

MEETING — AGENDA —

Ngā Take

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Western Bay of Plenty
District Council

COUNCIL

Te Kaunihera



C30
Thursday, 19 September 2019
Council Chambers
Barkes Corner, Tauranga
11.00am

Notice of Meeting No C30 Te Karere

Council Te Kaunihera

Thursday, 19 September 2019
Council Chambers
Barkes Corner
11.00am

His Worship the Mayor
Deputy Mayor

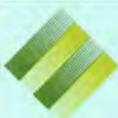
G J Webber (Chairperson)
M Williams

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. C30

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.

C30.1 **Minutes of Council and Committee Meetings for Confirmation** 8-22

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

Recommendation

THAT the minutes of the following meeting as circulated with the agenda are confirmed and are a true and correct record:

1. *Minute no. C29 of the Western Bay of Plenty District Council held on 29 August 2019.*

C30.2 **Minutes for Receipt** 23-31

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

Recommendation

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

2. *Minute no. PF10 of the Maori Partnership Forum held on 27 August 2019.*

C30.3 **Non-Discharge of the Regulatory Hearings Committee, and District Licensing Committee** 32-36

Attached is a report from the Governance Manager dated 10 September 2019

C30.4 **Draft Financial Statements for the Year Ended 30 June 2019, Funding Transfer in Reserve Accounts and Adoption of the Annual Report and Summary Annual Report 2018-19** 37-40

Attached is a report from the Group Manager Finance and Technology Services dated 11 September 2019.

The Annual Report and Summary Annual Report for year ended 30 June 2019 will be circulated separately following audit clearance on Friday 13 September 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.*

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>

Western Bay of Plenty District Council

**Minutes of Meeting No. C29 of Council
held on 29 August 2019 in the Council Chamber, Barks Corner, Tauranga
commencing at 9.30am**

Present

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

In Attendance

M Taris (Chief Executive Officer), K Perumal (Group Manager Finance and Technology Services), J Pedersen (Group Manager People and Customer Services), R Davie (Group Manager Policy, Planning and Regulatory Services), E Watton (Policy and Planning Manager), I Butler (Finance Manager), D Jansen (Senior Financial Planner), B Williams (Strategic Property Manager, Acting Infrastructure Services Manager), K Elder (Governance Manager) and A Alty (Senior Governance Advisor)

Community Boards

J Hobbs (Chairperson, Katikati Community Board), and A Sole, (Chairperson, Waihi Beach Community Board) and J Dugmore (Member, Te Puke Community Board)

Others

Five members of the public and one member of the press

Apologies

An apology for lateness was received from Councillor Lally.

Resolved: Thwaites /Marshall

THAT the apology for lateness from Councillor Lally be accepted.

Declarations of Interest:

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

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

Councillor Dean declared an interest in the presentation item relating to the Oropi Hall.

Public Forum

Resolved: Scrimgeour/ Mackay

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

The Chairperson outlined the protocols relating to the Public Forum section of the meeting as set out in Standing Orders for Council. Attending members of the public were invited to take part in the Public Forum.

Waihi Beach MenzShed Facility

Don Fraser from Waihi Beach Menzshed Group provided a verbal update on the progress of establishing a MenzShed facilities at Waihi Beach. Mr Fraser advised that there was widespread support of the facility at Waihi Beach and numerous local businesses had pledged sponsorship of materials and labour costs.

Don Fraser thanked Council for their support and guidance relating to the required processes associated with the lease of the land on the Waihi Beach Community Centre Reserve and ultimately the building of the MenzShed

Mayor Webber thanked Mr Fraser for his update to Council.

Allan Sole, Chairperson of the Waihi Beach Community Board thanked Council for the positive response to the plans put forward for the lease of an area of land on the Waihi Beach Community Centre Reserve for the establishment of a MenzShed.

Resolved: Marsh / Dean

THAT the meeting be re-convened in formal session at 9.35 am

C29.1 Presentation: Priority One

The Committee considered a presentation from Nigel Tutt, the Chief Operating Officer from Priority One who highlighted the following points:

- The national and regional GDP growth

- Strategic Step to creating a prosperous and sustainable region
- Major Initiatives in 2019 and onward
- Developing skills and talents
- Creating knowledge-intensive sectors
- Benefits of productivity change
- Earnings and affordability
- Talent requirements and population in the Bay of Plenty/Western Bay

Resolved: Mackay / Dean

THAT the presentation from Nigel Tutt the Chief Operating Officer from Priority One be received

C29.2

Presentation: Oropi Hall Committee - Proposed Indoor Sports Facility

On behalf of the Oropi Hall Committee Richard Somerfield thanked Council for the opportunity to speak about the success of the Oropi Hall and a proposal to develop an associated Indoor sports facility. Mr Somerfield summarised:

- The history of the financial performance of the Oropi Hall over the past year
- Number of attendees across various user groups
- Regular users and associated school use
- Community events and market days
- Private hall hire for weddings and other celebrations

He advised that the Oropi Hall Committee had set up a specific repair and maintenance to cover major expense items in the future life of the hall.

Mr Somerfield also advised that the Oropi community was extremely proud of the hall complex built by the community for the community and visitors were in awe of the complex.

Mr Oliver Broad spoke to Council about the feasibility study for Oropi Hall expansion project to build a multi-purpose centre for sport, recreation and squash as an addition to the Oropi Memorial Hall and Community Centre. He outlined the background of the Oropi Hall that had served the district for the past 100 years. The district had seen incredible growth over recent years. The proposed multi sport facility had been included in the original plan for the alterations to the hall undertaken in 2015, but costs at that time prohibited development of this section.

The hall usage had grown and gone from strength to strength with the average use of 1,500 people per month which amounted to over 18,000 people using the hall throughout the year.

The proposed squash courts would have moveable wall technology with the extra space developed for other indoor/gym use.

The Oropi Hall Committee would be actively fundraising for the proposed multi-purpose centre for sport, recreation and squash.

The representatives of the Oropi Hall Committee were thanked for their presentation.

