

Western Bay of Plenty District Council

**Minutes of Meeting No. C15 of Council
held on 17 May 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), R Davie (Group Manager Policy, Planning and Regulatory Services), B Whitton (Customer Services Manager), B Williams (Strategic Property Manager), P Hennessey (Strategic Advisor), G Payne (Strategic Advisor), R Woodward (Communications Advisor), and F Sweeney (Democracy Management Advisor)

Others

Two members of the press and one member of the public.

Apologies

An apology for lateness was received from Councillor Dally.

Resolved: Marsh / Lally

THAT the apology for lateness from Councillor Dally be accepted.

C15.1 Receipt of Community Board Minutes

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

Resolved: Mackay / Scrimgeour

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

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

Resolved: Marshall / Williams

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

Council considered minutes as circulated separately with this agenda.

Resolved: Williams / Thwaites

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

Council considered the information included in the Minute Index and Information Pack dated 17 May 2018 as circulated separately with the agenda.

Resolved: Dean / Murray-Benge

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

Council considered a report from the Democracy Advisor dated 3 May 2018 as circulated with the agenda. In comment it was noted that there had been consideration given to names representing the different heritages of Katikati and the recommendation was the result of robust discussion in the community.

Resolved: Williams / Mackay

- 1. 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.*
- 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.*

9.35am Councillor Dally entered the meeting.

C15.6 Recommendatory Report from the Katikati Community Board - Options to Change Unformed Thompsons Track Road to Recreation Reserve

Council considered a report from the Democracy Advisor dated 2 May 2018 as circulated with the agenda. In response to questions the Deputy Chief Executive advised as follows:

- As an unformed road there was no current option to close this area to vehicle access, however there could be barriers if it became a recreation reserve.
- The road stopping process would need to consider issues relating to the Department of Conservation and also whether or not, in the future, the status on this part of the reserve may need to revert to road.

- The indicative costs referred to in the report related to the land within the Western Bay of Plenty District Council boundaries.

Members noted that given the number of issues to explore staff should in the first instance investigate the proposal prior to reporting back to the Operations and Monitoring Committee on whether or not to proceed with the road stopping process.

Resolved: Scrimgeour / Mackay

1. *THAT Council, give consideration to and approve the investigation 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.*

C15.7

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

Council considered a report from the Democracy Advisor dated 15 May 2018 as circulated separately with the agenda.

Resolved: Scrimgeour / Thwaites

1. *THAT the recommendation from the Long Term and Annual Plan Committee 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 2018-2019 Dog Control and Health Act (Registered Premises) Fees and Charges as included in the 2018-2019 draft schedule of Fees and Charges be adopted and that the Dog Control Fees and Charges be approved for public notification in accordance with the Dog Control Act 1996.*
4. *THAT the submitter Michelle Reichmuth be thanked for her submission and be advised of Council's decision and response to her submission as included in the report.*

C15.8

Application for Rates Remission - 10 Kowai Grove Omokoroa

Council considered a report from the Team Leader Financial Services dated 19 April 2018 as circulated with the agenda.

Resolved: Murray-Benge / Palmer

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*
4. *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.*

C15.9

Road Stopping and Sale Report - Rea Road Katikati

Council considered a report from the Legal Property Officer dated 2 May 2018 as circulated with the agenda.

Resolved: Murray-Benge / Williams

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.*
- 9. THAT all necessary legal, valuation, and survey costs involved in the transfer of the land be payable by the applicants.*

C15.10

Road Stopping and Sale Report - Wilson Road South Paengaroa

Council considered a report from the Legal Property Officer dated 2 May 2018 as circulated with the agenda. It was suggested that the money made from this sale could be used to build an underpass required to get people safely to the sportsgrounds. Council was advised that the funds would go into the district roading fund and Council would then be able to allocate this as it saw fit.

In response to further questions the Strategic Property Manager advised as follows:

- People currently using this section of road would continue to have access to their properties.
- The property in the south side was a quarter acre and the other was smaller.

It was noted that the public advertisement should be included in the appropriate newspapers and the Katikati Advertiser may not be appropriate in this case.

Resolved: Marsh / Scrimgeour

- 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.*

4. *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*
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 then the Council declares that the road adjacent to 44 and 46 Wilson Road is stopped.*
6. *THAT an easement in gross be granted over the stopped area of road in favour of PowerCo outlined in red on Attachment A.*
7. *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.*

C15.11**Chief Executive Officer's Report to Council - April 2018**

Council considered a report from the Chief Executive Officer dated 4 May 2018 as circulated with the agenda.

