

# MEETING — AGENDA —

*Ngā Take*

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Western Bay of Plenty  
District Council

# COUNCIL

*Te Kaunihera*

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**C15**  
**Thursday, 17 May 2018**  
**Council Chambers**  
**Barkes Corner, Tauranga**  
**9.30am**



# Notice of Meeting No C15 Te Karere

## Council Te Kaunihera

Thursday, 17 May 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-Whareki 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. C15

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.

C15.1

## **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. WB12 of the Waihi Beach Community Board held on 23 April 2018*
- 2. Minute no. OM12 of the Omokoroa Community Board held on 24 April 2018*
- 3. Minute no. MC12 of the Maketu Community Board held on 1 May 2018*
- 4. Minute no. K12 of the Katikati Community Board held on 2 May 2018*
- 5. Minute no. TP12 of the Te Puke Community Board held on 3 May 2018*

C15.2

### **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. C14 of the Western Bay of Plenty District Council held on 5 April 2018*
7. *Minute no. RUR8 of the Rural Committee held on 10 April 2018*
8. *Minute no. PP11 of the Policy Committee held on 12 April 2018*
9. *Minute no. PP12 of the Policy Committee held on 2 May 2018*
10. *Minute no. CC10 of the Community Committee held on 26 April 2018*
11. *Minute no. OP11 of the Operations and Monitoring Committee held on 10 May 2018*
12. *Minute no. LTAP5 of the Long Term and Annual Plan Committee held on 15 May 2018*

C15.3

### **Minutes for Receipt**

Please refer to the minutes as circulated separately with this agenda.

#### **Recommendation**

*THAT the minutes of the following meetings as circulated separately with the agenda are received:*

13. *Minute no.CH2 of the Independent Commissioner Hearing held on 27 February 2018*
14. *Minute no. JG3 of the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee held on 18 April 2018*

C15.4

### **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 17 May 2018 as circulated separately with the agenda be received.*

- |        |  |       |
|--------|--|-------|
| C15.5  | <b>Recommendatory Report from the Katikati Community Board - Naming of the Katikati New Library and Community Space</b>  | 10-23 |
|        | Attached is a report from the Democracy Advisor dated 3 May 2018.  |       |
| C15.6  | <b>Recommendatory Report from the Katikati Community Board - Options to Change Unformed Thompsons Track Road to Recreation Reserve</b>   | 24-30 |
|        | Attached is a report from the Democracy Advisor dated 2 May 2018.  |       |
| C15.7  | <b>Recommendatory Report from the Long Term and Annual Plan Committee - Recommendation for Adoption of the 2018-2019 Dog Control and Health Act (Registered Premises) Fees and Charges</b> |       |
|        | The report to be circulated separately when available.   |       |
| C15.8  | <b>Application for Rates Remission - 10 Kowai Grove Omokoroa</b>   | 31-40 |
|        | Attached is a report from the Team Leader Financial Services dated 19 April 2018.  |       |
| C15.9  | <b>Road Stopping and Sale Report - Rea Road Katikati</b>   | 41-47 |
|        | Attached is a report from the Legal Property Officer dated 2 May 2018.   |       |
| C15.10 | <b>Road Stopping and Sale Report - Wilson Road South Paengaroa</b>   | 48-54 |
|        | Attached is a report from the Legal Property Officer dated 2 May 2018.   |       |
| C15.11 | <b>Chief Executive Officer's Report to Council - April 2018</b>  | 55-56 |
|        | Attached is a report from the Chief Executive Officer dated 4 May 2018.  |       |

Attached is a report from His Worship the Mayor dated 4 May 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*
- *Pre-Funding Proposal*
- *In Confidence Chief Executive Officer's Report – April 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:*

<b><i>General subject of each matter to be considered</i></b>	<b><i>Reason for passing this resolution in relation to each matter</i></b>	<b><i>Ground(s) under Section 48(1) for the passing of this resolution</i></b>
<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. Maintain legal professional privilege. Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence Pre-Funding Approval</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>



<b><i>General subject of each matter to be considered</i></b>	<b><i>Reason for passing this resolution in relation to each matter</i></b>	<b><i>Ground(s) under Section 48(1) for the passing of this resolution</i></b>
<i>In Confidence Chief Executive Officer's Report – April 2018</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>

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## Western Bay of Plenty District Council

### Council

## Recommendatory Report from the Katikati Community Board – Naming of the Katikati New Library and Community Space

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### 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 – 2 May 2018

#### K12.3.1 Naming of Katikati New Library and Community Space

At a meeting chaired by Mayor Webber in February and attended by Councillors Mackay, Marshall and Williams, Community Board Members Hobbs and Gibbs (Mayo and Warren were apologies) and Community Leaders Paula Gaelic, Steve Graveson and Jacqui Knight it was recommended that the name for the new Katikati Library and Community Hub be called The Centre. Subsequently, at a workshop held on 6 April 2018, the Community Board discussed additional naming options for the new facility and chose the Maori name that had already been successfully consulted with the community - Pūtuki Manawa. The Board felt this name met the Local Authority Responsibilities for Standards for New Zealand Public Libraries, was generally well received in the Facebook community engagement and was a good fit for the Katikati Town Centre. A copy of the summary – "Katikati Library and Community Hub - The Journey so far..." is attached for information.



**(Attachment A)****Resolved:**

1. *THAT the Katikati Community Board agree that the name of the new Katikati Library and Community Hub complex be 'The Centre' and confirm that the name 'Pātuki Manawa' (meaning the beating heart) be adopted for reference to new Library/Community Hub and Town Centre.*
2. *THAT the Katikati Community Board recommend to Council that Council formally adopt the name of the new Katikati Library and Community Hub complex as 'The Centre' and that the name 'Pātuki Manawa' (meaning the beating heart) be adopted for reference to new Library/Community Hub and Town Centre.*

**Staff Comments – Customer Relationships Manager**

Staff support the recommendation.

**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 as the naming of the new facility is mainly of interest to the western ward ratepayers and residents of the district only. The recognition of te reo within the name, and the potential increased level of interest as the building nears completion and opening is unlikely to change this assessment.

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## Recommendation

- 1. THAT Council formally adopt the name of the new Katikati Library and Community Hub complex as 'The Centre' and that the name 'Pūtuki Manawa' (meaning the beating heart) be adopted for reference to new Library/Community Hub and Town Centre.***
- 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**



# Katikati Library and Community Hub

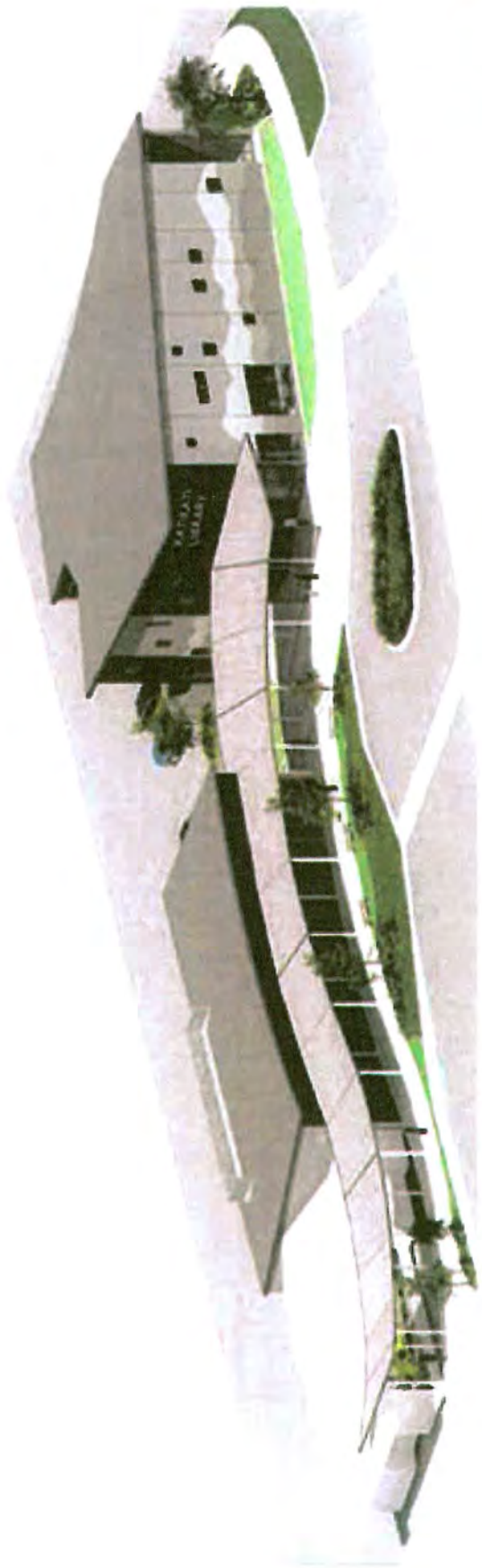
*- The journey so far ...*



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# 3D Developed Design



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# Town centre plan for Katikati







# Key milestones to 2016

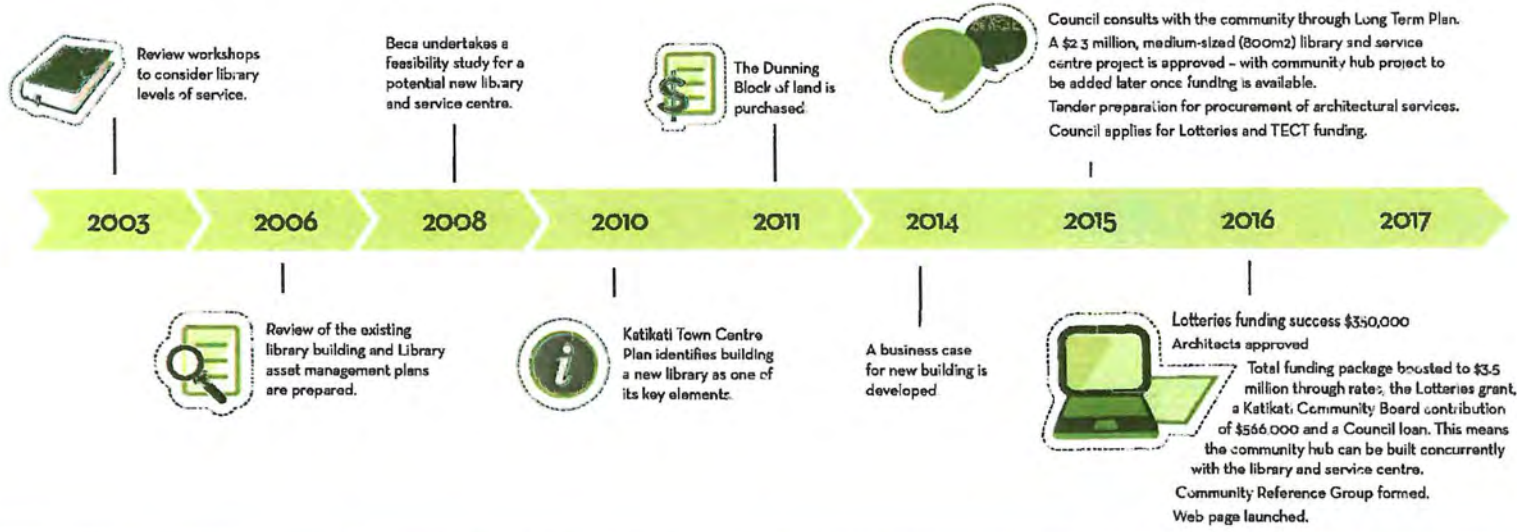


Planning for a new library and community hub for Katikati is underway and we've reached the point of determining how these community spaces will be used.

The new \$3.5 million development replaces the 'old' library and service centre on Main Street. It consists of an 800m<sup>2</sup> library and service centre and a 400m<sup>3</sup> community hub.

This is a project that's more than 13 years in the making.