Resolved: Dean / Thwaites

THAT the presentation from Richard Somerfield and Oliver Broad be received

Change to Order of Business

The Mayor requested that the next item of business be C29.14 Waihi Beach MenzShed Proposed Lease, in order to advise interested parties in attendance of the outcome of this item.

Resolved: Marshall / Mackay

THAT in accordance with Standing Orders the order of business be changed and that the item C29.14 Waihi Beach MenzShed Proposed Lease be dealt with as the next item of business.

C29.3 MenzShed Proposed Lease - Waihi Beach Community Centre Reserve, Waihi Beach

Council considered a report from the Reserves and Facilities Manager dated 13 August 2019 as circulated with the agenda.

Resolved: Mackay / Williams

1. *THAT the Reserves and Facilities Manager's report dated 13 August 2019 and titled "MenzShed Proposed Lease - Waihi Beach Community Centre Reserve" be received.*
2. *THAT the Western Bay of Plenty District Council as leasing authority pursuant to the Reserves Act 1977 grants Waihi Beach MenzShed a lease of 140m² more or less, over part of Waihi Beach Community Centre Reserve being part of Lot 1 DPS 265226 for up to 20 years in order to establish a MenzShed facility.*
3. *THAT the approval must not be construed by the applicant as a guarantee that all other consents required by any policy, by-law, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.*
4. *THAT the report relates to an issue that is not considered significant in terms of Council's policy on significance.*

C29.4

Receipt of Community Board Minutes

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

Resolved: Murray-Benge / Scrimgeour

THAT the minutes of the following meetings be received:

1. *Minute no. WB22 of the Waihi Beach Community Board held on 29 July 2019*
2. *Minute no. OM22 of the Omokoroa Community Board held on 30 July 2019*
3. *Minute no. K22 of the Katikati Community Board held on 31 July 2019*
4. *Minute no. MC22 of the Maketu Community Board held on 6 August 2019*
5. *Minute no. TP22 of the Te Puke Community Board held on 8 August 2019*

C29.5

Minutes of Council and Committee Meetings for Confirmation

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

Resolved: Murray-Benge / Marshall

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. C28 of the Western Bay of Plenty District Council held on 18 July 2019*
7. *Minute no. CC19 of the Community Committee held on 1 August 2019*
8. *Minute no. PP22 of the Policy Committee held on 24 July 2019*
9. *Minute no. PP23 of the Policy Committee held on 8 August 2019*
10. *Minute no. OP21 of the Operations and Monitoring Committee held on 15 August 2019*

with the following amendments made to the Minutes of the Operations and Monitoring Committee Minutes OP21 held on 15 August 2019:

Page 5 – amend second paragraph to read:

"He noted that there was a need to continue working through issues that were expected to arise in relation to the toe of the dune and future heavy erosion and advised that the property owners would be prepared to pay for this.

Page 5 – amend third paragraph to read:

“Mr Tottle responded to a question, and agreed that the Flat White Caf  section of the beach was a healthy sand dune. By way of clarification, he noted that he represented property owners north and south of the caf , and that there were mixed views amongst property owners north of the caf  as to what was needed, and those people were still waiting for further information.”

Mayor Webber clarified that the Minutes for Council and its committees were never a verbatim record of meetings but a summary of the main points of discussion.

11. Minute no. RH19 of the Regulatory Hearings Committee held on 15 August 2019

C29.6

Minutes for Receipt

Council considered minutes as circulated separately with this agenda.

Resolved: Williams / Dean

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

- 12. Minutes no. CH3 of an Independent Commissioner Hearing held on 21 June 2019*
- 13. Minutes no. JG10 of the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee held on 7 August 2019*
- 14. Minutes no. JRS11 of the Joint Road Safety Committee held on 20 August 2019*

C29.7

Information for Receipt

Council considered the information included in the Minute Index and Information Pack dated 29 August 2019 as circulated separately with the agenda.

Resolved: Dally / Mackay

THAT the information items included in the Minute Index and Information Pack dated 29 August 2019 as circulated separately with the agenda be received.

C29.8

Recommendatory Report from the Omokoroa Community Board - Omokoroa Public Art Group Request to Cede Ownership of Public Art Work to Council

Council considered a report from the Senior Governance Advisor dated 14 August 2019 as circulated with the agenda.

Resolved: Dean / Murray—Benge

1. *THAT Council approve the request from Omokoroa Public Art Group to cede ownership of all approved current and future artwork on the Omokoroa peninsula to Council.*
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.*

C29.9

Recommendatory Report from the Operations and Monitoring Committee - Pohutukawa Park - Tree Shading Issues

Council considered a report from the Senior Governance Advisor dated 15 August 2019 as circulated with the agenda.

Resolved: Williams / Marshall

1. *THAT Council, as administering body of Pohutukawa Park, declines the request received from the residents at 2 and 4A West Street, Waihi Beach, to remove five Pohutukawa trees adjacent to their properties.*
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.*

C29.10

Recommendatory Report from the Policy Committee - Adoption of the Traffic and Parking Enforcement Bylaw 2019

Council considered a report from the Senior Governance Advisor dated 8 August 2019 as circulated with the agenda.

Resolved: Murray-Benge / Palmer

1. *THAT the Traffic and Parking Enforcement Bylaw 2019 be adopted, inclusive of all amendments (as accepted and resolved by the Policy Committee on 8 August 2019), and shall become effective on 30 September 2019.*
2. *THAT Schedules 1-6 of the Traffic and Parking Enforcement Bylaw 2019 are classified as the parking places for the Western Bay of Plenty District.*
3. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
4. *THAT Council adopts the decision document (circulated separately with the agenda) alongside the final bylaw, to be disseminated as soon as practicable as the formal response to submitters on the draft bylaw.*

C29.11

Recommendatory Report from the Policy Committee - Adoption of the Freedom Camping Bylaw 2019

Council considered a report from the Senior Governance Advisor dated 8 August 2019 as circulated with the agenda.