The Chief Executive Officer advised of the process underway to set up the joint Western Bay of Plenty Centre for Transport under the SmartGrowth partners to ensure strategic planning for roading in the future.

She also advised of the planned New Zealand conference of the Australasian Local Government Chief Executives in mid November to be hosted by Western Bay, involving over 100 Chief Executives and their partners from local government authorities in New Zealand and Australia.

The Chief Financial Officer gave an update on the development contributions process, noting that the new government had been requested to repeal the change to the Resource Management Act to remove the option for financial contributions, and staff were hoping for a meeting with the Minister on this topic, however the project was continuing.

He then gave an overview of the key financial indicators as included in the information pack. In response to a question he advised that he could provide detail in relation to water charges and consumption against budget.

He then gave an update on a meeting of the Local Government Funding Agency that he had recently attended noting the following key issues:

- Key themes were that Central Government had noted from reviewing Council Long Term Plans were the challenges for Councils in their capital works programmes, and specifically the risk to infrastructure management with the pressure on availability of contractors.
- The risk for New Zealand was for significant infrastructure failure.
- Central Government was working on projects to identify alternate funding sources and business delivery models for activities such as

water and would work with local government in collaboration on these work streams.

- The Local Government Funding Agency continued to show a strong financial performance but Councils would expect a lower dividend yield as a result of the lower interest rate environment.
- The Local Government Funding Agency review of Long Term Plans had shown increase in forecasting of debt across the sector.
- In regard to the Agency's draft Statement of Intent 5 councils had provided supportive feedback and there were no shareholder concerns.

He also noted that Western Bay of Plenty District Council and Tauranga City Council were due for rotation at the next annual general meeting, but unless there was interest from other Councils the current representation may stand.

Resolved: Mayor Webber / Williams

THAT the Chief Executive Officer's report dated 4 May 2018 and titled "Chief Executive Officers Report" - April 2018 be received.

C15.12

Mayor's Report to Council - April 2018

Council considered a report from His Worship the Mayor dated 4 May 2018 as circulated with the agenda. Mayor Webber spoke to his report noting that he had chosen to step aside at the Chair level for hearings, which would allow him to participate on behalf of Council and its communities in Resource Consent hearings.

He also reported on further meetings with Ministers and politicians including the Prime Minister, noting that he continued to emphasise the importance of roading in the Western Bay.

He spoke to the Horowhenua remit to the Local Government New Zealand conference as attached to his report regarding the removal of the clause allowing for a poll in relation to Māori wards.

In discussion of this item some members suggested that Council should await the outcome of the Poll currently underway. Others noted that the remit was quite separate from the current process underway and it was actually a proposal for uniformity and equality in processes for representation and on this basis the remit should be supported. It was emphasised the issue was about representation and not about whether or not Māori Wards should be in place. It was further noted that in representation reviews all other issues were open for further public consultation and final decision by the Local Government Commission.

Resolved: Webber / Dean

1. *THAT Western Bay of Plenty District Council support the remit from Horowhenua District Council to the Local Government New Zealand*

Conference 2018 for a review of the Local Electoral Act 2001 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.

Councillors Lally, Marsh, and Murray-Benge voted against the motion and requested that their votes be recorded.

The Mayor advised of the Council's accreditation under the Baldrige programme. In response to a question Council was advised that a request could be made for a re-evaluation but this was an intensive project which would take staff resources. A request was made that consideration be given to promoting the Council's achievement of the gold standard on its website, and the Chief Executive Officer advised of current practice to ensure customer expectations were achieved and where possible exceeded.

10.45am The Mayor withdrew from the meeting and the Deputy Mayor assumed the Chair.

The Chief Executive explained the process in relation to replacing the Mayoral vehicle noting that the Remuneration Authority made appropriate deduction of salary in recognition of the provision of a vehicle.

10.55am The Mayor re-entered the meeting and resumed the Chair.

Resolved: Murray-Benge / Palmer

2. *THAT the Mayor's Report to Council for April 2018 be received.*
3. *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.*

11.00am The meeting adjourned for morning tea.

11.15am The meeting reconvened.

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Resolved: Scrimgeour / Marsh

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:

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. 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>
<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>