

Mā tō tātou takiwā
For our District

Council

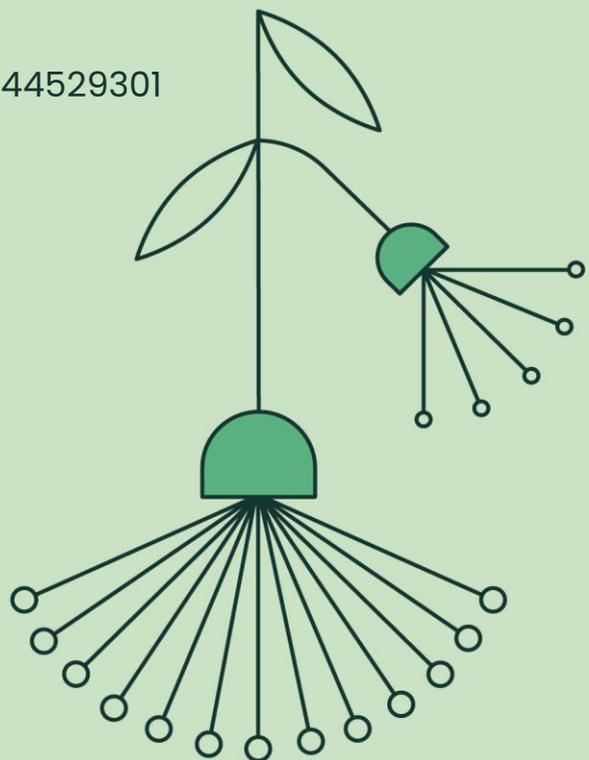
Te Kaunihera

C22-2

Wednesday, 6 April 2022, 9.30am

Via Zoom

<https://westernbay-govt-nz.zoom.us/j/88244529301>



Council

Membership:

Chairperson	Mayor Garry Webber
Deputy Chairperson	Deputy Mayor John Scrimgeour
Members	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Monique Gray Cr Anne Henry Cr Kevin Marsh Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites
Quorum	6
Frequency	Six weekly

Role:

To ensure the effective and efficient governance and leadership of the District.

Power to Act:

To exercise all non-delegable functions and powers of the Council including, but not limited to:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
- The power to adopt a Long Term Plan, Annual Plan or Annual Report;
- The power to appoint a chief executive;
- 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;
- The power to adopt a remuneration and employment policy;
- The power to approve a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991;

- The power to make a final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/Trustees and representatives of Council to external organisations;
- To consider and make decisions regarding any matters relating to Council Controlled Organisations, including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) recommended by the Policy Committee or any matters referred from the Performance and Monitoring Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council or any other entity.
- To consider applications to the Community Matching Fund (including accumulated Ecological Financial Contributions).
- To consider applications to the Facilities in the Community Grant Fund.

Procedural matters:

Approval of elected member training/conference attendance.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

Should there be insufficient time for Council to consider approval of a final submission to an external body, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to sign the submission on behalf of Council, provided the final submission is reported to the next scheduled meeting of Council or relevant Committee.

Power to sub-delegate:

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.

Notice is hereby given that a Meeting of Council will be
held in the via Zoom, on:
Wednesday, 6 April 2022 at 9.30am

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- 1 PRESENT
- 2 IN ATTENDANCE
- 3 APOLOGIES
- 4 CONSIDERATION OF LATE ITEMS
- 5 DECLARATIONS OF INTEREST
- 6 PUBLIC EXCLUDED ITEMS
- 7 PUBLIC FORUM

8 COMMUNITY BOARD MINUTES FOR RECEIPT

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 2 FEBRUARY 2022

File Number: A4478760

Author: Pernille Osborne, Senior Governance Advisor – Community Boards

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Katikati Community Board Meeting held on 2 February 2022, be received.

