

Western Bay of Plenty District Council

**Minutes of Meeting No. C29 of Council
held on 29 August 2019 in the Council Chamber, Barkes Corner, Tauranga
commencing at 9.30am**

Present

His Worship the Mayor G J Webber (Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites and M Williams

In Attendance

M Taris (Chief Executive Officer), K Perumal (Group Manager Finance and Technology Services), J Pedersen (Group Manager People and Customer Services), R Davie (Group Manager Policy, Planning and Regulatory Services), E Watton (Policy and Planning Manager), I Butler (Finance Manager), D Jansen (Senior Financial Planner), B Williams (Strategic Property Manager, Acting Infrastructure Services Manager), K Elder (Governance Manager) and A Alty (Senior Governance Advisor)

Community Boards

J Hobbs (Chairperson, Katikati Community Board), and A Sole, (Chairperson, Waihi Beach Community Board) and J Dugmore (Member, Te Puke Community Board)

Others

Five members of the public and one member of the press

Apologies

An apology for lateness was received from Councillor Lally.

Resolved: Thwaites /Marshall

THAT the apology for lateness from Councillor Lally be accepted.

Declarations of Interest:

Members were reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

Members were advised if they had any interest (actual, potential, perceived, pecuniary or non pecuniary interest) in any item on the agenda then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table for the item. (As per the Local Authorities (Members' Interest) Act 1968).

Councillor Dean declared an interest in the presentation item relating to the Oropi Hall.

Public Forum

Resolved: Scrimgeour/ Mackay

THAT the meeting adjourn for the purpose of holding a public forum.

The Chairperson outlined the protocols relating to the Public Forum section of the meeting as set out in Standing Orders for Council. Attending members of the public were invited to take part in the Public Forum.

Waihi Beach MenzShed Facility

Don Fraser from Waihi Beach Menzshed Group provided a verbal update on the progress of establishing a MenzShed facilities at Waihi Beach. Mr Fraser advised that there was widespread support of the facility at Waihi Beach and numerous local businesses had pledged sponsorship of materials and labour costs.

Don Fraser thanked Council for their support and guidance relating to the required processes associated with the lease of the land on the Waihi Beach Community Centre Reserve and ultimately the building of the MenzShed

Mayor Webber thanked Mr Fraser for his update to Council.

Allan Sole, Chairperson of the Waihi Beach Community Board thanked Council for the positive response to the plans put forward for the lease of an area of land on the Waihi Beach Community Centre Reserve for the establishment of a MenzShed.

Resolved: Marsh / Dean

THAT the meeting be re-convened in formal session at 9.35 am

C29.1 Presentation: Priority One

The Committee considered a presentation from Nigel Tutt, the Chief Operating Officer from Priority One who highlighted the following points:

- The national and regional GDP growth

- Strategic Step to creating a prosperous and sustainable region
- Major Initiatives in 2019 and onward
- Developing skills and talents
- Creating knowledge-intensive sectors
- Benefits of productivity change
- Earnings and affordability
- Talent requirements and population in the Bay of Plenty/Western Bay

Resolved: Mackay / Dean

THAT the presentation from Nigel Tutt the Chief Operating Officer from Priority One be received

C29.2

Presentation: Oropi Hall Committee - Proposed Indoor Sports Facility

On behalf of the Oropi Hall Committee Richard Somerfield thanked Council for the opportunity to speak about the success of the Oropi Hall and a proposal to develop an associated Indoor sports facility. Mr Somerfield summarised:

- The history of the financial performance of the Oropi Hall over the past year
- Number of attendees across various user groups
- Regular users and associated school use
- Community events and market days
- Private hall hire for weddings and other celebrations

He advised that the Oropi Hall Committee had set up a specific repair and maintenance to cover major expense items in the future life of the hall.

Mr Somerfield also advised that the Oropi community was extremely proud of the hall complex built by the community for the community and visitors were in awe of the complex.

Mr Oliver Broad spoke to Council about the feasibility study for Oropi Hall expansion project to build a multi-purpose centre for sport, recreation and squash as an addition to the Oropi Memorial Hall and Community Centre. He outlined the background of the Oropi Hall that had served the district for the past 100 years. The district had seen incredible growth over recent years. The proposed multi sport facility had been included in the original plan for the alterations to the hall undertaken in 2015, but costs at that time prohibited development of this section.

