

Western Bay of Plenty District Council

**Minutes of Meeting No. C20 of Council
held on 20 September 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, and D Thwaites

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), I Butler (Finance Manager), B Whitton (Customer Relationships Manager), P Watson (Reserves and Facilities Manager), F Begley (Community Relationships Manager), G Hobson (Risk Specialist), M Rencher (Executive Assistant Financial Services Group), R Woodward (Communications Advisor), and F Sweeney (Democracy Management Advisor)

Community Boards

M Grainger (Chairperson, Omokoroa Community Board), and A Sole, (Chairperson, Waihi Beach Community Board)

Others

One member of the public and as recorded in the minutes.

Apologies

It was noted that Councillor Williams was on leave of absence.

Late Items

The Mayor advised there were two late items for Council to consider, the first for inclusion in the open section of the agenda, being the Recommendatory Report from the Operations and Monitoring Committee - Wilson Park - Community Garden Lease Renewal, and the second

for inclusion in the public excluded section of the agenda, being the Appointment of District Licensing Committee Members.

The reason that these items were not included on the agenda was:

- Recommendatory Report from the Operations and Monitoring Committee - Wilson Park - Community Garden Lease Renewal was not initially noted as a recommendation to Council and it could not be delayed to the next scheduled Council meeting because the lease required finalisation.
- Appointment of District Licensing Committee Members - due to difficulty finding suitable times to convene the interview panel for the purpose of undertaking interviews which were, as a consequence, undertaken after the agenda closed for this Council meeting, and appointments were required prior to the next scheduled meeting of Council for the District Licensing Committee business needs.

Resolved: Mackay / Scrimgeour

THAT, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following item be considered as late items:

- *Recommendatory Report from the Operations and Monitoring Committee Wilson Park - Community Garden Lease Renewal - open business*
- *Appointment of District Licensing Committee Members – in confidence business*

C20.1 **Draft Financial Statements for the Year Ended 30 June 2018, Funding Transfer in Reserve Accounts and Adoption of the Annual Report and Summary Annual Report -2017/18**

Council considered a report from the Finance Manager dated 6 September 2018 as circulated with the agenda. The Chief Financial Officer introduced the report noting the need to accommodate final editorial changes in the published document which would be addressed in the final resolution.

Clarence Susan, Audit Director, Naude Kotze, and Warren Goslett Senior Auditors, of Audit New Zealand were in attendance to present the Audit Report on the Annual Report and Summary Annual Report - 2017/18.

Naude Kotze, Senior Auditor, of Audit New Zealand introduced the Audit Opinion and spoke to it noting that the form of the document was quite prescriptive and spoke generally to the following:

- The review found that the document presented fairly in all material aspects and complied with accounting practice in accordance with Public Benefit Entity accounting standards.
- The control environment was effective for the purpose of the audit and gave overall audit assurance.
- The Information Technology control environment was design effective and overall Council had processes in place to manage key risks in this area.
- The revaluation of property and equipment movement were fairly reflected, as were the groups of activities.

- No significant issues needed to be brought to attention in terms of reporting of results.
- Financial reporting and prudence reporting was in line with regulations.
- Staff were thanked for their assistance with the audit.

In response to a question he advised that there were people who sat on the standards boards and there were opportunities for people to submit on these. It was noted that the standards that Council was obliged to comply with were the same for all public and private entities. The reporting was based on financial reporting requirements, and was quite technical. In real terms and results for Council in terms of cash surplus Council had a cashflow of over \$120 million and resulting from this the general rate reserve sat at a little less than \$5million due to some use of this in the current year. This fund had not been added to this year due to unexpected works which Council had agreed to fund. It was also noted that Council had AA status under Standard and Poors ranking.

There was a brief press release to the community in relation to the Annual Report which Councillors had been supplied with.

The Mayor thanked the Audit team and Finance team for their work, and noted the Council's work on the Long Term Plan leading up to this work and thanked all for their work towards today.

Resolved: Mayor Webber / Thwaites

1. *THAT the Finance Manager's report dated 7 September 2018 and titled 'Draft Financial Statements for the Year Ended 30 June 2018, Funding Transfers in Reserve Accounts and Adoption of the Annual Report and Summary Annual Report 2017/18' 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 Annual Report and the Summary Annual Report for the year ended 30 June 2018 be received and approved by Council.*

AND following receipt of the Audit Opinion from the Audit New Zealand representatives in attendance:

4. *THAT the Audit Opinion from Audit New Zealand for Western Bay of Plenty District Council's financial statements and performance information for the year ended 30 June 2018 be received.*
5. *THAT pursuant to Section 98 and 99 of the Local Government Act 2002, the Western Bay of Plenty District Council's audited Annual Report and Summary Annual Report for the year ended 30 June 2018 be adopted.*

