

1	Less GST Refund	$31,689.76
2	Less savings credits on contract Excl GST	$66,265.05
3	Proposed Council Loan Application	$145,000.00
Total of 1-3		**$242,954.81**

Project Manager,
Allan Hartwell,
Oropi Settlers Inc.

A K Hartwell

MARCH 22ND 7PM

PRINCIPAL – PARENT HUI

The purpose of this meeting

For parents to gain insights and understandings about these topics in the context of Oropi School. There will be opportunities for shared discussions, questions, feedback and clarifications. We strongly recommend that an adult member from each family attends so our whole community is directly informed about the many aspects of our school.

Oropi School
SINCE 1899
be all you can be | whaia te matauranga

Property developments

Roll Growth, Zone, Class Configurations, School Buses

Year 7&8 2017-2022

Strategic Planning and future-proofing our special character

Special programmes and focus areas for now and the future

The Tauranga Peninsula Community of Learning

DETAILS

Held in Te Ohanga (the new Multipurpose Room)

Supper provided

Email or phone 5431479 to confirm attendance

From the Oropi Hall Committee

The final costs to complete the new hall were more than expected. Most of these extra costs were for work that was outside the tender price such as the car park, drainage and engineering, but were necessary to gain our compliance certificates. To meet the opening date some residents of Oropi came to the party and lent $145,000 as an interim measure.

This must be repaid and we would like to do this as soon as possible. To do this entirely through fundraising will take too long. We have approached Western Bay District Council and they have agreed to loan this amount so as the lenders can be repaid. The council loan will be repaid to through future rating. The amount payable through your rates will rise from approximately $26 to about $43 per year over a ten-year term.

If, in the future the Hall Committee has surplus funds these will go to reducing the loan. There is no penalty for early repayment. Once we have the squash courts operating, this will generate income to meet this debt.

We need support of ratepayers for this to eventuate. If you do not support this action or wish to discuss it further, please contact the writer.

Richard Somerfield
Chairman
Email: somerfield@netsmart.net.nz
Phone 543,1513

WANTED TO RENT

2/3 bedroom home in the Oropi/Pyes Pa area. Have reference.

Phone **027 250 9020 - 07 5792612.**

LEMON YOGHURT CAKE (you can exchange lemons for limes—delicious)

250grm soft butter	2 cups sugar	6 eggs	zest of 2 lemons/limes
2 cups flour	2 tsps. Baking powder		1 cup Greek yoghurt

Cream butter and sugar together. Add zest and eggs one at a time, beating well between each one to ensure the mix does not split. Fold in the flour and Baking Powder alternatively with the yoghurt. Mic gently until smooth and pour into a greased 20cm cake tin. Bake at 160 degrees C for an hour. When cooked leave to cool for a few minutes before pouring over a lemon syrup made from a 1.4 cup of sugar dissolved in the juice of 2 lemons/limes.

Western Bay of Plenty District Council

Council

Bay of Plenty Film Trust - Funding Request

Purpose

Bay of Plenty Film Trust (BOPFT) has approached Council with a request to support the establishment of the organisation through a grant of $18,200 per year for three years, starting in the 2017/18 financial year. The purpose of this report is to seek a decision on the request and to identify an appropriate funding source.

Recommendation

1. ***THAT the Strategic Advisor's report dated 26 April 2017 and titled Bay of Plenty Film Trust – Funding Request, be received.***

2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT funding to the Bay of Plenty Film Trust is approved as follows:***
   - ***Year 1 – 2017/18 financial year - $18,200 from General Rate Reserve***
   - ***Years 2 and 3 – 2018/19 and 2019/20 – agreement in principle for $18,200 plus GST, to be funded by District Rates (Uniform Annual General Charge) subject to***
     - ***satisfactory progress by BOP Film Trust***
     - ***reasonable expectations of support from other funders to fund years 2 and 3***
     - ***decision-making through the 2018-2028 Long Term Plan process and the 2019/20 Annual Plan process.***

Gill Payne
Strategic Advisor

1. Background

In October 2016, Council contributed $10,000 to a $75,000 establishment package provided to BOP Film Trust (BOPFT) as seed funding for the organisation. Other organisations that helped fund the establishment package were Tauranga City Council, Whakatane District Council, Rotorua Lakes Council, Bay of Connections, Priority One and BayTrust. This enabled the organisation to put together the tools required to market the Bay as a viable film location.

On 6 April 2017, the chair of BOPFT made a presentation to Council outlining the organisation's business case, which is attached for information.

As part of the business case, funding is sought from local authorities in the Bay of Plenty and community funders as follows:

Western BOP DC -	$ 18,200
Other local authorities -	$138,200
Other funders (BayTrust, Tauranga Energy Consumers' Trust (TECT) and Rotorua Energy Consumers' Trust (RECT)	$120,000

Other local authorities are at different stages of decision-making on the respective requests, as summarised below:

Potential funder	Decision status	Amount per year approved / requested	Notes
Tauranga CC	Decision not finalised until 7 June	$75,000 supported in principle by Economic Development Committee	Final decision depends on support of business community through Annual Plan
Whakatane DC	Approved by Council	$12,200 approved	
Rotorua LC	Under consideration	$25,200 requested	
Opotiki DC	Approved by Council	$2,100 approved	
Kawerau DC	Decision not yet made (expected 16 May)	$2,100 requested	
BOP Regional Council	Decision not yet made (direction expected on 19 May, finalisation through Annual Plan process)	Request made for $50k for 2017/18 Annual Plan year	Consideration of a smaller contribution is likely.
Bay Trust	Application to Strategic Fund; shortlisted	$80,000 requested	
TECT and RECT	Applications not yet made.		Pending changes to Trust Deed to meet funders' requirements

Revenue and financing sources

In terms of Council's revenue and financing policies, Economic Development projects at a district level are usually funded through the Uniform Annual General Charge, which is a flat charge levied on all properties in the district. This revenue source would be appropriate for years two and three (2018/19 and 2019/20) of any commitment, but for the first year, General Rate Reserve would be appropriate because it would avoid a change to the indicative rates in the Annual Plan 2017/18.

Practical matters

Some local authorities have raised the issue of making their funding conditional on the support by other potential funders. While this is understandable for risk mitigation, it creates practical complications and circular decision-making, particularly in approving the first year's funding.

