

# Western Bay of Plenty District Council

**Minutes of Meeting No. C25 of Council  
held on 18 April 2019 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, 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), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology), I Butler (Finance Manager), D Jensen (Senior Financial Planner), R Davie (Group Manager Policy, Planning and Regulatory Services), B Williams (Strategic Property Manager), K Elder (Governance Manager) and A Alty (Senior Governance Advisor)

## **Others**

One member of the public as named in the minutes.

## **Apologies**

An apology for lateness was received from Councillor Lally. It was noted that Councillor Marsh was on leave of absence.

**Resolved:** Marshall / Mackay

*THAT the apology for lateness from Councillor Lally be accepted.*

## **Public Forum**

**Resolved:** Dean / Williams

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

Mr Fountain spoke to Council about his ideas for a multipurpose cruise terminal at the southern end of Coronation Park at Mount Maunganui. He advised that he was not

representing any group or organisation and the ideas were his own. Mr Fountain advised that he had met with various Tauranga City and Bay of Plenty Regional Councillors in an effort to make his ideas known. It was his opinion that:

- The current cruise ship embarkation and disembarkation point at Mount Maunganui needed to be upgraded.
- With over 100 cruise ships visiting the port during the cruise season there needed to be a designated reception, tourism complex at the port to showcase our port and unique aspects of our district.
- Over 300,000 people were involved in the cruise ship industry as passengers or associated industry personnel.
- The complex would be used to promote tourism activities in the western and eastern ends of the Bay of Plenty.
- The complex would also showcase a cultural centre for overseas visitors and locals.
- A multi storied complex would enable additional community use.
- A covered walkway from the proposed complex to the Mount Maunganui town centre would form an all weather boulevard to and from the port.

He estimated to build such a complex would cost about \$20m and urged all Councils in the Bay of Plenty district to get involved in the project. He felt that the time was right to get this idea up and running and develop this unique proposal as soon as possible.

Mr Fountain also expressed his interest in seeing the development of a regular ferry service from the Mount Maunganui port to downtown Tauranga City.

Mayor Webber thanked Mr Fountain for his address to Council.

**Resolved:** Thwaites / Palmer

*THAT the meeting reconvene in formal session at 9.38am.*

## C25.1 **Receipt of Community Board Minutes**

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

**Resolved:** Scrimgeour / Mackay

*THAT the minutes of the following meetings be received:*

- 1. Minute no. WB19 of the Waihi Beach Community Board held on 25 March 2019*
- 1. Minute no. OM19 of the Omokoroa Community Board held on 26 March 2019*
- 2. Minute no. K19 of the Katikati Community Board held on 27 March 2019*
- 3. Minute no. MC19 of the Maketu Community Board held on 2 April 2019*
- 4. Minute no. TP19 of the Te Puke Community Board held on 4 April 2019*

**C25.2 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:*

5. *Minute no. RUR12 of the Rural Committee held on 28 February 2019*
6. *Minute no. C24 of the Western Bay of Plenty District Council held on 7 March 2019*
7. *Minute no. LATP7 of the Long Term and Annual Plan Committee held on 7 March 2019*
8. *Minute no. PP19 of the Policy Committee held on 12 March 2019*
9. *Minute no. CC16 of the Community Committee held on 28 March 2019*
10. *Minute no. OP18 of the Operations and Monitoring Committee held on 11 April 2019*

**C25.3 Minutes for Receipt**

Council considered minutes as circulated separately with this agenda.

**Resolved:** Murray-Benge / Dean

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

11. *Minute no. RH15 of the Regulatory Hearings Committee held on 20 December 2018*
12. *Minute no. JG8 of the Joint Governance Committee held on 10 April 2019*

**C25.4 Information for Receipt**

Council considered the information included in the Minute Index and Information Pack dated 18 April 2019 as circulated separately with the agenda.

**Resolved:** Mackay / Dally

*THAT the information items included in the Minute Index and Information Pack dated 18 April 2019 as circulated separately with the agenda be received.*

**C25.5 Decision Report from the Omokoroa Community Board - Request for CCTV at Omokoroa**

Council considered a report from the Senior Governance Advisor dated 2 April 2019 as circulated with the agenda.

