

MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty
District Council

COUNCIL

Te Kaunihera



C13
Thursday, 22 February 2018
Council Chambers
Barkes Corner, Tauranga
9.30am

Notice of Meeting No C13 Te Karere

Council Te Kaunihera

Thursday, 22 February 2018
Council Chambers
Barkes Corner
9.30am

His Worship the Mayor
Deputy Mayor

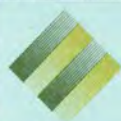
G J Webber (Chairperson)
M Williams

Councillors:

G Dally
M Dean
M Lally
P Mackay
K Marsh
D Marshall
M Murray-Benge
J Palmer
J Scrimgeour
D Thwaites

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Western Bay of Plenty
District Council

Te Kaunihera a rohe mai i nga Kuri-a-Wharei ki Otamarakau ki te Uru

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Council Delegations Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is six members.

Role:

- To exercise all powers and functions to deal with statutory and procedural matters, to carry out civic duties and responsibilities, and to exercise all non-delegated functions.
- To delegate authorities as appropriate to Council committees and the Chief Executive Officer.
- To delegate any authorities which may be additional to the roles required under the Local Government Act 2002 to Community Boards, and to appoint Councillors to Community Boards.
- To establish Joint Committees of Council, and appoint elected members and/or others to these committees.
- To make all financial decisions not otherwise delegated or included in Council's Long Term Plan and/or Annual Plan.
- To maintain, monitor and direct an overview of Council's finances including but not limited to:
 - The financial progress of major capital works projects including those considered in the Long Term Plan and Annual Plan processes.
 - Implementation of Council's risk management.
 - Approval of new debt and/or new facilities.
 - Receiving exception reports on Council's financial performance at least quarterly.
 - Undertaking all financial monitoring of performance against the Long Term Plan and Annual Plan.
 - Ensuring treasury management within the limitations of the Treasury Policy as set by the Long Term Plan.
 - Allowing for variations from Council's key treasury policy ratios.
- To exercise all non-delegated functions being:
 - (a) The power to make a rate
 - (b) The power to make a bylaw
 - (c) The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan
 - (d) The power to adopt a long term plan, annual plan, or annual report
 - (e) The power to appoint a chief executive
 - (f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the local governance statement
 - (g) The power to adopt a remuneration and employment policy
 - (h) The power to enter into contracts otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959
 - (i) The power to initiate any proceedings in the High Court that are not injunctive proceedings
 - (j) The power to remove the Deputy Mayor subject to Schedule 7 (18) of the Local Government Act 2002

- (k) The power to discharge or reconstitute any committee established by the Mayor subject to Schedule 7 (30) of the Local Government Act 2002
- (l) Powers as conferred by the Minister of Conservation under the Reserves Act 1977

Procedural Matters:

- Confirmation of all Standing Committee minutes excluding the District Plan Committee, Regulatory Hearings Committee and District Licensing Committee minutes
- Receipt for information all Community Board minutes
- Receipt for information all District Plan Committee, Regulatory Hearings Committee minutes and District Licensing Committee minutes
- Adoption and amendment of Standing Orders.
- Establishment of and delegations to Joint Committees, Sub Committees and any other governance body that the Council deems necessary.
- Purchase, sell and dispose of Council property other than delegated in accordance with all of the following:
 - the Long Term Plan
 - the Significance Policy
 - Council's Asset Management Plans
 - Council's Reserve Management Plans
 - Committee or appropriate delegations
- Councillor and Council appointments to other organisations.
- Approval of elected member training/conference attendance.

Any other procedural matters as required under the Local Government Act 2002 or any other Act.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance that this be delegated to the Mayor/Deputy Mayor with a report back to Council at the next scheduled meeting.

Should there be insufficient time for Council to consider approval of a final submission to an external body that the signing off of the submission on behalf of Council be delegated to the Mayor/Deputy Mayor provided that the final submission be reported to Council or the relevant Committee at the next available meeting.

Mayor and Councillors' Delegations:

Pursuant to Clause 32(1) of Schedule 7 of the Local Government Act 2002, to each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people pursuant to Section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

Agenda for Meeting No. C13

Pages

**Present
In Attendance
Apologies**

Public Excluded Items

The Council may by resolution require any item of business contained in the public excluded section of the agenda to be dealt with while the public are present.

Public Forum

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address Council for up to three minutes on items that fall within the delegations of Council provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Mayor by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Mayor has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

C13.1

Receipt of Community Board Minutes

Please refer to minutes of the meetings of the Community Boards as circulated separately with this agenda.

Recommendation

THAT the minutes of the following meetings be received:

- 1. Minute no. WB10 of the Waihi Beach Community Board held on 5 February 2018*
- 2. Minute no. OM10 of the Omokoroa Community Board held on 30 January 2018*
- 3. Minute no. K10 of the Katikati Community Board held on 31 January 2018*
- 4. Minute no. MC10 of the Maketu Community Board held on 7 February 2018*
- 5. Minute no. TP10 of the Te Puke Community Board held on 8 February 2018*

C13.2 **Minutes of Council and Committee Meetings for Confirmation**

Please refer to minutes of the meetings of the Council and its Standing Committees as circulated separately with this agenda.

Recommendation

THAT the minutes of the following meetings as circulated separately with the agenda are confirmed and are a true and correct record:

6. Minute no. C12 of the Western Bay of Plenty District Council held on 14 December 2018
7. Minute no. CC8 of the Community Committee held on 1 February 2018
8. Minute no. PP10 of the Policy Committee held on 8 February 2018
9. Minute no. OP9 of the Operations and Monitoring Committee held on 15 February 2018
10. Minute no. RUR7 of the Rural Committee held on 20 February 2018

C13.3 **Information for Receipt**

Please refer to the Minute Index and Information Pack as circulated separately with this agenda.

Recommendation

THAT the information items included in the Minute Index and Information Pack dated 22 February 2018 as circulated separately with the agenda be received.

C13.4 **Recommendatory Report from the Katikati Community Board - Accommodation Options for the Old Katikati Library and Area Office** 9-10

Attached is a report from the Democracy Advisor dated 2 February 2018.

C13.5 **Lease of the Old Katikati Library and Service Centre to Katch Katikati Incorporated** 11-14

Attached is a report from the Strategic Property Manager dated 31 January 2018.

C13.6	Right of Way Easement Over Part of Uretara Domain, Katikati	15-35
	Attached is a report from the Legal Property Officer/Reserves and Facilities dated 2 February 2018.	
C13.7	Adoption of a New Council Risk Profile	36-51
	Attached is a report from the Risk Specialist dated 5 February 2018.	
C13.8	Chief Executive Officer's Report to Council - January/February 2018	52-53
	Attached is a report from the Chief Executive Officer dated 9 February 2018.	
C13.9	Mayor's Report to Council – January/February 2018	54-57
	Attached is a report from His Worship the Mayor dated 9 February 2018.	

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Recommendation

THAT the public be excluded from the following part of this meeting namely:

- *In Confidence Council and Committee minutes for Confirmation.*
- *In Confidence Minute Index and Information Pack*
- *Statute Barred Rates 2017/18*
- *Turner Trustees Limited – Offer Back Provisions – Public Works Act*
- *In Confidence Chief Executive Officer's Report – January/February 2018*

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

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under Section 48(1) for the passing of this resolution</i>
<i>In Confidence Council and Committee minutes for Confirmation</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>
<i>In Confidence Minute Index and Information Pack</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes. Protect the privacy of natural persons, including that of deceased natural persons. Maintain legal professional privilege.</i>
<i>Statute Barred Rates 2017/18</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Maintain legal professional privilege. Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>Turner Trustees Limited – Offer Back Provisions – Public Works Act</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To enable the Council to carry out commercial activity without prejudice or disadvantage.</i>
<i>In Confidence Chief Executive Officer’s Report – (insert date)</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>

**Western Bay of Plenty District Council
Council**

**Recommendation from the Katikati Community Board –
Accommodation Options for the Old Katikati Library and Area
Office**

Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

- a. adopt as recommended
- b. to modify
- c. refer to another Committee
- d. to decline (giving reasons) and refer back to the Katikati Community Board

Recommendation from the Katikati Community Board – Meeting K10 31 January 2018

K10.5 Accommodation Options - Old Katikati Library and Area Office

The Board considered a report from the Strategic Property Manager dated 16 January 2018 as circulated with the agenda.

Member Mayo noted that the term of a 30-year lease seemed long in these times. The Board was advised that Council would debate the finer terms of the lease concerning the terms within the lease and the overall use of the building and the indicated 30-year timeframe would give assurance to the occupier of the building.

Resolved: Councillors Mackay / Williams

1. *THAT the Strategic Property Manager's report dated 16 January 2018 an titled "Accommodation Options - Old Katikati Library and Area Office" be received.*
2. *It be recommended to Council:*

THAT the Old Katikati Library Building be leased to Katch Katikati, acknowledging they will have the ability to sub-let the premises to Katikati Arts Collective and the information centre.

Staff Comments – Deputy Chief Executive / Strategic Property Manager
Refer to the Strategic Property Manager’s report in this Agenda, which replaces this recommendation. Staff support the proposal and the attached report includes a more detailed resolution.

