

# Western Bay of Plenty District Council

**Minutes of Meeting No. C1 of Council  
held on 5 December 2019 in the Council Chamber, Barkes Corner, Tauranga  
commencing at 9.30am**

## **Present**

Mayor G J Webber (Chairperson), Councillors G Dally, M Dean, J Denyer, M Grainger, A Henry, C Humphreys, M Lints, M Murray-Benge, J Scrimgeour and D Thwaites.

## **In Attendance**

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), R Davie (Group Manager Policy, Planning and Regulatory Services), K Perumal (Group Manager Finance and Technology Services), J Pedersen (Group Manager People and Customer Services), D Pearce (Community Manager), I Butler (Finance Manager), B Whitton (Customer Experience Manager), D Jensen (Senior Financial Planner), G Payne (Strategic Advisor), P Hennessey (Communications Director), R Woodward (Communications Specialist), T Ruru (Governance Advisor), L Arrowsmith (Governance Support Administrator), A Alty (Senior Governance Advisor), B Clarke (Senior Governance Advisor), K Elder (Governance Manager).

## **Community Boards**

T Sage (Chairperson, Omokoroa Community Board), S Beech (Chairperson, Maketu Community Board), R Crawford (Chairperson, Te Puke Community Board) and R Goudie (Chairperson, Waihi Beach Community Board).

## **Others**

One member of the media and three members of the public.

## **Apology**

An apology for absence was received from Councillor Marsh.

**Resolved:** Thwaites / Scrimgeour

*That the apology for absence from Councillor Marsh be accepted.*

**Declarations of Interest:**

Members were advised that if they had an 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 (Local Authorities (Members' Interest) Act 1968).

No declarations of interest were received for any items on the agenda.

**Public Forum**

**Resolved:** Murray-Benge / Grainger

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

**Draft 2020 Community Board Meeting Schedule and Ward Forums**

- a) Shane Beech, Chairperson of the Maketu Community Board, addressed Council in relation to the following:
- The Board wished to meet six-weekly rather than twelve-weekly as proposed in the Draft Schedule of Meetings for 2020. 96% of its community wanted the status quo in relation to meeting frequency.
  - The Ward Forums were not opposed, as the Board understood that Council wished to achieve greater representation for all communities in the Ward. This was to be encouraged, although they noted there had been no consultation with the Board.
  - The Board would like to be given the opportunity to be involved in any review of the usefulness of the Forums, perhaps within an 18 months period.
- b) Richard Crawford, Chairperson of the Te Puke Community Board, addressed Council in relation to the following:
- The Board wished to hold six meetings per annum, rather than meet twelve-weekly as proposed in the Draft Schedule of Meetings for 2020.
  - There was a wider representation in their area, and the Board supported the idea of Ward Forums. Their usefulness would become apparent over time.
- c) Teresa Sage, Chairperson of the Omokoroa Community Board, addressed Council in relation to the following:
- The Board wished to meet six-weekly rather than twelve-weekly as proposed in the Draft Schedule of Meetings for 2020. It was considered that this meeting routine had worked, although delays had been encountered at times, when waiting to receive responses to Board recommendations required to be put to Council for approval.
  - The Board would like to wait and see how the Ward Forums worked.
- d) Ross Goudie, Chairperson of Waihi Beach Community Board, addressed Council in relation to the following:

- The Board wished to hold six weekly meetings rather than twelve weekly as proposed in the Draft Schedule of Meetings for 2020.
- Waihi Beach Community Board would liaise with Katikati Community Board to work collaboratively on matters relevant to both communities.
- The Board would be interested to see how the proposed Ward Forums worked and hoped they would enhance delivery of services and the ability of the community to work together.

Councillor Denyer advised the Council that he was aware that the Katikati Community Board had also expressed the desire to hold six-weekly meetings.

**Resolved:** Henry / Denyer

*That the meeting be re-convened in formal session.*

### **Procedural Motion / Amendment**

Councillor Humphreys expressed a concern that there had been insufficient time for Elected Members to review the Council agenda, which was unusually large. She moved the following procedural motion:

**Motion:** Humphreys / Murray-Benge

That the Council meeting be deferred in order to hold a workshop discussion.

### **Division**

For: Councillors Humphreys, Lints and Murray-Benge.

Against: Councillors Dally, Dean, Denyer, Grainger, Henry, Scrimgeour and Thwaites, and Mayor Webber.

Absent: Councillor Marsh

The motion was declared lost.

**Motion:** Murray-Benge / Humphreys

That Council release the agenda no less than five working days prior to the meeting being held.

### **Division**

For: Councillors Dean, Henry, Humphreys, Lints and Murray-Benge

Against: Councillors Dally, Denyer, Grainger, Scrimgeour and Thwaites, and Mayor Webber

Absent: Councillor Marsh.

The motion was declared lost.

The Chief Executive addressed the Council and advised that the Council agenda had been released in accordance with the requirements of the Local Government Official Information and Meetings Act 1987, at least two working days prior to the meeting.

She noted that the agenda was unusually large as it included a number of reports that were required to be presented to the first business meeting of Council at the start of the triennium, and these were not usually on the Council agenda. A number of financial reports were also presented to Council for information at this time. In future these would be received by the Performance and Monitoring Committee.