Resolved: Dean / Mackay

1. *THAT the Freedom Camping Bylaw 2019 be adopted, inclusive of all amendments (as accepted and resolved by the Policy Committee on 8 August 2019), and become effective on 30 September 2019.*
2. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
3. *THAT Council adopts the decision document (circulated separately with the agenda) alongside the final bylaw, to be disseminated as soon as practicable as the formal response to submitters on the draft bylaw.*

C29.12

Recommendatory Report from the Policy Committee -Adoption of the draft Animals (excluding dogs) Bylaw 2019, draft Cemeteries Bylaw 2019, and draft Public Places Bylaw 2019, and proposed revocation of the Nuisances Bylaw 2008

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

Resolved: Marshall / Scrimgeour

1. *THAT Council adopts the Animals (excluding dogs) Bylaw 2019 (Attachment A), Cemeteries Bylaw 2019 (Attachment B), and Public Places Bylaw 2019 (Attachment C) be adopted and become effective on 30 September 2019.*
2. *THAT Council revoke the General Bylaw 2008, including the Nuisances chapter of that bylaw.*
3. *THAT pursuant to s155 of the Local Government Act 2002, Council confirms that the draft bylaws are the most appropriate way of addressing the perceived problem, the draft bylaws are the most appropriate form of bylaw, and that the draft bylaws do not give rise to any implications under the New Zealand Bill of Rights 1990.*
4. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
5. *THAT Council adopts the decision document (circulated separately with this agenda) alongside the final bylaw, to be disseminated as*

soon as practicable as the formal response to submitters on the draft bylaws.

C29.13

Recommendatory Report from the Policy Committee - Adoption of the draft Trading in Public Places Bylaw 2019

Council considered a report from the Senior Governance Advisor dated 1 July 2019 as circulated with the agenda.

Resolved: Williams / Murray-Benge

1. *THAT Council adopts the draft Trading in Public Places Bylaw (Attachment A) and that it become effective on 30 September 2019.*
2. *THAT pursuant to s155 of the Local Government Act 2002, Council confirms that the draft bylaw is the most appropriate way of addressing the perceived problem, the draft bylaw is the most appropriate form of bylaw, and that the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.*
3. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
4. *THAT Council adopts the decision document (circulated separately with this agenda) alongside the final bylaw, to be disseminated as soon as practicable as the formal response to submitters on the draft bylaws.*

C29.14

Solid Waste Kerbside Services - Section 17A Service Delivery Review

Council considered a report from the Senior Policy Analyst dated 9 August 2019 as circulated with the agenda.

Resolved: Dally / Dean

1. *THAT the Senior Policy Analyst report dated 9 August 2019 and titled 'Solid Waste Kerbside Services - Section 17A Service Delivery 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 the Council approve the Solid Waste Kerbside Services - Section 17A Service Delivery Review (Attachment A)*

C29.15

Proposal to Lease - Rural Connectivity Group Limited - TECT All Terrain Park

Council considered a report from the Operations Manager TECT All Terrain Park dated 27 July 2019 as circulated with the agenda.

Resolved: Scrimgeour / Marshall

1. *THAT the TECT All Terrain Park Manager Operations' report dated 27 July 2019 and titled Proposal to Lease – Rural Connectivity Group Limited – TECT All Terrain Park be received.*
2. *THAT Council confirms the land lease entered into by the Chief Executive with the Rural Connectivity Group Limited for 400m², more or less, for 34 years and 364 days over part of Section 3 Block XV Otanewainuku Survey District (Shown as Section 3 on Survey Office Plan 6957) being part of TECT All Terrain Park.*
3. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*

C29.16

Quarterly Review of Council's Risk Profile

Council considered a report from the Risk Specialist dated 29 August 2019 as circulated with the agenda.

Resolved: Mackay / Williams

1. *THAT the Risk Specialist's report dated 29 August 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.*

C29.17

Elected Member Child Care Allowance

Council considered a report from the Governance Manager dated 16 August 2019 as circulated with the agenda.

The Governance Manager spoke to the report that outlined information relating to the Local Government Members (2019/2020) Determination 2019 which created an opportunity for Council to pay a Childcare Allowance to Elected Members, which came into effect on 1 July 2019.

Resolved: Williams / Dean

1. *THAT the Governance Manager's report dated 16 August 2019 and titled Elected Member Childcare Allowance 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 adopts a policy to reimburse Councillors for Childcare allowance payments where these payments are incurred to enable Elected Members of Council and Community Boards to undertake the following activities:*
 - A. *Attendance at Council, Committee or Community Board meetings where the Elected Members is either a member, or a Council Appointee;*
 - B. *Attendance at workshops or working party meetings to discuss items of Council business; and*
 - C. *Attendance at meetings that are formally recognised by Council as being for the purpose of Council business, for example meetings held in the community where the elected member is an appointee of Council and for meetings with community groups and constituents.*
5. *THAT Council approves the payment of a Childcare allowance as set out in the Local Government Members (2019/20) Determination 2019, at an hourly rate of up to the Living Wage (plus GST if applicable) to a maximum of \$6,000 (plus GST if applicable) per qualifying child; and*
6. *That Council requires claims for reimbursement of Childcare expenses to be filed no later than 90 days following the date the expense was incurred; and*
7. *That Childcare expense claims are to be authorised by the Mayor.*

10.55am

Councillor Lally joined the meeting

C29.18

Delegations to Chief Executive Officer - Elections Interregnum 2019

Council considered a report from the Governance Manager dated 16 August 2019 as circulated with the agenda.