The hall usage had grown and gone from strength to strength with the average use of 1,500 people per month which amounted to over 18,000 people using the hall throughout the year.

The proposed squash courts would have moveable wall technology with the extra space developed for other indoor/gym use.

The Oropi Hall Committee would be actively fundraising for the proposed multi-purpose centre for sport, recreation and squash.

The representatives of the Oropi Hall Committee were thanked for their presentation.

Resolved: Dean / Thwaites

THAT the presentation from Richard Somerfield and Oliver Broad be received

Change to Order of Business

The Mayor requested that the next item of business be C29.14 Waihi Beach MenzShed Proposed Lease, in order to advise interested parties in attendance of the outcome of this item.

Resolved: Marshall / Mackay

THAT in accordance with Standing Orders the order of business be changed and that the item C29.14 Waihi Beach MenzShed Proposed Lease be dealt with as the next item of business.

C29.3 MenzShed Proposed Lease - Waihi Beach Community Centre Reserve, Waihi Beach

Council considered a report from the Reserves and Facilities Manager dated 13 August 2019 as circulated with the agenda.

Resolved: Mackay / Williams

- 1. THAT the Reserves and Facilities Manager's report dated 13 August 2019 and titled "MenzShed Proposed Lease - Waihi Beach Community Centre Reserve" be received.*
- 2. THAT the Western Bay of Plenty District Council as leasing authority pursuant to the Reserves Act 1977 grants Waihi Beach MenzShed a lease of 140m² more or less, over part of Waihi Beach Community Centre Reserve being part of Lot 1 DPS 265226 for up to 20 years in order to establish a MenzShed facility.*
- 3. THAT the approval must not be construed by the applicant as a guarantee that all other consents required by any policy, by-law, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.*
- 4. THAT the report relates to an issue that is not considered significant in terms of Council's policy on significance.*

C29.4

Receipt of Community Board Minutes

Council considered minutes of the meetings of the Community Boards as circulated separately with this agenda.

Resolved: Murray-Benge / Scrimgeour

THAT the minutes of the following meetings be received:

1. *Minute no. WB22 of the Waihi Beach Community Board held on 29 July 2019*
2. *Minute no. OM22 of the Omokoroa Community Board held on 30 July 2019*
3. *Minute no. K22 of the Katikati Community Board held on 31 July 2019*
4. *Minute no. MC22 of the Maketu Community Board held on 6 August 2019*
5. *Minute no. TP22 of the Te Puke Community Board held on 8 August 2019*

C29.5

Minutes of Council and Committee Meetings for Confirmation

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

Resolved: Murray-Benge / Marshall

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. C28 of the Western Bay of Plenty District Council held on 18 July 2019*
7. *Minute no. CC19 of the Community Committee held on 1 August 2019*
8. *Minute no. PP22 of the Policy Committee held on 24 July 2019*
9. *Minute no. PP23 of the Policy Committee held on 8 August 2019*
10. *Minute no. OP21 of the Operations and Monitoring Committee held on 15 August 2019*

with the following amendments made to the Minutes of the Operations and Monitoring Committee Minutes OP21 held on 15 August 2019:

Page 5 – amend second paragraph to read:

“He noted that there was a need to continue working through issues that were expected to arise in relation to the toe of the dune and future heavy erosion and advised that the property owners would be prepared to pay for this.

Page 5 – amend third paragraph to read:

“Mr Tottle responded to a question, and agreed that the Flat White Café section of the beach was a healthy sand dune. By way of clarification, he noted that he represented property owners north and south of the café, and that there were mixed views amongst property owners north of the café as to what was needed, and those people were still waiting for further information.”

Mayor Webber clarified that the Minutes for Council and its committees were never a verbatim record of meetings but a summary of the main points of discussion.

11. Minute no. RH19 of the Regulatory Hearings Committee held on 15 August 2019

C29.6 **Minutes for Receipt**

Council considered minutes as circulated separately with this agenda.

Resolved: Williams / Dean

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

12. Minutes no. CH3 of an Independent Commissioner Hearing held on 21 June 2019

13. Minutes no. JG10 of the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee held on 7 August 2019

14. Minutes no. JRS11 of the Joint Road Safety Committee held on 20 August 2019

C29.7 **Information for Receipt**

Council considered the information included in the Minute Index and Information Pack dated 29 August 2019 as circulated separately with the agenda.