Staff suggest this is dealt with by committing to the first year's funding but making commitment for years two and three conditional on adequate progress by BOP Film Trust and a reasonable expectation of funding from other councils and organisations.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of Council's Significance and Engagement Policy this decision is considered to be of low significance because the amount requested does not represent a material increase in the Uniform Annual General Charge, since it would be funded by all the District's ratepayers. While the principle of funding the BOPFT may be of interest to ratepayers, in the wider context it is not a significant increase in economic development expenditure.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Name of interested parties/groups	Contact has been made with other Bay of Plenty local authorities to establish their intentions as reported above Economic development agencies in the sub-region
Tangata Whenua	No particular engagement planned or required

General Public	No particular engagement planned or required

4. Issues and Options Assessment

Option A - recommended **Approve funding of $18,200 per year for 3 years, starting in 2017/18, with the following conditions:** - **Funding for year 1 approved, and funding for years 2 and 3 approved in principle, subject to reasonable expectations of support from other funders, satisfactory progress by BOP Film Trust and decision-making through 2018/19 and 2019/20 Annual Plan/LTP processes.** - **Funding source for 2017/18 to be General Rate Reserve, with subsequent years funded through Uniform Annual General Charge**	
Assessment of option for advantages and disadvantages taking a sustainable approach	Advantages: In addition to advantages listed in the BOPFT business Plan (attached): - BOPFT is assured of funding in principle for 3 years. Greater certainty of funding may enable better outcomes overall - No impact on rates in 2017/18 financial year - Opportunity to reassess funding for years 2 and 3 in the light of decisions made by other potential funders Disadvantages: None identified
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Costs in addition to $18,200 p.a.: - Staff costs for administration, including progress evaluation and review
Other implications	

Option B - Status Quo **Decline the request for funding from BOPFT**	
Assessment of option for advantages and disadvantages taking a sustainable approach	Disadvantages: - Opportunity missed to help develop a promising film industry in BOP with widespread benefits to the economy as described in the BOP Film Trust business plan - Opportunity missed to partner with other councils and funders in the region to jointly support the BOP Film Trust initiative

Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	None
Other implications	

5. Statutory Compliance

The recommendation meets legislative requirements, Council policies and bylaws.

The opportunity to fund such an initiative was not explicitly envisaged in the Long Term Plan 2015-2025 but it is not inconsistent with the direction for economic development in that Plan and the amount of funding is not significant.

6. Funding/Budget Implications

Budget Funding Information		Relevant Detail
$18,200 per year	2017/18	Funding source – General Rate Reserve
	2018/19 and 2019/20	Funding source – Uniform Annual General Charge

Western Bay of Plenty District Council

Council

Storm Water Easement Over Part of Jellicoe Street Dairy Co. Reserve, Te Puke

Purpose

This report seeks Council's consent under its delegated authority in respect of the granting of rights of easements in accordance with Section 48(1) of the Reserves Act 1977, for a storm water easement over part of Jellicoe Street Dairy Co. Reserve, Te Puke (Lot 7 DP 436535) in favour of Section 1 SO 501922.

Recommendation

1. ***THAT the Legal Property Officer – Reserves and Facilities' report dated 27 April 2017 and titled Storm Water Easement Over Part of Jellicoe Street Dairy Co. Reserve be received.***

2. ***THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.***

3. ***THAT pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a Storm water Easement shown as Area A on Deposited Plan 503872 over Lot 7 DP 436535, Jellicoe Street Dairy Co. Reserve, Te Puke.***

Joanne Hin
Legal Property Officer
Reserves and Facilities

Peter Watson
Reserves and Facilities Manager

Approved

Gary Allis
Deputy Chief Executive

1. Background

1.1 As part of Resource Consent 10087L (Land Use Consent to provide retail space of 175.5m²) condition 35 required that in order to discharge storm water from the site via an approved outlet to Ohineangaanga Stream an easement would be required over the adjacent esplanade reserve ***(Attachment A)***.

1.2 The owners have formally applied for the Western Bay of Plenty District Council's consent to the storm water easement.

1.3 Survey plan LT 503872 shows the proposed easement ***(Attachment B)***.

1.4 The land over which the storm water easement is to be created is part of the Jellicoe Street Dairy Co. Reserve, Te Puke, being an esplanade reserve and is subject to the provisions of the Reserves Act 1977.

1.5 The 225mm diameter storm water pipe is underground on a small portion of Jellicoe Street Dairy Co. Reserve, Te Puke, and does not affect the public's rights to access across the reserve.

1.6 The easement document ensures the protection of the Jellicoe Street Dairy Co. Reserve, Te Puke.

1.7 The Department of Conservation require that in terms of the delegation of the Minister's powers under the Reserves Act 1977, this is to be made by Councils and recorded as such.

2. Issues and Options Assessment

Option A ***THAT pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a Storm water Easement shown as Area A on Deposited Plan 503872 over Section 1 SO 501922, Jellicoe Street Dairy Co. Reserve.***	
Benefits in terms of the present and future interests of the District taking a sustainable development approach	In order for the landowner to be able to effectively discharge storm water they are required to discharge into Ohineangaanga Stream via the esplanade reserve.
Costs (including present and future costs, direct, indirect and contingent costs)	Costs for the creation of the easement are borne by the landowner. The easement instrument protects Council from further maintenance or replacement costs of the easement facility.
Assessment of cost effectiveness for households and businesses	N/A

Other implications	N/A
Option B **Status Quo**	
Benefits in terms of the present and future interests of the District taking a sustainable development approach	If Council declines the easement, the only option for the landowner is to release storm water to a soak pit. This is not an option as Council wants to ensure that storm water runoff from all house roofs and driveways are directed away from soakage to an approved point, in this case the Ohineangaanga Stream.
Costs (including present and future costs, direct, indirect and contingent costs)	N/A
Assessment of cost effectiveness for households and businesses	N/A
Other implications	N/A

3. Statutory Compliance

Section 48 (1) of the Reserves Act 1977 provides Council with the Statutory authority to grant easements over reserves.

4. Funding/Budget Implications

Budget Funding Information	Relevant Detail
No funding required	An application fee of $307 is required from the applicant to allow the processing of the consent. No further costs will be sort from the applicant for the benefit of the easement as Council is encouraging connection into approved storm water points. The easement instrument protects Council from further maintenance or replacement costs of the easement facility. Costs associated with installing the storm water pipe and reinstatement of the site are to be borne by the applicant.