6. *THAT the Chief Executive Officer be delegated authority to make such minor editorial changes to the Annual Report 2017/18 as may be required prior to final publication.*

C20.2 **Receipt of Community Board Minutes**

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

Resolved: Marsh / Scrimgeour

THAT the minutes of the following meetings be received:

1. *Minute no. WB15 of the Waihi Beach Community Board held on 27 August 2018*
1. *Minute no. OM15 of the Omokoroa Community Board held on 28 August 2018*
2. *Minute no. K15 of the Katikati Community Board held on 29 August 2018*
3. *Minute no. MC15 of the Maketu Community Board held on 4 September 2018*
4. *Minute no. TP15 of the Te Puke Community Board held on 6 September 2018*

C20.3 **Minutes of Council and Committee Meetings for Confirmation**

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

Resolved: Dean / Murray-Benge

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. C18 of the Western Bay of Plenty District Council held on 9 August 2018*
6. *Minute no. CC12 of the Community Committee held on 30 August 2018*
7. *Minute no. PP15 of the Policy Committee held on 4 September 2018*
8. *Minute no. OP14 of the Operations and Monitoring Committee held on 13 September 2018*

C20.4 **Minutes for Receipt**

Council considered minutes as circulated separately with this agenda.

Resolved: Mackay / Thwaites

THAT Minute no. JG5 of the Joint Governance Committee held on 8 August 2018 as circulated separately with the agenda is received.

C20.5 **Information for Receipt**

Council considered the information included in the Minute Index and Information Pack dated 20 September 2018 as circulated separately with the agenda.

Resolved: Murray-Benge / Marshall

THAT the information items included in the Minute Index and Information Pack dated 20 September 2018 as circulated separately with the agenda be received.

C20.6 **Recommendatory Report from the Operations and Monitoring Committee - Kauri Point Reserve Road Slip Update**

Council considered a report from the Governance Management Advisor dated 17 September 2018 as circulated with the agenda. In response to a concern that the figure quoted may not be the final outcome the Deputy Chief Executive stated that staff did not have delegation to go over this figure and any change would have to come back to Council. It was further noted that this was normal practice with such works and estimates.

In discussion the following was noted:

- The estimate given was at a high level and the final figure may be different, and the recommendation should be re-worded with the use of the word "progress".
- This proposal set a dangerous precedent for the future given that other boat ramps were being investigated and there was no guarantee that there would not be further damage in the future.
- It was Council's duty to reinstate this road for the community.

Resolved: Palmer / Mackay

1. *THAT Council directs staff to progress the following option for the remediation of the Kauri Point Reserve Road slip, provided it be engineered fit for purpose:*

<i>Option A:</i>	<i>Cost (ex GST)</i>	<i>Funding Source</i>
<i>Rock Buttress</i>	<i>\$1,528,696.00</i>	<i>General Rate Reserve Account</i>

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.*

Councillors Dally and Lally voted against the motion and requested that their votes be recorded.

C20.7 **Recommendatory Report from the Operations and Monitoring Committee - Kiwi Camp Facility**

Council considered a report from the Governance Management Advisor dated 17 September 2018 as circulated with the agenda. The Deputy Chief Executive advised that there had been feedback from the Community Centre who had expressed concerns about the location.

In discussion the following matters were noted:

- This was an opportunity to gain a facility which had not been funded by ratepayers.
- There had been requests from the Waihi Beach community for additional toilet facilities, and this was a trial with a facility that could be relocated.

Resolved: Murray-Benge / Thwaites

1. *THAT Council approve the implementation of a Kiwi Camp facility on the following basis:*
 - a. *Trial Location* *Waihi Beach Community Centre*
 - b. *Council cost* *\$40,000 from General Rate Reserve Account*
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.*

C20.8 **Storm Water Easement Over Part of Vesey Stewart Recreation Reserve**

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

Resolved: Mackay / Marshall

1. *THAT the Legal Property Officer - Reserves and Facilities' report dated 2 August 2018 and titled Storm Water Easement Over Part of Vesey Stewart Recreation 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, in gross, with Council being both the grantor and grantee, as shown on the attached*

plan (Attachment A) to allow discharge of stormwater over Lot 14 DPS 23757.

4. *THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.*

C20.9

Storm Water Easement Over Part of Moore Park, Katikati

Council considered a report from the Legal Property Officer Reserves and Facilities dated 4 August 2018 as circulated with the agenda.

