

MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty
District Council

COUNCIL

Te Kaunihera



C28
Thursday, 18 July 2019
Council Chambers
Barkes Corner, Tauranga
9.30am

Notice of Meeting No C28 Te Karere

Council Te Kaunihera

Thursday, 18 July 2019
Council Chambers
Barkes Corner
9.30am

His Worship the Mayor
Deputy Mayor

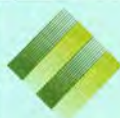
G J Webber (Chairperson)
M Williams

Councillors:

G Dally
M Dean
M Lally
P Mackay
K Marsh
D Marshall
M Murray-Benge
J Palmer
J Scrimgeour
D Thwaites

Media
Staff

Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council



Western Bay of Plenty
District Council

Te Kaunihera a rohe mai i nga Kuri-a-Whareki ki Otamarakau ki te Uru

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Council Delegations Mangai o Te Kaunihera

Quorum:

The quorum for this meeting is six members.

Role:

- To exercise all powers and functions to deal with statutory and procedural matters, to carry out civic duties and responsibilities, and to exercise all non-delegated functions.
- To delegate authorities as appropriate to Council committees and the Chief Executive Officer.
- To delegate any authorities which may be additional to the roles required under the Local Government Act 2002 to Community Boards, and to appoint Councillors to Community Boards.
- To establish Joint Committees of Council, and appoint elected members and/or others to these committees.
- To make all financial decisions not otherwise delegated or included in Council's Long Term Plan and/or Annual Plan.
- To maintain, monitor and direct an overview of Council's finances including but not limited to:
 - The financial progress of major capital works projects including those considered in the Long Term Plan and Annual Plan processes.
 - Implementation of Council's risk management.
 - Approval of new debt and/or new facilities.
 - Receiving exception reports on Council's financial performance at least quarterly.
 - Undertaking all financial monitoring of performance against the Long Term Plan and Annual Plan.
 - Ensuring treasury management within the limitations of the Treasury Policy as set by the Long Term Plan.
 - Allowing for variations from Council's key treasury policy ratios.
- To exercise all non-delegated functions being:
 - (a) The power to make a rate
 - (b) The power to make a bylaw
 - (c) The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan
 - (d) The power to adopt a long term plan, annual plan, or annual report
 - (e) The power to appoint a chief executive
 - (f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the local governance statement
 - (g) The power to adopt a remuneration and employment policy
 - (h) The power to enter into contracts otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959
 - (i) The power to initiate any proceedings in the High Court that are not injunctive proceedings
 - (j) The power to remove the Deputy Mayor subject to Schedule 7 (18) of the Local Government Act 2002

- (k) The power to discharge or reconstitute any committee established by the Mayor subject to Schedule 7 (30) of the Local Government Act 2002
- (l) Powers as conferred by the Minister of Conservation under the Reserves Act 1977

Procedural Matters:

- Confirmation of all Standing Committee minutes excluding the District Plan Committee, Regulatory Hearings Committee and District Licensing Committee minutes
- Receipt for information all Community Board minutes
- Receipt for information all District Plan Committee, Regulatory Hearings Committee minutes and District Licensing Committee minutes
- Adoption and amendment of Standing Orders.
- Establishment of and delegations to Joint Committees, Sub Committees and any other governance body that the Council deems necessary.
- Purchase, sell and dispose of Council property other than delegated in accordance with all of the following:
 - the Long Term Plan
 - the Significance Policy
 - Council's Asset Management Plans
 - Council's Reserve Management Plans
 - Committee or appropriate delegations
- Councillor and Council appointments to other organisations.
- Approval of elected member training/conference attendance.

Any other procedural matters as required under the Local Government Act 2002 or any other Act.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance that this be delegated to the Mayor/Deputy Mayor with a report back to Council at the next scheduled meeting.

Should there be insufficient time for Council to consider approval of a final submission to an external body that the signing off of the submission on behalf of Council be delegated to the Mayor/Deputy Mayor provided that the final submission be reported to Council or the relevant Committee at the next available meeting.

Mayor and Councillors' Delegations:

Pursuant to Clause 32(1) of Schedule 7 of the Local Government Act 2002, to each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people pursuant to Section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

Agenda for Meeting No. C28

Pages

**Present
In Attendance
Apologies**

Declarations of Interest:

Members are 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.

Public Excluded Items

The Council may by resolution require any item of business contained in the public excluded section of the agenda to be dealt with while the public are present.

Public Forum

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address Council for up to three minutes on items that fall within the delegations of Council provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Mayor by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Mayor has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

C28.1

Receipt of Community Board Minutes

Please refer to minutes of the meetings of the Community Boards as circulated separately with this agenda.