5. Significance Assessment

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

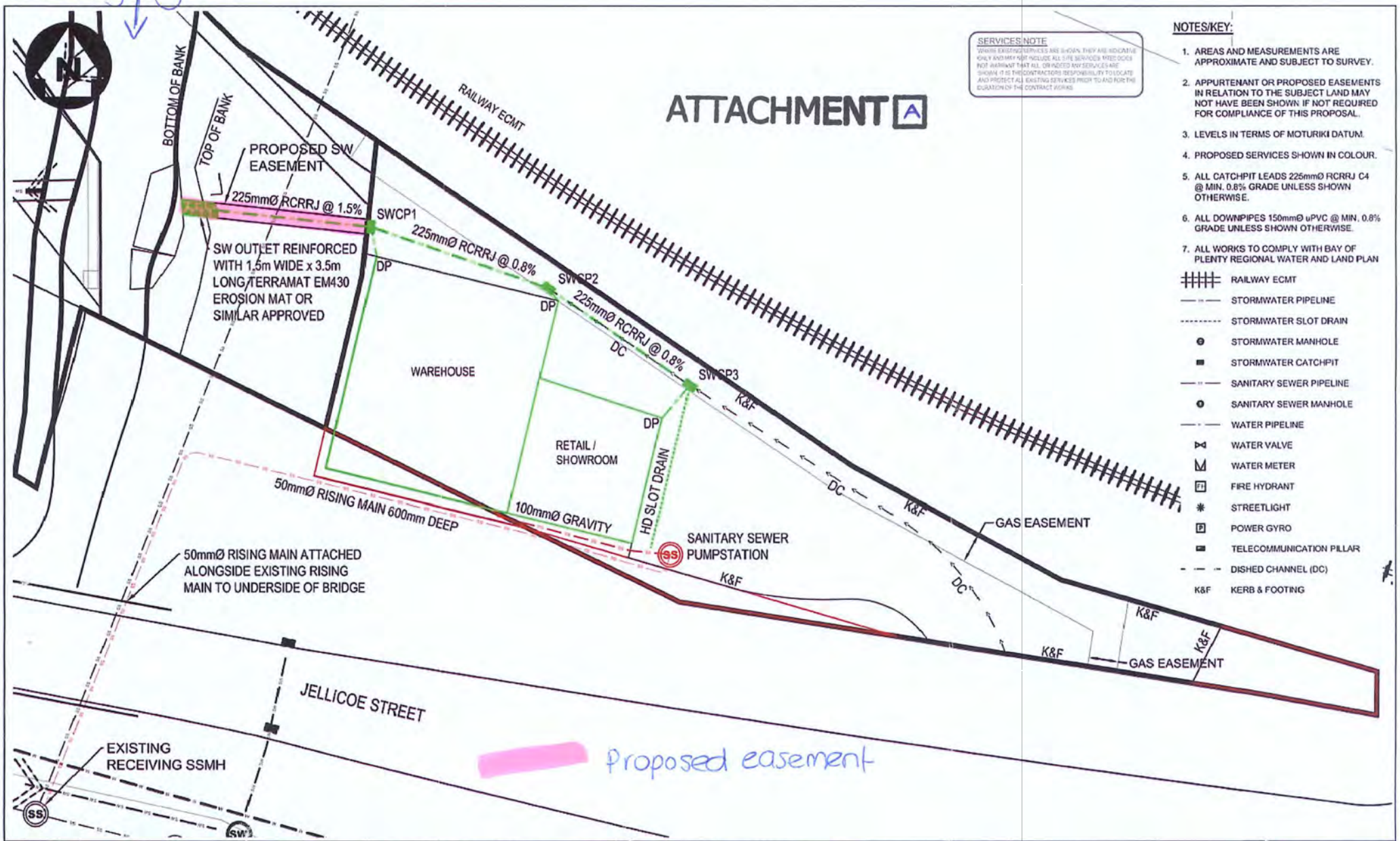
Significant / Not Significant	Reason
Not Significant	This item does not trigger Council's policy on significance.

6. Consultation and Communication

The Reserves Act 1977 Section 48(3) states that where the easement will not materially alter, or permanently damage, or impede the rights of the public in the use of the reserve, public notification is not required, as the pipeline is underground. On this basis, there is not public consultation required.

The Reserves and Facilities and Utilities Departments of Council had been consulted. All parties were satisfied with the proposed works. Reinstatement of the plantings within the reserve will be a condition of the easement.

Ohineangaanga Stream



No.	Date	By	Issue/Revision
C	07.09.16	TW	FOR CONSENT
B	05.09.16	TW	SW LAYOUT AMENDED
A	30.08.16	TW	PRELIMINARY

DRAWN:	TW
CHECKED:	AR
DESIGNED:	TW
SURVEYED:	DU
OFFICE:	TAURANGA
CONTACT:	07 571 4500

TE PUKE INDUSTRIAL PARK
JELLICOE STREET
TE PUKE

PROPOSED STORMWATER & SANITARY SEWER LAYOUT PLAN
LOT 6 DP 436535

ORIGINAL DWG. SIZE A2
SCALE: 1 : 250
DRAWING No. 628675-M-E-D001
SHEET No. 03
ISSUE C

Stratum CONSULTANTS
Planners | Engineers | Surveyors

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ATTACHMENT B

Landonline

Toitu te Land whenua Information New Zealand

Title Plan - LT 503872

Survey Number	LT 503872
Surveyor Reference	413672 Easement
Surveyor	Matthew John Powdrell
Survey Firm	Stratum Consultants Limited
Surveyor Declaration	

Survey Details

Dataset Description	Easements over Lots 5 & 7 DP 436535 & Section 1 SO 501922		
Status	Initiated		
Land District	South Auckland	**Survey Class**	Class A
Submitted Date		**Survey Approval Date**	
		Deposit Date	

Territorial Authorities

Western Bay of Plenty District

Comprised In

CT 558038
CT 535763
CT 770275

Created Parcels

Parcels	Parcel Intent	Area	CT Reference
Area A Deposited Plan 503872	Easement		
Area B Deposited Plan 503872	Easement		
Area C Deposited Plan 503872	Easement		
Total Area		0.0000 Ha	