1. Significance and Engagement

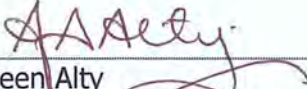
The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council’s Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies 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.

Recommendation

1. ***THAT the recommendation from the Katikati Community Board regarding the Old Katikati Library Building 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.***


Aileen Alty
Democracy Advisor

**Western Bay of Plenty District Council
Council****Lease of the old Katikati Library and Service Centre to
Katch Katikati Incorporated**

Purpose

This report seeks Council's approval to grant a 30-year lease to Katch Katikati Incorporated for the old Katikati Library and Service Centre located at 34-36 Main Road Katikati.

Under section 61 of the Reserves Act 1977, Council is not required to consider any public submissions before making a decision.

The Katikati Community Board supports this recommendation.

Recommendation

- 1. THAT the Strategic Property Manager's report dated 31 January 2018 and titled Lease of the old Katikati Library and Service Centre to Katch Katikati Incorporated 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, in exercise of the powers conferred on it by Section 61(2) of the Reserves Act 1977 grants Katch Katikati Incorporated a lease for the building located at 34-36 Main Road Katikati, being part of Lot 11 DP 16034 for up to 30 years.**
- 4. If approval is given, such approval must not be construed by Katch Katikati as guarantee that all other consents required by policy, bylaw, regulation or statute, will be forthcoming.**
- 5. And THAT it be noted that Katch Katikati Incorporated will have the ability to sublease to the Katikati Arts Collective and the Information Centre.**



Blaise Williams
Strategic Property Manager



Approved

Gary Allis

1. Background

Old Katikati Library/Service Centre

The Old Katikati Library and Service Centre (34-36 Main Road, Katikati) is situated on Lot 11 DP 16034, which is classified as a local purpose reserve (Municipal and Community Building and Offices).

Council are in the process of constructing a new library at 21 Main Road, Katikati. Consequently and due to the lack of suitable accommodation in the Katikati town centre, the Katikati Community Board had requested that appropriate community groups be given the opportunity to seek accommodation in the old Katikati Library and Service Centre.

Lot 11 DP 16034 is a local purpose reserve that has been vested in the Council. As Council is the administering body they are also declared under the Reserves Act 1977 to be a leasing authority of that reserve and may lease it to an organisation or society for use as a community building. Should Council wish to lease all or part of a local purpose reserve there is no requirement under the Reserves Act 1977 to seek public comment or submissions.

Council staff with the help of the Katikati Community Board have gone through a process of requesting expressions of interest in accommodation within the building. After discussions with Katch Katikati Incorporated, and the Katikati Arts Collective, it was agreed that they would supply a community benefit to the town. It is envisaged that other community groups would also make use of the accommodation such as the Katikati Theatre Group and Katikati Open-Air Art. The information centre will continue to operate within the building.

It is proposed that Council enter into a lease with Katch Katikati Incorporated for a period of 30 years. Council staff seek that Council resolves to approve a lease to Katch Katikati Incorporated for a period of 30 years for the building situated at 34-36 Main Road, Katikati.

Suitable clauses will be inserted into Councils standard lease document to allow both Council and Katch Katikati to terminate the lease with 6 months notice. This will protect both parties in the event the building is required for other purposes, or the lease is no longer desirable. The Council will remain responsible for the exterior repairs and maintenance of the building and the lessee responsible for the internal repairs and maintenance. Katch Katikati will be entitled to sub lease the building for any activity considered appropriate by the Council.

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.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Name of interested parties/groups	The Katikati Community Board have been included in the recruitment of tenants' process.
Tangata Whenua	Tangata Whenua had the opportunity to supply an Expression of Interest.
General Public	The public had the opportunity to supply an Expression of Interest.

4. Issues and Options Assessment

Option A	
<i>THAT Council, in exercise of the powers conferred on it by Section 61(2) of the Reserves Act 1977 grants Katch Katikati Incorporated a lease for the building located at 34-36 Main Road Katikati, being part of Lot 11 DP 16034 for up to 30 years.</i>	
Assessment of option for advantages and disadvantages taking a sustainable approach	Advantages-Allows the building to be used for a much needed community use. Enables the building to remain open and available to the public (the toilets will also remain available to the public).
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Asset insurance and external maintenance will remain the responsibility of Council, whilst internal repairs and maintenance will be the responsibility of the lessee. The lease envisages the budget to run the information centre (\$35 000) will be paid to Katch Katikati and they will be required to maintain the Information Centre service, to the standard currently offered.
Other implications	N/A

5. Statutory Compliance

The proposed lease will be subject to the Reserves Act 1977.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Building running costs	<p>The operational costs associated with running the building will be funded by the tenant, who will also be responsible for internal maintenance.</p> <p>The Council will continue to be responsible for external maintenance and asset insurance associated with the building.</p>

Western Bay of Plenty District Council

Council

Right of Way Easement Over Part of Uretara Domain, Katikati

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 of the Reserves Act 1977, for a right of way easement over part of Uretara Domain (Lots 177 and 178 DP 67) in favour of 26 Crossley Street being Lot 1 DPS 57029 to allow the owners of 26 Crossley Street access to their property.

In March 2011 the Operational Services Committee resolved to initiate the statutory process to formalise a Right of Way Easement. While the then owner was un-co operative with resolving the matter, the current owner of 26 Crossley Street has now asked to progress the Right of Way easement. While the Committee at that time approved the process, the Reserves Act 1977 does not allow consent to be delegated to a committee of Council. A resolution by full Council, for the consent, is required.

Recommendation

- 1. THAT the Legal Property Officer/Reserves and Facilities' report dated 2 February 2018 and titled Right of Way Easement Over Part of Uretara Domain, Katikati 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 Right of Way easement in accordance with the area shown highlighted in red on the attached plan (Attachment A) over Lots 177 and 178 DP 67 to Lot 1 DPS 57029.***



Joanne Hin
**Legal Property Officer
Reserves and Facilities**



Peter Watson
Reserves and Facilities Manager



Gary Allis
Deputy Chief Executive

Approved

1. Background

- 1.1 The landowners of Lot 1 DPS 57029 (26 Crossley Street) are proposing to subdivide their property and wish to formalise the historic encroachment of their driveway over council reserve, being Uretara Domain.
- 1.2 The owners have formally applied for the Western Bay of Plenty District Council's consent to the right of way easement.
- 1.3 A survey plan will be required to be created to detail the proposed easement's location.
- 1.4 The land over which the right of way easement is to be created is part of the Uretara Domain Reserve, being a recreation reserve and is subject to the provisions of the Reserves Act 1977.
- 1.5 The area for the right of way is only to the western edge of the driveway, and does not affect the public's rights to access across the reserve. (**Attachment A**). (Note: The proposed area is less than the area approved in 2011).
- 1.6 The Department of Conservation require that in terms of the delegation of the Minister's powers under the Reserves Act 1977, that approval can only be granted by Council resolution.
- 1.7 The encroachment was addressed in March 2011 and the Operational Services Committee resolved to initiate the statutory process to formalise a Right of Way Easement. (**Attachment B**).

The Reserves Act 1977 does not allow consent to be delegated to a committee. A full Council resolution is required.

A copy of the 2011 Committee resolution is copied below.

OS2.14 Uretara Domain – Encroachments on Reserve Land

The Committee considered a report from the Reserves and Facilities Manager dated 17 February 2011, as circulated with the agenda. The Reserves and Facilities Manager spoke to a presentation and showed an aerial photographs and photographs of the driveways at 26 Crossley Street and 17 Phillip Walter Drive, and the location of the boundary pegs.

Resolved: Williams / Merriman

1. *THAT the Reserves and Facilities Manager's Report dated 15 February 2011 regarding "Uretara Domain – Encroachments on Reserve Land" be received.*
2. *THAT staff initiate the statutory process pursuant to Section 48 of the Reserves Act 1977, to formalise a Right of Way Easement.*
3. *THAT having considered the provisions of Section 48(3) of the Reserves Act 1977, Council, in its capacity as administering authority, does not require public notification of its intention to grant a right-of-way easement for the reasons contained in Section 4 of the report.*

4. *THAT staff negotiate an Easement fee with the adjoining property owners to the satisfaction of both parties*
5. *THAT the costs associated with the granting of an Easement are borne by the adjoining property owners.*

Councillor Burgess requested that her vote against be recorded.

1. Issues and Options Assessment

Option A	
<i>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 Right of Way easement in accordance with the area shown highlighted in red on the attached plan (Attachment A) over Lots 177 and 178 DP 67 to Lot 1 DPS 57029.</i>	
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 legally access their property at 26 Crossley Drive, Katikati.
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 <i>Status Quo</i>	
Benefits in terms of the present and future interests of the District taking a sustainable development approach	This option is not in keeping with Council's policy on private access across reserve land and does not legalise the situation, which is the intended outcome of the Reserve management Plan Policy.
Costs (including present and future costs, direct, indirect and contingent costs)	N/A
Assessment of cost effectiveness for households and businesses	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	<p>An easement fee would be negotiated with the property owners. This fee would reflect the value of the property once the access was legalised versus the value of the property without legal and practical access.</p> <p>The easement instrument protects Council from further maintenance or replacement costs of the easement facility.</p>

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.