Recommendation

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

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

Recommendation

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

Please refer to the minutes as circulated separately with this agenda.

Recommendation

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

Please refer to the Minute Index and Information Pack as circulated separately with this agenda.

Recommendation

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

10-11

Attached is a report from the Senior Governance Advisor dated 4 July 2019.

C28.6

Proposal to Lease – The Scout Association of New Zealand – Katikati Sea Scouts – Vesey Stewart Reserve

12-18

Attached is a report from the Legal Property Officer dated 20 June 2019.

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

19-25

Attached is a report from the Legal Property Officer dated 18 June 2019.

C28.8	Approval to Carry Over Facilities in the Community Fund	26-29
	Attached is a report from the Reserves and Facilities Manager dated 24 June 2019.	
C28.9	Chief Executive Officer's Report to Council – July 2019	30-40
	Attached is a report from the Chief Executive Officer dated 5 July 2019.	
C28.10	Mayor's Report to Council – July 2019	41
	Attached is a report from His Worship the Mayor dated 1 July 2019.	

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Recommendation

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>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 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>

Western Bay of Plenty District Council

Council

Recommendatory Report from Operations & Monitoring Committee – C.E. Miller Estate Bequest

Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

- a. adopt as recommended
- b. to modify
- c. refer to another Committee
- d. to decline (giving reasons) and refer back to the Operations & Monitoring Committee.

Recommendation from the Operations and Monitoring Committee – 4 July 2019

OP20.5

C.E. Miller Estate Bequest

The Operations and Monitoring Committee considered a report from the Reserves and Facilities Manager dated 10 June 2019 as circulated with the agenda. The Reserves and Facilities Manager introduced the report.

Resolved: Mayor Webber / Mackay

1. *THAT the Reserves & Facilities Manager's report dated 10 June 2019 and titled C.E. Miller Estate Bequest be received.*
2. *THAT the report relates to an issue that is considered to be of low in terms of Council's Significance and Engagement Policy.*

3. *THAT the Operations and Monitoring Committee recommends to Council 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.*

Staff Comments – Reserves and Facilities Manager

Staff have arranged for legal advice on the proposal to delegate the administration and distribution of the C.E. Miller Estate funds. It is intended that the delegations, subject to legal advice, would form part of the delegated functions specific to the Katikati Community Board and would come into effect in the new triennium after the 2019 Local Government elections.

1. Significance and Engagement

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the fund can only be utilised in Katikati for the benefit of Katikati residents, and given the actual dollar amount, there is unlikely to be a high level of community interest.

Recommendation

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.*



Barbara Clarke
Senior Governance Advisor

Western Bay of Plenty District Council

Council

Proposal to Lease – The Scout Association of New Zealand – Katikati Sea Scouts – Vesey Stewart Reserve

Purpose

The 42 year land lease at Vesey Stewart Reserve with the Katikati Sea Scouts (KSS) came to an end in February 2018. KSS had expressed interest in entering into a new lease with WBOPDC.

At that time the Katikati/Waihi Beach Ward Reserve Management Plan was being reviewed. In order to consider a new lease the Vesey Stewart Reserve specific plan was firstly required to be updated to reflect the intention of Council to enter into a new lease. This has now been completed.

The Council is required to pass a resolution of its intention to enter into a lease with The Scout Association of New Zealand, the national body for the Katikati Sea Scouts, for 187m², more or less, for 15 years, of the land over part of Vesey Stewart Reserve, Katikati pursuant to section 61 of the Reserves Act 1977.

As the lease had been contemplated in the 2018 Katikati/Waihi Beach Ward Reserve Management Plan review and is subject to section 61 of the Reserves Act 1977 (Powers including leasing in respect of local purpose reserves), no public consultation is required prior to Council's decision.

Recommendation

- 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 187m², 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.**

Date
Subject

20 June 2019
Proposal to Lease – Katikati Sea Scouts – Vesey Stewart Reserve

Open Session



Joanne Hin
**Legal Property Officer
Reserves and Facilities**



Peter Watson
Reserves and Facilities Manager



Approved

Gary Allis
Deputy Chief Executive

1. Background

The 42 year land lease at Vesey Stewart Reserve with the Katikati Sea Scouts (KSS) came to an end in February 2018 with no provision for a right of renewal. KSS had expressed interest in entering into a new lease with WBOPDC.

As agreed by the Scouts, the contemplated lease will be for a period of 15 years without the right of renewal. At the Scouts request, the lease will permit either party to terminate the lease prior.

The status of the section of the reserve where the lease area is situated is local purpose (scout hall). There is no statutory requirement under the Reserves Act 1977 to publicly advertise any proposed leases on reserves with a local purpose status.