Schedule / Memorandum

Land Registration District

SOUTH AUCKLAND

Plan Number

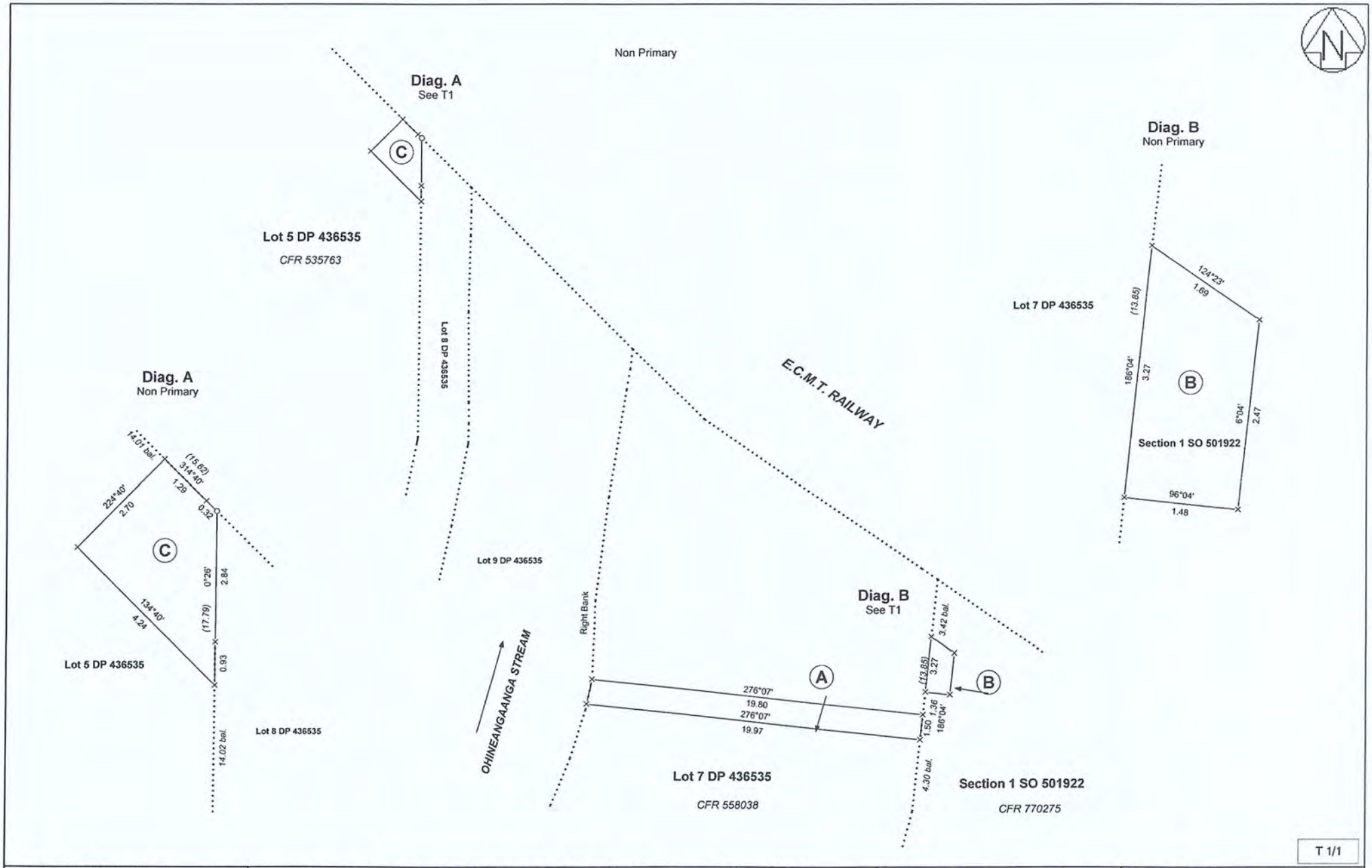
DP 503872

Territorial Authority (the Council)

Western Bay of Plenty District Council

Schedule of Easements			
Purpose	**Shown**	**Servient Tenement**	**Dominant Tenement**
Right to drain water	A	Lot 7 DP 436535	Section 1 SO 501922

Schedule of Easements in Gross			
Purpose	**Shown**	**Servient Tenement**	**Grantee**
Right to convey electricity	B	Section 1 SO 501922	Powerco Limited
	C	Lot 5 DP 436535	



Land District: South Auckland Dataset Type: Parcels without Survey Information Digitally Generated Plan Generated on: 27/03/2017 11:06am Page 3 of 3	Easements over Lots 5 & 7 DP 436535 & Section 1 SO 501922	Surveyor: Matthew John Powdrell Firm: Stratum Consultants Limited	Title Plan LT 503872 DRAFT

Western Bay of Plenty District Council

Council

Confirmation of Ngāti Whakaue relationship with Te Maru o Kaituna River Authority

Purpose

To formally resolve Council's support of Ngāti Whakaue becoming an informal voting member of Te Maru o Kaituna River Authority.

Recommendation

1. ***THAT the Group Manager Policy, Planning and Regulatory Service's report dated 2 May 2017 and titled "Confirmation of Ngāti Whakaue relationship with Te Maru o Kaituna River Authority" be received.***

2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT Council confirm its support of Ngāti Whakaue becoming an informal voting member of Te Maru o Kaituna River Authority.***

Rachael Davie
Group Manager Policy, Planning & Regulatory Services

1. Background

1.1 Make up and function of Te Maru o Kaituna River Authority

Te Maru o Kaituna River Authority (**the Authority**) was established under the Tapuika Deed of Settlement (2012) and confirmed in the Tapuika Claims Settlement Act 2014 (**the Act**). The aim of the Authority is to provide for the restoration, protection and enhancement of the environmental, cultural and spiritual wellbeing of the Kaituna River. The Authority would achieve its aims through the development of the Kaituna River document, a plan that influences other planning instruments such as the Regional Policy Statement and District Plans. The Act also provides for membership on the Authority which includes –

Ngāti Rangiwewehi
Te Pumautanga o Te Arawa Trust
Tapuika
Te Kapu o Waitaha
Western Bay of Plenty District Council
Rotorua Lakes Council
Tauranga City Council
Bay of Plenty Regional Council – Toi Moana

The Act also provides that Ngāti Whakaue be included as a member of the Authority through the Ngāti Whakaue settlement legislation. As no settlement legislation has yet been passed for Ngāti Whakaue, their representation on the Authority has so far been as an observer only.

1.2 Request for representation for Ngāti Whakaue on the Authority

For various reasons negotiation of the Ngāti Whakaue settlement has stalled and as a result so too has full membership for Ngāti Whakaue on the Authority. It must be noted that there is nothing to suggest that the membership of Ngāti Whakaue on the Authority was a reason for settlement negotiations having stalled.

In October 2016 Te Kōmiti Nui o Ngāti Whakaue (the entity mandated to negotiate the Treaty of Waitangi settlement on behalf of Ngāti Whakaue) approached the Minister for Treaty of Waitangi Negotiations the Hon Chris Finlayson, regarding this issue. In light of negotiations having stalled, the full membership of Ngāti Whakaue on the Authority is uncertain and given that the Kaituna River document is currently being developed, there is the risk that the views of Ngāti Whakaue will not be reflected in that document. Given that a significant part of the Kaituna River passes through the rohe of Ngāti Whakaue, this risk is untenable.