## KEY MILESTONES TO MAY 2016:



### WHAT HAPPENS NOW:

- Public information meeting
- Online community discussion forums
- Community Reference Group meets regularly with project team to share community feedback.
- The architects use this information to help shape the building.
- Report goes to Council for approval through to construction phase.
- When approved by Council, the project will then go out for tender.
- Construction may begin by the end of the year and is expected to take about eight months.







# Where we are now

Katikati's new library and community hub is almost a reality.

In August the centre will open - combining an interactive library space, a service centre and a multi-use community hub.

Completion of the complex will provide the focus for a new town centre with linkages to the Western Bay Museum and the new arts centre (former library building) in the Main Street.

The centre gives Katikati a unique landmark focused on community learning, digital space and social interaction.

The new library and community hub builds on the town's literary and cultural past - continuing a 103-year journey from the original library building that opened in 1914. While the new complex builds on the past, it heralds a new era of learning and digital experience in a highly technological world.

The library and community hub straddles both worlds - giving the Katikati community a place where everyone can feel comfortable in the traditional library environment or explore new learning in digital online experience. More space means the building provides learning and interactive space for school children, students and migrant communities and older residents.

More space provides for meeting rooms for community groups and the potential for co-location of community services.

## Suggested Names

- The proposed name - Patuki Manawa - The Beating Heart signifying the chambers of the heart - the new library, the Western Bay Museum, the new creative arts (old library building) and the town centre.
- An alternative: Te Akatea (The Vine): This was suggested by Ben Wilson.

## Timeline

- 1879: Historical journey of library from a room in a house
- 1883: Move to Orange Hall, Macmillan Street
- 1914: Moved to Uretara Domain
- 1955: New Memorial Hall
- 1987: First dedicated library building was built on the reserve opposite the Memorial Hall where it has been until today
- 1996: Extension added for the Visitor Information Centre.
- 2017: Blessing and site works
- 2018: Current building concept plans and construction time line
  - Sod turning
  - Construction start
- 2018: Planned opening - new facility.



**Western Bay of Plenty**  
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# Facebook feedback - Pātuki Manawa

- Reach: 8,556
- Total interactions: 767



**Western Bay of Plenty District Council**

Published by Janelle Jeffcoat on 16 August at 15:42

'Pātuki Manawa' means the beating heart. Our hope for the new Library, Service Centre and Community Hub is for it to become the heart of Katikati. Use the reaction buttons below to let us know if you like this name, or comment with your own ideas!



8,556 people reached



[View Results](#)

134

31 Comments 25 Shares

[Like](#) [Comment](#) [Share](#)

**8,556** People Reached

**287** Reactions, comments & shares

**131**

[Like](#)

**32**

[Love](#)

**3**

[Wow](#)

**3**

[Sad](#)

**6**

[Angry](#)

**92**

[Comments](#)

**20**

[Shares](#)

**480** Post Clicks

**127**

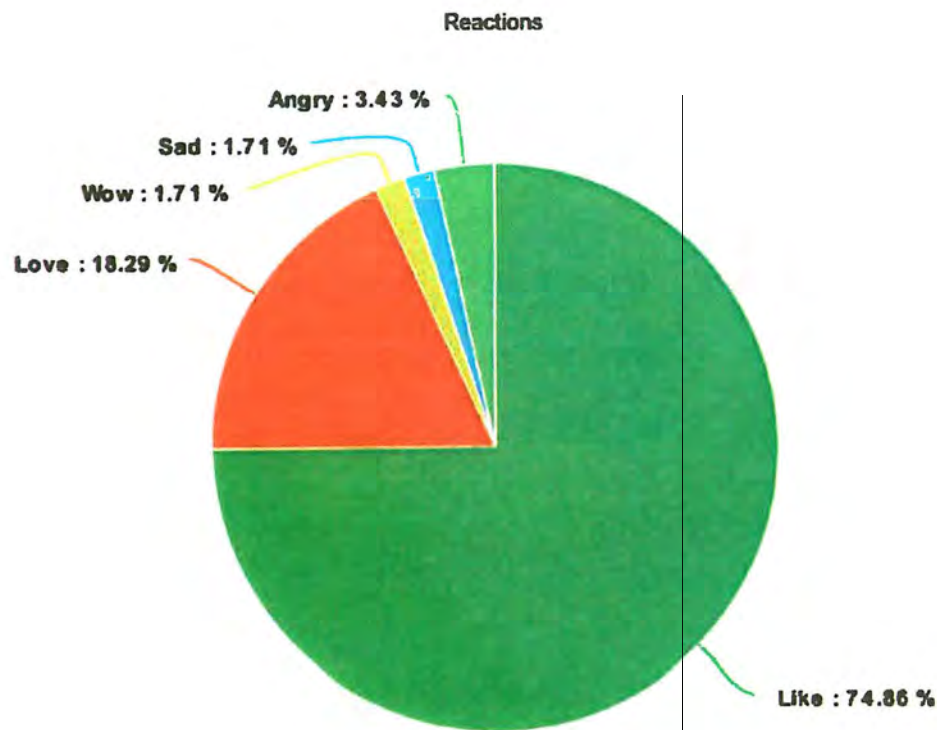
[Photo views](#)







# Facebook feedback - Pātuki Manawa



## Suggested Names:

- Centre Point x3
- Centre Place
- The Centre
- Community Centre
- The Hub
- Library McLibraryFace
- Katikati Library
- Library and Council
- Katikati Library with Patuki Manawa underneath



**Western Bay of Plenty**  
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# Standards for New Zealand Public Libraries: Māori Service Standards; Buildings

## Responsibilities - Local Authority

- To provide a library, which will serve the identified needs of the Māori community and
- which is efficient, flexible, attractive, functional, expandable and which is reflective of New Zealand's bicultural character.

## Responsibilities - Library Manager

- To provide signage in Te Reo Māori
- To consult with Māori on the library design and where appropriate, incorporate Māori learning styles
- To consider the use of Te Reo Māori in the naming of new library buildings
- To liaise with Māori groups regarding blessing protocols throughout the process of construction and opening.

## Performance indicators

- The building is regarded as welcoming and comfortable by Māori and non-Māori in the community
- All major signage is bilingual.

Christchurch City Council approved the name Tūranga, which was gifted by Te Ngāi Tūāhuriri Rūnanga and reflects the relationship with Whitireia, the traditional name for Cathedral Square. Te Matariki Clendon Library – was opened in 2005.



**Western Bay of Plenty**  
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# The rationale behind the brand

## - *Creating a visual identity*

To build goodwill towards the new library complex it needs to have its own unique identity.

The community should have a sense of pride and ownership towards the complex and that's unlikely to happen if it's visually depicted as a piece of Council infrastructure.

The brand should have the intent of moving the community forward, rather than paying tribute to the past, which often happens in smaller communities.

It should have strength and it must be in keeping with the current town themes (as for example Portraits of Our Place; Katikati Murals and Haiku Walkway).

The library/hub complex should be complimentary to them, or add more depth and dimension to the town's story.

The building can have a contemporary and creative approach to balance the rich, historical depictions so central to the town's identity. Elements of the visual identity:

- The logo and elements
- Definition of the colour palette and fonts
- The brand story and narrative as a promotional piece, suitable for print.
- Brand application – Environmental: signage and graphic elements of the structure and site
- Brand application – Communications: guide to printed collateral look and feel.



**Western Bay of Plenty**  
**District Council**





# Devicich design for the proposed name - PĀTUKI MANAWA



# Pātuki Manawa







# The build progresses





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## **Western Bay of Plenty District Council**

### **Recommendatory Report from the Katikati Community Board – Options to Change Unformed Thompsons Track to Recreation Reserve**

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#### **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 – 2 May 2018**

##### **K12.8 Options to Change Unformed Thompsons Track Road to Recreation Reserve**

The Board considered a report from the Legal Property Officer dated 5 April 2018 as circulated with the agenda.

At the Community Board meeting (K6 19 July 2017) the Board requested a report on the options relating to move a change in the designation from road to recreation reserve for a section of Council owned unformed road area of Thompsons Track which runs through the Kaimai-Mamaku Forest Park. **Attachment A**

A report was received by the Board outlining the process and statutory requirements to change the road to Recreation Reserve, as requested by the Katikati Community Board in their meeting of 19 July 2017.

The Board was advised of potential costs of a road stopping process. The Board was aware that consultation with Matamata Piako District Council, Department of Conservation and local Iwi would need to be undertaken as

part of the road stopping process. It was also noted that overall ownership of the stopped road would be retained by Council, should in the future, a change back to road reserve from recreation reserve be required.

The delegated authority to proceed with the Road stopping under the *Public Works Act 1981* process lies with Council's Chief Executive Officer.

**Resolved:** Councillor Mackay / Member Gibbs

1. *THAT the Legal Property Officer's report dated 5 April 2018 and titled Options to Change Unformed Thompsons Track Road to Recreation Reserve 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 the Katikati Community Board recommend to Council, that consideration be given to the commencement of the Road Stopping Process and the setting aside of that land for Reserve.*

#### **Staff Comments – Reserves and Facilities Officer**

Staff support the recommendation, but recommend that before undertaking any further action on the road stopping process, initial discussions be held with Matamata Piako District Council, the Department of Conservation and Tangata Whenua in order to ascertain their respective views on the proposal of stopping the road and turning it into reserve.

This proposal will raise a number of issues including public access, recreational use, amalgamation with the Kaimai-Mamaku Forest Park.

Initial discussion with key stakeholders should be undertaken before any consultation is undertaken with adjoining landowners and the public. The proposal has the potential to be controversial, therefore engaging with the key stakeholders as it is important to understand their position before engaging with adjoining landowners and the public.

The road stopping process will incur costs in addition to staff time. The fees the applicant pays for road stopping are as below:

- \$613.00 incl. GST application fee
- All associated costs
- Purchase price for the land.

For a normal road stopping, the associated costs are **estimated** to be approximately \$9,000.00. These associated costs cover surveyors fee, ministerial consent fee, LINZ, Valuers fees, advertising costs and solicitors fees. Due to the nature of the road (irregular shape, contour of the land, length to be stopped, area) it is likely that the surveyors fees alone could be closer to the \$20,000.00 mark. Fixed quotes will be required in order to gain a more accurate figure.

Undertaking the investigation and preliminary discussion will take some time and will need to be scheduled in with other work priorities.



## 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 medium significance because it effects an historical link between the Waikato and Bay of Plenty.

### Recommendation

- 1. THAT Council, give consideration to and approve the commencement of the Road Stopping Process for the Unformed Thompsons Track Road and the setting aside of that land for Reserve.***
- 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.***

  
Aileen Alty  
Democracy Advisor

## 1. Background

- 1.1 Council owns approximately 7 kilometres of Unformed Road – Thompsons Track Road adjacent to Section 7 Block IV Aongatete SD; Lot 1 DPS 64529; Crown Land Survey Office Plan 48402 and Part Section 8 Block IV Aongatete SD.
- 1.2 Thompsons Track crosses the Kaimai Ranges between Manawaru and Katikati. Approximately 6km of the track falls within the Matamata Piako District.
- 1.3 All adjacent blocks are vested in the Department of Conservation and form part of the Kaimai - Mamaku Forest Park.
- 1.4 The Unformed Road is popular with recreational users who utilise the Road for mountain biking, tramping and off-road vehicles and other activities. Council has no identified current or future need for the land as road.
- 1.5 The extensive use of off-road vehicles on the unformed road has left the road in a state of disrepair. It is thought that tighter controls around vehicle use in the area may improve the safety of all recreational users.