Resolved: Thwaites / Murray-Benge

1. *THAT the Governance Manager's report dated 16 August 2019 and titled Delegations to the Chief Executive Officer - Elections Interregnum 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 pursuant to Clause 32 Schedule 7 of the Local Government Act 2002 Council delegates to the Chief Executive Officer, in addition to*

her current delegations, for the period from the day following the Electoral Officer's declaration until the new Council is sworn in, the power to make decisions in respect of urgent matters, including but not limited to the following powers:

- *The power to enter into any contract for the provision of emergency work necessary to maintain and/or protect the health and safety of the residents of the Western Bay of Plenty District Council region;*
 - *The power to make decisions over and above normal delegations in respect of urgent civil defence matters;*
 - *Powers and duties under the Public Works Act 1981;*
 - *The power to sign on behalf of Council any contract that is approved through the Long Term Plan or Annual Plan;*
 - *The power to authorise, on behalf of Council, the expenditure of funds from Community Board Reserve Accounts for any required works within the relevant Community Board's area where such expenditure falls within the Community Board's delegations.*
 - *The power to approve shareholder matters in relation to the Local Government Funding Agency.*
4. *THAT for the period between the last scheduled meeting of Council on 19 September 2019 until the new Council is sworn in, the Chief Executive is authorised to enter into negotiations and sign an agreement for sale of land on behalf of Council, in consultation with the Mayor (or Mayor Elect where applicable) and the Group Manager Finance and Technology Services, if the sale cannot be delayed until the next meeting of Council.*
5. *THAT in the event the Chief Executive Officer is required to exercise any of the above delegations, a report detailing the action taken shall be presented to the first ordinary meeting of the new Council, or relevant Community Board following the delegation being exercised.*

C29.19

Chief Executive Officer's Report to Council - August 2019

Council considered a report from the Chief Executive Officer dated 16 August 2019 as circulated with the agenda.

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

Key Financial Performance Indicators for the Ten Months Ended 30 June 2019

Council's net debt balance was \$80.38m at the end of the 2019 financial year which represented a \$17.89m reduction from the end of the June 2018 balance of \$98.27m. Council had a positive cash position of \$29.62m at 30 June 2019.

Interest Rate Swaps

Total debt covered by interest rate swaps at 30 June 2019 was 81%. This level of coverage was within the required policy range of 50%-95%. The value of interest rate swaps at 30 June 2019 was \$145.5m.

Operating Income

The total income for the twelve months ended 30 June 2019 was \$134.21m against a full year budget of \$97.96m. The \$36.25m higher income variance was largely due to higher than budgeted levels of revenue from financial contributions, subsidies and grants income and other income and vested assets.

With the exception of user fees income the actual revenue received for all categories of operating income were higher than the full year budget.

Operating Expenditure

Total expenditure of \$92.58m was \$5.13m higher than the full year budget of \$87.45m due to higher than budgeted additional level of service, depreciation, operating and interest costs.

Capital Expenditure

Capital expenditure of \$34.92m for the period was \$1.81m lower than full year budget5. The expenditure variance was attributable to underspends in the recreation and leisure and water supply activities offset by higher than budgeted spends in the corporate services and transportation activities.

Financial Contributions

Financial contributions income received to date of \$18.61m is \$9.82m higher than the full year budget of \$8.79m.

Interest on Reserves Balance

For the year ended 30 June 2019, the balance of Council reserves was \$31.91m which was \$1.48m higher than 30 June 2018 balance of \$30.43m.

Resolved: Mayor Webber / Scrimgeour

THAT the Chief Executive Officer's report dated 16 August 2019 and titled "Chief Executive Officers Exception Report" be received.

C29.20

Mayor's Report to Council - August 2019

Council considered a report from His Worship the Mayor dated 16 August 2019 as circulated with the agenda.

Priority One Presentation

Mayor Webber outlined the significance of work being undertaken by Priority One representatives at senior school level at both the Te Puke and Katikati High Schools. The initiatives being undertaken at these schools was innovative and inspiring for the young people of today who would be the leaders of our communities in the future.

SmartGrowth

There was a general consensus that the Ministry of Transport would wait until after the forthcoming local body elections (on 12 October 2019) and an undertaking given that all Councils were fully committed to the Urban Form and Transport Initiative (UFTI) programme before any future roading proposals were signed off. It was vital that councils worked with their neighbours to achieve the required outcomes for future transportation and infrastructure services for our region.

Resolved: Mayor Webber / Marsh

THAT the Mayor's Report to Council for August 2019 be received.

10.53 am The meeting adjourned for morning tea

11.11 am The meeting reconvened

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

Resolved: Williams / Marshall

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

- *In Confidence Council and Committee minutes for Confirmation.*
- *In Confidence Minute Index and Information Pack*
- *In Confidence Appointment of Acting Chairperson Tourism Bay of Plenty*
- *In Confidence Proposed Rating Sale 633 and 634 Maketu Road Maketu*
- *In Confidence Mayor's Report – August 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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<i>In Confidence Council and Committee minutes for Confirmation</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>
<i>In Confidence Minute Index and Information Pack</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>
<i>In Confidence Appointment of Acting Chairperson Tourism Bay of Plenty</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>To protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence Proposed Rating Sale - 633 and 634 Maketu Road, Maketu</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>To protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence Mayor's Report to Council – August 2019</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>To protect the privacy of natural persons including that of deceased natural persons</i>

Western Bay of Plenty District Council

**Minutes of Meeting No. PF10 of the Tauranga Moana / Te Arawa
Ki Takutai Partnership Forum held on 27 August 2019
in the Council Chamber, Barkes Corner
commencing 10.00am**

Present

Iwi Representatives

Reon Tuanau (Ngai Te Rangi) (Co-Chairperson), Riki Nelson (Ngati te Wai), Carlton Bidois (Ngati Ranginui), Raiha Biel (Tapuika Iwi Authority), Tiki Bluegum (Ngai Tamawhariua), Matire Duncan (Ngā Potiki), Roland Kingi (Ngati Pikiaio), Nessie Kuka (Ngai Tuwhiwhia), Bob Leef (Ngati Taka), Buddy Mikaere (Ngati Pukenga), Julie Shepherd (Te Runanga o Pirirakau), Tania Turner (Ngati Whakahemo) and Manu Wihapi (Tuhourangi)

Councillors

Mayor G J Webber, and Councillors G Dally, M Dean, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour and M Williams

In Attendance

M Taris (Chief Executive Officer) R Davie (Group Manager Policy, Planning and Regulatory Services), P Tapsell (Workforce Development and Cultural Advisor), C Nepia (Māori Relationships and Engagement Advisor), L Arrowsmith (Customer Service Representative) and S Tripathi (Governance Administrator), Parewhakarau Kuka (Ngati Kahu), Irene Walker (Ngai te Ahi)

Apologies

An apology for absence was received from Councillor Lally, and Members Kevin Tohiariki and Hemi Paki. An apology for lateness was received from Member Carlton Bidois.