Staff also do not see the requirement to publicly advertise the lease proposal given that the proposed lease has been contemplated in the Vesey Stewart Reserve, Reserve Management Plan which had gone out for public consultation as part of the Katikati/Waihi Beach Reserve Management Plan in 2018 that the scout building already exists.

Attachment A

The current policy for setting land rentals for club buildings on reserves will apply to the lease.

Given that the lease land may be required for the potential expansion of the Dave Hume Swimming Pool complex it is recommended that the lease includes a clause that permits Council to give reasonable notice to end the lease period sooner.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Planned Engagement/Consultation/Communication
General Public/ Tangata Whenua	Consultation was undertaken via the review of the Katikati/Waihi Beach Ward Reserve Management Plan.

4. Issues and Options Assessment

Option A	
<i>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 administrating body, grants the Scout Association of New Zealand a lease for 187m², 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.</i>	
Assessment of option for advantages and disadvantages taking a sustainable approach	<p>Advantages:</p> <ul style="list-style-type: none"> The Scout Group can continue to meet membership demand with confidence of providing facilities, until such time as the land is needed for another purpose. <p>Disadvantages:</p> <ul style="list-style-type: none"> The facility is aging. However Council as the Lessor shall not be called upon or be liable to pay compensation for any buildings erected by the Lessee on the lease site and at the end or sooner determination of the lease, the premises together with all improvements thereon including buildings shall revert to the Lessor without payment to the Lessee or otherwise or alternatively the Council as Lessor may require the Lessee to remove all or some of the Lessee's improvements.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	<ul style="list-style-type: none"> All costs relating to the proposed lease will be met by the Scouts.
Option B <i>Status Quo</i>	
Assessment of option for advantages and disadvantages taking a sustainable approach.	<p>Advantages:</p> <ul style="list-style-type: none"> The removal of the building would free up some recreational space in the reserve and meet the objectives of the reserve management plan. <p>Disadvantages:</p> <ul style="list-style-type: none"> The Sea Scouts would need to seek premises elsewhere. The community needs for this type of facility will not be met.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses.	<ul style="list-style-type: none"> An alternative site, if found, may be more costly as potentially subject to a commercial lease arrangement and therefore higher rental costs.

5. Statutory Compliance

Reserves Act 1977 – Section 61 determines the requirements for community group type leases over local purpose reserves.

Reserves Management Plan - The facility is in accordance with the Reserve Management Plan for the Vesey Stewart Reserve, which was adopted on the 13 December 2018.

District Plan - The Reserve Management Plan was prepared under the provisions of the Reserves Act 1977. Rule 18.3.1(j) of the Operative District Plan 2012 allows for activities on reserves as provided for in the Reserves Act 1977 as a permitted activity, subject to compliance with the performance standards of the zone.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
N/A	All costs relating to the processing of the proposal are to be borne by the Katikati Sea Scouts.



6.72 Vesey Stewart Reserve



Location	Carisbrooke Street to Fairview Road, Katikati	Current Inventory	
Classification:	Recreation Reserve and LP Hall	Car park	Medium
LTP Category	Neighborhood Amenity Reserve	Pool	Medium
ID	138	Scout hall	
Area	2.5790 Ha	Clubroom	
District Plan Zone	Residential	Sealed access	
Concept Plan	Stock take of December 2001 concept plan completed; plan removed.	2 Picnic tables	
Previous RMP	Katikati Ward RMP August 2008	1 Bin	
Current State	Swimming, park, walkway/cycleway, drainage, scout hall lease	Boardwalk - 4metres	
Overview	Maintain Dave Hume Swimming Pool. Develop walkway/cycleway networks and landscape park. Re-vegetation programme.	Katikati Kaiway	
Grass Mowing Standard	(1.2743 Ha) Type D – Does not exceed 90 mm grass height. Mowed to within 45 mm of the ground		

Background:

- Linear corridor reserve extending from Carisbrooke Street in the east to Fairview Road.
- Reserve named after George Vesey Stewart by Governor General Blundell in 1975.
- Adjoins Gilfillan Reserve across Fairview Road.
- Occupies low-lying land along the drainage corridor.
- Connects to Blundell Place and Tui Place as well as to Katikati College.
- Provides an important pedestrian and open space linkage within the suburban area of the township.
- Small open waterway runs through the length of the reserve.
- Well vegetated mainly with specimen trees, some areas are more densely planted.
- Memorial commemorating the 1875 – 1975 centennial of Katikati near Tui Street entry.
- Dave Hume Public Swimming Pool located near Carisbrooke Street entry.