## 2. Legislation and Council Policy

- 2.1 Council may choose to progress the road stopping under the provisions of the *Public Works Act 1981* or under the *Local Government Act 1974*. Both legislative processes are set out as follows.
- 2.2 Section 116(1) of the *Public Works Act 1981* provides that the Minister may, by notice in the Gazette, declare any road or part of to be stopped. As per LINZS1502 (Standard for Stopping or Resumption of Road), Council may request that the Minister uses the provisions of the *Public Works Act* to stop road.
- 2.3 Section 116(2) of the *Public Works Act* states that a declaration shall not be made unless at least 10 working days' prior notice has been given to every territorial authority whose district adjoins the road. Further, the written consent of adjoining land owners, who will not be left with adequate road access, needs to be obtained.
- 2.4 The *Public Works Act* provides for disposal of land that is no longer required for public works. These provisions are not thought to apply due to the intention to create a reserve as a public work.
- 2.5 Section 52(4) allows for Council to request in writing to the Minister that land held by Council (not being road), that is required for a public work, be declared to be set apart for that other local work. Every request shall contain particulars of the land that is affected, the work for which it is held, and the work for which it is proposed to set the land apart.



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- 2.6 Pursuant to section 342 of the *Local Government Act 1974* Council may stop - in the manner provided for in Schedule 10 - any road, or part of, in the District. Prior consent from the Minister of Lands is required if the road is in a rural area.
- 2.7 The Council may either sell or lease the stopped road to the adjoining land owner (Section 345, *Local Government Act 1974*). If no such owner is willing to purchase or lease the land then Council may apply that land to any purpose which Council may apply land such as Reserve.
- 2.8 Schedule 10 requires extensive consultation with the public and other affected parties, this is set out in part at 4.2. If any objection is received the Council must decide whether to uphold the objection.
- 2.9 If any objection is not upheld, Council must send the objections together with the plans and a full description of the proposed alterations to the Environment Court. The Environment Court will consider all materials including the District Plan and confirm, modify or reverse the decision of Council.
- 2.10 Should Council proceed, and are successful in changing the Road to Reserve, Council will be able to apply its *Reserves and Facilities Bylaw 2012* which allows for restrictions of vehicles in Reserves.

### 3. Other Considerations

- 3.1 Council will be required to provide an approved survey plan to accompany and road stopping proposal. Council will need to pay for the approved survey and any other associated costs.

### 4. Consultation and Communication

- 4.1 Public Works Act 1981  
If the Road Stopping is to be carried out in accordance with the Public Works Act 1981, no public notification or consultation would be required.

The Matamata Piako District Council would need to be notified as a Territorial Authority whose district adjoins part of the land proposed to be stopped.

The Department of Conservation, being the adjoining land owner, would need to give written consent to the stopping as adequate road access would not be provided to all of their adjoining land parcels. The Department of Conversation may request that the stopped road be amalgamated into the Kaimai- Mamaku Forest Park.

- 4.2 Local Government Act 1974  
Road Stopping under the provisions of the *Local Government Act 1974* requires significant consultation with both the adjoining land owners and the general public.

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Council would be required to have a plan of the proposed stopping approved by the Chief Surveyor and:

*"open the plan for public inspection at the office of the council, and the council shall at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plan may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof."*


- Schedule 10, Local Government Act 1974

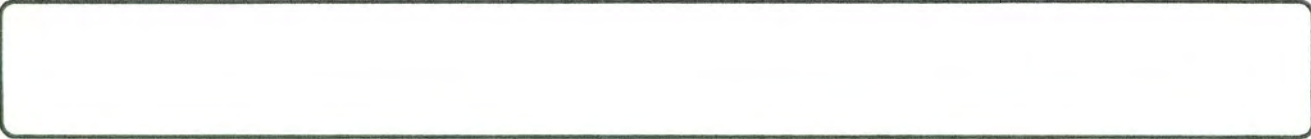
Council would further be required to place a notice, of the proposed stoppage, in a conspicuous place at each end of the road. The notice must remain in place from the first public notification and the expiration of the last day for lodging objections.





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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.

Date: 05/04/2018  
Operator:  
A4 Scale 1: 25,000  
 1,250 Meters





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**Western Bay of Plenty District Council****Council****Application for Rates Remission  
10 Kowai Grove, Omokoroa**

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**Purpose**

The purpose of this report is for Council to consider the application for remission of rates that has been received from Michelle Wijlens on behalf of her brother-in-law Rhys Bradford.

**Recommendation**

- 1. THAT the Team Leader Financial Services report dated 19 April 2018 and titled "Application for Rates Remission - 10 Kowai Grove, Omokoroa" 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 application from Michelle Wijlens on behalf of Rhys Bradford for full remission of annual rates for the year 2017/2018 on valuation number 06881 484 00, 10 Kowai Grove, Omokoroa**

**OR**

- 4. THAT Council approves a ... % rates remission following the application from Michelle Wijlens on behalf of Rhys Bradford for full remission of annual rates for the year 2017/2018 on valuation number 06881 484 00, 10 Kowai Grove, Omokoroa.**

**OR**

- 5. THAT Council declines the application from Michelle Wijlens on behalf of Rhys Bradford for full remission of annual rates for the year 2017/2018 on valuation number 06881 484 00, 10 Kowai Grove, Omokoroa**

**AND**



Date  
Subject

19 April 2018  
Application for Rates Remission – 10 Kowai Grove, Omokoroa

Open Session

**6. THAT staff be directed to advise the applicant of the Council's decision on the application for remission of annual rates for the year 2017/2018 on valuation number 06881 484 00, 10 Kowai Grove, Omokoroa.**

  
Brenda Cottle  
Team Leader Financial Services

Approved

  
Kumaren Perumal  
Chief Financial Officer

## 1. Background

An application for remission of rates (**Attachment A**) has been received by Michelle Wijlens on behalf of her brother-in-law, Rhys Bradford for consideration under Council's Rates Remission for Natural Disasters and Emergencies Policy. Under Section 3 of this Policy applications for rates remission will be considered and approved or declined by a full meeting of Council.

The applicant for rates remission is required to be made annually as circumstances in relation to the property may change over time.

A copy of Council's Rates Remission for Natural Disasters and Emergencies Policy, adopted for the Annual Plan 2017-18 is included for information. (**Attachment B**).

Council was informed by the owner that the property at 10 Kowai Grove, Omokoroa, legal description Lot 27 DPS 4797 BLK IV Tauranga SD is the subject of a submission to the Earthquake Commission following a landslip at the property on 6 April 2017.

The property was occupied by the owners, however the dwelling has now been deemed unsafe for occupation and services have been disconnected. The house is now vacant and a submission has been made to the Earthquake Commission.

Annual charges for the 2017/2018 year are comprised of Uniform Annual General Charge, sewer and water connection charges; being \$3,774.39 for 2017/18 for this section and dwelling with a valuation of \$715,000 as at 1 July 2016 (**Attachment C**).

## 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;

- All ratepayers will be affected if the Rates Remission Application is approved, although the direct costs to ratepayers will be low



- The financial impact to the rate payers is dependent upon whether rates remission is granted and, if so, in what amount. A 100% rates remission would be \$3,774.39 and absorbed across the whole District
- A decision by Council to grant a rates remission of up to 100% would be in accordance with its Council's Rates Remission for Natural Disasters and Emergencies Policy. This policy protects the future interests of the community. By approving the application shows Council as being fair and equitable to the applicant and similarly placed ratepayers
- There would be a low level of community interest in the subject. Only those ratepayers placed in a similar situation would be interested in the outcome of the application.

### 3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Rhys Bradford	Rhys Bradford will be advised accordingly.
Internal Staff	The Team Leader Financial Services and Finance Manager are to be advised of and action Council's decisions.

### 4. Issues and Options Assessment

Option A	
<b>THAT Council approves the application from Michelle Wijlens on behalf of Rhys Bradford for full remission of annual rates for the year 2017/2018 on valuation number 06881 484 00, 10 Kowai Grove, Omokoroa.</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p><b>Disadvantage</b> The costs would be absorbed by existing ratepayers.</p> <p><b>Advantage</b> Approving the application would demonstrate that Council is being seen to be fair and equitable to the applicant and similarly placed ratepayers, as the property is not currently suitable for construction.</p>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<p>The rates not recovered from the applicant would be recoverable across the District.</p> <p>A decision by Council to grant a rates remission of up to 100% would be in accordance with its Rates Remission Policy — natural disasters and emergencies.</p>

<b>Option B</b>	
<b>THAT Council approves a ... % rates remission following the application from Michelle Wijlens on behalf of Rhys Bradford for full remission of annual rates for the year 2017/2018 on valuation number 06881 484 00, 10 Kowai Grove, Omokoroa.</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p><b>Disadvantage</b> The costs would be absorbed by existing ratepayers.</p> <p><b>Advantage</b> Approving the application would demonstrate that Council is being seen to be fair and equitable to the applicant and similarly placed ratepayers, as the property is not currently suitable for construction.</p>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<p>A percentage of the rates not recovered from the applicant would be recoverable across the District.</p> <p>A decision by Council to grant a rates remission of up to 100% would be in accordance with its Rates Remission Policy — natural disasters and emergencies.</p>
<b>Option C</b>	
<b>Status Quo</b>	
<b>THAT Council declines the application from Michelle Wijlens on behalf of Rhys Bradford for full remission of annual rates for the year 2017/2018 on valuation number 06881 484 00, 10 Kowai Grove, Omokoroa.</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p><b>Advantage</b> No impact on existing ratepayers. Business as usual.</p> <p><b>Disadvantage</b> Declining the application would not demonstrate Council's approach to be being fair and equitable to all ratepayers in a similarly place situation.</p>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<p>No direct costs for district ratepayers. However, Rhys Bradford will incur rates for a property that currently cannot be used or lived in. Although a decision by Council to decline the request for a rates remission would be in accordance with its Rates Remission Policy — natural disasters and emergencies.</p>

## 5. Statutory Compliance

The recommendations in this report comply with legislation and Council's Rates Remission Policy.



**6. Funding/Budget Implications**

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
	The financial impact is dependent upon whether rates remission is granted and, if so, in what amount.

**From:** Michelle Wijlens <[michelleandkirk@hotmail.com](mailto:michelleandkirk@hotmail.com)>

**Date:** Monday, 16 Apr 2018, 9:29 PM

**To:** Todd Muller <[todd.muller@national.org.nz](mailto:todd.muller@national.org.nz)>

**Subject:** Omokoroa Slip 7.4.17 and the ongoing fight.

My name is Michelle and I am Rhys Bradfords sister in law. In April 2017 Rhys had half of this property disappear in a slip in Omokoroa.

Rhys is getting nowhere with the EQC or his insurance company, and is wearing down fast so I'm sending you this in the hope that the injustice he is suffering can be rectified. The thing with this, is it could happen to anyone. Rhys has always paid his rates on time, insurance on time and tax on time, year after year.

These are the facts.

Saturday 7/4/17 my brother in law (Rhys Bradford RB) went outside and found a large slip, of approximately 4500 cubic metres of which 10% belongs to him and the rest belongs to the council. Council have refused to do anything to fix their area, using technical terms like "natural erosion" instead of the word Slip and they will not do anything to repair their land because they are uninsured. Without them repairing their land, Rhys cannot repair his land, with the settlement the EQC want to give him. (\$600K short of the actual cost to repair Council land so I can then repair mine).

To add insult to injury, when the council finally said the house was unsafe, and Rhys (and all of us) thought, thank goodness, now he will get insurance because his house is unable to be lived in, his nightmare continued.

The insurance said because the house is fine, and undamaged, they will not pay out, and as of 1st October 2017, should there be an additional slip which causes the house to be damaged, which is inevitable, he is uninsured. The council have said he has until September to demolish the house as it is now classed as an unsafe building, or he faces prosecution, and the council will employ someone to demolish it, and send him the bill. The bank is still expecting him to pay a mortgage, and the council are still sending him a bill for rates.

All this from someone who has always paid his insurance, always paid his rates, always paid his taxes. The scary thing is, this could happen to ANYONE in NZ under the current EQC system we have.

