

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
PERFORMANCE AND MONITORING MEETING NO. PM22-2  
HELD VIA ZOOM ONLY UNDER COVID-19 TRAFFIC LIGHT RED AND LIVESTREAMED  
ON THURSDAY, 31 MARCH 2022 AT 9.30AM**

**1 PRESENT**

CR D THWAITES (CHAIRPERSON), MAYOR G WEBBER, CR G DALLY, CR M DEAN, CR J DENYER, CR M GRAINGER, CR M GRAY, CR A HENRY, CR K MARSH, CR M MURRAY-BENGE, DEPUTY MAYOR J SCRIMGEOUR AND CR A SOLE.

**2 IN ATTENDANCE**

J HOLYOAKE (CHIEF EXECUTIVE OFFICER), G ALLIS (DEPUTY CEO/GENERAL MANAGER INFRASTRUCTURE SERVICES), R DAVIE (GENERAL MANAGER STRATEGY AND COMMUNITY), J GRAHAM (ACTING GENERAL MANAGER CORPORATE SERVICES), D JENSEN (CHIEF FINANCIAL OFFICER), O MCVICKER (MANAGER CORPORATE SERVICES AND BUSINESS IMPROVEMENT), R BARNETT (SENIOR BUSINESS ANALYST), K LITTLE (OPERATIONS MANAGER), J PATERSON (TRANSPORTATION MANAGER), C MCLEAN (SENIOR TRANSPORTATION ENGINEER), S PARKER (RESERVES AND FACILITIES ASSET SYSTEMS MANAGER), P WATSON (RESERVES AND FACILITIES MANAGER), A BADENHORST (LEGAL PROPERTY OFFICER), H WI REPA (GOVERNANCE TECHNICAL SUPPORT), J OSBORNE (GOVERNANCE SUPPORT ADMINISTRATOR) AND C IRVIN (SENIOR GOVERNANCE ADVISOR).

**3 APOLOGIES**

Nil

**4 CONSIDERATION OF LATE ITEMS**

NIL

**5 DECLARATIONS OF INTEREST**

NIL

**6 PUBLIC EXCLUDED ITEMS**

NIL

**7 PUBLIC FORUM**

**A. KELSEA SYMES, LUKE FAHEY (RESIDENTS OF PONGAKAWA) AND SENIOR SERGEANT WAYNE HUNTER (TAURANGA POLICE)**

KELSEA SYMES AND LUKE FAHEY SPOKE TO THE COMMITTEE REGARDING THE PONGAKAWA STATION ROAD AND OLD COACH ROAD INTERSECTION – AND THE HUGE ‘BOY RACER’ GATHERINGS AT NIGHT, NOTING THE FOLLOWING:

- THERE WAS AN ISSUE IN THE PONGAKAWA COMMUNITY WITH BOY RACERS, WHOSE FAVOURITE PLACE TO ‘SKID’ WAS OUTSIDE MS SYME’S HOUSE, AT THE PONGAKAWA STATION ROAD AND OLD COACH ROAD INTERSECTION.
- THE LAYOUT OF THE INTERSECTION WAS A PERFECT ‘SKID PAD’ FOR BOY RACERS, WITH PLENTY OF ROOM FOR SPECTATORS AND PARKING.
- ABOUT ONCE A MONTH THESE HUGE EVENTS TOOK PLACE WHERE AROUND ONE HUNDRED OR MORE CARS, AND ABOUT THREE HUNDRED PEOPLE, GATHERED AT THIS CORNER.
- IT WAS DIFFICULT TO PREDICT WHEN THESE EVENTS WOULD OCCUR, BUT IT WAS UNDERSTOOD THEY WERE ORGANISED THROUGH A PRIVATE FACEBOOK GROUP. IT WOULD APPEAR THAT, TO JOIN THE GROUP, ONE HAD TO BE INVITED BY AN EXISTING MEMBER TO ‘GET THROUGH TO THE NEXT STAGE’.
- WHEN THESE EVENTS TOOK PLACE THEY WERE INTIMIDATING AND DISRUPTIVE. MS SYMES HAD A YOUNG FAMILY WHO GOT VERY LITTLE SLEEP DURING THE NIGHTS THIS WAS HAPPENING.
- THERE WERE ALSO REGULARLY GROUPS OF 5 TO 10 CARS ON ANY NIGHT DURING THE WEEK WHICH WAS VERY DISRUPTIVE.
- PONGAKAWA WAS A BUSY AREA, WITH A LOT OF INDUSTRY AND MANY TRUCKS ON THE ROAD. IT WAS HARD TO BELIEVE NOBODY HAD BEEN HIT BY A TRUCK.
- A COMMUNITY MEETING WAS HELD AT THE PONGAKAWA SCHOOL HALL LAST MONTH. SENIOR SERGEANT WAYNE HUNTER SPOKE AT THIS MEETING AND ADVISED THAT THE POLICE WERE POWERLESS TO DO ANYTHING ABOUT THIS ISSUE.
- IT WAS BELIEVED THAT THE ONLY WAY TO MANAGE THIS ISSUE WAS TO CHANGE THE INTERSECTION
- LUKE FAHEY HAD DRAWN UP SOME SUGGESTED CHANGES TO THE INTERSECTION AND STATED THAT HE WAS ON BOARD WITH THE ISSUE WHICH HAD DEVELOPED INTO A REAL MENACE FOR PONGAKAWA RESIDENTS.
- LUKE PROVIDED A SNAPSHOT OF THE INTERSECTION SHOWING A TWENTY METRE DIAMETER AREA THAT ALLOWED FOR ‘DOUGHNUTS’ AND ‘STAND-STILL BURNOUTS’.
- THERE WERE ALSO 3.5 TO 4 METRE STRIPS (IN SOME AREAS 6 METRES) FOR CARS TO PARK AND SHINE THEIR LIGHTS ONTO THE INTERSECTION, WHICH THEN PROVIDED A LARGE PLATFORM FOR EVERYONE TO STAND AROUND AND WATCH.
- THERE WERE SEVERAL YOUTUBE VIDEOS TAKEN FROM TRUCKS PASSING THROUGH THE AREA AT THE TIME OF THESE EVENTS TAKING PLACE THAT SHOWED THE VOLUME OF PEOPLE THAT CONGREGATED IN THE AREA.
- PONGAKAWA RESIDENTS HAD LOOKED AT HOW THEY COULD MINIMISE THE LIKELIHOOD OF THESE PEOPLE WANTING TO USE THE INTERSECTION BY MAKING CHANGES TO IT AS FOLLOWS:

- ISLANDS, PLACED ALONG THE MIDDLE OF THE ROAD COMING UP TO THE INTERSECTION, WOULD REDUCE IT TO THE MINIMUM SPACE REQUIRED TO ALLOW TRUCKS THROUGH THE INTERSECTION AND WOULD NOT ALLOW 'FULL DOUGHNUTS' TO BE DONE.
- BARRIERS PLACED ALONG THE ROADSIDE WOULD REDUCE THE AREA FOR PARKING, AND WOULD MAKE 'SKIDDING' DIFFICULT AS IT COULD DAMAGE OTHER CARS PARKED ALONG THE ROAD.
- CCTV CAMERAS FOR SECURITY FOOTAGE (ALTHOUGH IT COULD BE DIFFICULT TO DETERMINE WHO WAS IN THE CARS OR WHETHER THE PEOPLE STANDING AROUND ON THE ROADSIDE WERE BREAKING ANY LAWS).

SENIOR SERGEANT WAYNE HUNTER ADDRESSED THE COMMITTEE PROVIDING THE FOLLOWING INFORMATION:

- HE FELT THE PONGAKAWA COMMUNITY THOUGHT THE POLICE WERE GOING TO 'TAKE CARE OF EVERYTHING'.
- UPON REVIEW OF THE YOUTUBE VIDEOS, NINETY NINE PERCENT OF PEOPLE IN THOSE VIDEOS WERE NOT BREAKING THE LAW.
- THE ONLY PEOPLE THAT COULD BE DEALT WITH WERE THOSE THAT WERE DOING THE ACTUAL BURNOUTS – THEY WERE BREAKING THE LAW.
- THERE WAS NOT A LOT THAT COULD BE DONE ABOUT THE PEOPLE WHO WERE PARKED UP ALONG THE ROADSIDE.
- LAST WEEKEND, 50 POLICE STAFF FROM THE WAIKATO, COUNTIES MANUKAU, TAUPO, WESTERN BAY OF PLENTY AND ROTORUA ATTENDED SUCH AN EVENT IN THE WAIKATO, IN A MAJOR OPERATION TO DETER SUCH GATHERINGS, WHERE 500 PEOPLE HAD CONGREGATED. THIS WAS A 'ONE-OFF' AND SIMPLY COULD NOT HAPPEN REGULARLY. HOWEVER, THIS HAD CREATED THE SITUATION WHEREBY THE PARTICIPANTS WOULD PROBABLY MOVE TO THE WESTERN BAY OF PLENTY WITHIN THE NEXT COUPLE OF WEEKS TO CONTINUE THEIR RALLIES, AND WESTERN BAY OF PLENTY TRAFFIC POLICE ALONE COULD NOT DO ANYTHING ABOUT IT DUE TO LACK OF STAFF.
- SORTING OUT THE INTERSECTION WAS A PRIORITY AND WOULD GO A LONG WAY TO ALLEVIATING THE PROBLEMS WITH BOY RACERS IN THE PONGAKAWA COMMUNITY.