Resolved: Dally / Mackay

THAT the information items included in the Minute Index and Information Pack dated 29 August 2019 as circulated separately with the agenda be received.

C29.8 **Recommendatory Report from the Omokoroa Community Board - Omokoroa Public Art Group Request to Cede Ownership of Public Art Work to Council**

Council considered a report from the Senior Governance Advisor dated 14 August 2019 as circulated with the agenda.

Resolved: Dean / Murray—Benge

1. *THAT Council approve the request from Omokoroa Public Art Group to cede ownership of all approved current and future artwork on the Omokoroa peninsula to Council.*
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.*

C29.9

Recommendatory Report from the Operations and Monitoring Committee - Pohutukawa Park - Tree Shading Issues

Council considered a report from the Senior Governance Advisor dated 15 August 2019 as circulated with the agenda.

Resolved: Williams / Marshall

1. *THAT Council, as administering body of Pohutukawa Park, declines the request received from the residents at 2 and 4A West Street, Waihi Beach, to remove five Pohutukawa trees adjacent to their properties.*
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.*

C29.10

Recommendatory Report from the Policy Committee - Adoption of the Traffic and Parking Enforcement Bylaw 2019

Council considered a report from the Senior Governance Advisor dated 8 August 2019 as circulated with the agenda.

Resolved: Murray-Benge / Palmer

1. *THAT the Traffic and Parking Enforcement Bylaw 2019 be adopted, inclusive of all amendments (as accepted and resolved by the Policy Committee on 8 August 2019), and shall become effective on 30 September 2019.*
2. *THAT Schedules 1-6 of the Traffic and Parking Enforcement Bylaw 2019 are classified as the parking places for the Western Bay of Plenty District.*
3. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
4. *THAT Council adopts the decision document (circulated separately with the agenda) alongside the final bylaw, to be disseminated as soon as practicable as the formal response to submitters on the draft bylaw.*

C29.11

Recommendatory Report from the Policy Committee - Adoption of the Freedom Camping Bylaw 2019

Council considered a report from the Senior Governance Advisor dated 8 August 2019 as circulated with the agenda.

Resolved: Dean / Mackay

1. *THAT the Freedom Camping Bylaw 2019 be adopted, inclusive of all amendments (as accepted and resolved by the Policy Committee on 8 August 2019), and become effective on 30 September 2019.*
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.*
3. *THAT Council adopts the decision document (circulated separately with the agenda) alongside the final bylaw, to be disseminated as soon as practicable as the formal response to submitters on the draft bylaw.*

C29.12

Recommendatory Report from the Policy Committee -Adoption of the draft Animals (excluding dogs) Bylaw 2019, draft Cemeteries Bylaw 2019, and draft Public Places Bylaw 2019, and proposed revocation of the Nuisances Bylaw 2008

Council considered a report from the Senior Governance Advisor dated 4 July 2019 as circulated with the agenda.

Resolved: Marshall / Scrimgeour

1. *THAT Council adopts the Animals (excluding dogs) Bylaw 2019 (Attachment A), Cemeteries Bylaw 2019 (Attachment B), and Public Places Bylaw 2019 (Attachment C) be adopted and become effective on 30 September 2019.*
2. *THAT Council revoke the General Bylaw 2008, including the Nuisances chapter of that bylaw.*
3. *THAT pursuant to s155 of the Local Government Act 2002, Council confirms that the draft bylaws are the most appropriate way of addressing the perceived problem, the draft bylaws are the most appropriate form of bylaw, and that the draft bylaws do not give rise to any implications under the New Zealand Bill of Rights 1990.*
4. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
5. *THAT Council adopts the decision document (circulated separately with this agenda) alongside the final bylaw, to be disseminated as*

soon as practicable as the formal response to submitters on the draft bylaws.

C29.13

Recommendatory Report from the Policy Committee - Adoption of the draft Trading in Public Places Bylaw 2019

Council considered a report from the Senior Governance Advisor dated 1 July 2019 as circulated with the agenda.

Resolved: Williams / Murray-Benge

1. *THAT Council adopts the draft Trading in Public Places Bylaw (Attachment A) and that it become effective on 30 September 2019.*
2. *THAT pursuant to s155 of the Local Government Act 2002, Council confirms that the draft bylaw is the most appropriate way of addressing the perceived problem, the draft bylaw is the most appropriate form of bylaw, and that the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.*
3. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
4. *THAT Council adopts the decision document (circulated separately with this agenda) alongside the final bylaw, to be disseminated as soon as practicable as the formal response to submitters on the draft bylaws.*

C29.14

Solid Waste Kerbside Services - Section 17A Service Delivery Review

Council considered a report from the Senior Policy Analyst dated 9 August 2019 as circulated with the agenda.