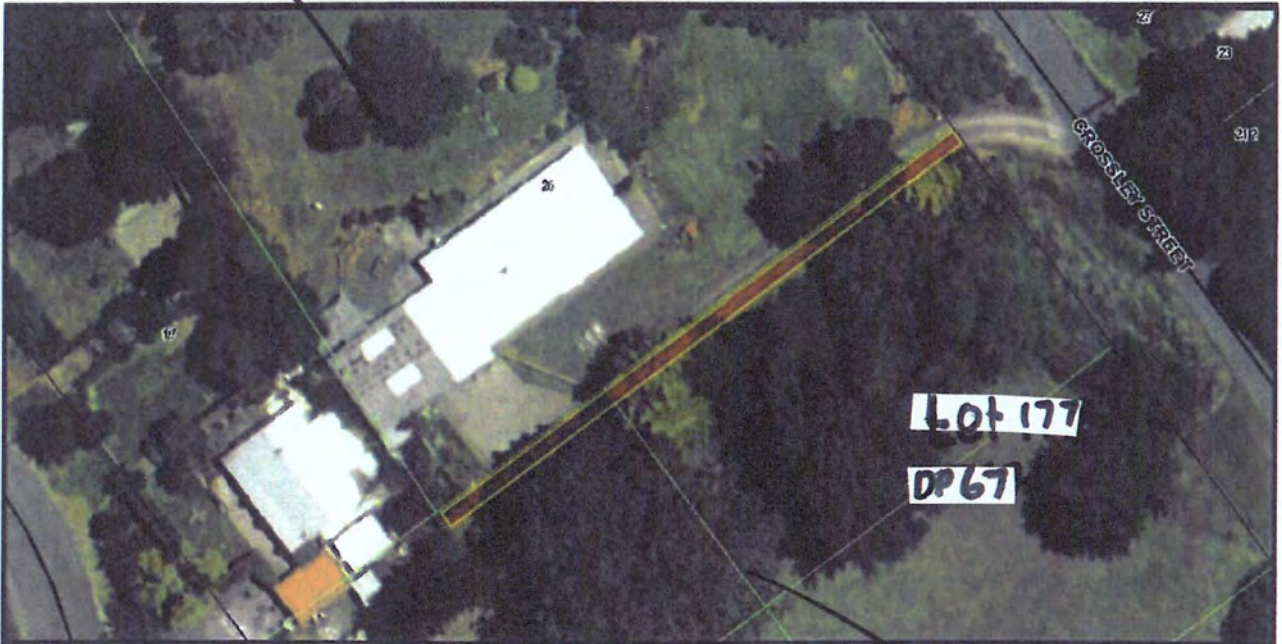
6. Consultation and Communication

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 proposed right of way area is separated by trees and shrubs and is not used by the public. The driveway is an historic encroachment inherited by the current property owners. On this basis, there is not public consultation required.

ATTACHMENT A

26 Crossley Street

Proposed Easement Area



Lot 178 DP67

Uretara Domain

Date
Subject

17 February 2011
Uretara Domain - Encroachments on Reserve Land

Western Bay of Plenty District Council

Operational Services Committee

Uretara Domain - Encroachments on Reserve Land

Executive Summary

The Reserve Management Plan for Uretara Domain (*Attachment 1*), instructs that the northern boundary of the reserve is to be resurveyed, and negotiate relocation of the boundary fences of the two affected adjoining properties, or otherwise resolve the encroachments.

A survey has confirmed the two encroachments (*Attachment 2 and 3*). The Crossley Street property has its access driveway from the road to the house within the encroached area (*Attachment 4*), and 17 Phillip Walter Drive has a garage situated partially into the encroached area (*Attachment 5*). Staff have subsequently been in discussions with the adjacent landowners of 17 Phillip Walter Drive and 26 Crossley Street on the options available to resolve the issue.

Council has existing Policy for Encroachment and Private Access over Reserve Land, which is covered in detail in Section 3 of this report.

On the basis of Council's existing Policy on private access over reserve land, it is requested that Council reviews the options available to resolve this matter.

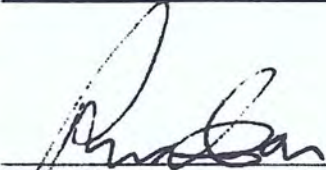
Recommendation

1. ***THAT the Reserves and Facilities Manager's Report dated 15 February 2011 regarding "Uretara Domain – Encroachments on Reserve Land" be received.***
2. ***THAT staff initiate the statutory process pursuant to Section 48 of the Reserves Act 1977, to formalise a Right of Way Easement.***
3. ***THAT having considered the provisions of Section 48(3) of the Reserves Act 1977, Council, in its capacity as administering authority, does not require public notification of its intention to grant a right-of-way easement for the reasons contained in Section 4 of the report.***
4. ***THAT staff negotiate an Easement fee with the adjoining property owners to the satisfaction of both parties.***
5. ***THAT the costs associated with the granting of an Easement are borne by the adjoining property owners.***


Date
Subject

17 February 2011
Uretara Domain - Encroachments on Reserve Land

Open Session


Peter Watson
Reserves and Facilities Manager

Approved


Gary Allis
Group Manager Engineering Services

Minute Action Sheet	Position Code
For Action	RFM
For Info	
For Info	
For Info	

Date 17 February 2011
 Subject Uretara Domain - Encroachments on Reserve Land

Open Session

1. Purpose and Background

- 1.1 The purpose of this report is to consider a solution to the current encroachment of 17 Philip Walter Drive and 26 Crossley Street onto Uretara Domain.
- 1.2 The encroachments are noted in the Reserve specific plan for Uretara Domain (*Attachment 1*), under the Katikati Ward Reserve Management Plan:
- 5.33.9 Re-survey the northern boundary of the reserve and negotiate to relocate the boundary fence on the boundary or otherwise resolve this encroachment.*
- 1.3 It appears that the original survey of the land was correct. However when the reserve was fenced the fencing followed the natural higher contour of the land along a small ridge that was not the actual boundary. The owners of the two adjoining properties had presumed that the fence was a boundary fence.
- 1.4 The land owners of 17 Phillip Walter Drive and 26 Crossley Street have met on site with the Reserves and Facilities Manager and the Legal Officer Reserves and Facilities to assess the degree the encroachment and discuss possible options. Both property owners were invited to write to Council to outline their viewpoint on the history of the encroachment and their preferred option to resolve the matter.
- 1.5 In order to resolve the encroachment this report presents the options covered under Section 4 of the report to allow Council to resolve this matter.

2. Legislation

- 2.1 Reserves Act 1977.

3. LTCCP reference

- 3.1 BCRL1
 1.1 d) Reserve Management Plans
- 3.2 **Current Policy**
 Council's current Policy on this issue is contained in its Generic Policy P13 – Encroachment and P14 – Private Access Over Reserve Land which is contained in the Katikati Ward Reserve Management Plan that was recently adopted.

Policy – Encroachment –P13

Prevention of new encroachments: From the date of adoption of this Katikati Ward Reserve Management Plan by Council no new encroachments onto public reserve land will be permitted.

Date
Subject

17 February 2011
Uretara Domain - Encroachments on Reserve Land

Open Session

Where new encroachment occurs Council will:

- (a) *Give notice to the encroacher(s) requiring termination, removal and reinstatement of the encroachment at the owner's cost within a specified timeframe.*
- (b) *Where removal and reinstatement does not occur, Council may carry out the removal and reinstatement and recover costs by way of proceedings through the District Court or if necessary through prosecution.*

Existing encroachments: Where historical encroachments exist Council will advise the relevant party(s) of the encroachment and enter into negotiations to have the encroachment removed and the reserve reinstated at the cost of the encroacher(s). Council's priority for removal of historical encroachments will include any built encroachments and those that adversely affect the public use and enjoyment of the reserve.

Community Management: Notwithstanding the above, Council will from time to time work with the local community and adjoining landowners to establish and maintain planting on reserve land. This will particularly include planting that defines the interface between reserves and private land and/or where such planting is of benefit to the amenity of the reserve and does not impinge on its public use and enjoyment. Any such community management must have the approval of the Reserves and Facilities Manager, WBOP DC.

Policy – Private Access Over Reserve Land –P14

Any existing or new private accessway over reserve land will be treated like an encroachment and will generally not be permitted, except where considered for approval and formalisation following written application to the Reserves and Facilities Manager, Western Bay of Plenty District Council.

Applications will be assessed by Council on a case by case basis, with the assistance of the following criteria:

- *Is the accessway beneficial for reserve management and/or general public use purposes?*
- *Does the accessway generate adverse effects in relation to the reserve's natural character, ecological, wildlife, landscape, cultural heritage, recreational, or other values?*
- *Is alternative access available?*
- *Are there any particular exceptional reasons why the accessway should be approved?*
- *Will approval have the potential to increase maintenance costs to Council over time?*
- *Is approval likely to create a precedent or encourage other requests for private access over reserve land?*

Any accessway approved over reserve land will require formalisation by way of an easement (consistent with Section 48 of the Reserves Act 1977). The process of formalisation is subject to notification and will require the consent of the Minister of Conservation.

