

# Western Bay of Plenty District Council

**Minutes of Meeting No. C28 of Council  
held on 18 July 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, 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), K Perumal (Group Manager Finance and Technology Services), I Butler (Finance Manager), D Jensen (Senior Financial Planner), A Denton (Research and Monitoring Analyst), R Woodward (Communications Specialist) and A Alty (Senior Governance Advisor)

## **Declarations of Interest:**

Members were reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

Members were advised if they had any interest (actual, potential, perceived, pecuniary or non pecuniary interest) in any item on the agenda then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table for the item. (As per the Local Authorities (Members' Interest) Act 1968).

There were no declarations of interest declared by Members in relation to any items on the agenda.

### **C28.1            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. WB21 of the Waihi Beach Community Board held on 17 June 2019*
2. *Minute no. OM21 of the Omokoroa Community Board held on 18 June 2019*
3. *Minute no. K21 of the Katikati Community Board held on 19 June 2019*
4. *Minute no. MC20 of the Maketu Community Board held on 25 June 2019*
5. *Minute no. TP20 of the Te Puke Community Board held on 27 June 2019*

## C28.2 **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:** Williams / Dean

*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. C26 of the Western Bay of Plenty District Council held on 6 June 2019*
7. *Minute no. C27 of the Western Bay of Plenty District Council held on 26 June 2019*
8. *Minute no. CC18 of the Community Committee held on 20 June 2019*
9. *Minute no. PP21 of the Policy Committee held on 27 June 2019*
10. *Minute no. OP20 of the Operations and Monitoring Committee held on 4 July 2019*

## C28.3 **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:*

11. *Minute no. JG9 of the Tauranga City Council and Western Bay of Plenty District Council Joint Governance Committee held on 12 June 2019.*
12. *Minute no. DP3 of the District Plan Committee held on 1 August 2018 and reconvened on 12 June 2019.*

## C28.4 **Information for Receipt**

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

**Resolved:** Scrimgeour /Palmer

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

C28.5 **Recommendatory Report from Operations and Monitoring Committee - C.E. Miller Estate Bequest**

Council considered a report from the Senior Governance Advisor dated 4 July 2019 as circulated with the agenda.

**Resolved:** Thwaites / Murray-Benge

- 1. THAT the administration and distribution of the C.E. Miller Estate funds be delegated to the Katikati Community Board, with the proviso that any legal advice from Council is required to be taken into 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.*

C28.6 **Proposal to Lease - The Scout Association of New Zealand - Katikati Sea Scouts - Vesey Stewart Reserve**

Council considered a report from the Legacy Property Officer dated 20 June 2019 as circulated with the agenda.

**Resolved:** Williams / Mackay

- 1. THAT the Legal Property Officer Reserves and Facilities report dated 6 June 2019 and titled Proposal to Lease – Katikati Sea Scouts – Vesey Stewart Reserve be received.*
- 2. THAT Council 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 the Scout Association of New Zealand a lease for 187m<sup>2</sup>, more or less, of the land for 15 years over part of Vesey Stewart Park, Katikati pursuant to section 61 of the Reserves Act 1977.*
- 3. THAT a clause in the lease permits Council to give notice to end the lease period earlier should the land be required for potential expansion of the Dave Hume Swimming Pool complex.*
- 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.*

**C28.7 Right to Convey Electricity over Lot 4 DPS 44151 a Local Purpose Reserve (Esplanade) being Te Puna Estuary Reserve and Lot 16 DPS 34526 a Local Purpose Reserve (Accessway) being Maruia Place to Perkins Drive Reserve, Te Puna**

Council considered a report from the Legal Property Officer dated 18 June 2019 as circulated with the agenda.

**Resolved:** Murray-Benge / Thwaites

1. *THAT the Legal Property Officer – Reserves and Facilities’ report dated 18 June 2019 and titled Right to Convey Electricity over Lot 4 DPS 44151 a Local Purpose Reserve (Esplanade) being Te Puna Estuary Reserve, and Lot 16 DPS 34526 a Local Purpose Reserve (Accessway) being Maruia Place to Perkins Drive Reserve, Te Puna, 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 two Electricity Easements (in Gross) over Lot 4 DPS 44151 and Lot 16 DPS 34526 that align closely to the routes shown in Attachment A in favour of PowerCo.*
4. *THAT the Chief Executive Officer, or delegate, be authorised to enter into negotiations over an easement fee for use of reserve land.*

**C28.8 Approval to Carry Over Facilities in the Community Fund**

Council considered a report from the Reserves and Facilities Manager dated 24 June 2019 as circulated with the agenda.