1.3 Providing representation for Ngati Whakaue on the Authority

In response, the Minister indicated his support for Ngāti Whakaue to have an "informal voting seat" on the Authority provided there was support for this from the current members. Councillor Marsh, in a memo to fellow Councillors stated his support of the request being made by Te Kōmiti Nui o Ngāti Whakaue as the ward Councillor for Maketu and the representative for Council on the Authority. At a meeting of the Authority held on Tuesday 16 May 2017 members of the Authority

voted on the matter and Western Bay of Plenty District Council voted in support of the request. This report seeks a formal resolution reflecting Council's position. Where support of the request is given the Authority will then be provided with a report with options on the scope of the informal seat and will need to make a decision on that matter.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the work of the Authority will continue regardless of this decision and the decision merely provides support for an additional membership on the Authority which has already been provided for.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Name of interested parties/groups	Te Maru o Kaituna River Authority
Tangata Whenua	Ngāti Whakaue
General Public	N/A

4. Issues and Options Assessment

THAT Council confirm its support of Ngāti Whakaue becoming an informal voting member of Te Maru o Kaituna River Authority	
Reasons why no options are available	
The decision has already been made by Te Maru o Kaituna River Authority and Ngati Whakau Membership on the Authority is already provided for by way of the Tapuika Settlement legislation.	**Tapuika Claims Settlement Act 2014**

5. Statutory Compliance

This report and the recommendation comply with relevant legislation.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
	The recommendation in this report has no budgetary or funding implications.

Western Bay of Plenty District Council

Council

Quarterly Review of Council's Strategic Risks - May 2017

Purpose

The purpose of this report is to review the appropriateness of Council's Strategic Risks with Elected Members.

Recommendation

1. ***THAT the Business Improvement and Procurement Manager's report dated 1 May 2017 and titled 'Quarterly Review of Council's Strategic Risks – May 2017' be received.***

2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT Council amends the following.....in the Strategic Risk Register.***

OR

4. ***THAT Council does not amend the Strategic Risk Register.***

Matt Potton
Chief Financial Officer

1. Background

The current risk register **(Attachment A)** is provided to the Elected Members for review and possible update for any changes in Council's risk assessment/or risk appetite.

1.1 Proposed additions to the Risk Register

As noted at Council on 23 February 2017 it was proposed that Cyber Security was added as an additional risk to the Council Risk Register. The recommendation from Council on 23 February 2017 was that the Risk Register was not amended with this new risk and the suggestion to amalgamate the four natural disasters as one will remain as status quo.

At the direction of Council a proposal for a risk management workshop has been requested of KPMG. At the time of the report being written this had not been received. It is intended that this workshop will be held in June 2017 with a view to elected members and senior staff working on the development of a risk management framework.

The heat map has been provided as **(Attachment B)** for reference.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance for the following reasons;

- Residents and ratepayers are not affected by the review. Ratepayers and residents would only be affected if a significant risk occurs.

  The top three risks for Council and the District being;

  - Central Government influences
  - Major earthquake
  - Incorrect growth assumptions

  If one of the top three risks does occur the impact on ratepayers and residents would be high as lives, homes, services will be affected residents and ratepayers would not feel secure. The likelihood would be a significant impact to the District.

- Council has agreed to regularly review its strategic risk as part of good governance and best practice.
- The review does not affect the level of service of a significant activity unless an event occurs.
- A decision on changes to the risk register is reversible and can be altered at the next quarterly review.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Western Bay of Plenty District Council's Senior Management & Corporate Development Team	Appropriate staff to be notified accordingly.

4. Issues and Options Assessment

THAT Council amends the following.....in the Strategic Risk Register or does not amend the Strategic Risk Register	
Reasons why no options are available	**Legislative or other reference**
Council has agreed to regularly review its strategic risk as part of good governance and best practice. Emerging issues and changes in the operational environment necessitate a regular review of Council's strategic risk. As a result it is likely that risks will be reprioritised and change over time in response to environmental influences, legislative changes, government policy and the like.	

5. Statutory Compliance

The recommendation in this report complies with Council's Risk Management Policy (located in Council's policy library). Risk assessment is integral to all of Council's operations.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Not currently applicable	If changes to the risk priorities result in risk mitigation actions there may be budget implications.

ATTACHMENT A

Western Bay of Plenty District Council Strategic Risk Register

KEY: Strategic Risk | Operational Risk

No.	Risk	Drivers or contributory actions	Impact	Consequence (Scale 5 catastrophic and 1 very minor)					Likelihood (scale 5 almost certain and 1 rare)					Combined risk score (Consequence *likelihood) 0-5 low,6-10 medium,12-16 high,20-25 extreme	Mitigation							Residualrisk score (After mitigations applied) 0-5 low,6-10 medium,12-16 high,20-25 extreme
				Catastrophic 5	Major 4	Significant 3	Insignificant 2	Very minor 1	Almost certain 5	Very likely 4	Likely 3	Unlikely 2	Rare 1		Existing controls/actions in place	Future controls/actions	Costs of further mitigation	Time required	Timeframe	Owner	Control adequacy rating CAR\1-10 10 being highest risk	
1	**Central Government influences**	Potential changes to role/structure of Western Bay of Plenty District Council.	Changes to structure could have destabilising effect on district. Representation and local decision making powers may be reduced. Services may change. Conversely role/structural changes could also be a positive benefit for the District.		4.5				5					22.5	No direct controls in place as Council unable to control Government decisions. However keeping abreast of the emerging issues and having strategies to deal with proposed changes in place via Strategic Issues Workshops and regular Council briefings. Lobby Government on important issues and align with sector groups to influence Government. Refinement and development of corporate processes ensures organisation is high functioning and resilient to any change.	Maintain close watching brief. Continue with SIW and alliances with LGNZ, DIA, SOLGM and others regarding proposed local government reforms.	No additional costs identified.	On-going	To end 2016	CEO	9	22.5
2	**Major earthquake**	Natural significant regional disaster.	Assets destroyed, buildings destroyed and residents displaced. Utilities pipes broken, bridges collapsed. Injury and death. Public access denied.	5							3			15	Civil defence planning and testing in place, Reserves Act powers, RMA powers, building code compliance. Review insurance coverage annually. Earthquake prone and insanitary buildings review recommendations acted on over time. Council office and utility buildings and utility structures have had an earthquake assessment.	Higher building code requirements applied to Council owned public buildings. Refer Lifelines Vulnerability Study.	Costs of earthquake strengthening of major public buildings significant. Minden Reservoir upgrades.	On-going-significant works required within next 5 years? Te Puke Hall earthquake strengthening planned 1 year.	2014-2024	GM1	8	15
3	**Incorrect growth assumptions**	New Zealand economy remains in recession. Global financial issues impact immigration to region. Population demographics change.	Growth rate declines. Settlement patterns not achieved in growth nodes. Developers fail. Infrastructure funding issues. Ratepayer burden increases.		4							2		8	Current growth projections based on Smart Growth research and demographics undertaken some years ago and reviewed/tweaked in summary annually. Identified likely to be performance gap between Smart Growth forecast projections and actual growth rates and areas due to changing global and economic environment. Council to revise the ranking of Growth predictions annually in the Risk Register.	Growth projections to be reviewed annually.	Staff time.	Performed as part of the Annual Plan process each year.	2015-2025	CFO	6	5
4	**Reputational risk**	Litigation, Council negligence or mismanagement of an issue or non compliance with legislation. Publication of incorrect material or information on our website.	Lack of trust and confidence in Council. Possible statutory management. Loss of confidence and negative publicity in local or national media.		4							2		8	Legislative compliance processes and checklists in place for Council services. Use of Code of Conduct for councillors and staff. Use of Quality Management Systems, ISO accreditation, independent internal audit programme, conflicts of interest register etc. External review undertaken by Audit NZ on financial and non financial indicators. Staff training on compliance required for activities. Centralised communications management.	Improvements made to Council activities and processes as a result of audit findings, review of essential processes and as part of the Business Excellence. Future improvements will be led by Business Improvement team. Appointment of BIPM with risk responsibility.	No additional costs to implement business improvements. Business as usual.	On-going. Part of business improvement.	On-going	CEO	6	4
5	**Capital projects**	Implications to significant projects not aligned with Council's Structure Plans and/or growth projections over a ten year period. Risk that completed project is not fit for purpose. Project is unsafe. Project cost overruns.	Capital project costs going over budget due to a change in the marketplace i.e. economic down turn. Council's reputation is on the line if we don't adhere to Annual Plan/LTP commitments. Additional costs may be incurred. Potential level of service may not be achieved. Risk of injury.		4							2		8	The Council approval process for capital projects is required by legislation to be undertaken as part of the existing Annual Plan process and included in the Annual Plan budget setting. However, the risk reporting and assessment of individual capital projects is not prescribed under legislation except for the consideration as to whether a particular project triggers Councils significance policy or not. Quarterly reporting of all significant capital projects to be reported to Council. Health & Safety completion audit. Retention and contractual recourse to remedy.	All significant new proposed project business cases over $1,000,000 are to be presented to Council as part of the Annual Plan/Long Term Plan process. A significant capital project is categorised as over $1,000,000 or meets the criteria in the Significance and Engagement Policy.	It can be expected that additional costs will be incurred as part of any business improvement process. These are not expected to be significant.	On-going	On-going	CEO	7	4

