

Western Bay of Plenty District Council

**Minutes of Meeting No. C21 of Council
held on 1 November 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 Lally, M Dean, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, D Thwaites and M Williams

In Attendance

M Taris (Chief Executive Officer), K Perumal (Chief Financial Officer), R Davie (Group Manager Policy, Planning and Regulatory Services), E Watton (Policy and Planning Manager), C Steiner (Senior Policy Analyst), S Stewart (Policy Analyst), S Laurence (Project Planner - Tauriko West) R Woodward (Communications Advisor), J Hin (Legal Property Officer Reserves and Facilities), N Silver (Legal Property Officer), G Payne (Strategic Advisor), M Parnell (Governance Advisor), L Nind (Governance Advisor), S Tripathi (Governance Cadet) and A Alty (Democracy Advisor)

Others

Five members of the public.

Apologies

Apologies were received from Councillor Dally for lateness and Councillor Scrimgeour for absence.

Resolved: Thwaites / Murray-Benge

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

Late Item

The Mayor advised there was one notified late item for the Council to consider for inclusion in the open section of the agenda, being a recommendatory report from the Joint Governance Committee meeting JG6 held on 17 October 2018.

The reason that this item was not included on the agenda was that it was omitted from the Council agenda and it could not be delayed to the next scheduled Council meeting because the respective item within the recommendatory report needed Council confirmation to facilitate action within the plan in a timely manner.

Resolved: Williams / Marsh

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

- *Recommendatory Report from Tauranga/Western Bay District Council Joint Governance Committee – Welcoming Communities*

Public Forum

Resolved: Murray-Benge / Marshall

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

Katikati Boating Club

Don Wallace representing the Katikati Boating Club spoke to the meeting, and reiterated support for the placement of a container on the Esplanade Reserve on the Katikati foreshore.

Mr Wallace outlined the work of the Katikati Boating Club that included the 'Learn to Sail' programme which was growing in numbers. The ability to offer the 'Learn to Sail' programme on a local level was of huge benefit to the community and meant that people did not have to travel to Omokoroa or Tauranga for the programme.

The Katikati Boating Club also taught water boating/safety programmes and was available for water rescue services as required.

Bruce Jonson from the Katikati Boating Club also spoke in support of the proposal adding that the convenience of having a storage container on site, so close to the water saved up to two hours of time in loading, transporting, and unloading boats and equipment needed for the 'Learn to Sail' programme and it was important to teach kids to sail in their own local environment.

9.37am Councillor Dally joined the meeting.

Resolved: Palmer / Williams

THAT the meeting be re-convened in formal session at 9.40am.

C21.1 Receipt of Community Board Minutes

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

Resolved: Mackay / Marsh

THAT the minutes of the following meetings be received:

- 1. Minute no. WB16 of the Waihi Beach Community Board held on 8 October 2018*
- 2. Minute no. OM16 of the Omokoroa Community Board held on 9 October 2018*
- 3. Minute no. K16 of the Katikati Community Board held on 10 October 2018*
- 4. Minute no. MC16 of the Maketu Community Board held on 16 October 2018*
- 5. Minute no. TP16 of the Te Puke Community Board held on 18 October 2018*

C21.2 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 / Palmer

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. C19 of the Western Bay of Plenty District Council held on 3 September 2018*
- 7. Minute no. C20 of the Western Bay of Plenty District Council held on 20 September 2018*
- 8. Minute no. CC13 of the Community Committee held on 11 October 2018*
- 9. Minute no. PP14 of the Policy Committee held on 6 August 2018 and 27 September 2018*
- 10. Minute no. PP15 of the Policy Committee held on 18 October 2018*
- 11. Minute no. RUR10 of the Rural Committee held on 25 September 2018*
- 12. Minute no. OP15 of the Operations and Monitoring Committee held on 25 October 2018*

C21.3 Minutes for Receipt

Council considered minutes as circulated separately with this agenda.

Resolved: Murray-Benge / Marshall

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

- 13. Minute no. RH13 of the Regulatory Hearings Committee held on 8 October 2018*
- 14. Minute no. PF5 of the Māori Partnership Forum held on 2 October 2018*
- 15. Minute no. JG6 of the Joint Governance Committee held on 17 October 2018*

C21.4 **Information for Receipt**

Council considered the information included in the Minute Index and Information Pack dated 1 November 2018 as circulated separately with the agenda.

Resolved: Murray-Benge / Mackay

THAT the information items included in the Minute Index and Information Pack dated 1 November 2018 as circulated separately with the agenda be received.

C21.5 **Recommendatory Report from the Policy Committee - (Deliberations on the Draft Reserves and Facilities Bylaw 2018)**

Council considered a report from the Group Manager Policy, Planning and Regulatory Services dated 4 October 2018 as circulated with the agenda.