### C1.1 **Standing Orders 2019-2022 Triennium**

Council considered a report from the Governance Manager dated 19 November 2019.

Staff responded to questions as follows:

- Council did not currently have the technology to provide an audio/visual link for Councillors to join meetings.
- Council would be reviewing the provision of equipment in the Council Chamber.
- Should audio/visual technology be required, a report could be prepared to Council for funding approval.

**Motion:** Murray-Benge / Scrimgeour

That Council receives the Adoption of Standing Orders 2019-2022 Triennium report dated 19 November 2019.

That the report relates to an issue considered to be of low significance in terms of Council's Significance and Engagement Policy.

That pursuant to Clause 27 of Schedule 7 of the Local Government Act 2002 Council adopts the Western Bay of Plenty District Council Standing Orders 2019 (Attachment 2) with the following amendments:

- (a) Exclude provisions Standing Orders 13.7 through to 13.16 relating to attending meetings by audio or audio visual link, to make no provision for member participation via audio or audio-visual link.
- (b) Include Standing Order 19.3 as follows:  
  
Chairperson has a casting vote  
'The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.'
- (c) Include Standing Order 22 Option B (medium) as the default for speaking and moving motions.

(d) Add to Standing Order 15 – Public Forums

'Brief notes may be kept of matters raised in public forum. Matters for action will be referred through the service request system, while those requiring further investigation may be referred to the Chief Executive Officer for further report. If no resolution referring a request for further report is made no further action will be taken on those matters which are not service requests.'

**Amendment:** Dean / Lints

That the motion parts 1, 2 and 3 (b), (c) and (d) remain as moved and that part 3 (a) be amended to read as follows:

3 (a) Include provisions Standing Orders 13.7 through to 13.16 relating to attending meetings by audio or audio/visual link with the following amendment to Standing Order 13.7:

'Provided the conditions in Standing Orders 13.11 and 13.12 are met, Members of the Local Authority and its Committees (and member of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link **in exceptional circumstances**, unless they have been lawfully excluded'.

**Division**

For: Councillors Dally, Dean, Denyer, Grainger, Henry, Lints, and Mayor Webber

Against: Councillors Humphreys, Murray-Benge, Scrimgeour and Thwaites.

Absent: Councillor Marsh.

The amendment was declared carried.

The amendment became the substantive motion as follows:

**Resolved:** Dean / Lints

- 1. That Council receives the Adoption of Standing Orders 2019-2022 Triennium report dated 19 November 2019.*
- 2. That the report relates to an issue considered to be of low significance in terms of Council's Significance and Engagement Policy.*
- 3. That pursuant to Clause 27 of Schedule 7 of the Local Government Act 2002 Council adopts the Western Bay of Plenty District Council Standing Orders 2019 (Attachment 2) by a vote in support of no less*

*than 75% of members present and voting with the following amendments:*

- (a) *Include provisions Standing Orders 13.7 through to 13.16 relating to attending meetings by audio or audio/visual link with the following amendment to Standing Order 13.7:*

*'Provided the conditions in Standing Orders 13.11 and 13.12 are met, Members of the Local Authority and its Committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link in exceptional circumstances, unless they have been lawfully excluded.'*

- (b) *Include Standing Order 19.3 as follows:*

*Chairperson has a casting vote*

*'The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.'*

- (c) *Include Standing Order 22 Option B (medium) as the default for speaking and moving motions.*

- (d) *Add to Standing Order 15 – Public Forums*

*'Brief notes may be kept of matters raised in public forum. Matters for action will be referred through the service request system, while those requiring further investigation may be referred to the Chief Executive Officer for further report. If no resolution referring a request for further report is made no further action will be taken on those matters which are not service requests.'*

Councillor Murray-Benge requested that her vote against the motion be recorded.

## C1.2

### **Committee Structure and Delegations for the 2019-2022 Triennium**

Council considered a report from the Governance Manager dated 14 November 2019.

Mayor Webber gave a brief introduction on the background and objectives of the proposed Committee structure and responded to questions, noting the following:

- Almost half the Western Bay District's communities were not covered by the five Community Boards.

- The proposed structure included Ward Forums to supplement the work of Community Boards and provide greater service to Council's wider communities.
- The intent was to give access to organisations and people who had not had access to a Community Board process.
- It was important to establish Ward Forums so many groups in the wider community received the benefit of greater service from Council.
- The Forums would allow all Councillors to keep in touch with their communities which was a strong message received during the recent representation review.