We need to make sure that those who do the right thing, can expect the right thing to be done by them, and this is clearly not happening here.

Rhys is 59 (60 in September when he has to demolish his house or face prosecution), and is about to loose 40 years of hard work through no fault of his own. Just because it's legal doesn't make it just, and I feel this should not be allowed, and we need to legislate so it doesn't happen to anyone else, and Rhys is compensated for the amount he was insured for. Not much to ask for really.



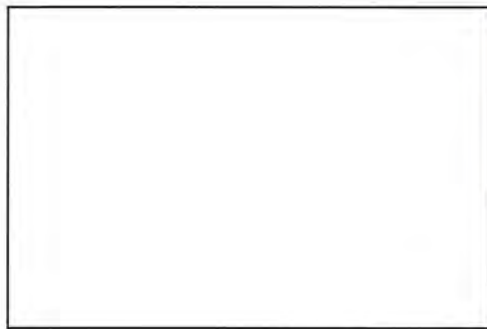
The people of NZ need to know this could to them. If all their land around them is damaged, and the house is still standing undamaged, they are uninsured and the house can be deemed unsafe and unliveable, and they are still uninsured.

Can you guys help.

His number is 02772222149. Please give him some suggestions. He doesn't have millions of dollars to sue the council or his insurance company.

The following is a link to drone footage of Omokoroa. Rhys' property is at 2.43 to the end.

<https://sunlive.co.nz/news/151972-drone-footage-of-omokoroa-slip.html>



[SunLive - Drone footage  
of Omokoroa slip](https://sunlive.co.nz/news/151972-drone-footage-of-omokoroa-slip.html)

[sunlive.co.nz](https://sunlive.co.nz)

Drone footage of Omokoroa slip

Thanks for reading  
Michelle  
0275589455

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**Rates remission for natural disasters and emergencies**

**1. POLICY OBJECTIVE**

To provide remissions on land that has been subject to a natural disaster or emergency that renders the dwelling uninhabitable for an extended period of time, or has significant long term effect on the productive use of land.

**2. GENERAL APPROACH**

This policy is to provide for the possibility of rates remission where a form of natural or other type of disaster or emergency affects one or more rating units' capacity to be inhabited, used or otherwise occupied for an extended period of time.

**3. POLICY CRITERIA AND CONDITIONS**

The Council may, on written application from the ratepayer of rating units affected by a natural disaster or emergency, remit up to 100% of annual rates levied where:

- A dwelling is rendered uninhabitable by a natural disaster or event; and/or
- There is a significant long term effect on the productive use of Rural, Commercial or Industrial zoned land.

At its sole discretion, Council will determine on a case by case basis whether a specific event constitutes a 'natural disaster or emergency' for the purposes of applying this policy. Each application will be considered on its merits and remission up to 100% may be granted where it is considered just and equitable to do so.

Applications may be declined if there is evidence to suggest the applicant's actions or inactions contributed to the circumstances under which the application is being made.

At Council's sole discretion, it may consider voiding the need for an application and grant remission for any rating unit or group of rating units collectively affected by a natural disaster or emergency.

**Dwellings**

Remissions will generally be granted for a period of 90 days in relation to uninhabitable dwellings. Council may extend the period of remission if the applicant can demonstrate that the dwelling remains uninhabitable, such as classification under section 124 of the Building Act 2004.

**Productive land**

Where the applicant perceives that there has been a significant long term effect on the productive use of Rural, Commercial or Industrial zoned land as a direct consequence of a natural disaster or emergency, they may apply to Council for remission. The application will need to include sufficient information to quantify the grounds for remission.

If Council is satisfied that there has been a significant long term effect as a result of a natural disaster or emergency, then a special valuation will be obtained and the property rated on that basis going forward, for time period determined at Council's sole discretion.

**4. POLICY PROCEDURES**

- Applications must be made in writing by 30 June each year to be considered for remission for the following year's rates.
- Where an application for a dwelling is approved by Council, the rating unit concerned will become non-rateable for the specific rating year, or a time period determined at Council's sole discretion.
- Decisions under this policy will be delegated to officers in accordance with Council's delegations register.





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## Western Bay of Plenty District Council

### Council

## Road Stopping and Sale Report – Rea Road, Katikati

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### Purpose

Council owns an unformed section of road adjacent to Lot 41 DPS 438769, Section 91 and Section 98 Block VIII Katikati SD and shown as Section 1 and Section 2 on Survey Office(SO) Plan 515896 as on **Attachment A**. Council does not have a requirement for the unformed road.

The adjoining landowner (“the applicant”) has approached Council with a view to having the area of unformed road stopped and amalgamated with their land. The unformed road is to add land area to four new titles that are to be created through subdivision of their current property.

The Department of Conservation is the owner of the adjacent blocks Section 91 and Section 98 Block VIII Katikati SD.

In order to complete this matter, Council is now required to pass the necessary resolutions pursuant to Section 342 and Schedule 10 of Local Government Act 1974, to enable the stopping and sale of unformed road in accordance with Council’s policy.

### Recommendation

- 1. THAT, the Legal Property Officer’s report dated 2 May 2018 and titled Road Stopping and Sale Report – Rea Road, Katikati 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 pursuant to Section 342 of the Local Government Act 1974, Council commences the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road adjacent to Lot 41 DPS 438769.**
- 4. THAT Council will seek the prior consent of the Minister of Lands to the stopping of the area of unformed road Section 1 and 2 SO 515896.**
- 5. THAT if no objections to the road stopping are received within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 and the consent of the Minister of Lands is obtained then the Council declares that the section unformed road Section 1 and 2 SO 515896 to be stopped.**



- 6. ***THAT, providing the road stopping is successful; Council approves the disposal of Section 2 SO 515896 unformed road to the owner of Lot 41 DPS 438769. Council approves the purchase price of Section 2 SO 515896 unformed road to the applicant to be negotiated by the Strategic Property Manager.***
- 7. ***THAT, providing the road stopping is successful; Council approves the disposal and donation of Section 1 SO 515896 to the Department of Conservation to be amalgamated with Section 91 Block VIII Katikati SD owned by Department of Conservation.***
- 8. ***THAT, providing the road stopping is successful; Council approves the disposal of Section 1 SO 515896 to be amalgamated with Section 91 Block VIII Katikati SD and the purchase price of the land is to be paid by the applicant.***
- 8. ***THAT all necessary legal, valuation, and survey costs involved in the transfer of the land be payable by the applicants.***

.....  
Greer Golding  
**Legal Property Officer**

.....  
Jim Paterson  
**Transportation Manager**

.....  
Blaise Williams  
**Strategic Property Manager**

Approved:

.....  
Gary Allis  
**Deputy Chief Executive**

## 1. Background

- 1.1 Council owns a section of unformed road at the end of Rea Road adjacent to three blocks of land. Two of which are owned by Department of Conservation and the other owned by the applicant Seventy Three Limited.
- 1.2 The applicants have approached Council with a view to having Section 2 SO 515896 of the unformed road stopped and amalgamated with the view they will add area to four new titles to be created through subdivision of Lot 41 DPS 438769.
- 1.3 The over width section of unformed road is currently maintained by the applicants part of their farm and the Department of Conservation as part of their forest.
- 1.4 Council does not have a requirement for the land.
- 1.5 Council are unable to stop and sell Section 2 SO 515896 without stopping and disposing of Section 1 SO 515896.
- 1.6 The Department of Conservation have given conditional written consent for Section 1 SO 515896 to be amalgamated with Section 91 Block VIII Katikati SD. The condition being the amalgamation will be at no cost.
- 1.7 Access to the Department of Conservation land will still be available as shown on in on **Attachment A**.
- 1.8 If the unformed road is to be stopped, it may not be sold to any other person apart from the adjoining landowners.
- 1.9 Advertising of the intent to stop the road is required in terms of Schedule 10 of the LGA 1974. The intent to stop the road was advertised in three ways:
  - i. In the Katikati Advertiser and the Bay of Plenty Times.
  - ii. The intent to stop the road will be published on Council's website.
  - iii. There are two A3 signs outlining the intent to stop the road to be erected.

## 2. Significance and Engagement

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because this area of unformed road that is not required by Council and Council does not have any record of it being used by anyone other than the adjoining landowners. The adjoining landowners are in agreement that the road be stopped and sold.



### 3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Name of interested parties/groups	1. Owner of Lot 41 DPS 438769 ("The Applicant"). 2. Department of Conservation
Tangata Whenua	Consultation not required under the LGA 1974.
General Public	The proposed stopping will be advertised under Local Government Act 1974 and there will be a statutory period for objections. The occupiers and owners of all the land adjoining the road proposed to be stopped shall be served a notice regarding the road stopping in accordance with Clause of 2 Schedule 10 Local Government Act 1974.

- 3b. In accordance with Clause 2 Schedule 10 Local Government Act 1974, the plan (once it has been approved by the Chief Surveyor) will be open for public inspection at the Western Bay of Plenty District Council and the Council will give public notice in the local newspaper the "Katikati Advertiser" of the proposals and of the place where the plan can be inspected. The notice will call upon people that object to the road being stopped to send their objections in writing at the office of the Western Bay of Plenty District Council on or before the date specified in the notice.

In accordance with Clause 3 of Schedule 10 Local Government Act 1974, there will be a notice placed at the end of Rea Road and by the section of unformed road to be stopped for the period from the first publication of the notice and expiration of the last day of lodging objections.

### 4. Issues and Options Assessment

Option A	
<i>That pursuant to Section 342 of the Local Government Act 1974, Council commences the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area Section 1 and Section 2 SO 515896 of unformed road adjacent to Lot 41 DPS 438769.</i>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<b>Advantages:</b> <ul style="list-style-type: none"> <li>• An area of unused road is stopped and sold, generating income for Council.</li> <li>• Rates will become payable on the areas of stopped road once it is amalgamated with the newly created titles.</li> <li>• There will still be access to Department of Conservation land from the end of Rea Road even if Section 1 and Section 2 of SO 515896 are stopped.</li> </ul>

	<p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>The area of land will become unavailable to the public; however the public does not currently use the land as it is being used as part of the adjoin land owner’s farm and Department of Conservation.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b></p>	<p>If Council wish to donate Section 1 SO 515896 to the department of conservation there will be no income derived from the purchase of the road.</p> <p>There will be no other costs to Council.</p>
<p><b>Other implications</b></p>	
<p><b>Option B</b> <b>Status Quo</b></p> <p><b>Section 1 and Section 2 SO 515896 will remain as unformed road and therefore remain under ownership of the Western Bay of Plenty District Council.</b></p>	
<p><b>Assessment of option for advantages and disadvantages taking a sustainable approach</b></p>	<p>Council will still own the land.</p>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b></p>	<p>Potential cost of maintenance.</p> <p>Council will not generate income from the sale of the unformed road or the subdivision that is due to be completed by the applicants.</p>
<p><b>Other implications</b></p>	

## 5. Statutory Compliance

The recommendations contained in this report meet the legislative requirements in terms of Schedule 10 of the Local Government Act 1974. The recommendations do not affect any current Council plans / bylaws or policies.

