

# Western Bay of Plenty District Council

**Minutes of Meeting No. PP10 of the Policy Committee  
held on 8 February 2018 in the Council Chamber, Barks Corner, Tauranga,  
commencing at 9.30am**

## **Present**

Councillor M Williams (Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites and His Worship the Mayor G J Webber

## **In Attendance**

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), R Davie (Group Manager Policy, Planning and Regulatory Services), E Holtsbaum (Group Manager Technology, Customer and Community Services), K Perumal (Chief Financial Officer), E Watton (Policy and Planning Manager), P Martelli (Resource Management Manager), P Watson (Reserves and Facilities Manager), M Leighton (Senior Policy Analyst Strategic), J Rauputu (Recreation Planner), R Woodward (Communications Advisor), and B Clarke (Democracy Advisor)

## **Community Boards**

M Grainger (Chairperson, Omokoroa Community Board), and A Sole (Chairperson, Waihi Beach Community Board)

## **Others**

As listed in the minutes and five Omokoroa residents.

## **Late Item / Change to Order of Business**

The Chairperson advised that there was a late item for the Committee to consider for inclusion in the open session, titled "Proposed Plan Change 81 Omokoroa Industrial Zone Review". The reason that this item was not included in the agenda was that further clarification was required at the time of the agenda close. The reason why it could not be delayed until the next Policy Committee meeting scheduled on 22 March 2018 was because there was community expectation that the matter would be heard at this meeting.

The Chairperson also requested a change to the order of business to allow the late item to be the first item of open business, to allow the Omokoroa residents who were in attendance to speak to it to be released from the meeting.

**Resolved:** Mackay / Mayor Webber

1. *THAT, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the item titled "Proposed Plan Change 81 Omokoroa Industrial Zone Review" be considered as a late item of open business on the agenda.*
2. *THAT, in accordance with Standing Orders the order of business be changed and that the late item be dealt with as the first item of open business to allow Omokoroa residents who were in attendance to speak to it to be released from the meeting.*

### PP10.1 **Proposed Plan Change 81 Omokoroa Industrial Zone Review**

The Policy Committee considered a report from the Resource Management Manager dated 10 January 2018 as circulated with the agenda. The Resource Management Manager introduced effected landowners in attendance to speak to the report. He spoke to a powerpoint presentation showing the location of the effected landowners' properties and zoning, then introduced the report, noting the following key points:

- Plan Change 69 was made operative in 2010, and part of that plan change involved creating the Industrial Zone on the right hand side of Omokoroa Road off State Highway 2.
- The commencement of the development of the zone raised issues that required addressing, as outlined in the Section 32 report attached to the late report.
- Staff had undertaken consultation with various effected parties over the past 12-18 months to work towards a solution for everyone. This included the circulation of two Issues and Options reports, receipt of further engineering information, and costings, attaining legal advice in relation to right-of-way options, and taking feedback from effected parties into consideration.
- Council needed to resolve the issue of access before any further industrial activities proceeded and impacted upon neighbours.
- Yard requirements, including height, fencing, and landscaping provisions had been discussed with parties.

Staff responded to questions as follows:

- Landscaping was shown on the plan as a red buffer around the whole zone; however, it should have been greater, and staff recommended a 10ms buffer. There was potential for this width to be reduced slightly due to the higher slopes of the right-of-way, as in such a case, a larger landscaping strip may not be essential.
- The residents appeared comfortable with this arrangement, but it was a question of which option the residents could all agree upon.
- In relation to loss of property values, staff were unable to assess this. Council had gone through due process at the time of zoning and all parties had been involved. There was an expectation at the time that this would be Light Industrial. The proposed Plan Change 81 was

- about addressing some of the concerns that had been raised, and moving towards an outcome closer to expectations and intentions.
- Some issues would be dealt with as part of the Omokoroa Structure Plan, as some land shown on the plan was part of this. Some of the land was too steep to be continued as Industrial Zone. What the properties owners needed would determine some outcomes.
  - The NZ Transport Agency would be providing a briefing on a range of projects at the next Operations and Monitoring Committee meeting scheduled on 15 February 2018, and this would provide an opportunity for questions to be put.
  - There had been discussions with affected parties on all options included in the report, but some issues must be resolved between effected parties themselves.
  - From a 'good planning' point of view, the preference was likely to be option 6. However, Mr Crapp had other preferences and reasons he was entitled to. He would indicate these following the introduction of the report.