(Continued next page)



(From previous page)

Reserve Issues:

- Safety issues in more densely planted areas.
- Waterway maintenance/weed control/plant pests.
- The lease with Scouts has expired and the Scout Association wish to enter into a new lease.

Reserve Management Policy:

- 6.72.1 Undertake removal of the Scout Hall on expiry of any new lease to Scouts.
- 6.72.2 Reclassify Local Purpose – Scout Hall to Recreation Reserve on expiry of any lease to Scouts.
- 6.72.3 Develop a specimen tree amenity within the reserve.
- 6.72.4 Freedom Camping is permitted within the formed car park subject to Bylaw restrictions.
- 6.72.5 Generic objectives for Recreation and Local Purpose Reserves and generic objectives apply.

Actions	Cost Estimate	LTP Priority	Project No
Pool Upgrade	600,000	TBC	TBC

Date 18 June 2019

Open Session

Subject 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

Western Bay of Plenty District Council

COUNCIL

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

Purpose

This report seeks Council's consent under its delegated authority in respect of the granting of rights of easements in accordance with Section 48(1) of the Reserves Act 1977, for a electricity easement, in gross over part of existing local purpose reserves located at Te Puna being:

- Part of Te Puna Estuary Reserve, Lot 4 DPS 44151 (P/1857/952); and
- Part of Maruia Place to Perkins Drive Reserve, Lot 16 DPS 34526 (P/1430/228) COT SA28A/705;

in favour of PowerCo Limited.

Recommendation

- 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.*



Joanne Hin
**Legal Property Officer
Reserves and Facilities**



Peter Watson
Reserves and Facilities Manager



Gary Allis
Deputy Chief Executive

Approved

Date	18 June 2019	Open Session
Subject	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	

1. Background

PowerCo have been planning to upgrade its power supply to support Omokoroa and Surrounding catchment. The original route for the upgrade was to follow the Tauranga Northern Link (TNL) designation corridor. Central Government has put the TNL project on hold, and there is no certainty or timeframes regarding the progression of the project, PowerCo are now looking at alternatives in order to upgrade their power network from Tauranga to Omokoroa and create a route that will avoid potential impacts with the existing & proposed highway.

The upgrade requires a new 33kV cable route (including spare ducts) from PowerCo's Bethlehem substation up to Barrett's Rd, Omokoroa to reinforce the wider network and cater for growth. PowerCo will lay a route of underground cabling following existing road corridors (formed & unformed) but two sections of the route will be located over Council reserve land and therefore require easements.

PowerCo seek easements over:

Part of Te Puna Estuary Reserve, Lot 4 DPS 44151 (P/1857/952); and

Part of Maruia Place to Perkins Drive Reserve, Lot 16 DPS 34526 (P/1430/228) COT SA28A/705.

Both these easements will be in gross in favour of PowerCo. These intended easement locations will align closely to the routes indicated on the attached plan being Area "A" and Area "B".

Attachment A.

The land over which the electricity easements are to be created are Local Purpose Reserves and are subject to the provisions of the Reserves Act 1977.

The electricity lines will be thrust under the land and therefore have no impact on public use of the reserve.

The easement document ensures the protection of the local purpose reserve.

The Department of Conservation require that in terms of the delegation of the Minister's powers under the Reserves Act 1977, this is to be made by Councils and recorded as such.

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance.

3. Engagement, Consultation and Communication

- 3a. The Reserves Act 1977 Section 48(3) states that where the easement will not materially alter, or permanently damage, or impede the rights of the public in the use of the reserve, public notification is not required, as the pipeline is underground. On this basis, and noted in section 1.5 of this report, there is no public consultation required.

The Reserves and Facilities section of Council had been consulted, and are satisfied with the location of the transformer. The easement documentation will include conditions that ensure the reserve(s) are reinstated to the satisfaction of Council.

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Asset Managers	Staff associated with the management of the local purpose reserve have been consulted and have no objection to an easement being established.

4. Issues and Options Assessment

Option A	
<i>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.</i>	
Assessment of option for advantages and disadvantages taking a sustainable approach	PowerCo need to upgrade their power network from Tauranga to Omokoroa. By progressing with the alternative route that includes situating power lines across and under Council land, this allows the continuation of PowerCo's upgrade project and be able to service the growth of the area, and provide resilience to their network.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Costs for the creation of the easement are borne by the Grantee (PowerCo). The easement instrument protects Council from further maintenance or replacement costs of the easement facility.