<p><b>Strategic Area</b></p>	<p>Managing Growth (See Roading Network Control Manual Section 1.14 Parts 1 &amp; 2).</p>
<p><b>Strategic Outcomes</b></p>	<p>To manage in a way that is lawful, consistent, and gives consideration to all relevant management plans.</p>
<p><b>Strategies</b></p>	<p>To ensure all stopping and disposal of roads are carried out within the legal framework and in compliance with the District Plan framework and policies so no opportunities are lost for future alternative land users.</p>



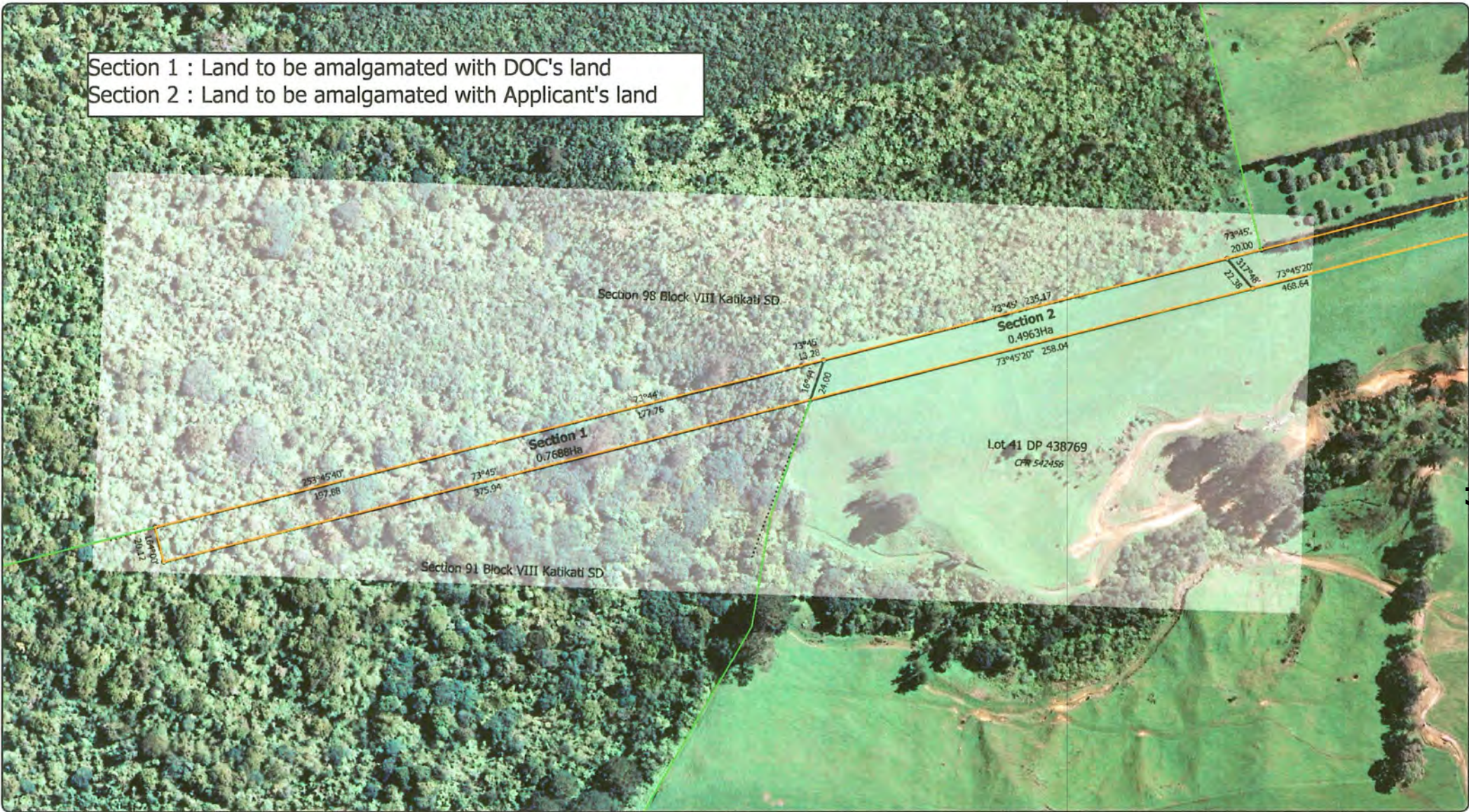
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## 6. Funding/Budget Implications

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
	None.

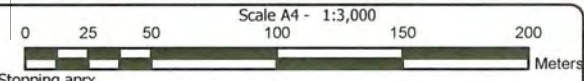


Section 1 : Land to be amalgamated with DOC's land  
Section 2 : Land to be amalgamated with Applicant's land



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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.

Email: gis@westernbay.govt.nz  
Date: 5/4/2018  
Operator: mlb  
Map: E:\Shape\MLB\2018\Projects\Rea Road - Proposed Road Stopping.aprx



REA ROAD  
PROPOSED ROAD STOPPING





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## Western Bay of Plenty District Council

### Council

## Road Stopping and Sale Report – Wilson Road South, Paengaroa

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### Purpose

Council owns an unformed section of road adjacent to 44 and 46 Wilson Road South, Paengaroa. This is outlined in yellow in the plan in **Attachment A**. Council does not have a requirement for the unformed road.

There are four adjoining landowners to the section of unformed road. There are two affected landowners who would require a right of way easement for the area outlined in blue on **Attachment A**. The access of the other two adjoining landowners would not be affected by a road stopping as they have legal road frontage to Wilson Road South and Conway Road.

In order to complete this matter, Council is now required to pass the necessary resolutions pursuant to Section 342 and Schedule 10 of Local Government Act 1974 (LGA), to enable the stopping and sale of unformed road in accordance with Council's policy.

### Recommendation

- 1. THAT the Legal Property Officer's report dated 2 May 2018 and titled Road Stopping and Sale Report – Wilson Road South, Paengaroa 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 pursuant to Section 342 of the Local Government Act 1974, Council continues the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road outlined in yellow on Attachment A.**
- 5. THAT a right of way easement be granted over the stopped area of road in favour of the landowners at 46A and 46B Wilson Road South**
- 6. THAT if no objections to the road stopping are received within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 then the Council declares that the road adjacent to 44 and 46 Wilson Road is stopped.**

- 7. THAT an easement in gross be granted over the stopped area of road in favour of PowerCo outlined in red on Attachment A.**
- 8. THAT provided the Road Stopping process is successful, Council approves the development and sale of the unformed road once a fee simple title is issued.**

Greer Golding  
**Legal Property Officer**

Blaise Williams  
**Strategic Property Manager**

Jim Paterson  
**Transportation Manager**

Approved:

Gary Allis  
**Deputy Chief Executive**



## 1. Background

- 1.1 Council owns a section of unformed road adjacent to 44 and 46 Wilson Road South outlined in yellow at the map on **Attachment A**. The area of the land is approximately 2023 square metres, a survey is yet to be completed.
- 1.2 The width section of the unformed road is currently maintained by the adjoining landowners as part of their lawn. The area of unformed road is often being used as a dumping site for rubbish.
- 1.3 Council does not have a requirement for the land.
- 1.4 If the unformed road is to be stopped a new title will be created and vest in Council as fee simple. The title will include a Right of Way to serve 46A and 46B Wilson Road South and will be the correct width to be able to serve up to three lots should it be required. The proposed right of way is outlined in the map at **Attachment A** in blue.
- 1.5 PowerCo have requested to obtain an easement for Right to Convey Electricity in gross this area is outlined in red in the map at **Attachment A**.
- 1.6 If Council decides to proceed to build on the land once the road is stopped the stormwater pipe will need to be removed from the middle of the road and realigned in a more appropriate place. As shown in green on the map at **Attachment A**.
- 1.7 Advertising of the intent to stop the road is required in terms of Schedule 10 of the LGA 1974. The intent to stop the road was advertised in three ways:
  - i. In the Te Puke Times and the Bay of Plenty Times.
  - ii. The intent to stop the road will be published on Council's website.
  - iii. There are two A3 signs outlining the intent to stop the road to be erected.
- 1.8 The Strategic Property Manager and Legal Property Officer are to engage with any potential objectors and see if their concerns can be resolved.
- 1.9 A preliminary valuation of the land was obtained on 5 October 2016. It was for two sections; the first being 1011 square meters noting the adjacent easement of 150 square meters was valued for \$230,000.00 (including GST). The second being 1012 square meters noting the adjacent easement of 150 square meters was valued at \$220,000.00 (including GST).
  - i. Note this valuation is dated 18 months ago and does take into account the PowerCo easement .

## 2. Significance and Engagement

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because this is a small area of unformed road that is not required by Council and Council does not have any record of it being used by anyone other than the adjoining landowners.

## 3. Engagement, Consultation and Communication

3a.

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Name of interested parties/groups	Four adjoining landowners: <ol style="list-style-type: none"> <li>1. 46A and 46B Wilson Road South               <ul style="list-style-type: none"> <li>- Right of way to be provided for their access.</li> </ul> </li> <li>2. 44 Wilson Road South and 85 Conway Road               <ul style="list-style-type: none"> <li>- Access is not affected.</li> </ul> </li> </ol>
Tangata Whenua	Consultation not required under the LGA 1974.
General Public	The proposed road stopping is being advertised under the LGA 1974 and there will be a statutory period for objections.

3b. In accordance with Clause 2 Schedule 10 Local Government Act 1974, the plan is open for public inspection at the Western Bay of Plenty District Council. Council have given public notice in the local newspaper the "Katikati Advertiser" and "Bay of Plenty Times" of the proposals and of the place where the plan can be inspected. The notice calls upon people that object to the road being stopped to send their objections in writing at the office of the Western Bay of Plenty District Council on or before the date specified in the notice.

In accordance with Clause 3 of Schedule 10 Local Government Act 1974, there is a notice placed at either end of area of Wilson Road South between 44 and 46 Wilson Road South for the period from the first publication of the notice and expiration of the last day of lodging objections.



#### 4. Issues and Options Assessment

<b>Option A</b>	
<i>That pursuant to Section 342 of the Local Government Act 1974, Council consents to the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road outlined in yellow.</i>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p><b>Advantages:</b></p> <ul style="list-style-type: none"> <li>• An area of road that is stopped and a new title is created for Council to develop and to generate revenue for the district.</li> <li>• If developed there will be no more dumping of rubbish and therefore reducing recovery costs.</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• The area of land will become unavailable to the public; however, the public does not currently use the land. The adjoining landowners use it but their interests are provided for.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<p>In the short term, Council will have to maintain the area and provide funds for developing the land.</p> <p>In the long term when Council is able, to sell the piece of land that will generate revenue.</p>
<b>Option B</b>	
<b>Status Quo</b>	
<i>The land will remain as an unformed road.</i>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• The land is currently being maintained at no cost to Council.</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• The land will remain and road and be utilised by the one adjoining landowner that uses it for access.</li> <li>• Council are unable to develop the land.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	No costs to Council.