All costs associated with the granting of a formalised access will be borne by the party granted access. Annual rentals may also be required to be paid at the discretion of the Council.

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Explanation: In many locations reserves abut private land and in some such locations access over reserve land provides desirable access to that land. In some places historical access occurs. Private access over reserve land can, however, affect the use, enjoyment and development of the reserve and generally should be avoided except in exceptional situations.

4. Options

There are various options available to Council in dealing with the historic encroachment and private access over Uretara Domain, these are listed below:

4.1 Status Quo

This option is not in keeping with Council's policy on private access across reserve land and does not legalise the situation which is the intended outcome of the Reserve Management Plan Policy.

4.2 Removal of encroachments

This option is consistent with Council's encroachment policy. To pursue with this option notice would need to be given to the encroachers to terminate, remove and reinstate the area encroached upon.

Staff have assessed the area and are of the opinion that these historic encroachments have not hindered or adversely affected the public use and enjoyment of the reserve.

4.3 Establish a right-of-way pursuant to S.48 Reserves Act 1977

This option is consistent with Council's Policy on this issue.

Staff assess applications on a case by case basis with the assistance of the criteria contained in the Policy (refer Section 3 of this report).

This situation has been assessed against the criteria. The vehicle access to 17 Phillip Walter Drive is not affected but approximately half a metre of the owners garage encroaches into reserve land along with other minor buildings (*Attachment 5*).

For the 26 Crossley Street it has been identified that gaining access off the legal road frontage could only be achieved by undertaking earthworks and creating a new access against the north eastern boundary of the property.

On this basis, staff consider that the establishment of a Section 48 right-of-way easement pursuant to the Reserves Act 1977 is the most practical option.

This option would require due statutory process to be followed.

One point Council needs to be considered under the statutory process is whether or not there is a need to publicly advertise the intention to grant a right-of-way as required under Section 48(2) of the Reserves Act 1977.

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Section 48(2) does not apply in any case where:

- (a) *The reserve is vested in an administering body (Council) and is not likely to be materially altered or permanently damaged, and*
- (b) *The rights of the public in respect of the reserve are not likely to be permanently affected.*

Staff are of the opinion that the driveway of 26 Crossley Street, and use of the encroached land for both properties, has existed for a long period of time. The area encroaching into the reserve is at a lower contour to the area of the reserve currently used by the public. A line of trees, some quite mature also follow the fence line which naturally dissects the encroached area from the reserve.

The public are most likely unaware that the encroachments are on the reserve as the public would likely walk further into the open space of the reserve. No submissions were received during the recent review of the Katikati Ward Reserve Management Plan on this situation.

Andrew Hughes, the owner of 26 Crossley Street has written to advise he prefers this option (*Attachment 6*).

Given the above, it is highly unlikely that the public's rights would be permanently affected should a right-of-way for access purposes be established.

4.4 **Revocation and Sale of Reserve Land to adjoining owner**

The sale of reserve land would require a more rigorous statutory process involving the revocation of the reserve status over the subject area of land. As the reserve was derived from the Crown, Council may not itself dispose of land after revocation. If Council request that the Crown disposes of the land, any monies received after disposal costs would be divided into an equal share of the residue but only subject to approval, from the Minister of Conservation.

This option does not guarantee that Council would receive monies from the sale.

5. **Financial Impact**

- 5.1 Should the option of a revocation or right of way easement be pursued the costs associated with either option are to be borne by the owners of the adjoining properties affected by the encroachment.
- 5.2 An easement fee would need to be negotiated with the property owners. This fee would reflect the value of the property once the access was legalised versus the value of the property without legal and practical access.

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6. Internal and External Communication

- 6.1 Staff have been in discussions with Andrew and Carolynn Hughes of 26 Crossley Street and Michelle Le Bas of 17 Philip Walter Drive.
- 6.2 Council's policy on encroachment and private access across reserve land has been consulted upon through the Katikati Ward Reserve Management Plan process.
- 6.3 For reasons contained in Section 4 of the report it is not anticipated that further public notification is required.

5.33 Uretara Domain

Reserve Classification:		Current Land Use	
LTDCP Category	Recreation Reserve	3 Clubrooms	Medium
Area	Organised Sports Reserve and Neighborhood Amenity Reserve	1 Field	Basic
Current State	3.6230 Ha	1 Sports field	
Concept Plan	Show grounds, Pony club, axemans club	1 Sealed area	
Overview	No Maintain heritage values – memorial, old library, memorial gates, pavilion and trees. Permit overnight Motor Home parking	1 Toilet Old library building 2 Seating Power points 2 Bins	
Grass Mowing Standard	(3.6230 Ha) Type D – Does not exceed 90 mm grass height. Mowed to within 45 mm of the ground		
Toilet Cleaning	As required		



Background:

- Long established reserve with the character of the town's 'village green'.
- Frontage to Major Street (the main entrance), to Phillip Waller Drive in the north and Crossley Street in the east.
- Central area in grass with mature specimen trees including London Plane around the perimeter.
- Collection of small buildings toward the western boundary including the historical old library building, an old pavilion, toilets and two sheds. All are painted in an appropriate heritage colour scheme and contribute to the historical qualities and amenity.
- The formal entry off Major Street has an historical commemorative gateway in recognition of those members of the community lost in the Great War, dated 1920.
- Granite memorial stone commemorating George Vesey Stewart, the founder of Kaitiaki.
- In the northwest corner there is a grid of 16 metal base posts used in the annual wood chop competition.
- Venue for the annual A & P Show and other fairs such as the Gypsy Fair.
- Power is supplied to facilitate events.
- Toilets are locked other than when events are occurring. The key is held at the Council office, this arrangement appears to work satisfactorily for the community. (Continued next page)

Kaitiaki Ward Reserves Management Plan Review

(From previous page)

- Used for groups of Motor Homes, waste disposal facility on Meior Street adjacent.
- Historical encroachment on northern boundary (fence line not on the legal boundary).

Reserve Issues:

- A Draft Concept Plan is being consulted during the Reserve Management Plan review process.
- Horses and other animals on the Domain make the area incompatible for organised sport.
- Maintain as 'Village Green' and venue for shows/fairs etc.
- Historical encroachment.
- Motor Homes.
- Use of heritage buildings.

Reserve Management Policy:

- 5.33.1 Continue to develop Uretara Domain as the Town's Domain and venue for community events.
- 5.33.2 Continue to manage the reserve in accordance with the Concept Plan.
- 5.33.3 Avoid any further exclusive use of the Domain, such as the permanent location of the wood chop base plates.
- 5.33.4 Improve the understanding and appreciation of the Domain's heritage by improving entry and interpretive signage. Clearly visible plaques or heritage signs should be created for the library, cricket pavilion and wood chopping area so that visitors are made more aware of these aspects.
- 5.33.5 Potential for interpretive signage expressing tangata whenua history of the area.
- 5.33.6 Protect and enhance the commemorative and heritage aspects of the Domain.
- 5.33.7 Control and monitor activities that require exclusive use of areas of the Domain where this use inhibits general community use and enjoyment.

ATTACHMENT



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- 5.33.8 Undertake a programme of replacement planting to ensure the long term continuity of the specimen trees around the perimeter of the reserve. Ensure that replacement species are of the same or similar species to existing specimen trees with preference for oaks, Planes, Liquidambers and golden elms.
- 5.33.9 Re-survey the northern boundary of the reserve and negotiate to relocate the boundary fence on the boundary or otherwise resolve this encroachment. (Refer generic policy P-13 Encroachment.)
- 5.33.10 Consider undertaking an assessment of the power demand, supply, potential costs and risks to the Domain.
- 5.33.11 In consultation with users, consider additional access / exit points along the Crossley Street Boundary.
- 5.33.12 Continue to permit groups of Motor Home users to stay overnight within agreed areas of the Domain.
- 5.33.13 Generic objectives for Recreation Reserves and generic policies apply.