**Resolved:** Palmer / Murray-Benge

1. *THAT the report of the Senior Governance Advisor dated 2 April 2019 titled Decision Report from Omokoroa Community Board Meeting OM19 26 March 2019 - Request for CCTV in regard to the recommendation from Council Meeting C24 held on 7 March 2019 be received.*
2. *THAT Council note the decision of the Omokoroa Community Board to defer a request to install a CCTV system at the intersection of Western Avenue and Omokoroa at this time pending the Council review of CCTV in the Western Bay later in the year.*

C25.6

**Recommendatory Report from the Te Puke Community Board - Funding for the Te Puke Centre**

Council considered a report from the Senior Governance Advisor dated 9 April 2019 as circulated with the agenda.

Council agreed that the proposal for the implementation of The Centre at Te Puke needed to be put forward to the Annual Plan Committee for consideration. At this point Council had not seen any financial plans for the proposal and referral to the Annual Plan process would initiate an issues and options paper (IOP) to be considered in the Annual Plan process.

**Resolved:** Palmer / Mackay

1. *THAT the report from the Senior Governance Advisor dated 9 April 2019 and titled Recommendatory Report from the Te Puke Community Board - Funding for the Te Puke Centre be received.*
2. *THAT the request be referred to the Long Term and Annual Plan Committee for further consideration relating to the implementation of The Centre at Te Puke.*

C25.7

**Decision Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Waiari Mauri Monitoring Model Proposal**

Council considered a report from the Senior Governance Advisor dated 10 April 2019 as circulated with the agenda.

**Resolved:** Mackay / Williams

*THAT the report from the Senior Governance Advisor dated 16 April 2019 titled Decision Report from Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Waiari Mauri Monitoring Model Proposal be received.*

C25.8                    **Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Tauranga Western Bay Safer Communities Tactical Group Decision to Remain an International Safe Community**

Council considered a report from the Governance Manager dated 10 April 2019 as circulated with the agenda.

**Resolved:**            Mayor Webber / Williams

1. *THAT the report from the Governance Manager dated 10 April 2019 and titled Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Tauranga Western Bay Safer Communities Tactical Group Decision to Remain an International Safe Community be received.*
2. *THAT Council endorses the decision by the Tauranga Western Bay Safer Communities Tactical Group to remain as an International Safe Community.*
3. *THAT the report relates to an issue that is considered to be of medium significance in terms of Councils' Significance and Engagement Policies.*

C25.9                    **Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Sub-Regional Parks Relationship Agreement**

Council considered a report from the Governance Manager dated 10 April 2019 as circulated with the agenda.

Attachment A of the report circulated to Council, recognised the way that the Tauranga City Council and Western Bay of Plenty District Council would continue to work together to establish and develop a network of sub-regional parks that provided recreational opportunities and protected significant landscapes for the enjoyment of both current and future generations.

**Resolved:**            Williams / Mayor Webber

1. *THAT the report from the Governance Manager dated 10 April 2019 and titled Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Sub-Regional Parks Relationship Agreement be received.*
2. *THAT Council adopt and sign the Sub-Regional Parks Relationship Agreement included in Attachment A.*
3. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*

C25.10 **Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - TECT All Terrain Park Capital Works Programme**

Council considered a report from the Governance Advisor dated 10 April 2019 as circulated with the agenda.

**Resolved:** Williams / Mayor Webber

1. *THAT the report from the Governance Manager dated 10 April 2019 and titled Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - TECT All Terrain Park Capital Works Programme be received.*
2. *THAT Council approve the TECT All Terrain Park Capital Works Programme for 2019/20, 2020/21 and 2021/22 of \$1,810,000 (as listed below) and that it be included in the 2019/20 Annual Plan and subsequent Annual Plans.*

<b>Project</b>	<b>FY 2019/2020</b>	<b>FY 2020/2021</b>	<b>FY 2021/2022</b>
<i>Electricity Feeder Upgrade</i>	<i>\$530,000</i>		
<i>Water Bore</i>	<i>\$90,000</i>		
<i>Water Bore Power Supply</i>	<i>\$30,000</i>		
<i>Fire Protection &amp; Response</i>	<i>\$250,000</i>		
<i>Hood Road extension</i>		<i>\$190,000</i>	
<i>Security Cameras</i>		<i>\$30,000</i>	
<i>Events Space Electricity Network Extension</i>		<i>\$125,000</i>	
<i>Motorsport Entrance Relocation</i>		<i>\$170,000</i>	
<i>Kiwicamp</i>			<i>\$350,000</i>
<i>Events Space Boundary Fence</i>			<i>\$45,000</i>
<b>Total for year</b>	<b>\$900,000</b>	<b>\$515,000</b>	<b>\$395,000</b>

3. *THAT the TECT All Terrain Park Capital Works Programme be funded from the TECT All Terrain Park forestry income reserve and external grants if available.*
4. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*

C25.11                    **Storm Water and Waste Water Easement Over Part of Omokoroa Beach Grove Esplanade Reserve**

Council considered a report from the Legal Property Officer dated 22 February 2019 as circulated with the agenda.