**Moved:** Dean / Henry

1. That the Governance Manager's report dated 14 November 2019 and titled 'Committee Structure, Delegations and Appointments 2019-2022 Triennium' 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 adopt the delegations and membership of the Council Committees and Ward Forums as set out in Attachment 1.
4. That Council be advised that the Chairperson of the District Plan Committee, Mayor Webber, wishes to vacate the position and hereby appoints Deputy Mayor John Scrimgeour as Chairperson of the District Plan Committee pursuant to section 41A(3)(c) of the Local Government Act 2002.
5. That pursuant to Clause 26 Schedule 7 of the Local Government Act 2002 the following persons be appointed as Deputy Chairpersons to the Council Committees and Ward Forums as set out below:
  - Annual Plan and Long Term Plan Committee: Cr James Denyer
  - Audit and Risk Committee: Cr James Denyer
  - Policy Committee: Cr Monique Lints
  - District Plan Committee: Cr Mark Dean
  - Regulatory Hearings Committee: Cr Mark Dean
  - Performance and Monitoring Committee: Cr Murray Grainger
  - Katikati – Waihi Beach Ward Forum: Cr Anne Henry
  - Kaimai Ward Forum: Cr Margaret Murray-Benge
  - Maketu – Te Puke Ward Forum: Cr Monique Lints
6. That the 2016-2019 Regulatory Hearings Committee be formally discharged and a new Regulatory Hearings Committee be appointed for the 2019-2022 triennium, with the delegations and membership of the Committee set out in Attachment 1.

7. That the District Licensing Committee duly constituted during the 2016 – 2019 triennium remain in force and the existing delegations and appointed members currently on the District Licensing Committee List be confirmed, as set out in Attachment 1.

**Amendment:** Mayor Webber / Dally

That the motion parts 1, 2, 4, 5, 6 and 7 remain as moved and that part 3 be amended to read as follows:

3. That Council adopt the delegations and membership of the Council Committees and Ward Forums as set out in Attachment 1, with the meeting frequencies applied to Community Boards and Ward Forums amended as follows:

'That Community Boards and Ward Forums meet no less than six-weekly, or as required'.

**Division**

For: Councillor Dally, Dean, Denyer, Grainger, Henry, Lints, Murray-Benge, Scrimgeour, Thwaites and Mayor Webber.

Against: Councillor Humphreys

Absent: Councillor Marsh

The Amendment was declared carried and became the substantive motion as follows:

**Resolved:** Mayor Webber / Dally

1. That the Governance Manager's report dated 14 November 2019 and titled 'Committee Structure, Delegations and Appointments 2019-2022 Triennium' 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 adopt the delegations and membership of the Council Committees and Ward Forums as set out in Attachment 1 with the meeting frequencies applied to Community Boards and Ward Forums amended as follows:  
  
'That Community Boards and Ward Forums meet no less than six-weekly, or as required'.
4. That Council be advised that the Chairperson of the District Plan Committee, Mayor Webber, wishes to vacate the position and hereby appoints Deputy Mayor John Scrimgeour as Chairperson of the District



Plan Committee pursuant to section 41A(3)(c) of the Local Government Act 2002.

5. That pursuant to clause 26 Schedule 7 of the Local Government Act 2002 the following persons be appointed as Deputy Chairpersons to the Council Committees and Ward Forums as set out below:
  - Annual Plan and Long Term Plan Committee: Cr James Denyer
  - Audit and Risk Committee: Cr James Denyer
  - Policy Committee: Cr Monique Lints
  - District Plan Committee: Cr Mark Dean
  - Regulatory Hearings Committee: Cr Mark Dean
  - Performance and Monitoring Committee: Cr Murray Grainger
  - Katikati – Waihi Beach Ward Forum: Cr Anne Henry
  - Kaimai Ward Forum: Cr Margaret Murray-Benge
  - Maketu – Te Puke Ward Forum: Cr Monique Lints
6. That the 2016-2019 Regulatory Hearings Committee be formally discharged and a new Regulatory Hearings Committee be appointed for the 2019-2022 triennium, with the delegations and membership of the Committee set out in Attachment 1.
7. That the District Licensing Committee duly constituted during the 2016 – 2019 triennium remain in force and the existing delegations and appointed members currently on the District Licensing Committee List be confirmed, as set out in Attachment 1.

10.30am

The meeting adjourned.

10.50am

The meeting reconvened.

**Amendment:** Mayor Webber / Dally

That the motion parts 1- 8 remain as moved and that a new part 5 be inserted as follows:

'That pursuant to Clause 25(4) Schedule 7 of the Local Government Act 2002, Council adopts system B for the election of Deputy Chairpersons for the Committees and Ward Forums.'

The Amendment was declared carried and became the substantive motion as follows:

**Resolved:** Mayor Webber / Dally

1. *That the Governance Manager's report dated 14 November 2019 and titled 'Committee Structure, Delegations and Appointments 2019-2022*

*Triennium' 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 adopt the delegations and membership of the Council Committees and Ward Forums as set out in Attachment 1 with the meeting frequencies applied to Community Boards and Ward Forums amended as follows:*