An apology of early departure was noted from Councillor Dean.

Resolved: Ms Nessie Kuka / Ms Matire Duncan

THAT the apology for absence from Councillor Lally and Members Kevin Tohiariki and Hemi Paki be accepted.

Minutes of PF10 held on 27 August 2019

THAT the apology for lateness from Member Carlton Bidois be accepted

THAT the apology for early departure from Councillor Dean be accepted.

The meeting opened with a karakia by Tiki Bluegum at 10.05am.

The Chairperson took the opportunity to mihi to everyone present at the meeting. The Chairperson thanked everyone for their hard work and also wished the running elected members all the best for their campaign and elections. The work of the Forum and Council was acknowledged and appreciated. The Chairperson also noted that it was a great privilege working together for the last 3 years.

Mayor Webber addressed the Forum and paid his tributes to Garry Ngatai, who recently passed away. He had been a great leader who did good work for his community, his hapū and iwi.

PF10.1 Minutes of Meeting No. PF9 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 2 May 2019

The Tauranga Moana / Te Arawa Ki Takutai Partnership Forum considered the minutes of meeting no. PF9 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 2 May 2019 as circulated with the agenda.

Resolved: Councillor Mackay / Councillor Murray-Benge

THAT the minutes of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum meeting PF9 held on 2 May 2019 be confirmed as a true and correct record.

Manu Wihapi introduced Pare Kuka who would replace Mita Rahiri as representative for Ngati Kahu.

The Chairperson advised there was a change of order of business and that item *10.3 Tuapiro Marae Revitalisation Project* would be dealt with as the next item of business.

PF10.2 Tuapiro Marae Revitalisation Project

The Partnership Forum received a presentation from Riki Nelson (representative for Ngati te Wai) regarding Oranga Marae project at Tuapiro Marae.

Oranga Marae was a programme of support, advice and investment for Marae. The programme supported the physical and cultural revitalisation of Marae as centres of Māori identity and matauranga. It gave whanau and hapū advice and support to help their Marae and achieve their goals. Oranga Marae was a joint initiative of Te Puni Kōkiri and Department of Internal Affairs.

Oranga Marae supported the following –

- Keeping Marae safe and healthy – contributing to the well-being of iwi, hapū and whānau.
- People engagement on the Marae and an increasing number of events and activities held to ensure the transmission of matauranga Māori.
- Marae increasingly contributing to the revitalisation of Te Reo and Tikanga Māori.
- Whanau working together to develop the Marae.

Hapū identified the project work to be done on the Marae in 2016. It was identified that the community needed to address the inadequacies of the Wharekai.

The stages of development were discussed as follows –

- A Marae needs to get in touch with Te Puni Kokiri and an advisor is appointed to work alongside the Marae to achieve the goals of Oranga Marae.
- The Marae would create a Marae Development Plan to set out its development goals and the amount of investment required.
- The plan needed to outline the vision of Marae, its current state and proposed actions. The Marae had to own the process. The Oranga Marae Committee mainly monitors the involvement of whanau or hapū on the implementation of their plan for the sustainable future of their Marae.
- Te Puni Kokiri advisors would help and advise with the plan. If needed, a Marae could request funding through Oranga Marae post Marae Development Plan approval by the whanau, hapū and trustees. Whanau and hapū had to come up with 1/3rd of the cost of the funds required.
- Funding up to approximately \$40k would be needed to go through the Marae development plan phase. The plan would identify exactly what was needed to be done and based on this the next stage of funding was considered.
- The three main stages of Oranga Marae were discussed – Marae Development Plan, Feasibility Study and Development. And it was noted that Tuapiro Marae was at the stage of Marae Development Plan. It took 14 months to get to the initial stage of the plan, with lots of feedback back and forth. The funding had been received for the Marae work and it was just waiting to be finalised and signed off by the hapū.
- Feedback on the process – the development of the plan took 14 months and it seemed that Tuapiro were getting knocked back all the time and that Te Puni Kokiri staff were not willing to support them, so the Marae went directly to the Minister of Māori Development in the hope of having their application supported.

10.25am

Roland Kingi and Tania Turner entered the meeting

In response to questions Mr Nelson advised as follows:

- It was identified that one needed to be humble enough to recognise the need for help and be ready to take that help from the whanau and hapū.
- There were discussions around similar funding available from Council under the Marae Sustainability Initiatives Fund (formerly known as Marae Maintenance Fund). This was another tool that could assist with the outcomes identified in the development plan.
- The Tuapiro Marae didn't want to contract the work out to a consultancy.
- The funds for the development of the Marae would be a grant and not a loan. It was appreciated that government had opened up a large budget for Marae work.
- Iwi were not allowed to apply for the grant under this program. It was dedicated to Marae only.
- Overall it had been a good process and learning opportunity.

The Chairperson thanked Riki Nelson for his presentation.

Resolved: Ms Matire Duncan / Mayor Webber

THAT the presentation from Ricki Nelson regarding Tuapiro Marae Revitalisation Project be received.

PF10.3

Presentation from Healthy Whare project

The Partnership Forum received a presentation from the Jodie Rickard (Senior Policy Analyst Western Bay of Plenty District Council), Mii Keelan and Alex Bott (Ngā Mataapuna Oranga) regarding Healthy Whare Project.

Alex Bott introduced himself and Mii Keelan – whanau team Nga Mataapuna Oranga. They spoke about their partnership with Western Bay of Plenty District Council and gave an update on the work done till date.

Jodie Rickard gave an introduction to the Healthy Whare project and spoke about their background and current work. Homes were assessed for any issues with respect to being warm, dry and safe place to live in. Along with the help of partners and whanau the work was done around repairs and maintenance, insulation, new curtains, floor coverings, fireplaces, heaters etc. DIY workshops were held (draught proofing, ventilating, knowledge sharing). In the process whanau were encouraged to register with GP services to track their health data.

It was identified that at times these projects could be very challenging and could involve complex matters – water, wastewater, electrical, roofing, cladding etc. Funding for major repairs and maintenance was difficult to access. Funders kept changing their priorities and funding criteria. Keeping whanau informed and engaged was a challenge as every family was different with different skills, financial capacities, and different needs.