Resolved: Mackay / Marshall

1. *THAT the Legal Property Officer - Reserves and Facilities' report dated 4 August 2018 and titled Storm Water Easement Over Part of Moore Park, 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 storm water easement, with Council being the grantor and the owner of Lot 11 DPS 36445 (3 Robinson Street) as grantee, as shown on the attached plan (Attachment A) to allow discharge of stormwater over Section 6 SO 433028. (Moore Park).*
4. *THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.*

C20.10

Easement to Convey Water and Associated Services over Lawrence Oliver Park, Te Puke, for the Waiari Water Supply Project

Council considered a report from the Legal Property Officer Reserves and Facilities dated 6 September 2018 as circulated with the agenda.

Resolved: Lally / Dally

1. *THAT the Legal Property Officer - Reserves and Facilities' report dated 31 July 2018 and titled Easement to convey water and associated*

services over Lawrence Oliver Park, Te Puke, for the Waiari Water Supply Project 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 an easement in gross to convey water, electricity, telecommunications and computer media through and over part of Lawrence Oliver Park being Part Lot 1 DP 31022, Lot 2 DP 11354 and Lot 1 DP 30250 as shown on the attached plan (Attachment A) in favour of Tauranga City Council.*
4. *THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.*

C20.11

Omokoroa District Sport and Recreation Society Incorporated Lease Relocation and Extension on Omokoroa Sports Ground

Council considered a report from the Reserves and Facilities Manager dated 4 September 2018 as circulated with the agenda. It was noted that this was a new lease and the word "variation" should be removed from the resolution.

Resolved: Palmer / Murray-Benge

1. *THAT the Reserves and Facilities Manager's report dated 4 September 2018 and titled "Omokoroa District Sport & Recreation Society Incorporated Lease Relocation and Extension on Omokoroa Sports Ground" 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 in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administering body, grants Omokoroa Sports and Recreation Society Incorporated a lease to relocate and extend the existing lease area on the Omokoroa Sportsground, being Part Lot 1 on DPS 27322, by 600m² and approve the building of a new facility.*

C20.12 Quarterly Review of Council's Risk Profile

Council considered a report from the Risk Specialist dated 5 September 2018 as circulated with the agenda. The Chief Financial Officer and Risk Specialist spoke to the report and noted the following:

- There was considerable discussion in the community about the effects of the current roading situation on development and this had been reflected in the update to the profile.
- The risk management framework had also been audited by an external party who had suggested improvements.
- The risk policy was also under review, including attention to reporting and risk management, which would be reflected in the updated policy.
- The asset management planning was reflected in the risk profile, including the migration to the new asset management system which would reduce over time.
- The graphs represented longer term trends over twelve months.
- Audits were carried out over one and a half to two years.

In discussion of the report the following matters were noted:

- The movement on the risk graph was encouraging.
- Given climate change this may need to be reviewed in the New Year.

Resolved: Mayor Webber / Murray-Benge

1. *THAT the Risk Specialist's report dated 5 September 2018 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.*

C20.13 Chief Executive Officer's Report to Council - September 2018

Council considered a report from the Chief Executive Officer dated 7 September 2018 as circulated with the agenda. The Chief Executive Officer gave a verbal update on SmartGrowth noting work being done on critical work in subregional transportation with a major meeting next week. The Mayor noted that there had been collective agreement that the most significant issue to raise with the Chair of New Zealand Transport Agency was State Highway Two and this would take a higher profile than the Tauriko development. He also noted that in the Special Housing Accord there were clauses requiring Council and the Government to work collectively on improving roading and educational facilities which was being followed up. This Council was working collaboratively with Tauranga City and the Regional Council on these issues. It was noted that most of the funding related to the State Highway which was a New Zealand Transport Agency responsibility.

The Chief Financial Officer noted the programme going forward to develop the Annual Plan, to the end of the year. He also noted that the Annual

Report process represented the end of year results hence there were no financial reports included in this agenda.

Resolved: Murray-Benge / Marshall

THAT the Chief Executive Officer's report dated 7 September 2018 and titled "Chief Executive Officers Report" be received.

C20.14

Recommendatory Report from the Operations and Monitoring Committee: Wilson Park - Community Garden Lease Renewal

Council considered a report from the Governance Management Advisor dated 17 September 2018 as circulated with the agenda. It was noted that this was a voluntary group.

Resolved: Dean / Thwaites

- 1. THAT Council agrees to renew the existing lease for the Wilson Park community garden for a further five years.*
- 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.*

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Resolved: Scrimgeour / Marshall

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

- In Confidence Community Board Minutes for Receipt*
- In Confidence Council and Committee minutes for Confirmation.*
- In Confidence Minute Index and Information Pack*

Late Item

- Appointment of District Licensing Committee Members*

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:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under Section 48(1) for the passing of this resolution</i>
<i>In confidence Community Board Minutes for receipt</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 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 information which is subject to an obligation of confidence.</i>
<i>Appointment of District Licensing Committee Members</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>Protect the privacy of natural persons, including that of deceased natural persons</i>