Date
Subject

18 June 2019

Open Session

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

Option B Status Quo	
Assessment of option for advantages and disadvantages taking a sustainable approach	If Council declines the easement, PowerCo may have to place a hold on the power upgrade until there is progression of the TNL project, that is, if the project does continue at all. There may be impact on electricity consumers, and the ability to support continued growth and investment in the local economy.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	N/A

5. Statutory Compliance

Section 48 (1) and 48 (3) of the Reserves Act 1977 provides Council with the Statutory authority to grant easements over reserves.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
No funding required	<p>An application fee of \$307 is required from the applicant to allow the processing of the consent.</p> <p>Council may wish to consider charging a one off easement fee for the utilisation of its reserve land as part of the proposed new route.</p> <p>An easement would be consistent with other situations across the district, e.g. Waiari water pipe across Lawrence Oliver Park, Te Puke.</p> <p>Council may need to obtain a title for the subject parcels of land. Should this be the case, costs for obtaining a title will be passed onto PowerCo.</p> <p>The easement instrument protects Council from further maintenance or replacement costs of the easement facility.</p> <p>Costs associated with installing the electricity cable and reinstatement of the site are to be borne by the applicant.</p>

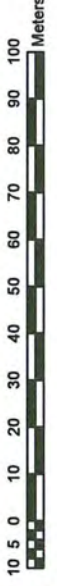


Indicative easement ~10m wide for 33kV

FOR INFORMATION

Power cables

Te Puna Estuary Reserve

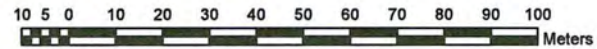


Tairāwhiti Regional Council



Proposed easement for 33kV Power cables ~3m wide
FOR INFORMATION

Maruia Place to Perkins Drive Reserve



Western Bay of Plenty District Council**COUNCIL****Approval to Carry Over
Facilities in the Community Fund**

Purpose

The purpose of this report is to seek Council approval in accordance with adopted policy, to carry over Facilities in the Community Fund granted to Whakamarama Community Incorporated, for the creation of a cycle trail in the Kaimai Forest Park at the end of Whakamarama Road.

Recommendation

- 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/declines 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;**



Peter Watson
Reserves and Facilities Manager

Approved



Gary Allis
Deputy Chief Executive

2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because funding for the Facilities in the Community Fund is derived from the preceding year's financial contributions plus previously accumulated unpaid amounts. There is also no additional cost to Council to carry forward funds that have already been allocated to a special project.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Consultation/Communication
Fund applicant	Applicant seeking carry over of funds are aware that formal approval is required from Council.

4. Issues and Options Assessment

Option A	
<i>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;</i>	
Assessment of option for advantages and disadvantages taking a sustainable approach	Provides opportunity to: <ul style="list-style-type: none"> Form partnerships with the community. Assist community to develop recreation and leisure facilities in privately owned land.
Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses	Funding source is 2% of the previous financial year's reserves financial contributions. Te Awanui Hauora have confirmed that their approved 2018/19 fund is no longer required, leaving an additional \$20,000 in the fund balance. Provides increased areas to recreational facilities for residents. No additional cost to carry forward funds already allocated.

	<p>Our approach Draw on a range of financial resources in order to fund existing and future recreational opportunities including financial contributions, rates, user fees and charges, leases and community-based funding.</p>
Facilities in the Community Fund Policy	<p>Adopted 7 August 2001 Policy amendment 11 September 2008 Policy amendment 22 October 2015 Policy amendment 31 August 2017 Policy amendment 19 October 2017</p>

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
2% of the previous financial year's financial contributions plus previously accumulated amounts	Balance of funds available for distribution

13/6/2019

Elected Members
Western Bay Of Plenty District Council

Re : Facilities In The Community Fund - request to carry forward funds to 2019/20 financial year
For Whakamarama Community Incorporated

Attention Councillors,

Our group has completed considerable investigation, gps mapping and budgeting for this project. We have worked with DOC through this process and have completed a business plan with them.

Proceeding with the project has been held up by the development of an overall Kaimai Forest Park recreation strategy. This has been a slow process, involving DOC, User groups, Regional councils and multiple Iwi. DOC has informed us that this Strategy is near completion. Therefore we are expecting to get a start on a smaller first stage that will give a high reward for low input. With some more sign off from DOC we expect to be ready to start work as the winter finishes.

We expect to be able to have invoices available for WBOPDC this summer and would be appreciative of the opportunity to uplift the Funding offered by the council.

Regards

Stuart Kirkham

Whakamarama Community Incorporated

Western Bay of Plenty District Council

Council

Chief Executive Officers Exception Report – July 2019

1. Chief Executive Officer and Group Managers' Update Report

1.1. Purpose

To provide the Mayor and Council with timely advice on current projects and issues via an information report.

The Mayor has requested this report be based on topics and that the Chief Executive and Group Managers speak to items.