Resolved: Mackay / Murray-Benge

- 1. THAT pursuant to s155 of the Local Government Act 2002, Council adopts the Reserves and Facilities Bylaw 2018 inclusive of the following amendments:*

*Issue 1: Horses at Tuapiro Point
Option 1C:*

Amended status quo (Appendix C) including the options outlined below:

*Permitted area amendments:
Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13.*

Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore.

Code of conduct:

Develop horse riders' code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.

Issue 3: Broader Review of Horse Riding Areas

To add to Clause 13.1 (c) In a reserve or on a beach where there is dedicated signposted horse riding trails.

*Issue 4: Drones**Option 4B:*

Continue as per proposed bylaw (Appendix A of the PP14 Additional Items Pack) which reflects Council's current position on the use of RPAS on Council owned land.

*Issue 5: Vehicles on Beaches**Option 5B:*

Amend Clause 10 of the operative bylaw to include reference to the exclusion of approved environmental programmes from vehicle restrictions, and the inclusion of an advice note to reference that the Regional Coastal Environment Plan has rules which apply to vehicles within the foreshore or seabed and that some activities may require resource consent.

2. *THAT pursuant to s155 of the Local Government Act 2002, Council resolves that the Reserves and Facilities Bylaw 2018 as amended is the most appropriate way of addressing the perceived problem, is the most appropriate form of bylaw, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.*
3. *THAT Council resolves that the Reserves and Facilities Bylaw 2018 become effective on 9 November 2018 and that the Reserves and Facilities Bylaw 2012 be revoked as at that date.*
4. *THAT Council adopt the Decision Story alongside adoption of the final bylaw and provide to submitters as a formal response to submissions made.*
5. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*

C21.6

Pukehina Surf Rescue Lifeguard Service Incorporated - Lease Area Extension

Council considered a report from the Reserves and Facilities Manager dated 18 September 2018 as circulated with the agenda.

Resolved: Marsh / Dean

1. *THAT the Reserves and Facilities Manager's report dated 18 September 2018 and titled Pukehina Surf Rescue Lifeguard Service Incorporated - Lease Area Extension 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 Pukehina Surf Rescue Lifeguard Service Incorporated a lease variation to extend the existing lease area on Dotterel Point Reserve, being part of Lot 616 on DPS 11365, by 118m² more or less, for an extension to the current facility.*

On behalf of the Pukehina Surf Rescue Lifeguard Service Boyd Harris thanked Council and staff for the work they had done in facilitating and granting an extension to the lease area of the Pukehina Surf Rescue Lifeguard Service. Members of the Pukehina Surf Rescue Lifeguard Service acknowledged the hard mahi that had been undertaken in regard the required process to achieve the outcome here today.

C21.7

Katikati Boating Club - Alternative Lease Site for Shipping Container

Council considered a report from the Reserves and Facilities Manager dated 18 September 2018 as circulated with the agenda.

Resolved: Mackay / Williams

1. *THAT the Reserves and Facilities Manager's report dated 18 September 2018 and titled Katikati Boat Club - Alternative Lease Site for Shipping Container 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 after consideration of the submissions received, 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 a lease for 60m², more or less, of the land for up to 33 years over part of Katikati Foreshore Tamawhariua Reserve being part of Lot 6 DP 326967 pursuant to Section 54 (1) (b) of the Reserves Act 1977.*
4. *THAT in giving approval in principle, such approval must not be construed by the applicant, as a guarantee that all other consents required by any policy, bylaw, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.*

C21.8 **Application to Alter the Boundary Between Western Bay of Plenty District Council and Tauranga City Council**

Council considered a report from the Project Manager - Tauriko West dated 15 October 2018 as circulated with the agenda.

Resolved: Williams / Mayor Webber

1. *THAT the Project Manager's report dated 1 November 2018 and titled Application to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council be received.*
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 under Schedule 3 of the Local Government Act 2002, the Western Bay of Plenty Council's Application to alter the territorial boundary located at Tauriko West between Western Bay of Plenty District Council and Tauranga City Council be adopted and approved for lodgement with the Local Government Commission.*

C21.9 **Amendment to the Terms and Conditions for the Supply of Water**

Council considered a report from the Policy Analyst dated 1 November 2018 as circulated with the agenda.

Moved: Williams / Marshall

1. That the Policy Analyst's report dated 1 November 2018 and titled Amendment to the Terms and Conditions for the Supply of Water 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 proposed amendments to the Terms and Conditions for the Supply of Water as set out in Attachment A are adopted, coming into effect on 1 May 2019.
4. That a public notice is issued as soon as practicable following this meeting regarding any approved amendments to the Terms and Conditions for the Supply of Water.

Councillor Thwaites raised a number of points broadly relating to water supply, particularly in terms of conservation and equity in the charging regime as between urban and rural connections.