*'That Community Boards and Ward Forums meet no less than six-weekly, or as required'.*
4. *That Council be advised that the Chairperson of the District Plan Committee, Mayor Webber, wishes to vacate the position and hereby appoints Deputy Mayor John Scrimgeour as Chairperson of the District Plan Committee pursuant to section 41A(3)(c) of the Local Government Act 2002.*
5. *That pursuant to Clause 25(4) Schedule 7 of the Local Government Act 2002, Council adopts system B for the election of Deputy Chairpersons for the Committees and Ward Forums.*
6. *That pursuant to clause 26 Schedule 7 of the Local Government Act 2002 the following persons be appointed as Deputy Chairpersons to the Council Committees and Ward Forums as set out below:*
  - *Annual Plan and Long Term Plan Committee: Cr James Denyer*
  - *Audit and Risk Committee: Cr James Denyer*
  - *Policy Committee: Cr Monique Lints*
  - *District Plan Committee: Cr Mark Dean*
  - *Regulatory Hearings Committee: Cr Mark Dean*
  - *Performance and Monitoring Committee: Cr Murray Grainger*
  - *Katikati – Waihi Beach Ward Forum: Cr Anne Henry*
  - *Kaimai Ward Forum: Cr Margaret Murray-Benge*
  - *Maketu – Te Puke Ward Forum: Cr Monique Lints*
7. *That the 2016-2019 Regulatory Hearings Committee be formally discharged and a new Regulatory Hearings Committee be appointed for the 2019-2022 triennium, with the delegations and membership of the Committee set out in Attachment 1.*
8. *That the District Licensing Committee duly constituted during the 2016 – 2019 triennium remain in force and the existing delegations and appointed members currently on the District Licensing Committee List be confirmed, as set out in Attachment 1.*

**C1.3 Delegations to Community Boards 2019-2022 Triennium**

Council considered a report from the Senior Governance Advisor dated 14 November 2019.

**Resolved:** Denyer / Grainger

- 1. That the Senior Governance Advisor's report dated 14 November 2019 and titled Delegations to Community Boards 2019-2022 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 2019-2022 triennium, Council's delegations to the Maketu, Te Puke, Omokoroa, Katikati and Waihi Beach Community Boards be as follows:*

*Role and Purpose of Community Boards:*

- To represent, and act as an advocate for, the interests of their communities.*
- To consider and report on all matters referred by Council and its Committees, or any matter of interest or concern to the Community Board.*
- To maintain an overview of services provided by Council within the community.*
- To prepare an annual submission to the Council for expenditure within the community.*
- To communicate with community organisations and special interest groups within the community.*
- To undertake responsibilities as delegated by Council or its Committees.*

*Delegated Functions:*

*Subject to compliance with Council strategies, policies, plans and legislation:*

- To maintain an overview of road works, water supply, sewage, stormwater, parks, recreational facilities, community activities and traffic management within the community and make recommendations to Council and its Committees in accordance with their delegated functions.*
- To report and make recommendations to Council and its Committees in accordance with their delegated functions on issues facing respective communities to promote public participation and communication within respective communities.*
- To undertake tasks, powers and functions as may be delegated by Council or its Committees in accordance with their delegated functions from time to time.*

- *To control, expend and monitor funds as allocated by Council.*
- *To allocate Community Board reserve funds to specific capital non-recurring projects for council assets on council land; or in accordance with allocations which have been approved through the annual plan process.*
- *To have input into Council and its Committees on issues and plans affecting the respective communities.*
- *To provide an effective mechanism for community feedback to Council.*
- *To receive reports from Council appointees on Council matters relevant to the Community Boards.*

#### C1.4 **Exercise of Delegations by Chief Executive officer During the Interregnum Period 2019**

Council considered a report from the Senior Governance Advisor dated 14 November 2019.

**Resolved:** Grainger / Murray-Benge

1. *That the Senior Governance Advisor's report dated 14 November 2019 and titled 'Exercise of Delegation by Chief Executive Officer During the Interregnum Period 2019' 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 notes that, pursuant to the delegations to the Chief Executive Officer during the interregnum period, the following actions were taken:*
  - *Expenditure of \$38,263 was approved for the installation of a BBQ on Western Avenue Sports Ground funded from the Omokoroa Community Board Reserve Account in order to facilitate the ordering of the unit in time for Christmas.*
  - *The Chief Executive exercised Council's shareholder voting rights at the Local Government Funding Agency 2018/19 Annual General Meeting.*

#### C1.5 **Exercise of Delegations - Report on Submissions Made on Behalf of Council**

Council considered a report from the Senior Governance Advisor dated 14 November 2019.

Councillors Denyer and Murray-Benge both advised that they had also made personal submissions to the SH2 Katikati to Tauranga Speed Review by the NZ Transport Agency.

**Resolved:** Denyer / Murray-Benge

1. *That the Senior Governance Advisor's report dated 14 November 2019 and titled 'Exercise of Delegations – Report on Submissions Made on Behalf of Council' 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 be advised that, under the Mayor's Delegation, the following submissions have been lodged on behalf of Council:*
  - *Submission on the 'Action for Healthy Waterways reform package' to the Ministry for the Environment and Ministry for Primary Industries signed by the Mayor on 30 October 2019.*
  - *Feedback on the State Highway 2 Katikati to Tauranga Speed Review' to the NZ Transport Agency, signed by the Mayor on 15 November 2019.*

C1.6

### **Elected Members Code of Conduct 2019 - 2022 Triennium**

Council considered a report from the Governance Advisor dated 20 November 2019.

**Resolved:** Scrimgeour / Thwaites

1. *That Council receives the Governance Advisor's report titled Elected Members' Code of Conduct 2019-2022 dated 20 November 2019.*
2. *That the report relates to an issue considered to be of low significance in terms of Council's Significance and Engagement Policy.*
3. *That pursuant to Clause 15, Schedule 7 of the Local Government Act 2002, Council adopts the 2019 LGNZ Code of Conduct template as the Western Bay of Plenty District Council Elected Members' Code of Conduct 2019-2022 (Attachment 1) by a vote in support of no less than 75% of Members present and voting.*

C1.7

### **Elected Members Remuneration Pool of Funds 2019 and Allowances**

Council considered a report from the Group Manager People and Customer Services dated 19 November 2019.