1.2. Report

The topics and issues are set out in areas of responsibility. Detail to these reports as the information is generally contained in the Committee reports where the topics are debated and direction provided.

1.3. Chief Executive Office

- Nothing to report

1.4. Infrastructure Services

- Nothing to report

1.5. Finance and Technology Service

- Group Manager, Finance and Technology Services Exception Report
 - Attachment A
- Growth Monitoring Statistics as at 30 June 2019
 - Attachment B

1.6. Policy, Planning and Regulatory Services

- Nothing to report

1.7. People and Customer

- Nothing to report

Recommendation

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



Miriam Taris
Chief Executive Officer

Western Bay of Plenty District Council

Council

Group Manager Finance and Technology Services Exception Report Briefing – July 2019

Purpose

This report is to inform Councillors on important issues relating to Council's finances. This report is prepared on an exception basis and includes both positive and negative variances to Council plans, projects and business operations.

Key Financial Performance Indicators for the Eleven Months Ended 31 May 2019

Debt

Council's total external debt balance at 31 May 2019 was \$110.0m. The net debt balance at the end of the reporting period was \$78.77m which represents a \$19.5 reduction from the 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 is 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. A summary of the key financial performance indicators for the period ended 31 May 2019 along with copies of the treasury reports and accompanying graphs have been included in the information pack.

Key Financial Issues for the Eleven Months Ended 31 May 2019

Operating Income

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 (\$9.10m), subsidies and grants income (\$1.91m), other income (\$3.35m) and vested assets (\$13.59m) 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 is 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 is attributable to higher than budgeted spends in the 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 is currently at 195% of full year budget. Further detail on the financial contribution income is tabulated in the Key Financial Issues report included in the information pack.

Ward and Development Trends Statistics

The Ward and Development Trends Statistics report (**Attachment B**) highlights strong levels 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 following census area units have exceeded full year forecast for new lots:

Census Area Unit	Actual New Lots	2018/19 Forecast new Lots
Waihi Beach	30	8
Athenree	7	1
Aongatete	43	7
Omokoroa	387	120
Te Puna	7	4
Minden	25	15
Kaimai	20	15
Ohauti-Ngapeke	3	2
Upper Papamoa	6	5
Rangiuru	8	1
Pongakawa	13	5
Te Puke	92	40

The total number of residential and rural dwelling consents issued at 30 June 2019 is 402 against a full year forecast of 388. These indicators signal the positive levels of development activity from the prior year has continued its momentum throughout the 2018/19 year.



Kumaren Perumal
 Group Manager Finance and Technology Services

Growth Monitoring Statistics as at 30 June 2019**DWELLING CONSENTS****Dwelling Consents over a period of 4 Financial Years**

Census Area Unit	RESIDENTIAL			
	2016	2017	2018	2019
Waihi Beach	30	31	35	20
Athenree	10	14	13	7
Island View-Pios Beach	3	3	11	9
Katikati Community	91	83	34	43
Tahawai	1	0	5	0
Maketu Community	2	1	3	8
Omokoroa	110	145	189	152
Te Puna	5	3	1	1
Pongakawa	0	3	25	2
Paengaroa	18	10	3	3
Te Puke	35	38	17	45
TOTAL	305	331	336	290

	2016	2017	2018	2019
Total Residential and Rural	505	528	496	402

Census Area Unit	RURAL			
	2016	2017	2018	2019
Waihi Beach	15	8	4	2
Matakana Island	0	0	0	0
Tahawai	4	7	7	2
Aongatete	52	58	28	25
Te Puna	3	2	7	4
Minden	44	43	48	34
Kaimai	49	47	36	21
Ohauti-Ngapeke	4	5	6	2
Upper Papamoa	16	10	10	8
Paengaroa	0	2	0	2
Rangiuru	7	6	6	7
Pongakawa	4	7	7	5
Te Puke	2	2	1	0
TOTAL	200	197	160	112

ATTACHMENT B

Dwelling Consents Year to Date: July 2018 – June 2019

Census Area Unit	RESIDENTIAL				
	Jul 18 - Sep 18	Oct 18 - Dec 18	Jan 19 - Mar 19	Apr 19 - Jun 19	Total Jul 18 - Jun 19
Waihi Beach	7	3	5	5	20
Athenree	4	2	0	1	7
Island View-Pios Beach	2	2	2	3	9
Katikati Community	11	7	15	10	43
Tahawai	0	0	0	0	0
Maketu Community	0	1	3	4	8
Omokoroa	21	26	69	36	152
Te Puna	1	0	0	0	1
Pongakawa	1	0	0	1	2
Paengaroa	0	3	0	0	3
Te Puke	7	8	5	25	45
TOTAL	54	52	99	85	290