At the invitation of the Chairperson, Phil Crapp (Industrial Zone landowner and adjoining landowner), addressed the Committee as follows:

- A previous letter from Harrison Grierson had indicated that, when the zone was created, the road would go through the Industrial area. However, things had changed since then, and he had more recent advice which indicated that the road that would go around and meet up with the right of way, and it would be the Council's responsibility.
- There had not been any consultation about different options before these were included in papers. He would consider different options but had been advised that his responsibility ended there. He considered that Council needed to go back to square one and look at different options again.
- There was a big gully in the vicinity that needed filling, and if that happened a right of way would be feasible within 10ms. The proposed plan change had no consideration for his position.

For clarification, the Resource Management Manager advised that many discussions had taken place with all affected parties, including discussions with Mr Crapp on options. He noted Council had received advice that had been incorporated into his report, along with costs.

Mr Crapp responded to questions as follows:

- The costs were not his problem, and he considered that he should have been involved before this went 'on paper'.
- His preference was to link No.1 Road back up with the end of the "dog leg" road. He wanted that because, when it was first muted, all traffic would come through the roundabout, even for the properties behind.
- Council needed to look at the internal road, and look more pragmatically at the options available.
- There had been much talk about mixing Residential and Industrial zones. There were only six properties using the roads and it was not a concern, as there were not enough people using it to be a concern. He was prepared to accept it, and realised it was something that was going to happen.

Staff responded to a questions noting that consideration had been given to possible access through the Residential Zone, but it was narrow and would be some time off, so they had looked at other options.

At the invitation of the Chairperson, Mike Smith (adjoining landowner), advised that he represented effected landowners in attendance, and addressed the Committee as follows:

- This was a brand new development. He questioned whether the "dog leg" road was good planning, as there were large truck and trailer units needed sufficient room to complete manoeuvres around corners.
- He and the other landowners were not satisfied with this land being zoned Industrial, or with the 'ad hoc' development that had been permitted to happen.
- The perception ten years ago was that this would be business zoning. Now there was a significant trucking business and development continued, using both sides of the No.1 roadway. Access was still going through that right-of-way for most of them.
- In relation to the right-of-way, they agreed with the option as recommended in the staff report, which was a mix of options 6 and 8.
- Even though land was steep, there were some good house sites. He was a Registered Valuer and was aware that driving through Industrial land reduced the value of their property.
- There would always be a ten metre buffer around the Industrial area, and this should be in place prior to any development, but now, ten years later there was no buffer. Screening was needed prior to any development.
- The issues of development to date had been a high cost to the landowners initially, but also to the ratepayers, and ultimately, had produced adverse environmental effects.
- Staff had listened to concerns and had provided a good report in an effort to resolve issues for all. However, it was still a compromise for everyone. He requested that the report and recommendations be accepted without significant change.

At the invitation of the Chairperson, Tim Laing (adjoining landowner), addressed the Committee as follows:

- Driving through the Industrial Zone with small children was a dangerous option. There were between 50-100 truck movements per day on the road, and to send children to school down a "spine" road would be dangerous no matter how it was developed. He was opposed to going through the industrial area.
- As some point along the road, the children needed to cross it. He hoped that Council would consider a pedestrian crossing in an appropriate location.

Staff responded to questions as follows:

- In relation to ensuring that landscaping work was done, a subdivision consent would go through, and a Landscaping Plan would be included with that. This needed to be in place before or further activities undertaken.

- Mrs Crapp had planted a row of Pittosporums, which had helped with screening, but once Council received a Landscaping Plan, consideration would be given to other plantings that would be appropriate around those trees.
- Landscaping was about visual amenity, so plantings should provide screening along the right-of-way so that people did not see the industrial activity. Council may or may not discuss plantings with landowners, dependant upon whether the buffer was less than ten metres. Council's intention was to provide the best possible outcome.
- In relation to option 6 for the right-of-way, there would be a standard number of lots, but additional lots could be added dependent upon width.
- In terms of ensuring sufficient room for children on bicycles, the road would be a standard industrial road width.

Mr Smith responded to a question, confirming that he was satisfied with the staff report and recommendations.

At the invitation of the Chairperson, the Resource Management Manager provided a summary, noting that if the Committee resolved to approve the notification of the Plan Change as recommended, then residents would have the opportunity to submit to it.

The Chairperson thanked staff for their work, and thanked the Omokoroa visitors for attending to present their views to the Committee.