## 5. Statutory Compliance

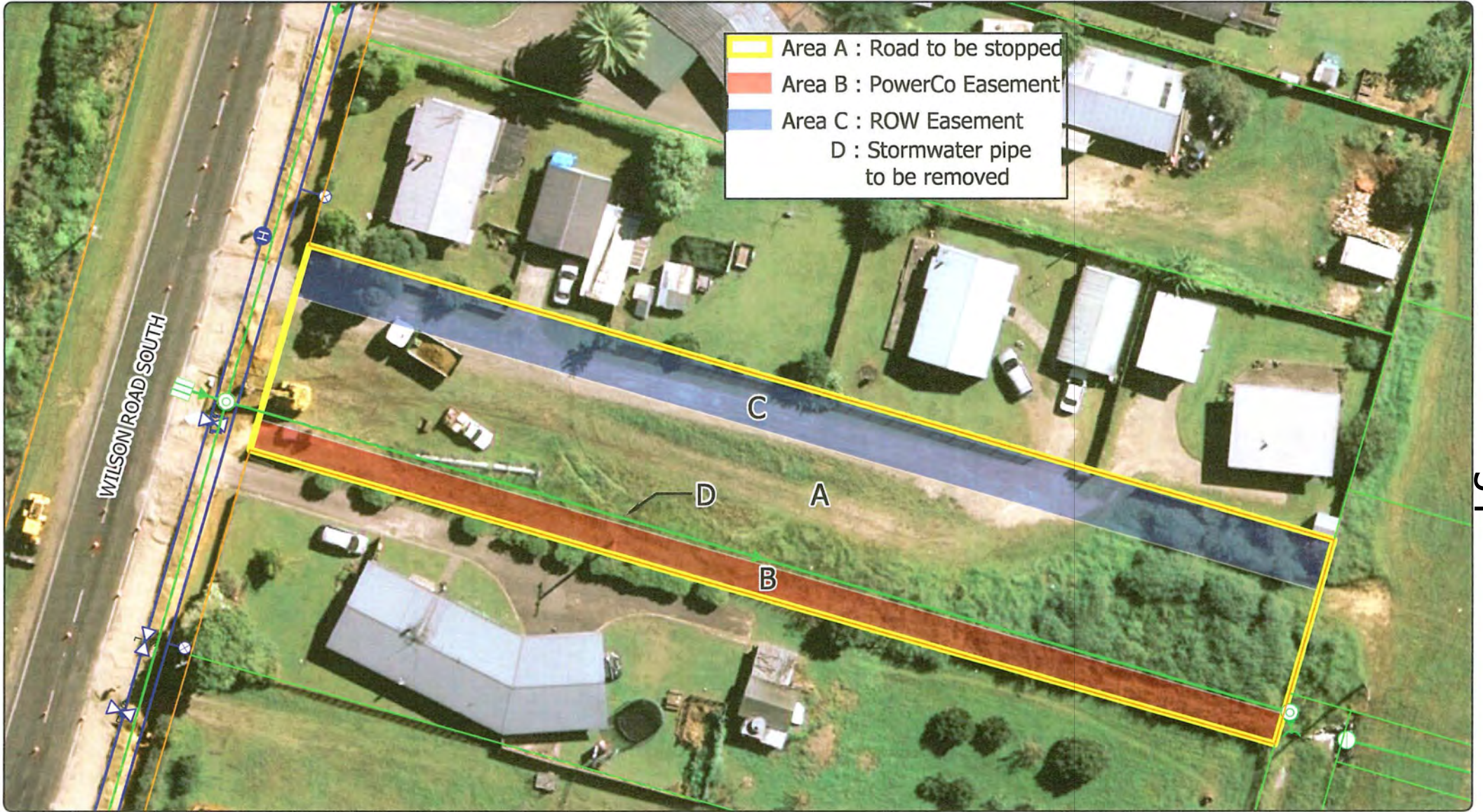
The recommendations contained in this report meet the legislative requirements in terms of Schedule 10 of the Local Government Act 1974. The recommendations do not affect any current Council plans / bylaws or policies.

<b>Strategic Area</b>	Managing Growth (See Rooding Network Control Manual Section 1.14 Parts 1 & 2).
<b>Strategic Outcomes</b>	To manage growth in a way that is lawful, consistent, and gives consideration to all relevant management plans.
<b>Strategies</b>	To ensure all stopping and disposal of roads are carried out within the legal framework and in compliance with the District Plan framework and policies so no opportunities are lost for future alternative land users.

## 6. Funding/Budget Implications

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
<b>Strategic Property Cost centre</b>	Funding exists to finalise the road stopping process and obtain fee simple title. Additional funding will be required if Council chooses to develop the property. If they obtain the necessary consents for additional lots.

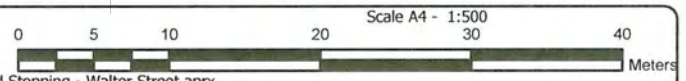




- Area A : Road to be stopped
- Area B : PowerCo Easement
- Area C : ROW Easement
- D : Stormwater pipe to be removed

Produced using ArcMap by the Western Bay of Plenty District Council GIS Team. Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522. Location of services is indicative only. Council accepts no liability for any error. Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 5/4/2018  
 Operator: mlb  
 Map: E:\Shape\MLB\2018\Projects\Proposed Road Stopping - Walter Street.aprx



**PROPOSED ROAD STOPPING  
WALTER STREET  
PAENGAROA**





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## Western Bay of Plenty District Council

### Council

## Chief Executive Officers Report – April 2018

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### 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

- Update from SmartGrowth on Transport Initiative
- LGCOG November 2018

#### 1.4. Infrastructure Services

- Nothing to report

#### 1.5. Financial Services

- Update on Development Contributions
- Financial update



**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 04 May 2018 and titled "Chief Executive Officers Report" – April 2018 be received.***



Miriam Taris  
Chief Executive Officer

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## Western Bay of Plenty District Council

### Council

## Mayor's Report to Council – April 2018

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### 1. Independent Chair for Regulatory and District Plan Hearings

I have decided to step aside as the Chair for Resource Consent and District Plan Hearings. As you will be aware these positions require specific qualifications under the Making good decisions programme, and there are no other Councillors qualified to take the Chair positions currently. I am suggesting an amendment to the current Council governance structure to allow for the appointment, when required, of an appropriately qualified independent Commissioner to Chair all Resource Consent and District Plan Hearings. The current qualified Councillors would continue to sit on the Committees with the only difference being that the Chair would be selected from the following list (already endorsed by Council) on each occasion:

Alan Withy	Planning, Chair endorsement
Antoine Coffin	Cultural, heritage, Chair endorsement
Bill Wasley	Planning, Chair endorsement
Cherie Lane	Planning, Chair endorsement
David Hill	Planning, Chair endorsement
Greg Hill	Planning, Chair endorsement
Murray Kivell	Planning, Chair endorsement
Russell De Luca	Planning, Chair endorsement

I will continue to Chair any Regulatory Committee meetings which do not involve resource consent hearings.

### 2. Meetings with Politicians

In the past month I have met with Jan Tinetti MP, Angie Warren-Clark MP, Tamati Coffey MP and Minister Phyl Twyford (Minister of Transportation) and Associate Minister Julie Anne Genter. I will speak about these discussions.

### 3. Request for Support Review of Maori Representation and Climate Change – Remits to LGNZ AGM 2018

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

### 4. ICMA Leaders at the Core of Better Communities

I will speak on this in more detail at the meeting. (See attachment B)

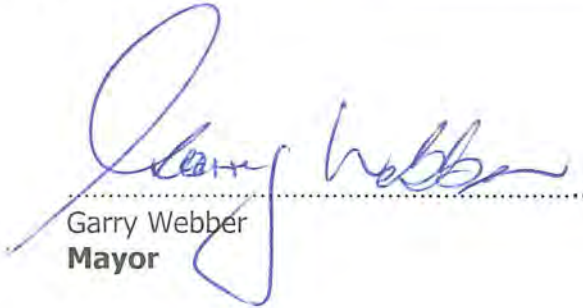


**5. Mayoral Car Replacement**

Speak at meeting

**Recommendation**

- 1. THAT the Mayor's Report to Council for April 2018 be received.**
- 2. THAT the Regulatory Hearings Committee and District Plan Committee terms of reference be amended to show that any hearings conducted under the Resource Management Act by those committees will be Chaired through the appointment of an independent commissioner appointed in accordance with current Council policy.**



Garry Webber  
**Mayor**

13 April 2018

His Worship Mayor Garry Webber  
 Western Bay Of Plenty District Council  
 Email: [Garry.Webber@westernbay.govt.nz](mailto:Garry.Webber@westernbay.govt.nz)

Dear Mayor Webber

**Remit to LGNZ AGM – Review of Māori Representation**

At a meeting held 4 April 2018, Horowhenua District Council (HDC) endorsed a remit to LGNZ regarding a review of the Local Electoral Act 2001 (LEA) in relation to Māori Representation. The move to propose a remit to the LGNZ Annual General Meeting came about whilst undertaking the Representation Review in relation to Māori Representation in November 2017. Horowhenua District Council currently does not have a Māori seat/ward and did not move to introduce a Māori seat or ward for the 2019 election, but did however feel that a consistent approach across the country as opposed to each council making decisions on this, could better serve Māori and the principles of Te Tiriti o Waitangi.

HDC is aware that on 22 March 2018 LGNZ President, Dave Cull sent a letter to Rt Hon Jacinda Ardern, Rt Hon Winston Peters and Hon James Shaw as leaders of the coalition, seeking support to remove the poll provision for Maori seats/wards, in the LEA. HDC fully supports this stance and in addition would like to see a review of the current provisions in the LEA to ensure fair and equitable representation for Māori.

As you will be aware, the LGNZ remit process requires formal support from at least one zone or sector group meeting, or five councils, prior to being submitted. HDC is currently seeking the support of five councils.

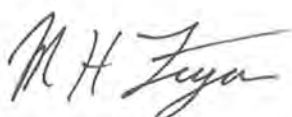
We are writing to seek your Council's endorsement of HDC's remit which is attached for your perusal.

As this remit is required to be lodged with LGNZ by **5:00pm Monday 21 May**, we ask that your council:

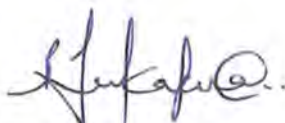
- Provide an early indication of support/non-support (if supported whilst gaining endorsement of your Council)  
*And if supported;*
- Provide a letter of support by 5:00pm Thursday 17 May

We would like to thank you for taking the time to consider our request and look forward to your response. Responses can be sent to [arohapa@horowhenua.govt.nz](mailto:arohapa@horowhenua.govt.nz).

Yours sincerely



Michael Feyen  
 District Mayor



Piri-Hira Tukapua  
 Councillor



## Annual General Meeting 2018

## Remit application

<b>Council Proposing Remit:</b>	Horowhenua District Council
<b>Contact Name:</b>	Cr Piri-Hira Tukapua
<b>Phone:</b>	027 529 4883
<b>Email:</b>	<a href="mailto:cr.piri-hira.tukapua@horowhenua.govt.nz">cr.piri-hira.tukapua@horowhenua.govt.nz</a>
<b>Fax:</b>	nil
<b>Remit passed by:</b> (Zone/Sector meeting and/or list five councils as per policy)	Council support to be confirmed.
<b>Remit:</b>	
THAT LGNZ lobbies Central Government to review the Local Electoral Act 2001 (the Act) with regard to Māori Wards and Māori Constituencies, with a view to providing an innovative solution to enable fair and equitable Māori representation in local government.	

**Nature of the issue:**

Currently, territorial authorities can resolve that a district be divided into one (1) or more Māori wards for electoral purposes. Further, if a territorial authority resolves to introduce a Māori ward, once publicly notified, the public has the right to demand a poll on whether the district should be divided into one or more Māori wards.

This poll is binding and of note is that these poll provisions only apply to the establishment of Māori wards. This is discriminatory to Māori and inconsistent with the principles of Te Tiriti o Waitangi.

**Background to its being raised:**

Horowhenua District Council is currently undergoing the six yearly Representation Review.

Discussions regarding Māori representation led to a view that individual territorial authorities should not necessarily be tasked with deciding whether or not to establish a Māori ward.

Rather, there should be consistency throughout the country such as with Māori Electorates for General Elections which are a special category of electorate that gives reserved positions to representatives of Māori in Parliament. Every area in New Zealand is covered by both a general and a Māori electorate of which there are currently seven Māori electorates.

Amendments were made to the Local Electorate Act in 2001 with the intention of increasing Māori representation within local authorities, the intent has not been successful. Since the changes were made to the Act, there has been two Māori wards established – Waikato Regional Council and Wairoa District Council. Further to this, five councils have recently resolved to establish Māori wards and are all facing a binding poll which could overturn the

decision of each council.

Therefore, a review of the Local Electoral Act 2001 should determine a consistent approach throughout the country that is fair and equitable to Māori and consistent with the principles of Te Tiriti o Waitangi.

**New or confirming existing policy:**

Existing Act.

**How the issue relates to objectives in the current Work Programme:**

N/A

**What work or action on the issue has been done on it, and the outcome:**

Horowhenua District Council is aware that on 22 March 2018 LGNZ President, Dave Cull sent a letter to Rt Hon Jacinda Ardern, Rt Hon Winston Peters and Hon James Shaw as leaders of the coalition, seeking support to remove the poll for Māori ward provision in the Local Electoral Act 2001. Horowhenua District Council fully supports this letter.