The Group Manager Policy Planning and Regulatory Services advised that the purpose of the report was to consider the adoption of amendments to the Terms and Conditions for the Supply of Water in relation to on-site water storage requirements for new rural connections. The

recommendation before Council had been developed from previous workshop discussion on the Terms and Conditions for the Supply of Water.

It was requested that further discussion be enabled on the broader considerations raised before Councillors consider adoption of any amendments to the Terms and Conditions for the Supply of Water.

Moved Amendment: Thwaites / Dean

1. *THAT the Policy Analyst's report dated 1 November 2018 and titled Amendment to the Terms and Conditions for the Supply of Water 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 proposed amendments to the Terms and Conditions for the Supply of Water are left to lay on the table until the broader considerations are addressed in relation to conservation and equity in the charging regime as between urban and rural connections.*

The amendment was put and carried. 6 For / 5 Against

The amendment became the substantive motion and was put and carried.

C21.10

Schedule of Meetings - 2019

Council considered a report from the Customer Relationship Manager setting out the meeting programme for 2019 as circulated separately to the agenda.

Resolved: Mackay / Mayor Webber

THAT the report from the Customer Relationship Manager setting out the meeting programme for 2019 be received.

C21.11

Chief Executive Officer's Report to Council - October 2018

Council considered a report from the Chief Executive Officer dated 23 October 2018 as circulated with the agenda.

The Chief Executive Officer introduced the Chief Financial Officers Exception Briefing Report and the Chief Financial Officer spoke to the following points:

Key Financial Performance Indicators for the Three Months Ended – 30 September 2018

Debt

Council's net debts balance was \$85.21m at the end of the reporting period which represented a \$13.06m reduction from the June 2018 balance of \$98.27m.

Operating Income

The total income for three months ended 30 September 2018 was \$28.08m against a year-to-date budget of \$18.050m. The \$9.58m higher income variance was largely due to favourable variances arising from the timing of receipt of financial contributions and service charges revenue against budget.

Total expenditure of \$21.95m was \$1.16m higher than year-to-date budget of \$20.79m due to lower interest costs offset by higher than budgeted additional level of service, depreciation and operating costs. Overall operating income and expenditure levels indicate Council's financial performance was on track at the end of the first quarter.

Financial Contributions

Financial contributions income received to date of \$5.50m is \$3.30m higher than the year-to-date budget of \$2.20m.

The total number of residential and rural dwelling consents issued at 30 September 2018 was 80 against a full year forecast of 388. These indicators signalled the strong levels of development activity during the 2017/18 year had continued its momentum into the first quarter of the financial year.

The Chief Executive Officer noted that the financial contributions were 'lumpy' and the trends were not something that Council had any control of.

It was recommended that the Ward and District Development Trends Statistics report be included with the Chief Financial Officer's Exception Report Briefing - within the Chief Executive Officer's Report to Council in the main Council agenda in the future.

Debenture Trust Deed

The Chief Financial Officer advised that this reporting avenue was a requirement of Council's audit process to ensure that Council debt was allocated according to Council's decision making processes. Council was subject to accountability and transparent reporting that was subject to external review processes.

Western Bay of Plenty District Council's Rating from Standard and Poor's for 2018

Standard and Poor's global ratings had affirmed its AA long term and A-1+ short-term issuer credit ratings on Council. This was the highest rating a Council could receive and Western Bay of Plenty District Council was in a very good position compared to where it had been ten years ago.

It was noted that the Western Bay of Plenty District Council was one council that had been reducing debt over time, and the financial performance of the Western Bay of Plenty District Council had been referenced in review processes used by other Councils both national and internationally.

Resolved: Murray-Benge / Marshall

THAT the Chief Executive Officer's report dated 23 October 2018 and titled "Chief Executive Officers Report" be received.

C21.12

Recommendatory Report from the Joint Governance Meeting - Adoption of the Western Bay of Plenty Welcoming Plan 2018-2023

Council considered a report from the Chief Executive Officer dated 23 October 2018 as circulated with the agenda.

Resolved: Mackay / Williams

THAT the Western Bay of Plenty Welcoming Plan 2018-2023 be adopted.

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Resolved: Palmer / Murray-Benge

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 Recommendatory Report from the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee – Appointment of Board Member to Tourism Bay of Plenty 2018*
- *Annual General Meeting of the Local Government Funding Agency Limited*
- *In Confidence Chief Executive Officer's Report – October 2018*
- *In Confidence Mayor's Report to Council – October 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:

<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</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 Council and Committee 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 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>

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 Recommendatory Report from the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee – Appointment of Board member to Tourism Bay of Plenty 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>Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence 2018 Annual General Meeting of the Local Government Funding Agency Limited</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>
<i>In Confidence Chief Executive Officer's Report – 23 October 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>
<i>In Confidence Mayor's Report to Council - 2 October 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>Protect the privacy of natural persons, including that of deceased natural persons.</i>