From last year (2018) Nga Matapuna Oranga (Primary Health Organisation) supporting Ngai Tamawhariua started looking at key housing

issues in the community. They worked together towards Healthy Whare Project providing support to the whanau and community.

The team acknowledged their current partners – Te Puni Kokiri, Western Bay of Plenty District Council, Ngai Te Rangi, Tamawhariua, Te Puna Hauora, Pirirakau Hauora, Whanau Ora, and Nga Mataapuna Oranga. It was noted that partners played a specific role in terms of being either investors or designers. The project was 17 months old and had influenced the community positively. The presentation acknowledged all the repair works undertaken to provide the whanau with healthy homes. Most of the works undertaken related to issues of leaking roofs, roofing and guttering, electrical, cladding, ventilation, weatherproofing, bathroom works and health and safety issues.

11.06am Councillor Scrimgeour left the meeting

11.10am Councillor Scrimgeour entered the meeting

Whanau identified in a survey that they were interested in driving license courses and healthy cooking classes. The Facebook page was set up to communicate and stay in touch with all the families in the community. Many short term training courses/ workshops were organized such as a driver licence course, Rangatahi Whanau Fun Day, Books for Classes, Health Waka, Healthy Cooking Classes.

The future from here for the Healthy Whare Project was Priority Community Two project that started in Te Puna on 12th June 2019. 44 houses were registered and 40 houses had their assessments done to date.

The outcomes had been shared in terms of 93 whanau plans were in various stage of progress with 209 outcomes and 296 individuals involved.

The future from here was the Regional Healthy Housing Programme – involving whanau in the project as per their capabilities and skills. Moving forward, the plan is to establish themselves as a regional programme by obtaining more funding.

In the response to questions the following was noted:

- The program needed a higher profile and marketing as people didn't seem to be aware of it.
- Marae work had been known and discussed but it was the first time a presentation regarding this initiative was received. A social media presence would help increase awareness.
- The work done was appreciated by the members in the Forum. It was also noted that this initiative would be very helpful in rural areas in terms of connecting trades people to the rural community.

The Chairperson thanked the team for their presentation and acknowledged their work. He also acknowledged the work done by Maria Horne in Maketu.

Resolved: Mr Riki Nelson / Mr Tiki Bluegum

THAT the presentation on "A Healthy Whare" project be received.

11.24am The meeting adjourned for morning tea

11.44am The meeting reconvened

PF10.4 **Update on the Joint Agency Group and Ara Rau Tangata Conferences**

Chris Nepia (Māori Relationships and Engagement Advisor) spoke to his presentation on Joint Agency Group (JAG).

- JAG was established to bring together various agencies involved in the process of building houses on Māori land.
- It was identified that many agencies had been working in silos and in the process of constructing houses, families had to go to each of them separately. JAG was formed to simplify the process and act as a single point of contact with all agencies involved.
- The Papakainga Toolkit and workshops were developed out of the work of JAG. Both tools were designed to assist Māori landowners and trusts to navigate the process of establishing housing on their land.
- Victoria Kingi was acknowledged for her work in assisting with the process.
- As a result of JAG over 100 houses were built in the Bay of Plenty sub-region.
- The workshops were rolled out with funding support from Te Puni Kokiri and delivered in Tauranga by Papakainga Solutions Ltd. The workshop consisted of 8 one-day workshops held once a month and focused on different aspects of the Papakainga process each time. At the end of the series, two of the attendees were selected to progress their Papakainga development.
- Te Puni Kokiri stopped funding the workshops in 2017 and since then JAG has been looking for alternatives, given that Papakainga housing was a priority for Tangata Whenua.
- The future plans for JAG were :-
 - To report on the success (or improvements required) from previous workshops.
 - To review the current Papakainga Toolkit including ease of use, language used, readability and format (also the potential development of an online app) and to ensure that the information is up to date and relevant.
 - To report on Māori housing needs to support the subjective evidence of the lack of housing on Māori land.
- JAG was investigating new way to deliver Papakainga workshops with an aim to initiate their work in 2020 again.

- The feedback from the previous workshops was that they were too long and extensive. They could be delivered in parts, according to the need of individuals attending.

In response to questions, the following points were noted:

- It was important to keep working on alternatives – primarily looking at delivering the workshops as they were really popular. Without the funding from Te Puni Kokiri this was not continued. The content of workshops was also being reviewed in terms of delivering a smaller and more customised program to individuals' needs.
- Statistics relating to the workshops were with Chris Nepia and he would be happy to share these.
- JAG was well supported by the members of the Forum and the Māori community. However, the process of so many hapū and Marae being involved for 8 months and then only two chosen to go forward was a bit disheartening. It was noted that all the members can help with financial contribution to the establishment of the Toolkit and workshops.
- In regards to the land area required for building dwellings in rural areas to be 2000m², it was clarified that it was a requirement.
- One of the biggest issues had been finance/ funding to build these houses. Fortunately infrastructure grants helped secure the mortgage that wouldn't be possible without the grant.
- Next triennium, with a new Council, a new perspective towards housing issues and financials would be required.
- Māori housing has been identified as being quite different from general housing, as Māori land would never be sold. With respect to JAG, reviewing the process would be vital. It was also stated that there had been a lot to deal with in terms of funding, resource consents, and building consents with the Council.
- The work of Tangata Whenua, Council and Forum was appreciated and acknowledged. Protection of whenua and cultural identification of Māori was the main focus.

A video was presented on Ara Rau Tangata Conference.

12.00pm Councillor Dean left the meeting

12.12pm Councillor Dally left the meeting

- Ara Rau Tangata was a series of conferences that focused on various kaupapa (issues) affecting Māori.
- The conferences were a result of Māori having their say in the way things were developed for future generations.
- Three conferences have been held so far – each with it's own theme. Attendees included Marae committees, Māori Land Trusts, Māori businesses and iwi and hapū organizations.
- The first conference was held at Huria Marae and focused on ways that Māori could contribute to the development of the city and the region. The second conference was held at the Mount Maunganui Club and focused on Papakainga development and canvassed much of

the information that attendees would be privy to attending the Papakainga workshops. The third conference was held at the Mount Maunganui Club and focused on Māori land development (non-housing). The attendees learnt about opportunities available to support economic development on Māori land.