Western Bay of Plenty District Council Strategic Risk Register

KEY: Strategic Risk | Operational Risk

No.	Risk	Drivers or contributory actions	Impact	Consequence (Scale 5 catastrophic and 1 very minor)					Likelihood (scale 5 almost certain and 1 rare)					Combined risk score (Consequence *likelihood) 0-5 low,6-10 medium,12-16 high,20-25 extreme	Mitigation							
				Catastrophic 5	Major 4	Significant 3	Insignificant 2	Very minor 1	Almost certain 5	Very likely 4	Likely 3	Unlikely 2	Rare 1		Existing controls/actions in place	Future controls/actions	Costs of further mitigation	Time required	Timeframe	Owner	Control adequacy rating CAR\1-10 10 being highest risk	Residualrisk score (After mitigations applied) 0-5 low,6-10 medium,12-16 high,20-25 extreme
6	**Systems failure (IT/IS/major Council systems)**	Failure of key systems. Technology unavailable to perform Council services.	Council services not fully operational. Significant downtime. Inappropriate service delivery methods. Costs of systems recovery. Staff diverted from project work to remediation activity.		4							2		8	Disaster recovery plan. IT disaster plan, Civil Defence planning and testing for district disaster. QMS records all of Council processes to assist with getting back in business after disaster or power failure etc. BOPLASS inter Council network in place, however utility SCADA system is stand alone and doesn't currently have back-up.	Work required to revisit business continuity planning across all of Council activities. Identified that integrated approach is required and must be tested regularly. Moving to secure additional IT network backup with Tauranga City Council. Back scanning of all Council property files and other records project will reduce risk. It is expected that alternative Disaster Recovery sites will need to be considered in the future.	Costs unknown but not likely to be significant. SCADA upgrade budgeted.	Business continuity plan review June 2013-December 2013. Back scanning from the end of 2013. Other reviews as planned and on-going. SCADA 2013-15. Crisis Management Plan being drafted. Expected to be completed in late 2015.	On-going from June 2013	GM2	6	6
7	**Major flood**	Climate change, extreme weather events increase. Widespread storm flooding over a sustained period of time.	Damage to assets, utility systems unable to cope, bridges washed out, streams and drains become torrents. Death and injury.			3				4				12	Civil defence, Reserves Act powers, RMA powers, District Plan (hazard zones), maintenance contract. Review of insurance undertaken. WestLink contract has risk envelope for storm and emergency events up to $750k, but a major event would exceed this amount.	Mitigation improvements are identified in the AMPs and funded in the LTP. Currently mitigation identified exceeds funding and ability to pay. Infrastructure will not mitigate all effects for heavy rain events and floods.	Subject to funding. Roading will receive the following subsidies on emergency works. 49% - 2016 50% - 2017 51% - 2018 onwards	On-going, LTP for funding.	On-going	GM1	6	12
8	**Infrastructure planning not adequate**	Unplanned asset failure. Assets not in place where required. Purchase or construction of new assets.	Essential services not able to be provided. Repairs and reconstruction costs prohibitive. Residents/businesses unable to function.			3						2		6	Integrated use of quality Asset Management Plans to ensure all assets are known, fit for purpose, adequately maintained and replaced in most cost effective manner. Asset managers and staff are appropriately qualified and trained. Project management, business case and procurement practices are in place.	Asset management plans will be reviewed and updated after the end of the financial year. Business case planning is being refined and implemented in line with the All of Government approach (best practice). Full mitigation of all risk is unaffordable. Risk and lifelines importance is taken into account when replacing assets.	No additional costs except for possible costs associated with performance improvement plans in each AMP.	Annually	On-going	GM1	5	4
9	**Tsunami**	Under sea earthquake in Pacific Ocean/ Kermedec Trench.	Massive inundation from sea. Injury and death. Assets destroyed or damaged.	5									1	5	Civil defence planning, Reserves Act powers, RMA powers, District Plan (hazard zones), Lifelines Vulnerability Study.	Implementation of joint tsunami warning system with TCC. Possible amendment of Council property files in areas of vulnerability.	1-2 years subject to TCC process. Implications of SmartGrowth legal opinion regarding Council's responsibilities.	1-2 years		GM1	5	5
10	**Moderate volcanic eruption**	Eruption of regional volcano.	Volcanic ash and lava flows disable district. Death and injury. Assets destroyed. Public access denied.	5									1	5	Civil defence planning, Reserves Act powers, RMA powers, District Plan (hazard zones), Lifelines Vulnerability Study.	Lifelines Study, normal operation design, AMP risk assessment.	On-going	On-going		GM1	5	5
11	**Treaty of Waitangi settlements**	Various treaty settlements throughout the district including land transfers.	Impact on planning for the future. Funding implications. Possibly new governance structure around land.					1	5					5	Involved in regular meetings with the Office of Treaty Settlements staff and attendance at Tauranga Moana Implementation Committee. Have given advice to OTS on proposed governance models and implications of some aspects of various settlements, particularly land transfers.	Unknown at this stage.	Likely to be costs associated with assisting Maori with administration and governance.	On-going	Likely to be on-going.	GM2	6	5