	Jul 18 - Sep 18	Oct 18 - Dec 18	Jan 19 - Mar 19	Apr 19 - Jun 19	Total Jul 18 - Jun 19
Total Residential and Rural	82	82	125	113	402

Census Area Unit	RURAL				
	Jul 18 - Sep 18	Oct 18 - Dec 18	Jan 19 - Mar 19	Apr 19 - Jun 19	Total Jul 18 - Jun 19
Waihi Beach	0	0	0	2	2
Matakana Island	0	0	0	0	0
Tahawai	1	1	0	0	2
Aongatete	4	7	13	1	25
Te Puna	3	0	1	0	4
Minden	8	9	6	11	34
Kaimai	6	4	2	9	21
Ohauti-Ngapeke	0	2	0	0	2
Upper Papamoa	3	3	1	1	8
Paengaroa	0	0	0	2	2
Rangiuru	2	2	2	1	7
Pongakawa	1	2	1	1	5
Te Puke	0	0	0	0	0
TOTAL	28	30	26	28	112

SUBDIVISION

S224 Lots Created over a period of 4 Financial Years

Census Area Unit	2016	2017	2018	2019
Waihi Beach	21	18	12	30
Athenree	0	3	17	7
Island View	0	1	1	0
Matakana Island	0	0	0	0
Katikati	64	26	57	59
Aongatete	20	11	12	43
Tahawai	13	5	7	1
Kaimai	24	24	25	20
Omokoroa	44	167	116	387
Te Puna	1	3	2	7
Minden	30	48	48	25
Ohauti-Ngapeke	4	1	1	3
Upper Papamoa	3	15	6	6
Maketu	1	0	1	0
Paengaroa	19	6	3	0
Rangiuru	4	7	3	8
Pongakawa	3	17	36	13
Te Puke	17	35	11	92
Total	268	387	358	701

WARD	2016	2017	2018	2019
Western				
Residential	82	48	79	87
Industrial/ Commercial	-	1	5	0
Rural	36	15	22	44
Western Total	118	64	106	131
Central				
Residential	41	167	116	397
Industrial/ Commercial	-	-	-	1
Rural	62	76	76	57
Central Total	103	243	192	455
Eastern				
Residential	36	37	31	91
Industrial/ Commercial	-	-	1	0
Rural	11	43	28	24
Eastern Total	47	80	60	115
TOTAL	268	387	358	701

s224 Lots Created Year to Date: July 2018 – June 2019

Census Area Unit	Jul 18 - Sep 18	Oct 18 - Dec 18	Jan 19 - Mar 19	Apr 19 - Jun 19	Total Jul 18 - Jun 19
Waihi Beach	1	3	1	25	30
Athenree	0	7	0	0	7
Island View	0	0	0	0	0
Matakana Island	0	0	0	0	0
Katikati	7	2	16	34	59
Aongatete	37	3	2	1	43
Tahawai	0	0	1	0	1
Kaimai	3	2	15	0	20
Omokoroa	123	116	98	50	387
Te Puna	3	0	0	4	7
Minden	7	8	5	5	25
Ohauti-Ngapeke	0	0	0	3	3
Upper Papamoa	0	0	3	3	6
Maketu	0	0	0	0	0
Paengaroa	0	0	0	0	0
Rangiuuru	0	4	4	0	8
Pongakawa	3	4	5	1	13
Te Puke	17	2	66	7	92
Total	201	151	216	133	701

WARD	Jul 18 - Sep 18	Oct 18 - Dec 18	Jan 19 - Mar 19	Apr 19 - Jun 19	Total Jul 18 - Jun 19
Western					
Residential	8	2	18	59	87
Industrial/ Commercial	0	0	0	0	0
Rural	37	4	2	1	44
Western Total	45	6	20	60	131
Central					
Residential	123	126	98	50	397
Industrial/ Commercial	0	0	1	0	1
Rural	13	10	19	15	57
Central Total	136	136	118	65	455
Eastern					
Residential	17	1	66	7	91
Industrial/ Commercial	0	0	0	0	0
Rural	3	8	12	1	24
Eastern Total	20	9	78	8	115
TOTAL	201	151	216	133	701

ADDITIONAL LOTS PROPOSED

S223 Lots Proposed over a period of 4 Financial Years

Census Area Unit	2016	2017	2018	2019
Waihi Beach	65	41	28	14
Athenree	3	23	6	0
Island View	0	2	2	0
Matakana Island	0	0	0	0
Katikati	44	34	74	15
Aongatete	37	0	6	2
Tahawai	1	1	0	1
Kaimai	8	0	15	2
Omokoroa	161	719	29	52
Te Puna	1	1	8	16
Minden	30	53	31	20
Ohauti-Ngapeke	1	0	0	1
Upper Papamoā	1	0	5	1
Maketu	0	0	5	0
Paengaroa	1	3	0	1
Rangiuru	11	4	3	1
Pongakawa	32	1	9	5
Te Puke	28	98	20	48
Total	424	980	241	179