- The workshops had been well attended and well supported by Council.

In response to questions, the following was noted:

- Staff were not fully aware of the rationale for the requirement to have 2000m² of net land per dwelling in rural areas but it was likely that it related to dispersal fields for septic tanks.
- In regards to resource consents and building consents causing barriers to housing development, Western Bay of Plenty District Council had implemented a policy where financial contributions can be reduced and application fees can be rebated.

12.17pm Margaret Murray-Benge left the meeting

The Chairperson thanked the team for their presentation.

The Forum appreciated and acknowledged the work of Mayor Webber and the support he had given to the Forum and Māori. Thanks were also extended to Rachael Davie, Petera Tapsell and Council staff for their work and support. It was noted that the current triennium was very interesting and the Partnership Forum would continue next triennium.

Resolved: Councillor Palmer / Ms Matire Duncan

THAT the presentation from Chris Nepia regarding the Joint Agency Group be received.

PF10.5 Partnership Forum Update

Petera Tapsell (Workforce Development and Cultural Advisor) spoke to his presentation regarding Partnership Forum achievements in the current triennium.

- Work to establish Māori wards (2017 – 2018 Representation Review)
- LTP submission 2018/2028 (Marae Sustainability Initiatives Fund, JAG, Iwi/Hapu Management Plan Fund)
- Reserves and Facilities Bylaw review
- Annual Plan submission 2019 – in terms of rubbish and recycling
- Internship opportunity 2019 – hired an intern for 3 months who would be joining the team soon.
- Te Reo Ki Uta ki Tai App (from inland to the sea) –the whole team worked hard towards the development of the app which was proudly introduced both to Apple and Android cell phone users.
- Renewal of mandate – post elections, the members of the Forum would need a mandate from the hapu/iwi to represent them in the Forum next year.

The Forum acknowledged and thanked Petera Tapsell for his support.

The Chairperson acknowledged the work done by the Forum. It was noted that work done on Māori wards took a lot of time and effort in the team. It was needed to make sure that Māori voices were heard.

Resolved: Ms Julie Shepherd / Councillor Williams

THAT the verbal update from Petera Tapsell regarding the Forum's achievement to date in the current triennium be received.

The Chairperson acknowledged Councillors Peter Mackay and Mike Williams from Katikati for all the great work they did for the community. The Councillors were thanked for their commitment, dedication and service to Council and the community. The Māori whanau members who were standing for the elections were congratulated and best wishes were extended for their representation.

It was also noted that the Council needed to support the people who were motivated to enrol and vote. Western Bay of Plenty District Council's promotion regarding motivating voter participation was appreciated.

All the Councillors were thanked for their mahi and the Forum expressed their pleasure in working alongside the Council, which made the community stronger. Best wishes were extended to all the Councillors who were standing in this election. The Chairperson thanked Mayor Webber for his work. The Tangata Whenua and Councillors work was acknowledged and appreciated.

The Forum noted the need for workshops to be held in future for the renewal of the mandate for all members and to consider strategies for working more efficiently for the Māori community.

Mayor Webber thanked the Chairperson for his work.

The Chairperson closed the meeting with a karakia at 12.41pm.

Western Bay of Plenty District Council

Council

Non-discharge of the Regulatory Hearings Committee and District Licensing Committee

Summary

The purpose of this report is to ensure the continuation of certain Council appointments during the hiatus period following the triennial election until such time as new appointments can be made, to ensure that Council can continue to undertake regulatory and district licensing functions, as required.

Recommendation

- 1. THAT the Governance Manager's report dated 10 September 2019 and titled Non-discharge of the Regulatory Hearings Committee and District Licensing Committee 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 pursuant to Clause 30(7) Schedule 7 of the Local Government Act 2002 the current Regulatory Hearings Committee shall not be deemed to be discharged until such time as a new Regulatory Hearings Committee has been appointed following the 2019 local authority elections, and that Council appoint all members of the current Committee as Hearings Commissioners during this period to deal with ordinary matters of business referred to that Committee under its current terms of reference.***
- 4. THAT pursuant to Clause 30(7) Schedule 7 of the Local Government Act 2002 the current District Licensing Committee shall not be deemed to be discharged until such time as a new District Licensing Committee has been appointed following the 2019 local authority elections, with all members of the current Committee to remain as members during this period to deal with ordinary matters of business referred to that Committee under its current terms of reference.***

Date 10 September 2019 **Open Session**
Subject Non-Discharge of the Regulatory Hearing Committee and District Licensing
Committee

K. E. Elder,

Kirstie Elder
Governance Manager

1. Background

- 1.1 The purpose of this report is to provide for continuity of appointments, to ensure that Council can continue to perform regulatory and district licensing functions during the period between the local authority election and the appointment of new council committees.
- 1.2 During the period between the 2019 elections and the constitution of its new committees, Council needs to continue to carry out regulatory functions under the Resource Management, Dog Control, Sale and Supply of Alcohol and Building Acts and Council Bylaws. Civil defence functions will continue to be performed under the Civil Defence and Emergency Management Act 2002 and Local Government Act 2002. While many functions of Council may be delegated to the Chief Executive for the hiatus period, some statutory functions will continue to require appointed decision-making bodies. The Local Government Act 2002 provides an option to retain these bodies for this purpose.
- 1.3 Clause 30(7) of Schedule 7 Local Government Act 2002 provides that, unless Council resolves to the contrary, a Council committee is discharged on the coming into office of the elected members of the local authority following a triennial election. The recommendation in this report provides for the continuation of the current Regulatory Hearings Committee during the interim period between the election and the appointment of the new Regulatory Hearings Committee. In order to address the issue of retiring Councillors continuing to serve on the Regulatory Hearings Committee after election results have been declared, it is proposed that Council appoint those members as Commissioners until the new Committee is appointed.
- 1.4 The Sale and Supply of Alcohol Act 2012 requires Council to establish a list of members to serve on District Licensing Committees. Council appointed two members and five commissioners to the current District Licensing Committee on 20 September 2018. Council noted that "the Councillor appointment of Councillors Mackay and Thwaites would continue until the end of the (2016-19) triennium with the option for those appointment to be carried over until the new Council was in place after the election." The recommendation in this report provides for the continuation of the District Licensing Committee and the existing appointed members until such time as the new District Licensing Committee is established post election.
- 1.5 The Civil Defence Emergency Management Act 2002 provides that Council's power to discharge or reconstitute a committee or joint committee does not apply to a Civil Defence Emergency Group established under the Act. A Civil Defence Emergency Group is mandatory and should continue in existence at all times. The Bay of Plenty Civil Defence Emergency Management Group is not deemed to be discharged during the triennial elections. Following an election, or by resolution or resignation, the members of the group can be changed. The first meeting of the BOP Civil Defence Emergency Management Group after the 2019 elections is scheduled to be held on 16 December 2019.