The Group Manager People and Customer Services introduced the report and provided an explanation on a change to the way Elected Members' remuneration was to be allocated to different roles and was in line with the

2019-2020 determination from the Remuneration Authority. She advised that the method applied was to ensure fairness and recognition of Chairperson's additional responsibilities.

The Chief Executive and Mayor responded to questions in relation to past practice and future requirements.

The resolution was taken in parts as follows:

Part 1

**Resolved:** Dally / Murray-Benge

1. *That the Group Manager People and Customer Services' report dated 19 November 2019 and titled 'Elected Members Remuneration Pool of Funds 2019 and Allowances' 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 formally confirms remuneration attached to different roles within the allocated pool (of \$479,232) and forward a proposal to the Remuneration Authority by Friday 24 January 2020 to meet the deadline for second amending determination, as follows:*

*An amount is used to recognise roles of extra responsibilities and workload;*

*Deputy Mayor & Chair of Annual Plan & Long Term Plan Committee - \$60,000*

*Chair of Performance & Monitoring Committee (6 weekly) - \$48,000*

*Chair of Katikati – Waihi Beach Ward Forum (12 weekly) - \$43,500*

*Chair of Kaimai Ward Forum (12 weekly) - \$43,500*

*Chair of Maketu – Te Puke Ward Forum (12 weekly) - \$43,500*

*Councillor (all other) - \$40,122*

Part 2

**Resolved** Dally / Dean

4. *That Council confirms its approach to Elected Members Allowances:*

Vehicle Mileage Allowance

*That Council adopts the Vehicle Mileage Allowance in accordance with the Remuneration Authority's Determination and Council's Sensitive Expenditure Policy.*

Part 3

**Resolved** Henry / Dally

5. Travel Time Allowance  
*That Council adopts the Travel Time Allowance of \$37.50 per hour of*

*eligible travel time after the first hour of eligible travel time.*

Part 4

**Resolved** Dally/ Grainger

6. Communications Allowance

*That Council adopts the current Communications Allowances in addition to the issuing of Council owned iPads and data Sim to Councillors and Community Board Chairs.*

Part 5

**Resolved** Thwaites / Henry

7. Childcare Allowance

*That Council confirms the Childcare Allowance maximum of \$6,000 per year for eligible childcare.*

C1.8

**Council Appointments to External Committees and Organisations for the 2019-2022 Triennium**

Council considered a report from the Mayor dated 14 November 2019.

The Chief Executive advised that there could be further changes in relation to newly established external committees and organisations over time.

**Resolved:** Thwaites / Grainger

1. *That the Mayor's report to Council dated 14 November 2019 and titled "Council Appointments to External Committees and Organisations for the 2019-2022 Triennium" 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 it be noted that Mayor Webber is a member of the Bay of Plenty Civil Defence Emergency Management Group and the Bledisloe Park Board for the 2019 to 2022 triennium.*
4. *That Mayor Webber and Councillors Scrimgeour and Thwaites be appointed to represent the Western Bay of Plenty District Council on the SmartGrowth Leadership Group.*
5. *That Mayor Webber and Councillors Scrimgeour and Thwaites be appointed to the Western Bay of Plenty District Council Controlled Organisations Appointments Panel for the 2019 to 2022 triennium.*

6. *That Councillors Henry and Lints be appointed as the Western Bay of Plenty District Council representatives on the Creative Communities Panel.*
7. *That Mayor Webber be appointed to represent Western Bay of Plenty District Council at the Local Government New Zealand Zone 2 meetings and that Deputy Mayor Scrimgeour be appointed as the alternate representative.*
8. *That Mayor Webber be appointed to represent Western Bay of Plenty District Council on the Public Transport Committee.*
9. *That Mayor Webber be appointed to represent Western Bay of Plenty District Council on the Regional Transport Committee and that Deputy Mayor Scrimgeour be appointed as the alternative representative.*
10. *That Councillor Dally be appointed to represent Western Bay of Plenty District Council on Envirohub Bay of Plenty.*
11. *That Councillors Dally and Dean be appointed to represent Western Bay of Plenty District Council on the Tauranga Moana Advisory Group.*
12. *That Councillor Dally be appointed as the Western Bay of Plenty District Council's representative with Councillor Scrimgeour appointed as the alternate representative on the Te Maru o Kaituna (Kaituna River Authority).*
13. *That Mayor Webber be appointed as the Western Bay of Plenty District Council representative on the Tourism Bay of Plenty Appointments Panel and that Deputy Mayor Scrimgeour be appointed as the alternate representative.*
14. *That Councillors Dally and Marsh be appointed as the Western Bay of Plenty District Council representatives on the Waiāri Kaitiaki Advisory Group.*
15. *That Councillors Dally and Scrimgeour be appointed as the Western Bay of Plenty District Council representatives on the Te Puke Alternative Wastewater Options Group.*
16. *That Councillor Denyer be appointed as the Western Bay of Plenty District Council representative on the Katikati Alternative Wastewater Options Group.*

**C1.9****Appointment of Trustees to Tourism Bay of Plenty 2019**

Council considered a report from the Community Manager dated 25 November 2019.