**Resolved:** Murray-Benge / Thwaites

1. *THAT the Resource Management Manager's report dated 10 January 2018 and titled Proposed Plan Change 81 Omokoroa Industrial Zone Review 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 Proposed Plan Change 81 Omokoroa Industrial Zone Review be approved for notification in accordance with the Resource Management Act 1991.*

## PP10.2

### **Review of Council's Fraud Prevention Policy**

The Policy Committee considered a report from the Finance Manager dated 16 January 2018 as circulated with the agenda. The Chief Financial Officer introduced the report and advised that some editorial changes had been required to reflect the following:

- Council's Finance and Risk Committee was no longer running, therefore, the responsibilities of this committee now sat with Council.
- The New Zealand Institute of Chartered Accountants had been renamed Chartered Accountants Australia and New Zealand.
- Some investigative processes now included the Deputy Chief Executive Officer.

Staff responded to questions as follows:

- If Council provided greater prescription in terms of parameters, the policy would require annual revision. The policy had retained a broader perspective to ensure judgement by the position holder.
- The fundamental principle was that there was no materiality, and that was the focus that the office of the Auditor General of NZ applied when addressing the matter of 'loop holes'.
- Council had a separate Koha Policy.

**Resolved:** Mayor Webber / Dean

1. *THAT the Finance Manager's report dated 16 January 2018 and titled 'Review of Council's Fraud Prevention Policy' 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 Policy Committee approve the current Fraud Prevention Policy with the following amendments:*
  - *In the first paragraph under the title, Reporting Suspected Fraud or Other Irregularities (shown on page 11 of the agenda report), that the words "to report" be deleted.*
  - *That the Institute of Professional Engineers New Zealand be replaced with Engineering New Zealand to reflect a renaming.*
4. *THAT the Chief Executive Officer be delegated the authority to amend the policy in respect of changes to job titles as required.*

### PP10.3

#### **Review of Council's Conflict of Interest Policy**

The Policy Committee considered a report from the Finance Manager dated 4 December 2017 as circulated with the agenda. The Chief Financial Officer introduced the report and responded to a question, noting that as the policy was an internal policy, it would not apply to Council's contractors. He noted that the onus on Council was to disclose any actual or perceived conflicts of interest and to take a higher responsibility, which was the purpose of the policy.

**Resolved:** Williams / Murray-Benge

1. *THAT the Finance Manager's report dated 4 December 2017 and titled 'Review of Council's Conflict of Interest Policy' 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 Policy Committee approve the current Conflict of Interest Policy.*

4. *THAT the Chief Executive Officer be delegated the authority to amend the policy in respect of changes to job titles as required.*

PP10.4

**Review of Appointment of Directors to Council Controlled Organisations Policy**

The Policy Committee considered a report from the Chief Financial Officer dated 16 January 2018 as circulated with the agenda. The Chief Financial Office introduced the report.

**Resolved:** Mackay / Scrimgeour

1. *THAT the Chief Financial Officer's report dated 16 January 2018 and titled 'Review of Appointment of Directors to Council Controlled Organisations Policy' 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 Elected Members approve the current Appointment of Directors to Council Controlled Organisations Policy.*

PP10.5

**SmartGrowth Update**

The Policy Committee considered a report from the Resource Management Manager dated 12 January 2018 as circulated with the agenda.

The Resource Management Manager provided an update to the Committee in relation to discussions taking place on the various SmartGrowth projects, and covered matters such as Tauriko West and the importance of the Wairoa River; work in the housing area, noting that it would feed into Council's Housing Action Plan to be developed during the year; and the Settlement Pattern Review, which would be covered (in part) by a SmartGrowth bus trip to the eastern corridor, including Paengaroa and Pongakawa.

He responded to questions in relation to the State Highway 2 proposed improvements; Omokoroa housing and growth, and potential requirements for a secondary school.

**Resolved:** Mayor Webber / Mackay

*THAT the Resource Management Manager's report dated 10 January 2018 and titled SmartGrowth Update be received and the information noted.*

**PP10.6 Receipt of Policy Committee Information Pack No. PP10**

The Policy Committee considered the open section of the Policy Committee Information Pack No. PP10 dated 8 February 2018 as circulated separately with the agenda.

**Resolved:** Williams / Murray-Benge

*THAT the open section of the Policy Committee Information Pack No. PP10 dated 8 February 2018 be received and the information noted.*

**Local Government Official Information and Meetings Act****Exclusion of the Public****Schedule 2A**

**Resolved:** Mackay / Thwaites

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

- *Policy Committee Information Pack No. P10 - In Confidence section*

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><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>Policy Committee Information Pack No. PP10 - In Confidence section</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>