**Any existing relevant legislation, policy or practice:**

Local Electoral Act 2001.

**Outcome of any prior discussion at a Zone or Sector meeting:**

This has not been discussed at a Zone Three meeting.

**Evidence of support from Zone/Sector meeting or five councils:**

To be confirmed.

**Suggested course of action envisaged:**

LGNZ lobby Central Government to review the Local Electoral Act 2001 in regard to Maori Representation.



## REMIT FROM GREATER WELLINGTON REGIONAL COUNCIL ON CLIMATE CHANGE TO LGNZ 2018 AGM

### Background information and research

#### 1. Nature of the Issue

Climate change has been described as “a slow motion disaster that will change our lives, the economy, and our planet for ever”. The previous Parliamentary Commissioner for the Environment Dr Jan Wright said that climate change is “by far New Zealand’s worst environmental problem”. The effects of climate change are already being felt globally and in New Zealand through: increased frequency of extreme weather events including storms, cyclones, tornadoes and droughts; wildfires; and rising sea levels.

Climate Change will have major impacts on areas of responsibility of local government. Over the next few decades, tens of thousands of New Zealanders will be displaced from their homes by threatened inundation by rising sea levels. Local government has the responsibility to manage, at regional, city and district levels, land use planning including requirements for coastal protection or managed retreat to ensure future residential and business development and infrastructure is located away from areas that will be inundated. Local government therefore has a very high interest in measures being taken to reduce emissions of greenhouse gases, in accordance with NZ’s commitments under the Paris Agreement of 12 December 2015, and subsequent commitments by the Government.

#### 2. Background to its being raised

Greater Wellington Regional Council has recently updated its Treasury Risk Management Policy and has included a section:

**“5.3 Investments in fossil fuels** The Council has a policy to divest from any direct investment in fossil fuel extraction industries and investigate existing non direct investment, with a view to preventing future investment where practical”.

The Council’s Treasurer has taken the opportunity to advise banks of this policy as part of Council’s on-going commitment to reducing carbon emissions and promoting this to the wider community. It has also advised the banks that as part of its on-going due diligence into this matter, it will continue to monitor the banks it transacts with to ascertain what they are doing to assist with reducing and discouraging the on-going use and investment in fossil fuel industries.

#### 3. New or confirming existing policy

Local Government recognises, as stated in the Local Government Position Statement on Climate Change, 2017, and the Local Government Leaders’ Climate Change Declaration, 2017, that we must act on climate change now to avoid future risk. Local authorities have accepted that they are at the frontline of climate change adaptation and have a role to play in mitigation, and that their responsibilities will grow in addressing climate change as both anticipated and unforeseen problems are revealed. Local government has a strong interest in the impacts of climate change and what can be done to mitigate those impacts.

Support for this remit will reinforce the Local Government Leaders’ Climate Change Declaration 2017, which included: “A clear and consistent pathway toward a low carbon and resilient future needs to provide certainty for successive governments,

businesses and communities to enable transformative decisions and investments to be made over time”.

#### 4. How the issue relates to objectives in the current Work Programme

LGNZ has climate change as a project in its Work Programme. This remit relates to the following objectives of the project:

- *Climate Change Action*: “Actions to reduce emissions”
- *A Collaborative Approach*: “A collaborative and joint response to climate change, including a clear pathway to a low carbon economy”
- *Key work streams*: “Mitigating the impacts of climate change”
- *Supporting work*: “The sector will contribute to the Productivity Commission’s inquiry into NZ’s transition to a low-emissions economy”.

#### 5. What work or action on the issue has been done on it, and the outcome

On 19 October 2016, the NZ\$30 billion NZ Super Fund announced changes to become more resilient to climate change investment risk under a new strategy announced by the Guardians of New Zealand Superannuation.

*CEO Adrian Orr said climate change was a material investment issue with risks for long-horizon investors. “In coming years the global energy system will transition away from fossil fuels. Some assets we invest in today may become uneconomic, made obsolete or face a dwindling market.”*

*“Climate change, and the coming transition to a low-carbon energy system, also present investment opportunities for long-term investors that we intend to capture”. Mr Orr said the strategy represented a significant and fundamental shift for the NZ Super Fund.*

The New Zealand Super Fund has set an example for banks and other investment fund managers. The effect of this remit will be to reinforce to major banks the strategic importance and benefits of a shift of investments away from fossil fuel industries and towards long-term investments in low- or zero-carbon energy systems.

The banks that Council deals with have a range of appetites in terms of dealing with climate change issues, with them all formally acknowledging the issues of climate change.

The four Australian banks that Council deals with all have exposures in the billions of dollars to the coal mining sector. They all have some statement on environmental/climate/sustainability on their websites and in their financial statements. They all support the position on climate change and the need to reduce greenhouse gases.

Westpac is a leader having been recognised as the world’s most sustainable bank in 2016 for the ninth time and has a focus on energy efficient lending, and is the only bank to publish its exposures to both the fossil fuel and clean tech/environmental service sectors.

Kiwibank has little or no exposure to direct lending to fossil fuel industries as its focus is primarily on residential lending. They provide sustainable energy loans and their guiding principles espouse an ethical approach to their products and services.



The LGFA, while not having a formal policy on climate change, is presently considering one as part of its work programme. They have no investments in fossil fuel industries.

#### **6. Any existing relevant legislation, policy or practice**

The current Government announced shortly after it took office in November 2017 that it will introduce a Zero Carbon Bill with the objective of NZ becoming a net zero-emissions economy by 2050. It will also establish an independent Climate Commission to set five-yearly carbon budgets and a Green Investment Fund to direct investment towards low-emission industries.

This remit could make an important contribution to assisting the Government to meet the objective of a net zero-emissions economy by 2050, by encouraging banks to divest from investments in fossil fuel industries and instead direct investment to low- or zero-carbon energy systems.

#### **7. Outcome of any prior discussion at a Zone/Sector meeting**

The proposal for this Remit was discussed at the first Greater Wellington Region Climate Change Working Group meeting on Friday 16 March 2018, which included representatives of all 9 councils within the Greater Wellington Region. There was strong support for the remit from the councils. The next Zone 4 Meeting is not until after the deadline for submission of remits for the 2018 AGM of LGNZ, so it was agreed that Greater Wellington Regional Council will send the proposed remit to all councils within Zone 4 seeking their support. *(Note: this paragraph will be updated once replies have been received from all councils and before the date for submission of 21 May 2018)*

#### **8. Evidence of support from Zone/Sector meeting or five councils**

*(Note: this paragraph will be updated once replies have been received from all councils and before the date for submission of 21 May 2018)*

#### **9. Suggested course of action envisaged**

The following action is envisaged, if this remit is passed:

- The President of LGNZ will write to the NZ Local Government Funding Agency, and all major banks in NZ which manage investment funds on behalf of local authorities, to advocate that they transition away from investments in fossil fuel industries and consider opportunities for long term investments in low- or zero-carbon energy systems.

**Annual General Meeting 2018****Remit application**

<b>Council Proposing Remit:</b>	Greater Wellington Regional Council
<b>Contact Name:</b>	Dr Roger Blakeley
<b>Phone:</b>	021 229 6928
<b>Email:</b>	Roger.Blakeley@gw.govt.nz
<b>Fax:</b>	
<b>Remit passed by:</b> (Zone/Sector meeting and/or list five councils as per policy)	To be added
<b>Remit:</b> Greater Wellington Regional Council asks that LGNZ, consistent with the Local	
Government Position Statement on Climate Change 2017 and the Local Government	
Leaders' Climate Change Declaration 2017, advocate to all major banks that	
they transition away from investments in fossil fuel industries, and consider	
opportunities for long-term investments in low- or zero-carbon energy systems.	



# Local Government Excellence Deserves a Prestigious Award

by James Lynn and Craig Rapp

Local governments often struggle to define a single best approach for managing diverse operations, and even when they do pick one, they frequently have trouble sticking with it. As a result, managers often hear “Not another initiative!” or “Our employees don’t understand our strategic plan,” or “What’s most important around here?” or “How do these measures link with our results?”

The Malcolm Baldrige National Quality Program is a model for organizational effectiveness that has answered these and many other organizational questions for some 20 years. Private companies, health care, and educational systems have all benefited from the adoption of this dynamic model of organizational effectiveness. Beginning in 2007, nonprofits, including local governments, are eligible to participate in this program of quality and excellence.

## What Is the Baldrige Program?

The national quality award was created by Public Law 100–107 in August 1987. Established at a time when great concerns existed about U.S. competitiveness abroad, the program sought to raise awareness about the importance of quality and organizational performance. At the time, many American businesses either did not believe quality mattered or did not know where to begin. The Baldrige award was envisioned as a standard of excellence that would help U.S. companies achieve world-class quality.

The award is named for Malcolm Baldrige, who served as the U.S. secretary of commerce from 1981 until his tragic death in a rodeo accident in 1987. His commitment to managerial excellence contributed to long-term improvement in the efficiency and effectiveness of government.

This award is not given for specific products or services but for demonstrated performance. Awards can be given in five categories: manufacturing, service, small business, education, and health care. Starting in 2007, nonprofit organizations, including charities and government agencies, can also apply for the award.

The application process is rigorous and thorough. Applicants submit up to 50 pages of details showing processes, improvements, and results in the seven areas of leadership, customers and markets, workforce focus, measurement, process management, strategic planning, and results. Each applicant receives more than 400 hours of review by an independent board of business, education, and health care experts, as well as a detailed report citing strengths and opportunities for improvement. Since 1988, 71 awards have been made.

The purposes of the award are to promote quality awareness, to recognize quality achievements of U.S. companies, and to publicize and share successful quality strategies. The criteria are designed to help organizations use an aligned approach to organizational performance management that delivers ever-improving value to customers, contributes to market success, improves overall organizational effectiveness and capabilities, and provides organizational and personal learning.

A significant number of organizations use the seven Baldrige criteria to perform self-assessments and drive continuous improvement efforts although they never apply for the award. This occurs because the Baldrige criteria are not just another performance improvement initiative; instead, they are a comprehensive road map for managing an enterprise. Figure 1 shows the seven criteria and how they interrelate.

### Figure 1. Baldrige Criteria for Performance Excellence



The first three criteria—leadership, strategic planning, and customer and market focus—drive the model. Measures provide the scorecard. Workforce focus and process management make up the two work core criteria, all yielding results, which is the seventh criterion.

Organizations that commit to a Baldrige process thrive and prosper. Numerous studies of past award winners over extended periods of time have verified that Baldrige companies consistently yield improved business results. They become quality organizations that customers return to and where employees stay. By adherence to the model, Baldrige organizations deliver high quality and get real results.

You don't have to be large or wealthy to get these results. Delivering quality with limited resources is possible by systematically following the Baldrige approach. A program can be started with a minimal but consistent commitment. In a small organization, the management team typically chooses seven people to champion the seven criteria, and they meet monthly to learn how the criteria interrelate to achieve results.

Larger organizations, while difficult to generalize, often form teams around each of the criteria so that perhaps 40 to 60 staff members get involved and are trained on the criteria and pursue the Baldrige model. For the most part, size and budget are less important than commitment and follow-through.

### Baldrige and Local Government – Isn't This a Private Sector Program?

Although the Baldrige program began as a way for American business to compete more effectively around the world, the framework was developed to promote quality and excellence, not simply to drive profits. The seven criteria form a set of values and core concepts that any organization—public or private—can use to its advantage.

Public school systems, colleges, health care organizations, and numerous service businesses have won Baldrige awards. There is no reason to believe that cities and counties would not benefit from the framework and the rigor associated with the process. In fact, it is probably more accurate to say that local government has a lot of catching up to do if it wishes to be compared with the best Baldrige organizations, regardless of sector.