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 it relates to the continuation of existing decision-making bodies and appointments, to ensure Council can exercise its statutory functions and duties in the period between the election and the appointment of committees by the new Council.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Planned Consultation / Communication
Council and the Community	No consultation is planned. The recommendation supports the continuation of existing appointments for the effective functioning of the district until the appointment of the new Council. Decisions of the Regulatory Hearings Committee and District Licensing Committee are available to the public.

4. Issues and Options Assessment

Insert précis of resolution required	
Reasons why no options are available	Legislative or other reference
Council is required to undertake regulatory and district licensing functions through Council appointed decision-making bodies between the local authority elections and appointment of new Council committees.	Local Government Act 2002, Resource Management Act 1991, Dog Control Act 1996, Sale and Supply of Alcohol Act 2012, and Building Act 2004.

5. Statutory Compliance

The relevant statutory provisions are outlined in this report. The recommendations in the report comply with the Local Government Act 2002, Sale and Supply of Alcohol Act 2012 and Resource Management Act 1991, which allow Council to delegate certain decisions to appointed bodies and individuals.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
N/A	No budgetary implications

Western Bay of Plenty District Council**Council****Draft Financial Statements for the Year Ended
30 June 2019, Funding Transfer in Reserve Accounts
and Adoption of the Annual Report and Summary
Annual Report 2018-19**

Purpose

The purpose of this report is to adopt the audited Annual Report 2018-19.

This report is statutory required under section 98 and 99 of the Local Government Act 2002. For each financial year, Council is required, within four months of the end of the financial year to which it relates, to prepare and adopt, by resolution, an annual report and summary annual report.

Recommendation

- 1. THAT the Senior Financial Planner's report dated 19 September 2019 and titled 'Draft Financial Statements for the Year Ended 30 June 2019, Funding Transfers in Reserve Accounts and Adoption of the Annual Report and Summary Annual Report 2018/19' 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 Annual Report and the Summary Annual Report for the year ended 30 June 2019 be received and approved by Council.**
- AND** following receipt of the Audit Opinion from the Audit New Zealand representative in attendance.
- 4. THAT the Audit Opinion from Audit New Zealand for Western Bay of Plenty District Council's financial statements and performance information for the year ended 30 June 2019 be received.**
 - 5. THAT pursuant to Section 98 and 99 of the Local Government Act 2002, the Western Bay of Plenty District Council's audited Annual Report and Summary Annual Report for the year ended 30 June 2019 be adopted.**

Date
Subject

11 September 2019

Draft Financial Statements for the Year Ended 30 June 2019, Funding Transfer in Reserve Accounts and Adoption of the Annual Report and Summary Annual Report 2018-19

Open Session



David Jensen
Senior Financial Planner



Approved Kumaren Perumal
Group Manager Finance and Technology Services

1. Background

The draft Annual Report 2018-19 (to be circulated separately), including draft Financial Statements, Cost of Service Statements and Non Financial Performance Reports for each of Council's activities and draft Summary Annual Report 2018-19 (to be circulated separately), are presented for approval.

Under section 98 of the Local Government Act 2002 for each financial year, Council is required, within four months of the end of the financial year to which it relates, to prepare and adopt, by resolution, an annual report and summary annual report.

The accounts have been audited by Audit New Zealand in accordance with Section 99 of the Local Government Act 2002. However, there may still be some minor presentation changes as a result of the final review.

The Annual Report includes explanations of major variances under Note 47 to the Financial Statements, to assist readers in their review of the information.

Council is required to maintain its reserve accounts in accordance with its policy. As a result year end appropriations to these accounts are included for approval. Refer to pages 162 – 169 of the Annual Report 2018-19.

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:

- This 2018-19 Annual Report is provided to compare Western Bay of Plenty District Council's actual performance for the year against what was forecast in the Long Term Plan or Annual Plan. Council's performance could be of interest to some ratepayers and residents in the District but shouldn't affect them significantly. Overall there would be no impact on the future interest of the community
- There are no identifiable cultural impacts relating to the preparation of the end of year financial accounts, other than general interest
- The subject does not affect the level of service of a significant activity.

3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
General Public	The public to be notified of the adoption of the Annual Report 2018-19 by advertisement in the local papers and via Council website.
Internal Staff	All staff to be notified accordingly.
Local Government	As per the Local Government Act 2002, copies of the adopted Annual Report and summary are required to be sent within one month of adoption to several government departments, i.e. <ul style="list-style-type: none"> a) the Secretary of Local Government; and b) the Auditor-General; and c) the Parliamentary Library.

4. Issues and Options Assessment

Option A	
THAT the Funding Transfer in Reserve Accounts, Draft Annual Report and the Draft Summary Annual Report for the year ended 30 June 2019 be received and approved by Council.	
Reasons why no options are available	Legislative or other reference
Every local authority must prepare and adopt in respect of each financial year an annual report. Each annual report must be completed and adopted, by resolution, within four months after the end of the financial year to which it relates.	Section 98 of the Local Government Act 2002. Section 99 of the Local Government Act 2002.

5. Statutory Compliance

The recommendation in this report is consistent with legislative requirements as per section 98 and 99 of the Local Government Act 2002.

6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
	The Annual Report provides a comparison to budget and the prior year.