

Western Bay of Plenty District Council

**Minutes of Meeting No. C13 of Council
held on 22 February 2018 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), G Allis (Deputy Chief Executive), E Holtsbaum (Group Manager Technology, Customer and Community Services), K Perumal (Chief Financial Officer), B Williams (Strategic Property Manager), P Watson (Reserves and Facilities Manager), G Hobson (Risk Specialist), R Woodward (Communications Advisor), P Hennessey (Strategic Advisor), and F Sweeney (Democracy Management Advisor)

Community Boards

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

Late Item - Recommendatory Report from Operations and Monitoring Committee - 43 Western Avenue, Omokoroa

The Mayor advised that the reason that this item was not included on the agenda was because the offer was made after the printing of the Council agenda, and before the confirmation of the Operations and Monitoring Committee that they wished to proceed with the sale.

The reason that this item could not be delayed to the next scheduled meeting of the Council was because the purchaser had indicated that the offer to purchase was for a limited time and therefore it required urgent Council approval.

Resolved: Thwaites / Mackay

THAT, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following report be considered as a late item of in confidence business.

- *Recommendatory Report from Operations & Monitoring Committee - 43 Western Avenue, Omokoroa (Offer of Purchase)*

C13.1 **Receipt of Community Board Minutes**

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

Resolved: Murray-Benge / Marshall

THAT the minutes of the following meetings be received:

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

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

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

Resolved: Dean / Scrimgeour

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

6. *Minute no. C12 of the Western Bay of Plenty District Council held on 14 December 2017*
7. *Minute no. CC8 of the Community Committee held on 1 February 2018*
8. *Minute no. PP10 of the Policy Committee held on 8 February 2018*
9. *Minute no. OP9 of the Operations and Monitoring Committee held on 15 February 2018*
10. *Minute no. RUR7 of the Rural Committee held on 20 February 2018*

C13.3 Information for Receipt

Council considered information included in the Minute Index and Information Pack dated 22 February 2018 as circulated separately with the agenda.

Resolved: Mackay / Marsh

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

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

Council considered a report from the Democracy Advisor dated 2 February 2018 as circulated with the agenda. In response to questions relating to concerns about the lease and the process used to decide between applicants the Strategic Property Manager advised as follows:

- The thirty-year lease had a six-month notice clause for either party to end the lease.
- Heirs and successors clauses were also standard.
- The Council had directed the community board to consider the applications which they had done, and the Strategic Property Manager had established that Katch Katikati would work together with the Arts Collective.
- After today's meeting the other applicants would be advised by letter of Council's decision.
- The financial responsibility for the internal maintenance of the building would lie with Katch Katikati and costs for the external maintenance and building insurance would remain the responsibility of Council.

Resolved: Murray-Benge / Williams

1. *THAT the recommendation from the Katikati Community Board regarding the Old Katikati Library Building be received.*
2. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*

C13.5 Lease of the Old Katikati Library and Service Centre to Katch Katikati Incorporated

Council considered a report from the Strategic Property Manager dated 31 January 2018 as circulated with the agenda. In response to a question the Strategic Property Manager advised that Council would need to approve any sub lease arranged by Katch Katikati.

Resolved: Williams / Mackay

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

C13.6

Right of Way Easement Over Part of Uretara Domain, Katikati

Council considered a report from the Legal Property Officer/Reserves and Facilities dated 2 February 2018 as circulated with the agenda.

Resolved: Williams / Murray-Benge

1. *THAT the Legal Property Officer/Reserves and Facilities' report dated 2 February 2018 and titled Right of Way Easement Over Part of Uretara Domain, Katikati be received.*
2. *THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.*
3. *THAT pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a Right of Way easement in accordance with the area shown highlighted in red on the plan attached to the report (Attachment A) over Lots 177 and 178 DP 67 to Lot 1 DPS 57029.*

C13.7

Adoption of a New Council Risk Profile

Council considered a report from the Risk Specialist dated 5 February 2018 as circulated with the agenda.

The Chief Financial Officer and Risk Specialist responded to questions as follows:

- The top ten risks were those identified by Council at a workshop, but the other items were still part of the risk profile.
- Operational risks were included but not as "top ten" items.
- The server building had a great deal of internal security and external security fencing would not add to its security measures.

Resolved: Mackay / Scrimgeour

1. *THAT the Risk Specialist's report dated 5 February 2018 and titled 'Adoption of a New Council Risk Profile' be received.*
2. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*
3. *THAT Council approves the replacement of the current Strategic Risk Register with the new Risk Profile as attached to the report (Attachment A).*

C13.8 **Chief Executive Officer's Report to Council - January/February 2018**

Council considered a report from the Chief Executive Officer dated 9 February 2018 as circulated with the agenda. The Chief Executive noted that there were no items arising since the Christmas break.

A question was raised in regard to the financial reporting and it was noted that there was a fuller presentation given every quarter, with the intervening information provided through the information packs.

Resolved: Mayor Webber / Marsh

THAT the Chief Executive Officer's report dated 9 February 2018 and titled "Chief Executive Officers Report - January/February 2018" be received.

C13.9 **Mayor's Report to Council - January/February 2018**

Council considered a report from the Mayor dated 9 February 2018 as circulated with the agenda. The Mayor gave a verbal summary of his report noting the Poppy Places Trust item was included to establish whether or not Council wished to support the initiative.

In comment Councillors noted their support for the proposal, and it was suggested that staff be requested to investigate where this would be appropriate.

The Reserves and Facilities Manager noted that with modern technology history stories which were site specific were often conveyed by way of an app.

In further discussion elected members noted the following:

- It may be that the Trust would be funding and providing the poppies to mark the poppy places and signage.
- A report back from staff would enable Council to decide whether to proceed with involvement with the poppy trust project and identify if there were any potential costs or other issues for Council to consider.
- Omokoroa community board members may also attend the ANZAC ceremony as noted in the Board minutes.

Resolved: Mayor Webber / Williams

1. *THAT the Mayor's report dated 9 February 2018 and titled Mayor's Report to Council - January/February 2018 be received.*
2. *THAT Katikati/Waihi Beach Ward Councillors attend the Waihi Beach Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
3. *THAT Maketu/Te Puke Ward Councillors attend the Te Puke Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
4. *THAT Mayor Webber and Councillor Marsh attend the Maketu Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
5. *THAT Katikati/Waihi Beach Councillors attend the Katikati Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
6. *THAT Councillor Palmer attend the Omokoroa Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
7. *THAT Councillor Murray-Benge attend the Tauranga Anzac Day Service and lay a wreath not exceeding the value of \$200.00 on behalf of the Western Bay of Plenty District Council.*
8. *THAT a report be provided on implications for Council to implement the proposal from the Poppy Places Trust to identify places within the district that had a link to New Zealand military involvement in conflicts or operational service overseas and to mark these places with a poppy.*

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Resolved: Marsh / Palmer

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

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

LATE ITEM

- *Recommendatory Report from Operations & Monitoring Committee – 43 Western Avenue, Omokoroa (Offer of Purchase)*

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. Protect the privacy of natural persons, including that of deceased natural persons. Maintain legal professional privilege.</i>
<i>Statute Barred Rates 2017/18</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Maintain legal professional privilege. Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>Turner Trustees Limited – Offer Back Provisions – Public Works Act</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To enable the Council to carry out commercial activity without prejudice or disadvantage.</i>

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 Chief Executive Officer's Report – January/February 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>To enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>
<i>Late Item: Recommendatory Report from Operations & Monitoring Committee – 43 Western Avenue, Omokoroa (Offer of Purchase)</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>