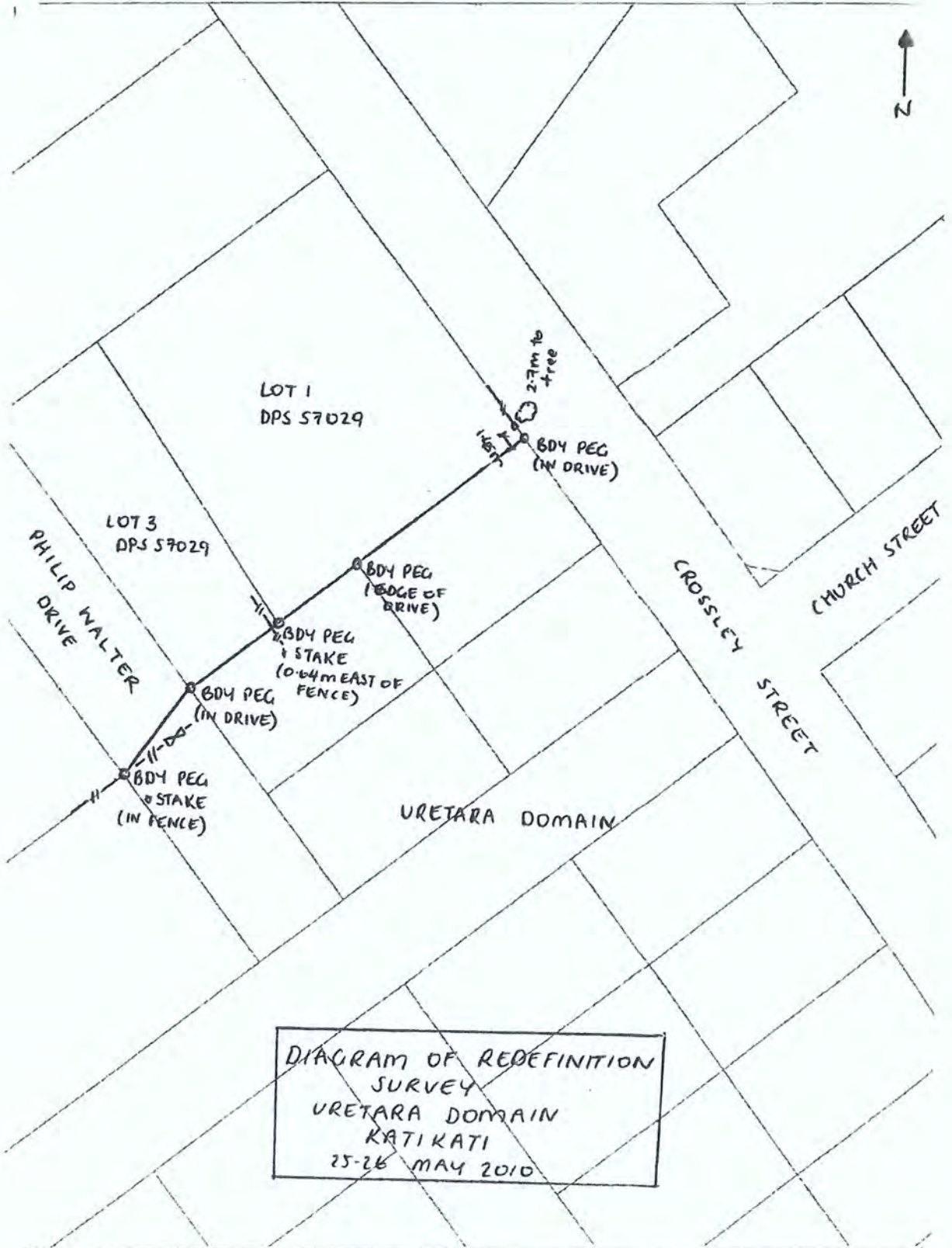
Proposed Actions (Subject to approval through LTCCP Process)	Action Cost Estimate	Special Funding Arrangement	Renewal Higher Std. Goods	Preferred Timing
Capital development – entry signage and historic panels, fireball security sensor, planting and replace fencing with bollards	28,000		0 0 100	2011/12
Review electricity supply and re-survey northern boundary	3,500		0 0 100	2009/10



HARRISON
GRIERSON

Job Name URETARA DOMAIN REDEFINITION		Page No. 1/1
Client TONKIN + TAYLOR LTD		
Job No. 1530-129679-01	Prepared By HMB	
Date 26 MAY 2010	Checked By BJH	

Work Sheet:





Produced using ArcMap Version 9.3.1 by the Western Bay of Plenty District Council GIS Team.
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 Location of services is indicative only. Council accepts no liability for any error.
 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation. Data copied as at Jan 2010.

Email: gis@westernbay.govt.nz Scale A4 - 1:750
 Date: 17 Feb 2011
 Operator: mbl
 Map: 824 - Uretara Domain Reserve Encroachment



Uretara Domain reserve encroachment
 17 Philip Walter Drive and 26 Crossley Street





17 Phillip Walter Drive



Joanne Hin

From: andrew hughes [ydhogman@gmail.com]
Sent: Sunday, 13 February 2011 3:02 PM
To: Joanne Hin
Subject: crossley street

To whom it may concern,
Five jems Company have owned 26 crossley st for over 10 years now and recently a survey of the katikati memorial part northern boundary has shown the park boundary to be about 6 meters further north of the existing boundary fence which bisects the crossley street entrance and existing drive in half. The driveway and landscaping that is on that land was in existence when we purchased it so has being like that since the house was put there. It is obvious that the current fence has always being regarded as the boundary as the measurements to the house on the original consent were taken from that reference point and passed by council. We have always kept this boundary tidy removing storm debris weed control and assisting were required in functions {eg water phone tools labour security} that are held on the park. We feel to change the status quo would have no positive effect at all and that it would become if changed just another piece of hard to maintain land . Speaking to Peter Watson and Shelly our neighbour it was thought a easement over this land would be a course of action that could be explored. In conclusion we are willing to work though the options and would like to be part and keep informed of the consulting process.

Yours sincerely

Andrew Hughes

Western Bay of Plenty District Council

Council

Adoption of a New Council Risk Profile

Purpose

The purpose of this report is to seek approval from the Elected Members to replace the current Strategic Risk Register with the attached Risk Profile (**Attachment A**), and confirm that the Top 10 risks that the Elected Members agreed with KPMG at the workshop held in June 2017 still represent their ten most important risks.

Recommendation

1. ***THAT the Risk Specialist's report dated 5 February 2018 and titled 'Adoption of a New Council Risk Profile' 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 approves the replacement of the current Strategic Risk Register with the new Risk Profile.***

OR

4. ***THAT Council does not approve the replacement of the current Strategic Risk Register with the new Risk Profile.***
5. ***THAT Council reviews the top ten risks in the new Risk Profile and amends the following.....***

OR

6. ***THAT Council does not amend the top ten risks in the new Risk Profile.***

pp M Rencher

 Guy Hobson
 Risk Specialist

[Signature]

 Approved Kumaren Perumal
 Chief Financial Officer

1. Background

The new Risk Profile (**Attachment A**) is provided to the Elected Members for review as the replacement for the Council Risk Register. At the workshop run by KPMG in June 2017 Elected Members identified their top ten risks and are now requested to consider any update or changes to these top ten risks.

The previous Risk Register contained twenty-one risks and the table below lists these risks and how they have been mapped to the new top ten risks contained in the Risk Profile. Only two of the risks from the Risk Register have not been included in the new Risk Profile, the risks for financial failure and internal fraud. These were previously considered reputational risks but it was concluded at the workshop that these had an organisational wide impact and would no longer be identified as separate risks.

	Risks from the Risk Matrix	Mapping to New Risk Profile top 10 risks
1	Central Government influences	External macroeconomics
2	Major earthquake	Crisis management
3	Incorrect growth assumptions	Growth & impact on infrastructure
4	Reputational risk	Regulatory compliance Project delivery management
5	Capital projects	Growth & impact on infrastructure External macroeconomics
6	IT system failure	Digital ecosystem
7	Major flood	Crisis management
8	Infrastructure planning not adequate	Renewal & maintenance of infrastructure
9	Tsunami	Crisis management
10	Moderate volcanic eruption	Crisis management
11	Treaty of Waitangi settlements	Community engagement
12	Change in leadership	Attraction retention & engagement of key staff
13	Financial failure	Not included
14	Loss of institutional knowledge	Attraction retention & engagement of key staff
15	Health and safety	Health & safety compliance
16	IT systems investment	Digital ecosystem
17	Internal fraud	Not included
18	Housing affordability	External macroeconomics
19	Responding to growth and customer expectations	Growth & impact on infrastructure Community engagement Attraction retention & engagement of key staff
20	Workforce sustainability	Attraction retention & engagement of key staff
21	Contractual liabilities	Project delivery management

If Council chooses not to adopt the new Risk Profile to monitor and review risks the current risk register will continue as the basis for communicating risks but will need

to be expanded to include some of the risk not previously identified such as Community Engagement, Regulatory Compliance and Project Delivery Management.

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;

- Health and safety compliance
- Attraction, retention and engagement of key staff
- Crisis management

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.

