

Western Bay of Plenty District Council

**Minutes of Meeting No. C14 of Council
held on 5 April 2018 in the Council Chamber, Barks Corner, Tauranga
commencing at 9.30am**

Present

His Worship the Mayor G J Webber (Chairperson), Councillors G Dally, M Dean, M Lally, D Marshall, 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, G Payne (Strategic Advisor), G Golding (Legal Property Manager), R Woodward (Communications Advisor) and A Alty (Democracy Advisor)

Others

As named in the minutes.

Apologies

An apology for absence was received from Councillor Marsh and Councillor Mackay. It was noted that Councillor Murray-Benge was on leave of absence.

Resolved: Marshall / Mayor Webber

THAT the apologies for absence from Councillor Marsh and Councillor Mackay and apologies for lateness from Councillor Dally and Councillor Scrimgeour be accepted.

C14.1 Receipt of Community Board Minutes

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

Resolved: Williams / Palmer

THAT the minutes of the following meetings be received:

1. Minute no. WB11 of the Waihi Beach Community Board held on 12 March 2018
1. Minute no. OM11 of the Omokoroa Community Board held on 13 March 2018
2. Minute no. K11 of the Katikati Community Board held on 14 March 2018
3. Minute no. MC11 of the Maketu Community Board held on 20 March 2018
4. Minute no. TP11 of the Te Puke Community Board held on 22 March 2018

C14.2 **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: Palmer / Williams

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

5. Minute no. C13 of the Western Bay of Plenty District Council held on 22 February 2018
6. Minute no. LTAP4 of the Long Term and Annual Plan Committee held on 15 March 2018
7. Minute no. CC9 of the Community Committee held on 15 March 2018
8. Minute no. OP10 of the Operations and Monitoring Committee held on 28 March 2018

C14.3 **Minutes for Receipt**

Council considered minutes as circulated separately with this agenda.

Resolved: Marshall / Dean

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

9. Minute no. DL4 of the District Licensing Committee held on 25 August 2017
10. Minute no. DL6 of the District Licensing Committee held on 27 November 2017
11. Minute no. DL7 of the District Licensing Committee held on 1 March 2018
12. Minute no. RH11 of the Regulatory Hearings Committee held on 13 March 2018

C14.4 Information for Receipt

Council considered the information included in the Minute Index and Information Pack dated 5 April 2018 as circulated separately with the agenda.

Resolved: Williams / Palmer

THAT the information items included in the Minute Index and Information Pack dated 5 April 2018 as circulated separately with the agenda be received.

C14.5 Recommendation from SmartGrowth Leadership Group-Collaborative Transport Planning

Council considered a report from the Democracy Advisor dated 23 March 2018 as circulated with the agenda.

Resolved: Thwaites / Williams

1. *THAT the recommendation from the SmartGrowth Leadership Group meeting 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 in principle the recruitment by the SmartGrowth partners and NZTA of an appropriate (independent) resource to prepare a project plan for Western Bay of Plenty centre for transport, noting that the expected cost to all the parties is \$300,000 per year and an appropriate funding split will be negotiated by staff in due course;*

AND

4. *THAT staff be instructed to prepare an internal submission to the draft LTP 2018-28 to enable a decision on the funding of the Western Bay of Plenty centre for transport for the term of the LTP.*

C14.6 BOPLASS Limited Half Yearly Report to Shareholders 2017-2018 and Draft Statement of Intent 2018-2019

Council considered a report from the Chief Financial Officer dated 27 February 2018 as circulated with the agenda.

Stephen Boyle, Chief Executive of BOPLASS, was in attendance to present the BOPLASS Half Year Report 2017 - 2018 and Draft Statement of Intent.

9.35am Councillor Scrimgeour joined meeting.

Stephen Boyle advised that BOPLASS continued to consider opportunities and initiatives for Joint Procurement and Shared Services that were of value to the BOPLASS Councils.

9.43am Councillor Dally joined the meeting.

Resolved: Thwaites / Williams

1. *THAT the Chief Financial Officer's report dated 27 February 2018 and titled "BOPLASS Limited Half Yearly Report to Shareholders 2017-2018 and Draft Statement of Intent 2018-2019" be received.*
2. *THAT the BOPLASS Limited Half Yearly Report to Shareholders 2017-2018 and Draft Statement of Intent 2018-2019 relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the BOPLASS Limited Half Yearly Report to Shareholders 2017-2018 be received.*
4. *THAT the BOPLASS Limited Draft Statement of Intent 2018-2019 be received.*

His Worship the Mayor thanked Mr Boyle for his attendance and summary.

C14.7 **Local Government Funding Agency Limited Half Yearly Report to Shareholder 2017/18 and Draft Statement of Intent 2018/19**

Council considered a report from the Chief Financial Officer date 14 March 2018 as circulated with the agenda. The Chief Financial Officer spoke to the Local Government Funding Agency Limited Half Yearly Report to Shareholders 2017/18 outlining that profitability remained strong and there were no anticipated changes to the Draft Statement of Intent 2018/19.