**Resolved:** Dean / Mackay

1. *THAT the Reserves and Facilities Manager report dated 17 June 2019 and titled Approval to Carry Over Facilities in the Community Fund 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 to Carry Over Facilities in the Community Fund of \$10,000 to the 2019/20 financial year for Whakamarama Community Incorporated to assist with the building of a Kaimai Forest bike trail;*

**C28.9 Chief Executive Officer's Report to Council - July 2019**

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

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

**Key Performance Indicators for the Ten Months Ended 31 May 2019**

Council's net debt balance was \$78.77m at the end of the reporting period which represented a \$19.5m reduction from June 2018 balance of \$98.27m. Council had a positive cash position of \$31.23m at 31 May 2019.

**Interest Rate Swaps**

Total debt covered by interest rate swaps at 31 May 2019 was 81%. This level of coverage was within the required policy range of 50% - 95%. The value of interest rate swaps at 31 May 2019 was \$145.5m. Council was in compliance with all of its key financial ratios at the end of the reporting period.

**Operating Income**

The total income for the eleven months ended 31 May 2019 was \$116.85m against a year-to-date budget of \$87.26m. The \$29.59m higher income variance is largely due to favourable variances arising from the timing of receipt of financial contributions, subsidies and grants income and other income and vested assets against budget.

All categories of actual operating income received were higher than year-to-date budget for the eleven month period.

**Operating Expenditure**

Total expenditure of \$78.92m was \$607k higher than year-to-date budget of \$78.31m due to higher than budgeted additional level of service, depreciation and operating costs offset by lower interest costs. Overall operating income and expenditure levels indicate Council's financial performance was on track at the end of the reporting period.

**Capital Expenditure**

Capital Expenditure of \$27.90m for the period was \$4.52m higher than year-to-date budget. The expenditure variance was attributable to higher than budgeted spends in corporate services and transportation activities offset by underspends in the recreation and leisure and water supply activities.

### **Financial Contributions**

Financial contributions income received to date of \$17.16m is \$9.10m higher than the year-to-date budget of \$8.05m and was currently at 195% of full year budget.

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

The Ward and Development Trends Statistics highlighted strong level of subdivision activity with 701 new lots created for the twelve months to 30 June 2019 against a full year forecast of 287 new lots.

The total number of residential and rural dwelling consent issued at 30 June 2019 was 402 against a full year forecast of 388. The indicators signalled the positive level of development activity from the prior year had continued throughout the 2018/19 but there was an expectation that this would reach a levelling period over the next 12 months.

**Resolved:** Mayor / Marsh

*THAT the Chief Executive Officer's report dated 05 July 2019 and titled "Chief Executive Officers Exception Report" be received.*

C28.10

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

Council considered a report from His Worship the Mayor dated 1 July 2019 as circulated with the agenda. The Mayor provided a verbal update on the following items:

#### **Local Government Conference**

The Mayor, Deputy Mayor and Chief Executive Officer provided a verbal report to the meeting on topics covered at the Local Government Conference held in Wellington on 8 – 9 July 2019.

**Resolved:** Mayor Webber / Williams

*THAT the Mayor's report dated 28 June 2019 and titled Mayor's Report to Council - July 2019 be received.*

## **Local Government Official Information and Meetings Act**

### **Exclusion of the Public**

#### **Schedule 2A**

**Resolved:** Scrimgeour / 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 Committee minutes for receipt*
- *In Confidence Minute Index and Information Pack*
- *In Confidence Chief Executive Officer's Report – July 2019*

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 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 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 in 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>	<p><i>For reasons previously stated in the relevant minutes.</i></p> <p><i>If disclosure would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.</i></p> <p><i>To protect the privacy of natural persons, including that of deceased natural persons.</i></p> <p><i>To maintain legal professional privilege</i></p> <p><i>To enable Council to carry on negotiations without prejudice or disadvantage.</i></p>