PRESENTERS RESPONDED TO QUESTIONS AS FOLLOWS:

- THE ONLY WAY TO INFLUENCE THE SELLING OF CHEAP SECOND HAND TYRES WAS TO HAVE THE LAW CHANGED TO BAN SELLING SUCH TYRES, HOWEVER IT WAS DOUBTFUL THAT THIS WOULD HAVE ANY IMPACT.
- THERE HAD TO BE AT LEAST FOUR POLICE STAFF AT ONE SUCH INCIDENT BUT THE POLICE HAD VERY LIMITED RESOURCES WITH ONLY 27 STAFF FOR A TOTAL SHIFT. PREVIOUSLY, POLICE STAFF HAD BOTTLES THROWN AT THEM – SAFETY HAD TO BE A PRIORITY.
- INSTALLING A MOBILE CCTV CAMERA AT SOME OF THE 'HOT SPOTS' WOULD ENABLE POLICE TO IDENTIFY THE VEHICLE BREAKING THE LAW AND HAVE IT IMPOUNDED WITHOUT HAVING

TO PROVE WHO WAS DRIVING IT. A SEARCH WARRANT WOULD THEN BE OBTAINED FROM A JUDGE, THE OWNER OF THE CAR WOULD RECEIVE A '118' LETTER AND WOULD HAVE 14 DAYS TO GET IN CONTACT WITH THE POLICE. THEY COULD BE TAKEN TO COURT AND RECEIVE A FINE. HOWEVER, THE CAR OWNERS (BOY RACERS) WERE AWARE OF THIS AND WERE EITHER SWAPPING NUMBER PLATES OR HIDING THEM TO AVOID BEING CAUGHT.

- SOME OF THE CARS BEING USED WERE \$40,000 TWIN TURBO MACHINES THAT WERE RUNNING 19-INCH TYRES. THESE TYRES COULD COST UP TO \$300-\$400 PER TYRE AND APPEARED NOT TO BE TOO EXPENSIVE FOR THE CAR OWNERS.

STAFF RESPONDED TO QUESTIONS AS FOLLOWS:

- STAFF HAD LOOKED INTO THIS MATTER, HOWEVER THERE WERE SOME ROAD SAFETY ISSUES AROUND THE PROPOSAL PUT FORWARD TO CHANGE THE INTERSECTION.
- THESE ACTIVITIES WERE OCCURRING AROUND THE DISTRICT ON MANY RURAL ROADS AND INTERSECTIONS AND SEEMED TO BE ONGOING.
- LIGHTING AT THIS INTERSECTION DID PERHAPS GENERATE MORE OF A DESIRE TO CONGREGATE AT THIS SPOT AT NIGHT.
- OTHER MEASURES IMPLEMENTED BY COUNCIL (IN PARTICULAR IN CAR PARKS) TO REDUCE THE DESIRE TO CONGREGATE INCLUDED BUILDING ASPHALT BUNDS THAT HELPED TO STOP THE 'DOUGHNUT' ACTIVITY. HOWEVER, THIS WAS LIMITED AND COULD NOT BE DONE THROUGH THE MIDDLE OF AN INTERSECTION.
- COUNCIL HAD ALSO TRIED TO PROVIDE LARGE AGGREGATE SEAL TO ROUGH UP SOME ROADS WHICH WAS NOT AS DESIRABLE FOR 'BURN OUT' ACTIVITY. HOWEVER, THIS MADE THE ROADS MUCH NOSIER. THERE WERE ISSUES AROUND HOW CLOSE RESIDENTS WERE AND HOW MUCH THEY WOULD BE AFFECTED.
- THE OPPORTUNITIES TO DO ANYTHING WERE LIMITED - AND ANY INFRASTRUCTURE CHANGES WERE QUITE EXPENSIVE.
- IF COUNCIL WAS TO INSTALL CONCRETE MEDIA STRIPS, IT WOULD NOT MEET THE RECOMMENDED TECHNICAL SPECIFICATION FOR THE ROAD AND ONE THAT HAD A 100 KILOMETRE SPEED LIMIT. TO INSTALL THE CONCRETE STRIPS WOULD REQUIRE A SPEED LIMIT CHANGE TO 50 KILOMETRES PER HOUR.