In response to a question to ensure that consideration be given to protecting a unique dwarf marina lily in the Omokoroa Beach Grove Estuary Esplanade Reserve area, the Deputy Chief Executive Officer advised that the Application for Easement over Council Land included the statement that Council would identify any known significant ecological, historical or archaeological features within the Reserve. This may require mitigation measures to be undertaken to protect them at cost to the applicant.

**Resolved:**            Dean / Mackay

1. *THAT the Legal Property Officer - Reserves and Facilities' report dated 22 February 2019 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) in favour of Lot 1 Deposited Plan South Auckland 10102 to allow Lot 1 Deposited Plan South Auckland 10102 to discharge storm water over Section 1 Survey Office Plan 330241;*

*AND*

4. *THAT should it be required, 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 waste water easement shown on the attached plan (Attachment A) in gross to allow Lot 1 Deposited Plan South Auckland 10102 to discharge waste water over Section 1 Survey Office Plan 330241 to Council's waste water system.*

C25.12                    **Local Government Funding Agency Limited Half Yearly Report to Shareholders 2018/19 and Draft Statement of Intent 2019/20**

Council considered a report from the Group Manager, Finance and Technology Services dated 5 April 2019 as circulated with the agenda.

**Resolved:** Mackay / Murray-Benge

1. *THAT the Group Manager, Finance and Technology Services report dated 5 April 2019 and titled "Local Government Funding Agency Limited Half Yearly Report to Shareholders 2018/19 and draft Statement of Intent 2019/20" be received.*
2. *THAT the Local Government Funding Agency Limited Half Yearly Report to Shareholders 2018/19 and draft Statement of Intent 2019/20 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 2018/19 (Attachment A) be received.*
4. *THAT the Local Government Funding Agency Limited draft Statement of Intent 2019/20 (Appendix B) and accompanying Cover Letter (Appendix C) be received.*

9.53am Councillor Lally joined the meeting.

#### C25.13 **2019 Election Update**

Council considered a report from the Governance Manager dated 8 April 2019 as circulated with the agenda.

**Resolved:** Williams / Thwaites

1. *THAT the Governance Manager's report dated 8 April 2019 and titled 2019 Triennial Elections and Order of Candidate Names 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 for the 2019 triennial elections Council adopt the pseudo-random order of candidate names; as permitted under regulation 31 of the Local Electoral Regulations 2001.*

#### C25.14 **Conflict of Interest Policy (Revised)**

Council considered a report from the Group Manager, Finance and Technology Services dated 9 April 2019 as circulated with the agenda.

The Group Manager, Finance and Technology Services advised that as part of Council's interim audit carried out by Audit New Zealand for the year ended 30 June 2018, a number of recommendations were made to improve Council's existing Conflicts of Interest Policy.



**Resolved:** Mackay / Murray-Benge

1. *THAT the Group Manager, Finance and Technology Services report dated 9 April 2019 and titled "Conflict of Interest Policy (Revised)" 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 note the revised Policy had been reviewed and approved for submission to Council by the Operational Management Team on 9 April 2019.*
4. *THAT Council approve the revised Conflict of Interest Policy (Revised).*

C25.15

**Fraud and Corruption Prevention Policy (Revised)**

Council considered a report from the Group Manager, Finance and Technology Services dated 9 April 2019 as circulated with the agenda.

The Group Manager, Finance and Technology Services advised that as part of Council's interim audit carried out by Audit New Zealand for the year ending 30 June 2018, a number of recommendations were made to improve Council's existing Fraud Prevention Policy.

As part of the review, Audit New Zealand compared the Policy to the Ministry of Justice's framework for creating a Fraud and Corruption Policy. Based on this, a revised and improved Fraud and Corruption Prevention Policy is submitted to Council for approval.

**Resolved:** Scrimgeour / Williams

1. *THAT the Group Manager, Finance and Technology Services report dated 9 April 2019 and titled "Fraud and Corruption Prevention Policy (Revised)" 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 note the revised Policy has been reviewed and approved for submission to Council by the Operational Management Team at their meeting held 8 April 2019.*
4. *THAT Council approve the revised Fraud and Corruption Prevention Policy (Revised).*

C25.16

**Chief Executive Officers Exception Report - April 2019**

Council considered a report from the Chief Executive Officer dated 5 April 2019 as circulated with the agenda.