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

<p><i>THAT Council approves the replacement of the current Strategic Risk Register with the new Risk Profile.</i></p> <p>OR</p> <p><i>THAT Council does not approve the replacement of the current Strategic Risk Register with the new Risk Profile.</i></p> <p>AND</p> <p><i>THAT Council reviews the top ten risks in the new Risk Profile and amends the following.....</i></p> <p>OR</p> <p><i>THAT Council does not amend the top ten risks in the new Risk profile.</i></p>	
Reasons why no options are available	Legislative or other reference
<p>Council has agreed to regularly review its strategic risk as part of good governance and best practice.</p> <p>Emerging issues and changes in the operational environment necessitate a regular review of Council's strategic risk.</p> <p>As a result it is likely that risks will be reprioritised and changed over time in response to environmental influences, legislative changes, government policy and the like.</p>	

5. Statutory Compliance

The recommendation in this report complies with Council's current Risk Management Policy. 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

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WESTERN BAY OF
PLENTY DISTRICT
COUNCIL

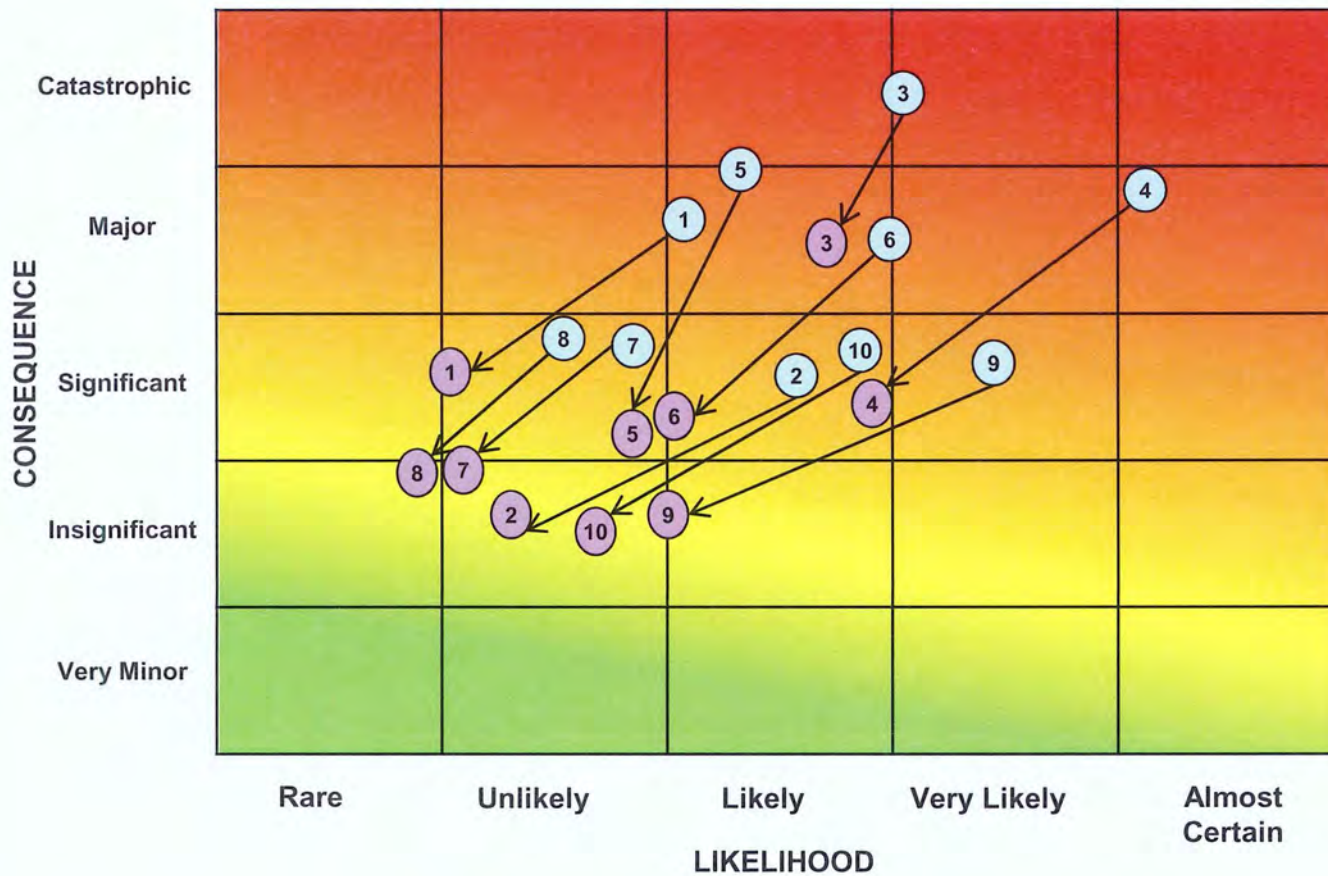
DRAFT RISK
PROFILE

February 2018

Summary of Key Risks

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The following are the top risks to the achievement of WBOPDC's business objectives. Detail on each risk, associated mitigations and monitoring mechanisms are set out on subsequent pages.



KEY ○ Inherent Risk ○ Residual Risk ○ Target Risk level (tbd)

#	Strategic Risk Areas
1	Health & safety compliance
2	Attraction, retention and engagement of key staff
3	Crisis management
4	External macroeconomic and other events e.g. horticulture disease and central government policy change
5	Digital ecosystem – reliability, cyber security, delivery, knowledge management
6	Renewals and maintenance of infrastructure
7	Project delivery management
8	Community engagement (general community and key stakeholders)
9	Regulatory compliance
10	Growth and impact on infrastructure planning

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Key Risks

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	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
1. Health & safety compliance	High	Medium	Low

WBOPDC is committed to providing a safe and healthy workplace for employees, contractors and the general public. The introduction of the Health and Safety at Work Act 2015 has increased leadership accountability and placed an onus on the Senior Management Team (SMT) to be more aware and have greater involvement in all H&S matters. Using representation on the H&S Committee and regular reporting to SMT and Elected Members, there has been an increased visibility in all areas of internal Health & Safety. WBOPDC has joined other Bay of Plenty and Waikato Councils to use the SHE Software for Contractor pre-qualification, helping to ensure that all contractors who are employed by the Council meet a similar set of standards and requirements.

Risk Appetite Rationale

- Compliance with health and safety is important in terms of upholding Council's reputation and public perception.
- Safety and well-being of people is one of Council's primary concerns.
- Focussed on the 'right thing to do'

Key Mitigations

The following actions have been taken:

- New training on the Health & Safety at Work Act has been given to all current employees.
- Hazard Registers have been developed for all Council work sites. These are available to all on the Intranet & will be presented to SMT & Elected Members.
- Each area has appointed a representative to sit on the Health & Safety Committee.
- The Vault Reporting system has been implemented to ensure all accidents, injuries and near misses are reported. These are discussed by the H&S Committee & reported upwards.
- WBOPDC has joined the Contractor Pre-Qualification Scheme run using the SHE Software. This establishes a level of consistency across contractors used by local authorities, but only in respect to basic H&S training and capabilities.
- H&S is reported to SMT and Council on a monthly and quarterly basis respectively.
- There are currently two H&S positions – Health & Safety Advisor and Health & Safety Specialist.
- Staff engagement is achieved through the monthly ORA newsletters, competitions, topic of the month and ORA nominations for modelling good H&S behaviours.
- WSMP Audit – this only runs until 2018, but WBOPDC did achieve a high standard in the accreditation.

Significant Planned Additional Mitigations

	Owner(s)	Timing	Status
• Evidence of H&S meetings with Contractors is filed in locations that can be easily found, including evidence that any remedial actions have been taken and checked	H&S/Contract managers	2017-18	Ongoing
• New Regulations on Asbestos Management – plan for each location where it is present	Mike Inglis	By March 2018	In progress
• Hazardous substance inventory	Mike Inglis	Starts 1 Dec 2017	In progress
• SMT visits to worksites	Jan Pedersen	Ongoing	In progress

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Key Risks

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	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
2. Attraction, retention and engagement of key staff	Medium	Medium	Low

There are threats to WBOPDC due to its small size in the regional economy and its ability to attract and retain specialist staff in a small job pool. We may lose staff to other neighbouring Councils, or not be able to attract staff of the right calibre or capability because of either our small size or the lack of other opportunities in the local area.

There are also issues of succession planning for some roles and the potential to lose knowledge and intellectual capital with the loss of certain staff. In the Utilities area there will be a high percentage of retirees over the next five years. Staff numbers have increased with growth in the region and associated workloads, presenting issues around accommodation and conditions.

Risk Appetite Rationale

- Key staff are required to support Council's operations and drive achievement of strategic objectives.
- Difficulty in finding qualified individuals.
- Developing the right culture.
- Individual risk appetites for different sub-categories: e.g. Building inspector: Moderate, Regulatory staff: Low, Leadership: Low.

Key Mitigations

Working closely with other Councils to find innovative solutions in some areas – such as using Building Control staff from other Councils.
 Investigation of training opportunities at local tertiary institutions to help meet certain skill shortages.
 Increased use of graduate positions, trainees and cadets to fill positions in areas with shortages or threats from larger proportion of retirees.
 Monitoring of staff attrition rates combined with Remuneration and Benefits strategy to compare with our neighbours annually.
 Staff retention planning – use of training, MBAs, extension programme as means to retain staff.
 Ability to find skilled contractors in the local market (e.g. to resource work on LTP)

Alternative strategies for use of our current buildings due to the expansion of the workforce.

Internal planning as part of the latest Corporate Plan to ensure that priority is given to the most important activities and planning is put into resource management in order to complete those activities identified as priority ("Tame the Beast")

Significant Planned Additional Mitigations

	Owner(s)	Timing	Status
Workforce Planning workshops –compare against other Councils	Jan Pedersen	2017-18	Ongoing
Formal Succession Planning – identify potential candidates & training needs	Jan Pedersen	2017-18	Ongoing

Key Risks

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	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
3. Crisis management	Extreme	High	Medium/High

All 4 of the Natural Hazard risks from the previous Risk Register are included under this risk (major earthquake, major flood, tsunami and moderate sized volcanic eruption). The response includes Civil Defence and Emergency Management activities, which are run within the WBOPDC premises and co-ordinated between WBOPDC, TCC and the Emergency Management staff of the BOPRC. There is also risk around the information given to residents about the risks to their property from flooding, sea inundation and coastal erosion.