Resolved: Dally / Dean

1. *THAT the Senior Policy Analyst report dated 9 August 2019 and titled 'Solid Waste Kerbside Services - Section 17A Service Delivery Review' 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 Council approve the Solid Waste Kerbside Services - Section 17A Service Delivery Review (Attachment A)*

C29.15

Proposal to Lease - Rural Connectivity Group Limited - TECT All Terrain Park

Council considered a report from the Operations Manager TECT All Terrain Park dated 27 July 2019 as circulated with the agenda.

Resolved: Scrimgeour / Marshall

1. *THAT the TECT All Terrain Park Manager Operations' report dated 27 July 2019 and titled Proposal to Lease – Rural Connectivity Group Limited – TECT All Terrain Park be received.*
2. *THAT Council confirms the land lease entered into by the Chief Executive with the Rural Connectivity Group Limited for 400m², more or less, for 34 years and 364 days over part of Section 3 Block XV Otanewainuku Survey District (Shown as Section 3 on Survey Office Plan 6957) being part of TECT All Terrain Park.*
3. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*

C29.16

Quarterly Review of Council's Risk Profile

Council considered a report from the Risk Specialist dated 29 August 2019 as circulated with the agenda.

Resolved: Mackay / Williams

1. *THAT the Risk Specialist's report dated 29 August 2019 and titled 'Quarterly Review of Council's Risk Profile' be received.*
2. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*

C29.17

Elected Member Child Care Allowance

Council considered a report from the Governance Manager dated 16 August 2019 as circulated with the agenda.

The Governance Manager spoke to the report that outlined information relating to the Local Government Members (2019/2020) Determination 2019 which created an opportunity for Council to pay a Childcare Allowance to Elected Members, which came into effect on 1 July 2019.

Resolved: Williams / Dean

1. *THAT the Governance Manager's report dated 16 August 2019 and titled Elected Member Childcare Allowance 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 adopts a policy to reimburse Councillors for Childcare allowance payments where these payments are incurred to enable Elected Members of Council and Community Boards to undertake the following activities:*
 - A. *Attendance at Council, Committee or Community Board meetings where the Elected Members is either a member, or a Council Appointee;*
 - B. *Attendance at workshops or working party meetings to discuss items of Council business; and*
 - C. *Attendance at meetings that are formally recognised by Council as being for the purpose of Council business, for example meetings held in the community where the elected member is an appointee of Council and for meetings with community groups and constituents.*
5. *THAT Council approves the payment of a Childcare allowance as set out in the Local Government Members (2019/20) Determination 2019, at an hourly rate of up to the Living Wage (plus GST if applicable) to a maximum of \$6,000 (plus GST if applicable) per qualifying child; and*
6. *That Council requires claims for reimbursement of Childcare expenses to be filed no later than 90 days following the date the expense was incurred; and*
7. *That Childcare expense claims are to be authorised by the Mayor.*

10.55am

Councillor Lally joined the meeting

C29.18

Delegations to Chief Executive Officer - Elections Interregnum 2019

Council considered a report from the Governance Manager dated 16 August 2019 as circulated with the agenda.

Resolved: Thwaites / Murray-Benge

1. *THAT the Governance Manager's report dated 16 August 2019 and titled Delegations to the Chief Executive Officer - Elections Interregnum 2019 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 Clause 32 Schedule 7 of the Local Government Act 2002 Council delegates to the Chief Executive Officer, in addition to*

her current delegations, for the period from the day following the Electoral Officer's declaration until the new Council is sworn in, the power to make decisions in respect of urgent matters, including but not limited to the following powers:

- *The power to enter into any contract for the provision of emergency work necessary to maintain and/or protect the health and safety of the residents of the Western Bay of Plenty District Council region;*
 - *The power to make decisions over and above normal delegations in respect of urgent civil defence matters;*
 - *Powers and duties under the Public Works Act 1981;*
 - *The power to sign on behalf of Council any contract that is approved through the Long Term Plan or Annual Plan;*
 - *The power to authorise, on behalf of Council, the expenditure of funds from Community Board Reserve Accounts for any required works within the relevant Community Board's area where such expenditure falls within the Community Board's delegations.*
 - *The power to approve shareholder matters in relation to the Local Government Funding Agency.*
4. *THAT for the period between the last scheduled meeting of Council on 19 September 2019 until the new Council is sworn in, the Chief Executive is authorised to enter into negotiations and sign an agreement for sale of land on behalf of Council, in consultation with the Mayor (or Mayor Elect where applicable) and the Group Manager Finance and Technology Services, if the sale cannot be delayed until the next meeting of Council.*
5. *THAT in the event the Chief Executive Officer is required to exercise any of the above delegations, a report detailing the action taken shall be presented to the first ordinary meeting of the new Council, or relevant Community Board following the delegation being exercised.*

C29.19

Chief Executive Officer's Report to Council - August 2019

Council considered a report from the Chief Executive Officer dated 16 August 2019 as circulated with the agenda.

The Group Manager, Finance and Technology Services spoke to the Exception Briefing Report to August 2019, noting the following items:

Key Financial Performance Indicators for the Ten Months Ended 30 June 2019

Council's net debt balance was \$80.38m at the end of the 2019 financial year which represented a \$17.89m reduction from the end of the June 2018 balance of \$98.27m. Council had a positive cash position of \$29.62m at 30 June 2019.

Interest Rate Swaps

Total debt covered by interest rate swaps at 30 June 2019 was 81%. This level of coverage was within the required policy range of 50%-95%. The value of interest rate swaps at 30 June 2019 was \$145.5m.

Operating Income

The total income for the twelve months ended 30 June 2019 was \$134.21m against a full year budget of \$97.96m. The \$36.25m higher income variance was largely due to higher than budgeted levels of revenue from financial contributions, subsidies and grants income and other income and vested assets.

With the exception of user fees income the actual revenue received for all categories of operating income were higher than the full year budget.

Operating Expenditure

Total expenditure of \$92.58m was \$5.13m higher than the full year budget of \$87.45m due to higher than budgeted additional level of service, depreciation, operating and interest costs.

Capital Expenditure

Capital expenditure of \$34.92m for the period was \$1.81m lower than full year budget⁵. The expenditure variance was attributable to underspends in the recreation and leisure and water supply activities offset by higher than budgeted spends in the corporate services and transportation activities.

Financial Contributions

Financial contributions income received to date of \$18.61m is \$9.82m higher than the full year budget of \$8.79m.

Interest on Reserves Balance

For the year ended 30 June 2019, the balance of Council reserves was \$31.91m which was \$1.48m higher than 30 June 2018 balance of \$30.43m.

Resolved: Mayor Webber / Scrimgeour

THAT the Chief Executive Officer's report dated 16 August 2019 and titled "Chief Executive Officers Exception Report" be received.

C29.20

Mayor's Report to Council - August 2019

Council considered a report from His Worship the Mayor dated 16 August 2019 as circulated with the agenda.

Priority One Presentation

Mayor Webber outlined the significance of work being undertaken by Priority One representatives at senior school level at both the Te Puke and Katikati High Schools. The initiatives being undertaken at these schools was innovative and inspiring for the young people of today who would be the leaders of our communities in the future.

SmartGrowth

There was a general consensus that the Ministry of Transport would wait until after the forthcoming local body elections (on 12 October 2019) and an undertaking given that all Councils were fully committed to the Urban Form and Transport Initiative (UFTI) programme before any future roading proposals were signed off. It was vital that councils worked with their neighbours to achieve the required outcomes for future transportation and infrastructure services for our region.

Resolved: Mayor Webber / Marsh

THAT the Mayor's Report to Council for August 2019 be received.

10.53 am The meeting adjourned for morning tea

11.11 am The meeting reconvened

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Resolved: Williams / Marshall

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*
- *In Confidence Appointment of Acting Chairperson Tourism Bay of Plenty*
- *In Confidence Proposed Rating Sale 633 and 634 Maketu Road Maketu*
- *In Confidence Mayor's Report – August 2019*

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<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.</i>
<i>In Confidence Appointment of Acting Chairperson Tourism Bay of Plenty</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 protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence Proposed Rating Sale - 633 and 634 Maketu Road, Maketu</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 protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence Mayor's Report to Council – August 2019</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 protect the privacy of natural persons including that of deceased natural persons</i>