THE CHAIRPERSON THANKED THE PUBLIC FORUM ATTENDEES FOR THEIR PRESENTATION.

## **8 PRESENTATIONS**

### **8.1 WAKA KOTAHI (NZTA) TAKITIMU NORTHERN LINK STAGES 1 & 2 AND STATE HIGHWAY 2 SAFETY WORKS UPDATE AND PRESENTATION**

Due to unforeseen circumstances, the presentation from Waka Kotahi was cancelled and rescheduled for the next Performance and Monitoring Meeting to be held on 5 May 2022.

## 9 REPORTS

### 9.1 GROUP MANAGER CORPORATE SERVICES' REPORT

The Committee considered a report dated 31 March 2022 from the Finance Manager who took the report as read, summarising the following points:

- In terms of revenue, it was looking more and more likely that, as Council was not able to deliver full capital programme, some of the subsidy revenue would not be collected this financial year and would drift into the next financial year as receipt of the revenue was tied to the capital programme.
- Financial contributions (FINCOs) were below budget, year-to-date, for February. At the last Performance and Monitoring meeting held on 10 February 2022, finance reported a very good month for FINCOs, however that had not continued and council had had a 'lean' month through February. Talks were being held regularly with developers to understand how things would look at year-end with FINCOs.
- Operating expenditure was 4.7 million lower than budgeted for. A lot of this was due to operational contracts that were not able to be completed and/or timing issues. There were similar issues with the salary budget which was a combination of not being able to readily fill positions and timing issues around when some people were likely to come on board.
- The Capital Programme forecast was being finalised and was looking slightly lower than expected. At this point a 70% delivery was expected. This was becoming very common across the sector.

Staff responded to questions as follows:

- Net debt at year end would depend on how the capital programme was tracking. Council had quite an aggressive programme, being 50% more than had ever been delivered in the past, and Council was struggling to spend some of the money. It would be in a better position at the end of April 2022 to understand how much of the capital programme it could get through by the end of the year.

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#### RESOLUTION PM22-2.1

Moved: Mayor G Webber

Seconded: Cr A Sole

That the Finance Manager's report dated 31 March 2022 titled 'Group Manager Corporate Services Report' be received.

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**CARRIED**

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**9.2 LOCAL GOVERNMENT FUNDING AGENCY LIMITED - QUARTERLY REPORT TO SHAREHOLDERS DECEMBER 2021**

The Committee considered a report dated 31 March 2022 from the Finance Manager. The report was taken as read, with the following points noted:

- The Local Government Funding Agency (LGFA) continued to deliver very well for Council in terms of cheap lending and customer service. They were meeting most of their Key Performance Indicators, with only two out of ten that they were slightly behind on, but were forecast to be on track by year-end.
- The overall size of their loan book was smaller than they had budgeted for, which was a reflection of the fact that every council across the country was struggling to deliver their capital programme, which meant they were not lending as much as they had forecast.

Staff responded to questions as follows:

- In order to qualify for Environmental, Social and Governance (ESG) bonds, a lot of work had to be done up front, well before construction began. An audit programme, to ensure criteria were met, was needed, as well as the social and environmental Key Performance Indicators that Council would be measured against, to ensure continuous compliance needed to meet the criteria. There was a five-basis-point savings incentive with ESG lending, however it required a significant amount of work to maintain the reporting to go to LGFA because they needed to report that information to the people who bought into those bonds.
  - Given the potential for the migration to the Three Waters Reform transition, council's were managing their treasury and borrowing requirements carefully because they did not want to commit to long term borrowing in respect of debt.
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**RESOLUTION PM22-2.2**

Moved: Cr J Denyer

Seconded: Cr M Gray

That the Finance Manager's report dated 31 March 2022 titled 'Local Government Funding Agency Limited – Quarterly Report to Shareholders December 2021' be received.

**CARRIED**

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**10 INFORMATION FOR RECEIPT**

Nil

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## 11 RESOLUTION TO EXCLUDE THE PUBLIC

### RESOLUTION TO EXCLUDE THE PUBLIC

#### RESOLUTION PM22-2.3

Moved: Cr A Henry

Seconded: Cr M Grainger

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of 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 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 for the passing of this resolution
<p><b>11.1 - Chief Executive Officer Operations Update Report</b></p>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	disadvantage, commercial activities	
<b>11.2 - Proposal for Access Easement Over 22 Wilson Road, Waihi Beach</b>	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>11.3 - Council Contracts Awarded or Renegotiated for the months of January 2022 and February 2022</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information  s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>CARRIED</b>		

**The Meeting closed at 12.07pm.**

**Confirmed as a true and correct record by Council on 6 May 2022.**