The Chief Executive Officer reported on the following items:

- Meeting with New Zealand Transport Agency Representatives
- Provincial Growth Fund Application
- Ministry of Social Development - Regional Employment Update
- Tourism Fund Applications

The Group Manager, Finance and Technology Services spoke to the Exception Briefing Report to April 2019 noting the following items:

### **Key Financial Performance Indicators for the Eight Months ended 28 February 2019**

Council's net debt balance was \$83.48m at the end of the reporting period which represented a \$14.79m reduction from the June 2018 balance of \$98.27m. Council had a positive cash position of \$51.52m at 28 February 2019.

### **Interest Rate Swaps**

Total debt covered by interest rate swaps remained unchanged from 31 January 2019. The level of coverage was within the required policy range of 50%-95%. The value of interest rate swaps at 31 January 2019 was \$150.5m.

### **Operating Income**

The total income for the eight months ended 28 February 2019 was \$74.85m against a year-to-date budget of \$63.46m. The \$10.76m higher income variance was largely due to favourable variances arising from the timing of receipt of financial contributions, subsidies and grants income and other income against budget.

With the exception of the rate income stream actual revenue received for all categories of operating income were higher than year-to-date budget for the eight month period.

### **Operating Expenditure**

Total expenditure of \$56.72m was \$140k lower than year-to-date budget of \$56.90m due to higher than budgeted additional level of service, depreciation and operating costs off set by lower interest costs. Overall operating income and expenditure levels indicated Council's financial performance was on track at the end of the reporting period.

### **Capital Expenditure**

Capital expenditure of \$21.61m for the period was higher than year-to-date budget. The expenditure variance was attributable to higher than budgeted spends in the corporate services and water supply activities offset by underspends in the transportation, communities and stormwater activities.

### **Financial Contributions**

Financial contributions income received to date of \$12.77m was \$6.92m higher than the year-to-date budget of \$5.86m was currently at 145% of full year budget.

### **Ward and Development Trends Statistics**

Ward and Development Trends Statistics highlighted strong levels of subdivision activity with 568 new lots created in the nine months to 31 March 2019 against a full year forecast of 287 new lots.

The number of residential and rural dwelling consents issued at 31 March 2019 was 289 against a full year forecast of 388. This signalled that the positive levels of development activity during the 2017/18 year had continued its momentum into the second half of this financial year.

**Resolved:** Mackay / Dean

*THAT the Chief Executive Officer's report dated 5 April 2019 and titled "Chief Executive Officers Report - April 2019" be received.*

C25.17

### **Mayor's Report to Council - March 2019**

Council considered a report from His Worship the Mayor dated 5 April 2019 as circulated with the agenda.

Mayor Webber reported on the following items:

- **SmartGrowth Update**
- **New Zealand Transport Agency Update**  
With no specific committed funding from New Zealand Transport Agency at this point in time, Council continued to look at options for requested urgent roading works in the Western Bay.
- **Have Your Say Meetings**  
All the Have Your Say public consultation meetings around the district had been completed with good input from the majority of events. Staff were thanked for their expertise and diligent support throughout the consultation process. It was highlighted that there tended to be less members of the public attending the respective consultation meetings when there were no issues of concern in that specific district.

- **Rural & Provincial Sector Meeting**

Councillor Williams provided an overview of the topics discussed at the recent Rural and Provincial Sector meeting held in Wellington on 7 and 8 April 2019.

**Resolved:** Mayor / Marshall

*THAT the Mayor's Report dated 5 April 2019 and titled Mayor's Report to Council - March 2019 be received.*

## Local Government Official Information and Meetings Act

### Exclusion of the Public

#### Schedule 2A

**Resolved:** Murray-Benge / Scrimgeour

*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*

*The general subject to each matter to be considered while the public was 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:*

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<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>To enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i> <i>Protect the privacy of natural persons, including that of deceased natural persons.</i> <i>Maintain legal professional privilege.</i>

### **Item Transferred to the Open Section of the Meeting**

C25.18            **Decision Report from Tauranga City and Western Bay of Plenty District Councils - Appointment of Board Members to Tourism Bay of Plenty**

**Resolved:**            Williams / Mackay

*THAT Minute no. JG8 of the Joint Governance Committee held on 10 April 2019 be received and that the resolutions made by Tauranga City Council (M18/111) dated 18 December 2018 and by Western Bay of Plenty District Council (C25.11) dated 13 December 2018 and associated reports be moved into the open section at the conclusion of the meeting.*