**Resolved:** Murray-Benge / Henry

1. *That the Community Manager's report dated 25 November 2019 and titled 'Appointment of Trustees to Tourism Bay of Plenty 2019' be received.*
2. *That the process to recruit two new trustees to the Tourism Bay of Plenty Board for terms of two years and four months, up to 30 April 2022 be initiated.*
3. *That Council approves the appointment of the following persons to the Tourism Bay of Plenty Appointment Panel:*
  - a) *Laurissa Cooney, Acting Chair for Tourism Bay of Plenty*
  - b) *Mayor Tenby Powell for Tauranga City Council;*
  - c) *Mayor Garry Webber for Western Bay of Plenty District Council;*
  - d) *Jodie Tipping as an independent member of the Panel.*
4. *That Council confirms the skills, knowledge and experience required for the two new Tourism Bay of Plenty trustee positions outlined in Attachment 1.*

C1.10

**Confirmation of Appointments to Bledisloe Park Board 2019-2022**

Council considered a report from the Senior Governance Advisor dated 15 November 2019.

**Resolved:** Scrimgeour / Murray-Benge

1. *That the report of the Senior Governance Advisor dated 15 November 2019 and titled 'Confirmation of Appointments to Bledisloe Park Board 2019 – 2022' 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 receives confirmation of the following appointments to the Bledisloe Park Board for 2019-2022:*
  - *Kevin Marsh*
  - *Wendy McFadyen*
  - *Charles Huia Peni*
  - *Ronald Spratt*
  - *Geoff Rolleston*
  - *William Emery*
  - *Cassandra Cowley*
4. *That Council notes that the Mayor of the Western Bay of Plenty District Council is appointed to the Board by the Act and does not require nomination or a warrant of appointment from the Governor-General.*

**C1.11 Quarterly Review of Council's Risk Profile**

Council considered a report from the Risk Specialist dated 11 November 2019.

The Group Manager Finance and Technology Services introduced the report and highlighted key points.

The Mayor advised that the newly established Audit and Risk Committee was 'a Committee of the whole', as it was considered crucial that all Councillors were Members of this committee.

**Resolved:** Dean / Denyer

- 1. That the Risk Specialist's report dated 11 November 2019 and titled 'Quarterly Review of Council's Risk Profile' be received.*
- 2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*
- 3. That Council has reviewed the Western Bay of Plenty District Council Risk Profile and notes there are no amendments.*

**C1.12 Receipt of Community Board Minutes**

**Resolved:** Lints / Thwaites

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

- 1. Minute No. TP1 of the Te Puke Community Board held on 14 November 2019*
- 2. Minute No. WB1 of the Waihi Beach Community Board held on 18 November 2019*
- 3. Minute No. OM1 of the Omokoroa Community Board held on 19 November 2019*
- 4. Minute No. K1 of the Katikati Community Board held on 20 November 2019*
- 5. Minute No. MC1 of the Maketu Community Board held on 26 November 2019.*

**C1.13 Minutes of Council and Committee Meetings for Confirmation**

**Resolved:** Grainger / Scrimgeour

*That the minutes of the following meeting be confirmed as a true and correct record:*

- 1. Minute No. C-IN of the Western Bay of Plenty District Council Inaugural meeting held on 7 November 2019.*

C1.14 **Minutes for Receipt**

**Resolved:** Murray-Benge / Dean

*That the minutes of the following Independent Commissioner Hearing be received:*

- 1. Minute No. CH4 of an Independent Commissioner Hearing held on 1 and 2 July 2019.*

C1.15 **Endorsement of Alternate Controllers for the Western Bay of Plenty Emergency Management Operating Area**

Council considered a report from the Deputy Chief Executive dated 14 November 2019.

**Resolved:** Grainger / Murray-Benge

- 1. That the Deputy Chief Executive's report to Council dated 14 November 2019 and titled "Endorsement of Alternate Controller for the Western Bay of Plenty Emergency Management Operating Area" 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 Western Bay of Plenty District Council endorses the appointment of Rowan Wallace, Manager: Emergency Management as an Alternate Controller for the Western Bay of Plenty Emergency Management Operating Area.*

C1.16 **Mayor's Report to Council - December 2019**

Mayor Webber provided verbal updates as follows:

SmartGrowth / UFTI Update

The Mayor outlined the historical background relating to an agreement signed in 2005 by the Mayors of Western Bay of Plenty District Council, Tauranga City Council and the Chairperson of the Bay of Plenty Regional Council on upgrading the transport network in the Bay of Plenty.

The Mayors of Western Bay of Plenty District Council, Tauranga City Council and the Chairperson of the Bay of Plenty Regional Council had met with the Minister for the Environment in August 2018 and expressed

concerns over road network delays that had resulted in increased costs and also highlighted their experiences dealing with the NZ Transport Agency. At that time the Minister advised that he would revisit this matter.