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12	**Change in leadership**	Strategic management and decision making. Relationships and Council confidence.	Sub optimal decision making. Deterioration in key relationships. Council not supported.					1	5					5	New CEO appointed in July 2014. Management Team appointed December 2014.	Expectations that key decisions will be adequately documented to protect institutional knowledge. Build organisational resilience through effective training and information sharing.	None expected.	On-going		CEO	5	4
13	**Financial failure**	Financial mismanagement. Debt levels and interest rates too high.	Council unable to operate efficiently or at all. Commissioners brought in. Increased costs to ratepayers.	5									1	5	Strong existing controls in place to manage financial risk. Financial reporting and treasury management in line with best practice. External audit and review of annual budgets and debt management. Risk and Assurance Committee oversight. Internal controls audited independently.	Improvements will be made as a result of future audit recommendations. Refinement of existing financial reporting on-going. Intention to build up general rates reserve to pre GFC levels to aid in cases of unexpected expenditure.	No additional costs apart from allocation of portion of surplus to the general rate reserve.	On-going	On-going	CFO	5	3
14	**Loss of institutional knowledge**	Loss of key staff and with them institutional knowledge.	Inefficiencies and poor decision making in the absence of prior knowledge. Could be financial costs for fixing mistakes.					1				2		2	Various document and process management recording and planning systems in place such as QMS, Objective, contract files, AMPs provide history and information for all of the organisation, Training of teams to impart knowledge and concept of two or more staff knowing the job reduce risk of important information residing with single employee. Employees required to adhere to information management rules per their contract for employment.	Electronic management of increasing volume of information and maintenance of single document filing system in Objective paramount. Focus on ensuring all staff use system and do not create subsidiary documents in other applications. Team training and regular updates part of on-going training strategy.	No significant additional costs.	On-going	On-going	CEO	5	1
15	**Health and Safety**	Required to be a responsible employer and legislated to comply with Health and Safety in Employment Act.	Possible avoidable death and injury. Reputational risk. Costs of not being a good employer. Compliance requiements. Failure to comply could put our ACC levy subsidy of $80-100k at risk.			3			0				1	3	Health and Safety Manager role has been established. Health and Safety Committee in place to help identify workplace safety issues and make recommendations to management. Health and Safety external audits carried out by WSMP and internal audits also regularly performed including audits of Council contractos. Benchmarking between TCC and WBOPDC in place and regular communications with their staff on similar issues.	Position of Health and Safety Manager now recruited. Proactive approach to Health and Safety risk mitigation.	No significant additional costs identified to date. Obtain ACC premium discounts as a result of internal health and safety programme.	On-going	On-going	CEO	5	2
16	**IT Systems Investment**	Other Councils withdraw from use of Datacom Ozone system.	Lack of funding or investment in maintaining the Ozone system leads to delays in development or end of life. Council is forced to invest in a new system or provider.		4					3				12	Contract with Datacom covers ongoing system maintenance and upgrade, and specifies that price increases shall not exceed the annual rate of inflation. However, it does nto cover any end to the provision of upgrades. Councils can terminate the agreement with 90 days notice.	Datacom is only able to terminate their legal agreement to provide the servie if the Council commits a material breach of the contract. Monitor opinions of other Councils.	Huge cost would be incurred to change system and implement a new one.	On-going	On-going	GM2	5	8
17	**Internal Fraud**	An employee has the opportunity to defraud the Council of funds.	Loss of monies and potential loss of reputation. Calling our financial management into question.			3						2		6	Purchase Order system in place to enforce manager sign-off of expenses. Contracts system to be used for repeating and ongoing expenses.	Additional training in the use of the Purchase Order system. New monitoring by Finance Team of any expenses raised without a purchase order.	No significant additional costs identified to date.	On-going	On-going	CFO	6	4