Risk Appetite Rationale

- Higher risk appetite due to many of these factors being out of Council's control
- There's a focus on particular areas, where risks and vulnerabilities are seen as higher (e.g. Waihi Beach, Maketu, Pukehina Beach).
- Individual risk appetites for different sub-categories: Civil Defence: Moderate, Non-Civil Defence: High.

Key Mitigations

WBOPDC plays a key role in any disaster response and post event recovery. Staff are trained for such events and our buildings & systems are made available to staff from neighbouring Councils. We have staff trained as Controllers and Recovery managers within the EOC. Council staff are involved in close liaison between Emergency Management & other regional Lifeline organisations.

WBOPDC work closely with Insurance broker Aon to assess the correct level of insurance to cover damage to our infrastructure, buildings and facilities. This includes an annual check of the value of our infrastructure assets.

Government advice on coastal hazards & climate change (See paper on 'Coastal Hazards and Climate Change').

GIS mapping for impacts from hazards and natural disasters – tsunami & tidal flooding, etc. These can then be reflected on LIM reports for residents.

For internal response to any crisis or disaster, there is a Crisis Management Plan available and further more detailed plans are being developed for all areas of Council.

Within the IT environment there is a detailed Business Continuity plan and increasing use of cloud based technology to allow for more remote working options.

Significant Planned Additional Mitigations

	Owner(s)	Timing	Status
Work with Aon and Tonkin & Taylor to estimate damage to underground infrastructure in the event of either earthquake, liquefaction or tsunami events.	GM1	2017-18	Ongoing
Business Continuity Planning	Guy Hobson	2018	Ongoing

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Key Risks

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	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
4. External macroeconomic and other events e.g. horticulture disease and central government policy change	Extreme	Medium	Medium

Significant changes to Central Government policy or funding (e.g. call to combine services with other Councils leading to stranded assets)
 Environmental factors which have a devastating impact on the economy of the region and make it uneconomic for horticulture or dairy production.
 Changes to the wider economic activity in New Zealand (e.g. further financial crisis, collapse of markets & end of growth)

Risk Appetite Rationale

- Council's aim is to get visibility to the best of their ability.

Key Mitigations

The significance of this risk is that all of them are beyond the control of WBOPDC, and therefore there is little that can be done to prevent them from happening. The importance of the response and mitigations comes in how they are dealt with if they were to eventuate.

Keeping abreast and well informed about emerging issues and having strategies to deal with them.

Lobby government on important issues and align with sector groups to influence the government (e.g. LGNZ, SOLGM).

Develop contacts with local business and industry groups in order to understand vulnerabilities and to seek better long term outcomes.

Priority One economic briefings for the local regional economy.

Bay of Connections Forum – 6 monthly summits.

All local Government legislation changes – “Inside Wellington” subscription service.

PWC Money market & economic briefings.

Significant Planned Additional Mitigations	Owner(s)	Timing	Status
Relationships Framework – database of all external relationships	All	Ongoing	
Corporate Plan initiative – sharing of leading indicators for future activity not past performance.	Corp Dev Team	Ongoing	

Key Risks

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	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
5. Digital ecosystem - reliability, cyber security, delivery, knowledge management	High	Medium	Low

Risk to WBOPDC from a major systems failure which could prevent work from being undertaken, or the loss of vital records. Risk from cyber attacks on electronic records or the treat of malicious damage.

Risks from reliance on Datacom for the provision of the Ozone system, leading to delays in development or risk from end of life software. Replacement of Ozone software and shift to new software may not provide the current level of functionality, and may require a huge amount of time from staff to test, check and migrate to new systems.

Risk Appetite Rationale

- Continuous monitoring and improvement is important to the community and in achieving Council’s objectives and thus significant investments have been made in this area.
- ‘Way of the future’

Key Mitigations

We are shifting to a “software as a service” approach to IT management as a means to reduce on site risk. This will lead to better version control practices & upgrades and lead to a reduced amount of maintenance. This approach is being used as we procure & renew all our corporate systems. Core elements of our technology infrastructure are kept on site but data is being backed up in the cloud. The Tauranga Data Centre is now located here at WBOPDC and has robust security and back up capability. IT have a disaster recovery plan and have built resilience into the current operations, providing mirrored servers which are shared with TCC as a way to ensure data is always retained and can be accessed in a short time frame and using mobile technology.

Contracts with Datacom to provide ongoing system maintenance and upgrades. We are shifting to the management of information as an asset, which includes GIS policy and responsibilities.

We are compliant with Information Management legislation, for example Privacy Act and Public Records Act.

Significant Planned Additional Mitigations

Planning for migration to “software as a service” approach to digital management
Security review of hardware is underway along with software to monitor threats & maintain firewalls.

Owner(s)	Timing	Status
Marion Dowd Richard Gilligan		Ongoing Underway

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Key Risks

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	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
6. Renewals and maintenance of infrastructure	High	Medium	Medium/Low

Is the current infrastructure fit for purpose and does it meet the needs of the current population? Will it remain adequate for its remaining estimated lifetime or will developments or expansion mean that it has to be replaced sooner than predicted?
 Are growth estimates accurate?
 Unplanned asset failure. Impact on residents and businesses, who are unable to function.
 Risks encountered during the purchase or construction of new assets.
 Contractors unwilling to tender for the work that Council needs to get done (due to the amount of available work, or the perception that working with Councils is hard).
 Proper procurement policies are not followed due to the lack of parties tendering for work.

Risk Appetite Rationale

- Need to ensure our infrastructure is always fit for purpose
- Individual risk appetites for different sub-categories:
 - 1) Bridges: Low
 - 2) Renewals: Moderate

Key Mitigations

Structure Plans are in place which estimate the future needs to replace or repair assets when required.

Asset Management Plans for all infrastructure activities are in place to ensure assets are fit for purpose, adequately maintained and replaced in the most cost effective manner.
 Asset managers and staff are appropriately qualified and trained to manage those plans.
 Asset Management Plans and replacement planning reviewed every three years with each new LTP.

Approval for spending on all capital projects is undertaken as part of the Annual Plan process.

Procurement processes are being reviewed as part of the refresh of the Procurement procedures & Manual in order to achieve the right balance between tendering and the employment of good quality contractors while achieving best possible price outcomes for ratepayers.

Significant Planned Additional Mitigations

Significant Planned Additional Mitigations	Owner(s)	Timing	Status
Implementation of the new Asset Management System will bring standardisation to our AMPs		2017-19	Ongoing

Key Risks

DRAFT

	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
7. Project delivery management	Medium	Medium	Medium

At the present time the WBOPDC has a shortage of both project management skill and resources. There is no standard methodology available for the delivery or running of projects within WBOPDC. There is a dependence on existing job holders with certain technical skills to fill the role of project manager on a number of initiatives. While this is needed to some extent, the lack of project management skills may result in delays or inefficiencies within the projects.

Risk Appetite Rationale

- Scope/quality are the most important factors, timeliness is not as important compared against scope/quality
- There are tension/constraints in terms of capability
- Individual risk appetites for different sub-categories: For example with Cycleways appetite is low but for new services it is moderate

Key Mitigations

The new Corporate Plan strategy has helped WBOPDC focus on what is being done. Project prioritisation activities have been undertaken by the Corporate Development Team in order to determine which projects can be delivered and to allocate priorities to those. Retention of a full time project manager within the IT department. Development of some project management materials.

Where there is implementation and development activity we now ensure that there is a project team formed where there is ownership by the business and elements that are managed and delivered by IT. We now look to include a team member from Finance in order to ensure that all financial elements are included from an early stage. A more agile business methodology has been adopted when working with Datacom on our systems.

Significant Planned Additional Mitigations

	Owner(s)	Timing	Status
Asset Management Module, to bring consistency across multiple asset activities	Chris Shaw	2017 - 2019	Ongoing

Key Risks

DRAFT

	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
8. Community engagement (general community and key stakeholders)	Medium	Medium/Low	Low

WBOPDC has an obligation to engage with residents and the community on matters which affect them. We have undertaken a number of initiatives to ensure there are good levels of local discussion about matters which impact the community, and we can demonstrate that residents views have been gathered and taken into consideration.

Risk Appetite Rationale

- Council is very careful on external communications
- Customer service is important to us

Key Mitigations

WBOPDC has recruited new staff in the Communications and Engagement team in order to ensure a much higher degree of resident participation in community matters.

There are Community Boards, Bang the Table community events and also online forums to respond to questions and discussion papers (e.g. on coastal erosion)

Greater efforts are being focussed on getting residents to take part in Open Day events and give views – Omokoroa Planning Open Days, Roding Plan Open Days & Te Puke residents.

A Community Engagement Framework and Toolkit has been developed and is being used.
 Staff are now trained to standards set by International Association of Public Participation for best practice.
 WBOPDC are part of a regional network of engagement practitioners and take a lead in this network.
 There are also Auditor General guidelines on public participation which are followed.