WARD	2016	2017	2018	2019
Western				
Residential	112	100	106	29
Industrial/ Commercial	0	0	3	0
Rural	38	1	7	3
Western Total	150	101	116	32
Central				
Residential	161	719	29	52
Industrial/ Commercial	0	0	0	0
Rural	40	54	54	39
Central Total	201	773	83	91
Eastern				
Residential	49	98	24	23
Industrial/ Commercial	0	0	0	0
Rural	24	8	18	33
Eastern Total	73	106	42	56
TOTAL	424	980	241	179

ATTACHMENT B

S223 Lots Proposed Year to Date: July 2018 – June 2019

Census Area Unit	Jul 18 - Sep 18	Oct 18 - Dec 18	Jan 19 - Mar 19	Apr 19 - Jun 19	Total Jul 18 - Jun 19
Waihi Beach	6	1	4	3	14
Athenree	0	0	0	0	0
Island View	0	0	0	0	0
Matakana Island	0	0	0	0	0
Katikati	6	4	2	3	15
Aongatete	1	0	1	0	2
Tahawai	0	0	1	0	1
Kaimai	0	1	0	1	2
Omokoroa	0	20	32	0	52
Te Puna	15	1	0	0	16
Minden	0	0	12	8	20
Ohauti-Ngapeke	1	0	0	0	1
Upper Papamoa	0	0	1	0	1
Maketu	0	0	0	0	0
Paengaroa	0	0	0	1	1
Rangiuru	0	0	1	0	1
Pongakawa	0	5	0	0	5
Te Puke	0	1	21	26	48
Total	29	33	75	42	179

WARD	Jul 18 - Sep 18	Oct 18 - Dec 18	Jan 19 - Mar 19	Apr 19 - Jun 19	Total Jul 18 - Jun 19
Western					
Residential	12	5	6	6	29
Industrial/ Commercial	0	0	0	0	0
Rural	1	0	2	0	3
Western Total	13	5	8	6	32
Central					
Residential	0	20	32	0	52
Industrial/ Commercial	0	0	0	0	0
Rural	16	2	12	9	39
Central Total	16	22	44	9	91
Eastern					
Residential	0	1	17	5	23
Industrial/ Commercial	0	0	0	0	0
Rural	0	5	6	22	33
Eastern Total	0	6	23	27	56
TOTAL	29	33	75	42	179

Council
18 July 2019

WARD AND DISTRICT DEVELOPMENT TRENDS STATISTICS APRIL 2019 – JUNE 2019

1. Purpose and Summary

The purpose of this report is to provide information to the elected members detailing ward and district level data from July 2018 – June 2019 regarding three indicators of development in the District.

2. Discussion on Issue

This report provides ward and district level data regarding three indicators of development in the District:

- **New dwelling consents issued** (*includes new dwellings*)
- **Additional lots created at Section 224 approval stage**
- **Additional lots proposed at subdivision application stage** (*please note the actual number of lots created may change during the consent process*)

These indicators are designed to reflect subdivision and dwelling consents issued and recorded on a quarterly basis in the District.

The report includes tables per Census Area Unit, ward and zone showing the comparison of the last four financial years between July 2016 - June 2019. The report also includes the comparison of the last four quarters from July 2018 – September 2018, October 2018 – December 2018, January 2019 – March 2019 and April 2019 – June 2019 for dwelling consents issued, additional lots created and additional lots proposed.

3. Internal and External Communication

No internal and/or external communication required.



Antoinette Denton
Research and Monitoring Analyst

Western Bay of Plenty District Council

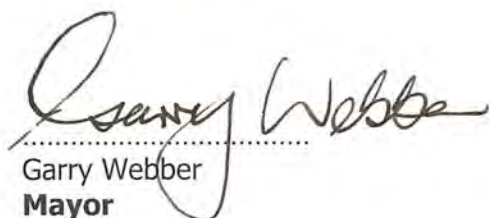
Council

Mayor's Report to Council – July 2019

1. SmartGrowth – Verbal update
2. LGNZ Conference – Verbal update
3. Central Government – Verbal update

Recommendations

- | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none">1. <i>THAT the Mayor's report dated 28 June 2019 and titled Mayor's Report to Council - July 2019 be received.</i> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|


Garry Webber
Mayor