The Minister had now agreed to set up a new structure, similar to the Auckland and Waikato initiatives. The budget for 2020 was focused on four arrangements, two of these were in place, with Queenstown, Wellington and Christchurch about to sign up. Western Bay of Plenty District Council, Tauranga City Council and Bay of Plenty Regional Council would be meeting in the near future to proceed with an agreed arrangement.

Tauranga City Council and Bay of Plenty Regional Council had limited plans for buses and transportation, and there was no funding currently in their Council plans for other transportation network projects. However, if the arrangement is agreed to and signed, there would be a ten-year deal and funding for it.

If the new structure was established, it would be comprised of Ministry of Transport representatives, two representatives from each Council, and two tangata whenua representatives, and would be likely to meet quarterly.

Western Bay of Plenty District Council had funding to cover these components in its Long Term Plan. Major intersection improvements were a fundamental requirement but the NZ Transport Agency did not have specific funding for this.

There was an increased focus on speed limits in School Zones, and the required signage which would be costly would have to be installed, but there had been no indication of whether central or local government would cover this cost.

#### Rural & Provincial Update

The Mayor advised that he had recently attended a Rural and Provincial Mayors meeting and noted the following:

- There was a general consensus that there was nothing wrong with current legislation. Western Bay of Plenty District Council had met the requirements, but many small councils had put off work and resource consents had lapsed.
- Councils will be affected by new freshwater legislation requirements regarding discharge of stormwater into rivers and the ocean. Western Bay of Plenty District Council was in a good position with its resource consents and future 'three waters' requirements.
- A National Policy Statement about indigenous biodiversity was being developed that would require expertise and funding to implement. If new rules required storm water detention ponds, the changes would need to be supported by central government funding.

**Resolved:** Dean / Thwaites

*That the Mayor's verbal report to Council for December 2019 be received.*

C1.17

### **Draft Schedule of Meetings 2020**

Council considered a report from the Governance Manager dated 18 November 2019.

**Resolved:** Murray-Benge / Webber

1. *That the Governance Manager's Report dated 18 November 2019 and titled 'Draft Schedule of Meetings 2020' 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 Draft Meeting Schedule 2020 in Attachment 1 be adopted as Council's formal meeting programmes for 2020, noting the following:*
  - (a) *that this programme is subject to change from time to time depending on changing business needs; and*
  - (b) *that staff will review the Community Board and Ward Forum meeting schedule in conjunction with the Chairpersons and report back to the February 2020 Council meeting.*
4. *That the Draft Workshop, External Meetings and Events Schedule 2020 in Attachment 2 be adopted as Council's programme of informal workshops and events, noting that this programme is subject to change from time to time depending upon the changing business needs of Council.*
5. *That the Governance Manager be delegated authority to make amendments to the meeting schedules should Council business require such amendment throughout the year, subject to appropriate notification to both elected members and the public.*

## **INFORMATION REPORTS FOR RECEIPT**

C1.18

### **Meeting Programme to the End of December 2019**

Council considered a report from the Governance Manager dated 18 November 2019.

**Resolved:** Scrimgeour / Thwaites

*That the report from the Governance Manager dated 18 November 2019 and titled 'Meeting Programme to the End of December 2019' be received.*

C1.19                    **Group Manager Finance and Technology Services Exception Report Briefing December 2019**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

The Group Manager, Finance and Technology Services spoke to the report, noting the following:

**Key Financial Performance Indicators for the Four Months Ended 31 October 2019**

Council's net debt balance was \$64.17M at the end of the reporting period which represented a \$15.83M reduction from the June 2019 balance. The total external debt balance at 31 October 2019 was \$110.0M. Council had a positive cash position of \$45.83M at 31 October 2019.

**Interest Rate Swaps**

Total debt covered by interest rate swaps at 31 October was 78%. The level of coverage was within the required policy range of 50%-95%. The value of interest rate swaps at 31 October 2019 was \$141.5M.

**Operating Income**

The total income for the four months ended 31 October 2019 was \$34.66M against a full year budget of \$33.67M. The \$989K higher income variance was largely due to greater than budgeted levels of revenue received from rates and service charges (\$739K other income (\$796K), sundry income (\$170K and vested assets (\$2.68M off set by lower than expected financial contribution revenue (\$2.59M), external interest (\$172K) and subsidy income (\$1.35M) in the same period.

**Operating Expenditure**

Total expenditure of \$30.68M was \$634K higher than the year-to-date budget of \$30.05M due to higher than budgeted operating and depreciation costs, offset by lower than budgeted additional levels of service and interest costs.

**Capital Expenditure**

Capital Expenditure of \$7.42M for the period was \$2.87M lower than year-to-date budget of \$10.29M.

**Financial Contributions**

Financial contributions income of \$913K was \$2.59M lower than year-to-date budget of \$3.5M. Council forecasts indicate the full-year budget of \$10.5M would be achieved by year-end. This would be driven by small development rather than the large-scale developments seen in prior years.

**Resolved:** Lints / Denyer

*That the Group Manager Finance and Technology Services' report titled 'Group Manager Exception Report Briefing December 2019' and dated 5 December 2019 be received.*

C1.20 **Key Financial Issues for the Four Months Ended 31 October 2019**

Council considered a report from the Finance Manager dated 5 December 2019.