Resolved: Mayor Webber / Dean

1. *THAT the Chief Financial Officer's report dated 14 March 2018 and titled "Local Government Funding Agency Limited Half Yearly Report to Shareholders 2017/18 and draft Statement of Intent 2018/19" be received.*
2. *THAT the Local Government Funding Agency Limited Half Yearly Report to Shareholders 2017/18 and draft Statement of Intent*

2018/19 relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

3. *THAT the Local Government Funding Agency Limited Half Yearly Report to Shareholders 2017/18 be received.*
4. *THAT the Local Government Funding Agency Limited draft Statement of Intent 2018/19 be received.*

C14.8 **Te Puke Cricket Club Clubrooms Lease Area Extension - Te Puke Domain**

Council considered a report from the Reserves and Facilities Manager dated 8 March 2018 as circulated with the agenda.

Resolved: Scrimgeour / Lally

1. *THAT the Reserves and Facilities Manager's report dated 8 March 2018 and titled Te Puke Cricket Club Clubrooms Lease Area Extension - Te Puke Domain be received.*
2. *THAT Council, having not received any submissions, in exercise of the powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977, grants Te Puke Cricket Club the right to lease an additional area of 26.5m² to allow for the extension of the existing clubrooms situated on Te Puke Domain.*
3. *THAT such 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.*

C14.9 **Storm Water Easement Over Part of the Te Puna Estuary Esplanade Reserve**

Council considered a report from the Legal Property Officer Reserves and Facilities dated 12 March 2018 as circulated with the agenda.

Resolved: Thwaites / Palmer

1. *THAT the Legal Property Officer Reserves and Facilities' report dated 12 March 2018 and titled Storm Water Easement Over Part of Te Puna Estuary Esplanade Reserve be received.*
2. *THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.*

3. *THAT pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a storm water easement shown on the attached plan (Attachment A) to allow Lot 7 DP 483940 to discharge stormwater over Lot 5 DPS 28412.*

C14.10

Road Stopping and Sale Report - Beach Road, Katikati

Council considered a report from the Legal Property Officer dated 19 March 2018 as circulated with the agenda.

The Strategic Property Manager introduced the Legal Property Officer who outlined the purpose of the report presented to Council advising that Council was required to pass the necessary resolutions pursuant to Section 342 and Schedule 10 of the Local Government Act (LGA) 1974, to enable the stopping and sale of an unformed road in accordance with Council's policy.

Council was advised that concerns raised in a submission relating to the proposed road stopping had since been resolved.

Resolved: Williams / Marshall

1. *THAT the Legal Property Officer's report dated 19 March 2018 and titled Road Stopping and Sale Report Beach 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 continues the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road Section 1 SO 519189.*
5. *THAT an easement in gross be granted over the stopped area of road in favour of PowerCo.*
6. *THAT as the current objection is resolved within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 then the Council declares that the unformed road Section 1 SO 519189 to be stopped.*
7. *THAT Council approves the development and sale of the unformed road once a fee simple title was issued.*

C14.11 Chief Executive Officer's Report to Council - March 2018

Council considered a report from the Chief Executive Officer dated 21 March 2018 as circulated with the agenda.

Resolved: Mayor Webber / Williams

THAT the Chief Executive Officer's report dated 21 March 2018 and titled Chief Executive Officers Report - March 2018" be received.

C14.12 Mayor's Report to Council - March 2018

Council considered a report from His Worship the Mayor dated 21 March 2018 as circulated with the agenda.

His Worship the Mayor gave a verbal update on the Local Government New Zealand (LGNZ) Rural and Provincial Conference held in Wellington on 8 and 9 March 2018. The topics discussed were:

- Freedom Camping
- Climate Change
- Privacy Act
- Remuneration
- Representation
- Transport Issues

Delegation Amendment - Chief Executive Officer

Council was advised that the current delegation to the Chief Executive in relation to payroll required amendment to allow for an appropriate level of flexibility to meet changes in the FTE staff. Council was required to formally resolve any changes to the CEO delegations.

Resolved: Mayor Webber / Marshall

1. *THAT the Mayor's Report to Council for March 2018 be received.*
2. *THAT the Chief Executive Officer's payroll financial delegation be amended to read "As Required - Approval of payroll in accordance with Council's employment agreement commitments."*

Local Government Official Information and Meetings Act**Exclusion of the Public****Schedule 2A**

Resolved: Thwaites / Williams

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 Chief Executive Officer's Report - March 2018*
- *Acquire Legalisation of Kenana Road*

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 Chief Executive Officer's Report - March 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. To enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>Acquire Legalisation of Kenana Road</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) Maintain legal professional privilege.</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 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>