Baldrige for government can work because the seven criteria are built on a set of interrelated core concepts and values that promote organizational excellence. Here are brief descriptions of the core values and concepts that underpin the Baldrige model.

**Visionary leadership.** The management team should serve as role models through ethical behavior and personal involvement in coaching and developing future leaders. Both strategy and customer/citizen goals need to be aligned. Commitment and initiative are built throughout the organization.



**Customer-driven excellence.** Customer- or citizen-driven excellence is a strategic concept. It is devoted to obtaining and retaining citizen support as well as maximizing competitive position. It is critical to understand and develop citizen-focused outcomes.

**Organizational and personal learning.** Learning results in a more satisfied and versatile employees who stay with the organization. Bright, innovative employees provide a distinct advantage in meeting the needs of the community.

**Valuing employees and partners.** An organization's success depends increasingly on the diverse backgrounds, knowledge, skills, creativity, and motivation of all its employees and partners, including both paid staff and volunteers.

**Agility.** A capacity for rapid change and flexibility is a key to success. Organizations face ever-shorter cycles for introducing new or improved programs and services as well for meeting expectations to deliver them more rapidly.

**Focus on the future.** Creating a sustainable organization requires understanding the short- and long-term factors that affect the organization and its environment. Developing employees and partners along with creating opportunities for innovation are key concerns.

**Managing for innovation.** Making meaningful change improves your services, programs, processes, and operations to create new value for the organization's stakeholders. Innovation builds on the accumulated knowledge of your organization and staff.

**Management by fact.** An effective administrative management system depends on the measurement and analysis of performance. If you can't measure it, you can't manage it. Selecting key performance measures and indicators is critical.

**Social responsibility.** An organization's leaders should stress responsibilities to the public, ethical behavior, and the need to foster improved communities. Organizations should not only meet regulatory requirements, but treat those requirements as opportunities for improvement beyond mere compliance.

**Focus on results and creating value.** An organization's performance measures need to focus on key results. Results should be used to create and balance value for your key stakeholders—customers, staff, the community, vendors, partners, and the general public.

**Systems perspective.** The Baldrige criteria provide a systems perspective for managing your organization and its key processes to achieve results in the form of performance excellence. The seven Baldrige categories and the core values form the building blocks and the integrating mechanism for the system. Successful management of overall performance requires organization-specific synthesis, alignment, and integration.

## **Baldrige and ICMA**

As the premier leadership organization for local government worldwide, ICMA has a unique responsibility to identify, evaluate, and promote good management concepts on behalf of its members and their organizations. The Malcolm Baldrige National Quality Program provides compelling evidence that it is a solid framework for organizational excellence.

Many leading-edge local governments across the United States are beginning to work with the Baldrige program. Two of the early success stories are highlighted in this article. ICMA has worked diligently over the years to identify best practices in local government management. An example of this is the 18 core content areas for effective management. These practice areas are

used by managers to guide their personal development plans and organizational strategies and are the basis of ICMA's credentialed managers program.

Because ICMA members have both a personal and organizational stake in carrying out the 18 core content areas, Figure 2 links the seven Baldrige criteria with the 18 practice areas identified by ICMA and shows the relationships between the seven Baldrige criteria and the 18 ICMA practice areas that relate to these criteria. Note that some practice areas deal with more than one criterion. The 18 core areas can be found at [icma.org](http://icma.org) (search under "ICMA University" and click on "management practices").

### **Figure 2. Links Between the Baldrige Criteria and ICMA Core Practice Areas**

Managers use 18 core content or practice areas to guide their personal development plans, and these are the basis of ICMA's credentialed managers program. Here are the relationships between the seven Baldrige criteria and the 18 ICMA practice areas (practice areas are shown in green, used here only for effect). The core areas can be found at [icma.org](http://icma.org) (search under "ICMA University" and click on "management practices").

#### **1. Leadership**

- 1. Staff effectiveness
- 2. Policy facilitation
- 6. Initiating, risk taking, vision, creativity, and innovation
- 8. Democratic advocacy and citizen participation
- 9. Diversity

#### **2. Strategic planning**

- 13. Strategic planning

#### **3. Customer and market focus**

- 4. Citizen service
- 8. Democratic advocacy and citizen participation
- 9. Diversity

#### **4. Measurement, analysis, and knowledge management**

- 5. Performance measurement/management and quality assurance
- 7. Technology literacy

#### **5. Workforce focus**

- 9. Diversity
- 12. Human resources management

#### **6. Process management**

- 3. Functional and operational expertise and planning
- 5. Performance measurement/management and quality assurance

#### **7. Results**

- 10. Budgeting
- 11. Financial analysis



## Five Reasons to Choose Baldrige as a Performance Management Framework

Why should a city or county consider the Baldrige model when evaluating systems for managing its enterprise? Consider these reasons:

- 1. It's nonprescriptive.** The criteria for performance excellence provides a framework for performance without specifying the methodology. If you are using the Balanced Scorecard, or doing Six Sigma or Lean Thinking, great! Baldrige assessments are concerned only with how effectively you are using and deploying them. The Baldrige model does not prescribe a preferred method for achieving performance on any criterion.
- 2. It's a comprehensive system.** The seven criteria cover every aspect of an effective management system: leadership, strategy, customers/citizens, measures, employees, processes, and results. Built around cycles of learning, the criteria are an integrated set of basic values, requirements, and processes that form a de facto definition of performance excellence.
- 3. It's about performance, not techniques.** The criteria focus on common requirements rather than procedures, tools, or techniques. An organization must show through facts and data that it has a world-class management system in place and that it is continually looking for ways to improve.
- 4. You'll uncover opportunities and build consensus.** A Baldrige process is not a test against a standard: it reveals strengths and opportunities, yielding a program for improvement. By establishing a shared view of the current reality, the assessment process also creates a consensus regarding what needs to be done to improve. Once identified, the organization can focus on what is most important to success.
- 5. It's the best practice.** The seven criteria are the leading edge of validated management practices. This model is not an academic theory about what might work in an organization. The Malcolm Baldrige award criteria have been tested for 20 years, and thousands of organizations have benefited from applying the criteria to their enterprise.

### Coral Springs, Florida, in National Baldrige Spotlight

At the forefront of local governments who are using the Baldrige model to pursue organizational excellence is the city of Coral Springs, Florida. For more than 14 years, Coral Springs has been focused on quality improvements, as well as learning about and using the Baldrige model as a way to improve its effectiveness.

Already a two-time winner of Florida's Sterling Award (the state's equivalent of the Baldrige award), Coral Springs has now achieved national notoriety as one of only two applicants in the Malcolm Baldrige National Quality Award nonprofit pilot program to receive a site visit. In October 2006, a team of examiners from the Baldrige program analyzed the city's processes and how they compare with the criteria for the Malcolm Baldrige National Quality Award.

In 2006, the first year that nonprofit organizations and governments were allowed to submit applications, Coral Springs was one of 10 eligible applicants.

Because this is a pilot project for Baldrige, no awards were made for the 2006 applicants.

Coral Springs, however, is no stranger to the intense scrutiny of the Baldrige examination process. As part of the Sterling Award process in Florida, the city had to submit a 50-page application that was scored against the seven Baldrige categories. This was followed by two rounds of site visits from a team of six to eight examiners. The examiners evaluated, probed, interviewed, and thoroughly examined the city's processes. Upon completion, they submitted a detailed written feedback report highlighting key strengths and opportunities for improvement for future organizational planning.

City staff believe that they benefited significantly from their experiences with the Sterling process and that many of their processes—from performance measurement to strategic planning—have improved. As part of its commitment to high-quality measurement, Coral Springs participates in ICMA's Center for Performance Measurement.

One of the most important lessons for Coral Springs has been that simpler has been better. Staff members have dramatically streamlined the performance measurement process, tracking fewer but higher-quality indicators. The strategic plan and business plan are short, easy-to-read documents. Even the budget has become lighter and more user friendly.

Feedback, continuous improvement, and Baldrige site visits have given the city objective insights into how well it is performing, and they have enabled the staff to further improve the city's processes. "We use these programs to constantly sharpen our skills in customer service, process management, and data analysis," said City Manager Michael Levinson. In May, the city applied for the 2007 National Baldrige Award. Nonprofits are no longer a pilot program and are now eligible for the award.

"We're proving that local government can compete with the private sector in achieving high customer satisfaction by delivering quality services at low cost," said Mayor Scott Brook.

Source: "Our Quality Initiative," from the Coral Springs, Florida, Web site at [www.coralsprings.org](http://www.coralsprings.org).

### **Using the Baldrige Process to Enhance County Management**

Dakota County, Minnesota, has long had a reputation for local government innovation and effectiveness, and it has the awards to prove it. But at the time of the county's 2006 leadership retreat, little did County Administrator Brandt Richardson realize what effect a presentation would have on the county's reputation for excellence.

At the retreat, James Lynn, the retreat facilitator and coauthor of this article, led the county's executive team through an orientation on the Baldrige model for quality. The purpose of the overview was to determine whether this model might be a way for Dakota County to take its organization "to the next level." This



presentation made an impression on Richardson, and within months the county began its Baldrige journey.

In Minnesota, as in many states, a state award program recognizes organizations at several achievement levels, based on how they rate against Baldrige management criteria. The program is run by the Minnesota Council for Quality, one of the leading state quality programs in the country.

To prepare for the Baldrige journey, Dakota County opted for a process known as the Baldrige Express. Under this approach, the organization submits to a rigorous review that covers all seven areas of Baldrige: leadership; strategic planning; customer focus; measurement, analysis, and knowledge management; workforce focus; process management, and results.

Baldrige Express in the county had several components, including detailed feedback from a survey of 225 managers and employees; 165 people completed the survey in December 2006. That survey resulted in 450 pages of feedback, including 300 pages of open-ended comments.

A three-day visit in April 2007 by six Baldrige examiners from the Minnesota Council for Quality was the next step in the evaluation process. The purpose was to verify the results of the survey and evaluate the county's management systems. During the visit, examiners met with more than 140 employees at 10 county facilities, and they reviewed more than 150 pieces of documentation. They attended scheduled meetings and, in addition, held a few impromptu meetings and informal walk-arounds.

Upon completion, the examiners presented their findings to the county's senior management team and other key leaders. The report noted strengths like leadership, strategic development and deployment, customer focus, organizational focus, and process improvement.

Early suggestions for improvement to keep the county on a path of excellence included the need for more systematic, fact-based evaluation and improvements; more consistent and systematic methods for determining customer satisfaction; and the need to more broadly apply and deploy some key processes, like the balanced scorecard, so that information collected could be used more effectively to support decision making.

For its efforts, Dakota County was honored as one of eight recipients of the 2006 Minnesota Quality Award; it was the first county ever to receive the award in Minnesota. To celebrate the recognition, Richardson met with small groups of employees and handed out balloons on Friday, May 18. He visited the county's three service centers, Galaxie Library, the sheriff's office, the Empire transportation shop, and one of the county's road crews. The county staff chose balloons because the helium put them on a parallel path with the county—which is up!

At the award ceremony, Dakota County Board Chair Mike Turner summarized their achievement: “. . . Dakota County (or any governmental agency) does not have a choice of who our customers are, what services they need, and when they need them. But we do have a choice of how we provide those services. Dakota County, which has used a balanced scorecard for years and has designed other management systems that would be the envy of many businesses, is convinced

that it can operate an efficient, effective, responsive government that achieves its vision of being a premier place in which to live and work.”

County Administrator Richardson will now move forward, talking to employees to collect ideas, share information, and encourage them to take pride in their accomplishments. He will be working with others to review the nearly 400-page report, clarify comments, and determine the county’s next steps toward Baldrige excellence.

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For more information on the Baldrige Award, visit the Web site at <http://baldrige.nist.gov>.

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