The Council has run and sponsored a number of Community Events. There are Connector Groups in Te Puna and Omokoroa set up to develop their own Community Plans with Council support.

With the running of events by bodies commissioned by the Council or being held on Council land, the New Health & Safety at Work Act demands there are comprehensive risk plans in place. These are being produced but further work is now required to ensure these are properly monitored and complied with.

Significant Planned Additional Mitigations

Significant Planned Additional Mitigations	Owner(s)	Timing	Status
Significance and Engagement Policy to be reviewed in 2018	Frank Begley	By June 2018	
H&S Plan monitoring at Events run on Council property or by Council sponsored organisations.	Frank Begley		Ongoing

Key Risks

DRAFT

	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
9. Regulatory compliance	High	Medium	Low

Loss of regulatory compliance accreditation from IANZ and MBIE.
 Difficulties finding enough staff with the appropriate skills and qualifications. Also the current age of a number of inspectors is high & retirements are expected.
 Lack of local training opportunities to provide the flow of newly trained workers in this field for WBOPDC and TCC.
 Need to employ outside firms to complete this work on behalf of Council, pushing up costs.
 Potential failure to provide accurate Codes of Compliance which leads to legal cases against Council or claims for compensation.
 Lost of reputation.
 Stress caused to staff due to work pressures.
 Delays to development and building work.

Risk Appetite

- Within Council's control and is important to Council's reputation of high quality service delivery

Key Mitigations

A position of Quality & Systems Specialist has been established in order to ensure continuity of accreditation.
 Continuous improvement meetings are held within the team to review/fix/change any problems or issues that emerge.

A robust procurement process was followed for the renewal of contract for external contractors. This led to a saving on hourly rates, better insurance cover in place for WBOPDC and also more clarity over expectations about work load and timings. All decisions around this process are clearly documented.
 As a result a Contractor Panel is now in place to move work between supplier and keep parties honest over timings and costs.

Young staff are being recruited as cadets to boost the compliance team.
 All new staff are being trained towards a nationally recognised qualification and are being enrolled at Toi Ohomai in a Construction Management Diploma.

All old records & Code Compliance certificates stored in the Lundia are processed on a needs basis when requested by members of the public.

Significant Planned Additional Mitigations

	Owner(s)	Timing	Status
Change to case law around 10 year liability timeframe for leaky building claims may lead to new work or reopening of cases.	Chris Nicholson	2018 –	Ongoing

Key Risks

DRAFT

	Inherent Risk	Current Assessed Residual Risk	Council Target Residual Risk
10. Growth and impact on infrastructure planning	Medium	Medium/Low	Low

Incorrect growth assumptions - these would impact on estimated costs and revenues and may lead to incorrect decisions about the needs for infrastructure.

Failure to allow, or get the benefit from increased new housing development may lead to the region becoming more unaffordable for some rate payers. The cost of infrastructure required by new developments is high when weighed against the potential new revenues.

Housing affordability within the planned Special Housing Area.
Availability of office space and accommodation for a growing workforce.

Risk Appetite Rationale

- Out of council's control but has a big impact on infrastructure planning

Key Mitigations

Most estimates for population growth are conservative, and would therefore not lead to an overestimate of budget revenues.
Delays to the building process or sudden economic downturn could lead to slower development and subdivision and therefore lower than expected revenues.

SmartGrowth is used for developmental planning purposes. Priority One provides information about economic trends in both Tauranga and the Western Bay areas. Growth estimates are peer reviewed by the Strategic Advisor

Strategic Property options have been developed and a workspace planning & optimisation survey has been conducted to gather requirements.

Significant Planned Additional Mitigations	Owner(s)	Timing	Status

Western Bay of Plenty District Council

Council

Chief Executive Officers Report – *January/February 2018*

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.

Due to the recent LTP workshops issues have generally been discussed at these meetings and over the Christmas period there have been no new issues to report on.

1.3. Chief Executive Office

- Nothing to report

1.4. Infrastructure Services

- Nothing to report

1.5. Financial Services

- Nothing to report

1.6. Policy, Planning and Regulatory Services

- Nothing to report

1.7. Technology, Customer and Community Services

- Nothing to report

Recommendation

THAT the Chief Executive Officer's report dated 09 February 2018 and titled "Chief Executive Officers Report" – January/February 2018 be received.



Miriam Taris
Chief Executive Officer

Western Bay of Plenty District Council

Council

Mayor's Report to Council – January/February 2018

1. Councillor Training

6 March and 7 March – 9.00am to 5.00pm both days – Making Good Decisions Foundation Course (Auckland) – Cr Mark Dean attending

9 May – 9.00am to 5.00pm – Making Good Decisions Panel Recertification Course (Auckland) – Cr Margaret Murray-Benge attending

10 May – 9.0am to 5.00pm – Making Good Decisions Chair Recertification Course (Auckland) – Mayor Garry Webber attending

2. Poppy Places and The WW1 100th Anniversary

I will speak on this in more detail at the meeting. See attachment A

3. Anzac Day 2018

Anzac Day for 2018 will be on Wednesday 25 April 2018. Elected members are asked to represent Council at official RSA commemoration services around the region (Waihi Beach, Katikati, Maketu, Te Puke and Tauranga). Please note that representation from the Community Boards has been advised as follows:

Waihi Beach Chairperson Allan Sole and Waihi Beach Board members

Katikati Chairperson Jenny Hobbs and Katikati Board members

Maketu Chairperson Shane Beech and Maketu Board members

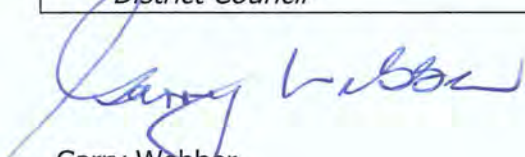
Te Puke Chairperson Peter Miller and Te Puke Board members

Omokoroa Omokoroa Board members

Councillors are asked to consider which ceremonies they will attend on behalf of Council.

Recommendation

1. *THAT the Mayor's report dated 09 February 2018 and titled Mayor's Report to Council – January/February 2018 be received.*
2. *THAT Councillor(s) attend the Waihi Beach Anzac Day Service and lay a wreath not exceeding the value of \$..... on behalf of the Western Bay of Plenty District Council.*
3. *THAT Councillor(s) attend the Te Puke Anzac Day Service and lay a wreath not exceeding the value of \$..... on behalf of the Western Bay of Plenty District Council*
4. *THAT Councillor(s) attend the Maketu Anzac Day Service and lay a wreath not exceeding the value of \$..... on behalf of the Western Bay of Plenty District Council*
5. *THAT Councillor(s) attend the Katikati Anzac Day Service and lay a wreath not exceeding the value of \$..... on behalf of the Western Bay of Plenty District Council*
6. *THAT Councillor(s) attend the Omokoroa Anzac Day Service and lay a wreath in conjunction with the Omokoroa Community Board on behalf of the Western Bay of Plenty District Council*
7. *THAT Councillor(s) attend the Tauranga Anzac Day Service and lay a wreath not exceeding the value of \$..... on behalf of the Western Bay of Plenty District Council*



Garry Webber
Mayor

Remembrance Project and the Poppy Places Trust

They went off to war and many tragically died, the nation mourned and slowly commemorated them in various ways. All over New Zealand we have remembered them through the naming of streets and buildings, by the planting of trees, and through erecting individual monuments.

The Poppy is the most powerful and easily recognised symbol of both courage and sacrifice that we have as New Zealanders.

The Places of Remembrance project is about ensuring we never forget. It is about a place where our hero's contributions and their stories are linked to the physical via the simple placement of a poppy.

The genesis of the project is in knowing that many of our street names and places are directly related to people and events from overseas military history. And that this is often known to only a small and shrinking number of citizens.

By using the Poppy (an internationally known symbol) to mark these places, those that pass by will see the Poppy and be reminded every time of ANZAC.

The New Zealand Poppy Places Trust has been established to develop, promote, and oversee a nation-wide project to commemorate and recognise as part of the heritage of New Zealanders, the participation of New Zealand in military conflicts and military operational services overseas. The Places of Remembrance project will encourage all New Zealanders in local communities to:

- Identify places in New Zealand which have a link to our military involvement in a conflict or operational service overseas
- Research and record the history of these places on the poppyplaces.org.nz website
- Link the physical with the recorded history, by joining the community in an organised remembrance ceremony to educate and to forever mark the place/monument with a poppy

In addition the Poppy Places Trust will:

1. Generally promote the education and awareness of New Zealanders about our military history and heritage and the association with place names
2. Work with local, regional, and central government, the Royal New Zealand Returned and Services Association, New Zealand Defence Force, heritage genealogy and other organisations or community groups to advance the objectives of the trust
3. Establish and maintain a central repository of poppy Places as verified by the Trustees
4. Share the research and records for the benefit of the community and the national heritage of New Zealand

[Meet our Trustees](#)

The Places



While many New Zealanders have learned of Gallipoli, the Somme, and Passchendaele, how many of us know the story behind place names such as Messines Road? Seddul Bahr Road? Marne Road? Or the many other places such as the surviving oak trees planted outside the Tomoana Freezing Works dedicated to the 24 staff that lost their lives in World War II.