The Group Manager, Finance and Technology Services introduced the report and highlighted key points. He responded to questions in relation to outstanding debt which he noted the finance team was working to collect by liaising with ratepayers; and the Remissions Policy and rates at the beginning of the financial year. He noted that unproductive land and financial hardship contributed to the increased debt balance.

The Chief Executive responded to questions, noting that remissions could be applied for and there were different rules that applied to multiple-owned Maori land which was allowed for in the Rates Policy. She noted that much of this land did not receive services and rating issues were common across New Zealand.

**Resolved:** Dean / Denyer

*That the Finance Manager's report titled 'Key Financial Issues for the Four Months Ended 31 October 2019' and dated 5 December 2019 and attachments be received.*

C1.21 **Key Financial Performance Indicators for the Four Months Ended 31 October 2019**

Council considered a report from the Senior Financial Planner dated 5 December 2019.

**Resolved:** Scrimgeour / Grainger

*That the Senior Financial Planner's report titled 'Key Financial Performance Indicators for the Four Months ended 31 October 2019 dated 5 December 2019' and the attachment be received.*

C1.22 **New Zealand Local Government Funding Agency Limited Quarterly Report for the Period Ended 30 September 2019**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

**Resolved:** Dean / Scrimgeour

*That the report from the Group Manager Finance and Technology Services titled 'New Zealand Local Government Funding Agency Limited Quarterly Report for the Period Ended 30 September 2019' dated 5 December 2019 and attachments be received.*

C1.23 **New Zealand Local Government Funding Agency Limited Annual Report 2018/19**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

**Resolved:** Grainger / Dean

*That the report from the Group Manager Finance and Technology Services titled 'New Zealand Local Government Funding Agency Limited Annual Report 2018/19 for the year ended 30 June 2019' dated 5 December 2019 and attachments be received.*

C1.24 **Limited Independent Assurance Report and Limited Independent Assurance Management Report on the Debenture Trust Deed for the Year Ended 30 June 2019.**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

**Resolved:** Murray-Benge / Grainger

*That the Group Manager Finance and Technology Services' report titled 'Limited Independent Assurance Report and Limited Independent Assurance Management Report on the Debenture Trust Deed for the Year Ended 30 June 2019' dated 5 December 2019 and attachments be received.*

C1.25 **Audit Management Report on the Audit of Western Bay of Plenty District Council for the Year Ended 30 June 2019**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

Elected Members were provided an opportunity to review the Audit Management Report on the audit of Western Bay of Plenty District Council for the year ended 30 June 2019.

**Resolved:** Murray-Benge / Dean

*That the Group Manager Finance and Technology Services' report titled 'Audit Management Report on the Audit of Western Bay of Plenty District*



*Council for the year ended 30 June 2019' dated 5 December 2019 and the attachment be received.*

**C1.26 Western Bay of Plenty District Council's Rating from Standard and Poor's for 2019**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

Elected Members were provided an update on Standard and Poor's rating of Western Bay of Plenty District Council as at 25 September 2019.

**Resolved:** Scrimgeour / Grainger

*That the Group Manager Finance and Technology Services' report titled 'Western Bay of Plenty District Council's Rating from Standard and Poor's for 2019' dated 5 December 2019 and attachment be received.*

**C1.27 Civic Financial Service Limited Half-Yearly Accounts 30 June 2019**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

**Resolved:** Murray-Benge / Lints

*That the Group Manager Finance and Technology Services' report titled 'Civic Financial Service Limited Half-Yearly Accounts 30 June 2019' and dated 5 December 2019 be received for information.*

**C1.28 BOPLASS Limited Annual Report for the Year Ended 30 June 2019**

Council considered a report from the Group Manager Finance and Technology Services dated 5 December 2019.

**Resolved:** Webber / Dean

*That the Group Manager Finance and Technology Services' report titled 'BOPLASS Limited Annual Report for the Year Ended 30 June 2019' and dated 5 December 2019 be received for information.*

**C1.29 Schedule of Payments for the Months of July, August and September 2019**

Council considered a report from the Finance Manager dated 5 December 2019.

**Resolved:** Grainger / Denyer

*That the Finance Manager's report titled 'Schedule of Payments for the Months of July, August and September 2019' and dated 5 December 2019 be received.*

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

### **Exclusion of the Public**

#### **Schedule 2A**

**Resolved:** Webber /Thwaites

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

- *Information Items:*
  - *Litigation Report (In Confidence)*
  - *Council Contracts Awarded or Renegotiated for the Months of October and November 2019 (In Confidence)*
  - *Significant issues dealt with under delegated authority and list of documents sealed under Delegated Authority*
  - *2019 Annual General Meeting of the Local Government Agency Limited (LGFA) (In Confidence)*

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:

<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>Litigation Report (In Confidence)</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.  Maintain legal professional privilege.</i>
<i>Council Contracts Awarded or Renegotiated for the Months of October and November 2019 (In Confidence)</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.</i>

<b><i>General subject of each matter to be considered</i></b>	<b><i>Reason for passing this resolution in relation to each matter</i></b>	<b><i>Ground(s) under Section 48(1) for the passing of this resolution</i></b>
<i>Information Items 2019 Annual General Meeting of the Local Government Funding Agency Limited (LGFA) (In Confidence)</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>