ATTACHMENT A

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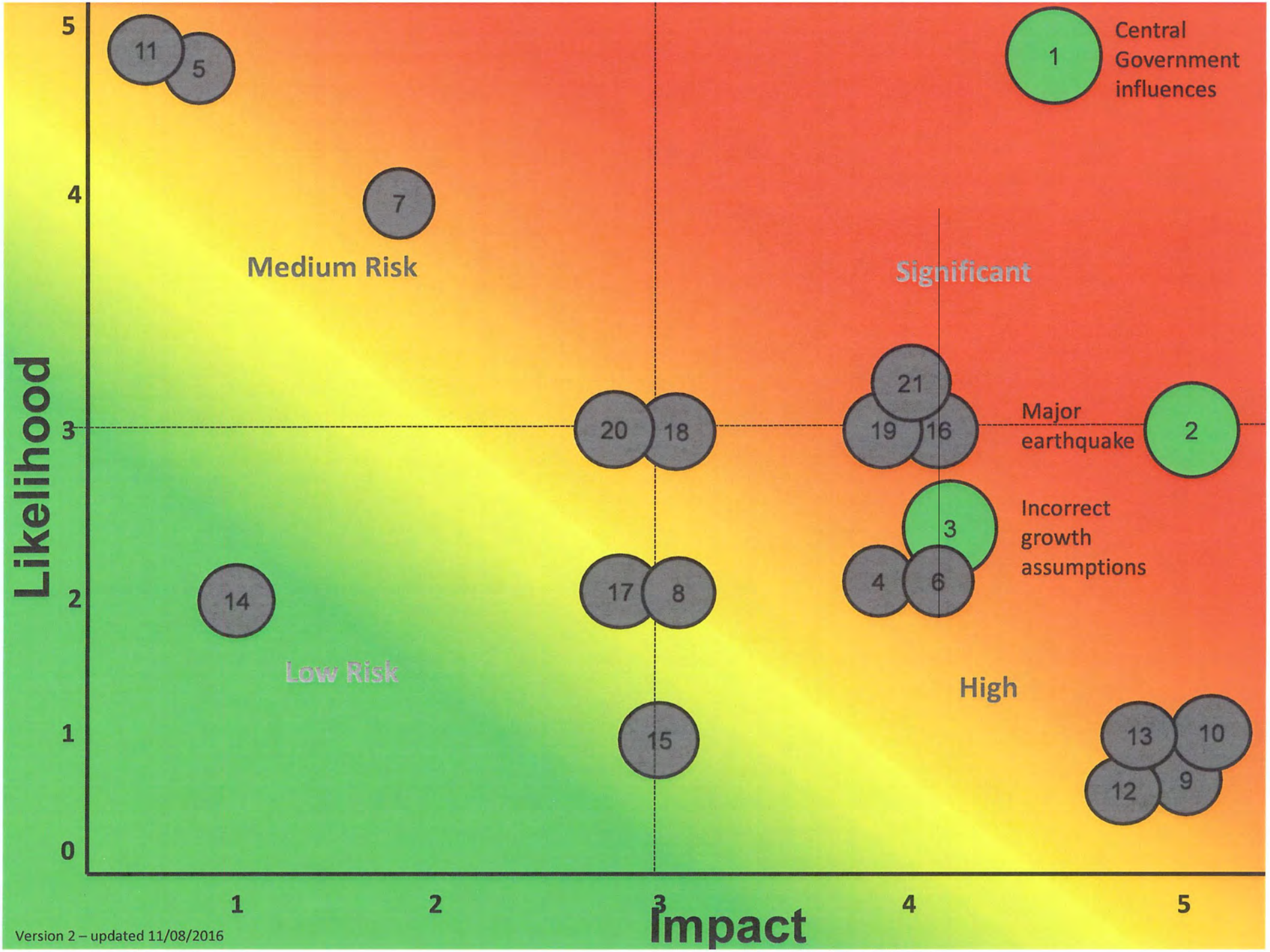
18	**Housing Affordability**	As local house prices rise quickly, the Council has to decide what course it will take with the pricing of land sold for Special Housing Areas.	Sale price for land will drive the ultimate affordability of the housing. Low prices could simply be bank as profits by developers or first time residents.			3					3			9	Use of land valuation experts in order to calculate an appropriate price range. Price guides can be taken from other SHAs in the Tauranga area.	Consider restrictions on how quickly new properties can be sold.	Potential to build terms into future sale contracts may incur legal costs.	On-going	2016-2018	GM4		6
19	**Responding to growth & customer expectations**	Staff numbers required for increased activity. Skill base of employees. How Council responds with technology innovations.	Sheer numbers of new staff required. Lack of availability of the right skill mix. Customers may demand greater innovation & move to digital working, which we may not be able to deliver.			3				4				12	We are presently seeking staff from alternative locations or using other Council resources. Local skills are not currently being devloped to meet our needs.	Attraction of new residents to the region with the right skill mix.	Cost of further digital enablement & new online customer services.	On-going	2016-2018	GM4		8
20	**Workforce sustainability**	How do we compete for technical specialists & how do we attract the right people? How do we respond to the lack of appropriate training for the skills we need?	We may lose staff to other Councils or organisations due to salaries or opportunities offered there. Technical specialists may become harder to find and recruit.			3					3			9	Use of resources from other Councils. Sharing resources or collaborative training with some of the other BOP Councils. Monitoring of local salaries.	Planning needed for how to attract the required skill mix in the future.	Training cost. Increased salary costs.	On-going	2016-2018	GM4		10
21	**Contractual liabilities**	There is increasing use of waivers & limitation of liabilities within contracts so that liabilities are deferred or limited to a multiple of annual fee which may not cover overall liabilities.	Some contracts, especially older ones may not give us the level of liability required to cover Council in the event of a major failure. Contracts need to be checked for any waivers they contain.		4						3			12	Greater awareness due to work done by Aon. Public liability and professional liability of $1m being required. Checks required on any waivers included in contracts. Larger contracts are referred to out Legal panel.	Use of internal auditors to check some existing contracts.	Audit costs. Ongoing legal costs are already budgeted.	On-going	On-going	CFO		10



ATTACHMENT 6

Western Bay of Plenty District Council

Council

Chief Executive Officers Report – 18 May 2017

1. Chief Executive Officer and Group Managers' Update Report

1.1. Purpose

To provide the Mayor and Council with timely advice on current projects and issues via an information report.

The Mayor has requested this report be based on topics and that the Chief Executive and Group Managers speak to items. A similar report is included in the confidential section of the agenda for confidential items.

1.2. Report

The topics and issues are set out in areas of responsibility. Detail is not provided in the written report as the detail is generally contained in the Committee reports where the topics are debated and direction provided.

The report is to provide current and timely briefings on significant topics and issues, that potentially or currently are a risk item or could impact council or the community.

1.3. Chief Executive Office

- Audit NZ AMP Report – CEO to give short presentation
- Waikite Road

1.4. Infrastructure Services

- SH2 North – NZTA programme
- Te Puke Highway Roading
- Omokoroa Road Upgrading
- Transition to Fire and Emergency Services NZ

1.5. Financial Services

- CFO Resignation

1.6. Policy, Planning and Regulatory Services

- Tauriko West boundary adjustment
- S17A review - Animal Services (dog control, livestock control).

1.7. Technology, Customer and Community Services

- No significant topics and issues to report

Recommendation

THAT the Chief Executive Officer's report dated 21 March 2017 and titled Chief Executive Officers Report – March 2017 be received.

Miriam Taris
Chief Executive Officer

Western Bay of Plenty District Council

Council

Mayor's Report to Council – May 2017

1. Central Government and Legislative Matters

1.1 Welcoming Communities

As advised at our last meeting, Western Bay of Plenty District Council and Tauranga City Council have been selected for an MBIE pilot programme – Welcoming Communities. At the initial meeting it was agreed that we need to identify all organisations that currently have interface with migrant communities throughout the Western Bay of Plenty. Once that inventory is completed the group will meet again to decide next steps. Gillian Payne is our representative on the steering group.

1.2 The Resource Management Act amendments and Western Bay of Plenty District Council Implications

I will discuss.

2. Councillor Attendances at Conferences

As Mayor I have delegated authority to approve or otherwise applications from Councillors to attend conferences and professional development courses. Being mindful of the need to ensure we stay within budget, but also provide a fair opportunity to all Councillors to attend such conferences and courses I would appreciate Councillors advising me of courses they are interested in attending. I will then invite registrations of interest from all Councillors and make decisions based on Councillors responses to me. All travel and registration details will be arranged by staff once attendees are agreed. All attendances will be reported on in the next available Mayor's report.

3. Additional Booked Engagements and Meetings

Councillors to discuss.

4. Joint Governance

There will be an informal update given during the Council/Executive Forum.

5. Training and Conferences for Elected Members

5.1 LGNZ Annual Conference – 23-25 July – His Worship the Mayor and Deputy Mayor

The Local Government New Zealand Annual General Meeting and Conference will be held in Auckland this year from the 23rd to the 25th July. Western Bay of Plenty District Council will be represented by myself and the Deputy Mayor.

Recommendation

THAT the Mayor's Report to Council for May 2017 be received.

.....

Garry Webber
Mayor