ATTACHMENTS

1. Minutes of the Katikati Community Board Meeting held on 2 February 2022

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI COMMUNITY BOARD MEETING NO. K22-1
HELD VIA ZOOM (AUDIO/VISUAL LINK) ONLY
UNDER COVID-19 PROTECTION FRAMEWORK - RED
ON WEDNESDAY, 2 FEBRUARY 2022 AT 7.00PM

1 PRESENT VIA ZOOM

Chairperson B Warren (Chairperson), Member N Harray, Member J Clements, Member K Sutherland, Cr J Denyer and Cr A Sole

2 IN ATTENDANCE VIA ZOOM

J Holyoake (Chief Executive Officer), P Osborne (Senior Governance Advisor) and J Osborne (Governance Support Administrator)

OTHER ATTENDEES VIA ZOOM

6 Members of the public, including Councillor Anne Henry

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Members were advised that if they had an interest (actual, potential, pecuniary or no pecuniary interest) in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and they were advised to withdraw from the meeting table for the item. [As per the Local Authorities (Member's Interest) Act 1968].

- Councillor Denyer advised that he had a declaration of interest regarding report number 9.6 of the Agenda, 'Katikati Community Board Grant Application'.
- Member Harray advised that he had a declaration of interest regarding report number 9.6 of the Agenda, 'Katikati Community Board Grant Application'.

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

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

7.1 KEITH HAY - THREE WATERS REFORM

Mr Hay was in attendance to express his concerns to the Board, as he was of the belief that Councillor Denyer did not vote in the best interests of the community at the Council meeting held 16 December 2021 in regards to item 8.1 Notice of Motion – Councillor Grainger – Three Waters Proposal.

7.2 EWEN LUSKIE - THREE WATERS REFORM

Mr Luskie was in attendance to express his concerns to the Board, as he was of the belief that there had been no consultation regarding the Three Waters Reform. Mr Luskie also understood that Councillor Denyer had voted for the Three Waters Reform.

Councillor Denyer made the below points of clarification:

- At the Council meeting held 16 December 2021 he did not vote for the Three Waters Reform;
 - During the debate at the meeting Councillor Denyer expressed his view that the reform proposal could be a lot better; and
 - He was of the belief that the Mayor, representing the District, as part of the working group mandated by the Government, would have a greater chance of success improving the reform than a group of Councillors attempting to do so from the outside.
-

7.3 PAUL O'NEIL - KATIKATI COMMUNITY PLAN

Mr O'Neil was in attendance to speak on behalf of Katikati Taiao, noting that they had prepared a submission on the draft Community Plan, and were waiting for an invitation for further community input.

Mr O'Neil sought clarification over what stage the Community Plan was at, as he felt there was conflicting messaging in the Chairpersons Report, and the Community Plan itself.

The Chairperson noted there were still changes that needed to be made, prior to the Community Plan being presented to the community, and encouraged Mr O'Neil to forward the proposal to the Board. If the Board needed clarification on any aspect of the proposal, they would invite him to an upcoming workshop.

7.4 PAULA GAELIC – WESTERN BAY MUSEUM

Ms Gaelic was in attendance to provide the Board with an update regarding the Western Bay Museum, noting the below points:

- Curator Rosemary Deane started on Tuesday 1 February 2022, which would be a huge benefit to the museum; and
 - When COVID-19 restrictions lifted, she would like to present the Museum Development Plan to the Community Board.
-

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 10 NOVEMBER 2021

RESOLUTION K22-1.1

Moved: Cr J Denyer

Seconded: Member N Harray

That the Minutes of the Katikati Community Board Meeting held on 10 November 2021, as circulated with the agenda, be confirmed as a true and accurate record.

CARRIED

9 REPORTS

9.1 COUNCIL DECISION ON KATIKATI COMMUNITY BOARD RECOMMENDATION - 33 MIDDLEBROOK DRIVE

The Board considered a report from the Senior Governance Advisor. The report was taken as read, with further clarification sought on the below items:

- Whether or not the immediate neighbours to 33 Middlebrook Drive had been consulted with.
- Whether or not the immediate neighbours to the Housing New Zealand development on Middlebrook Drive had been informed of the social housing and affordable housing that would occupy that land.

The Chief Executive Officer responded to questions as follows:

- Staff would follow up to ensure that consultation with appropriate neighbours of 33 Middlebrook Drive was undertaken, if it had not already happened.
 - Housing New Zealand, as owner of the land, would be responsible for consulting with immediate neighbours.
-

The Board expressed concern over the possibility of the Housing New Zealand development being social housing, as opposed to affordable housing. If the housing was going to be social housing, the Board expressed strongly that there should be community consultation.

The Board requested a report from Council regarding the consultation process for current community developments within Katikati.

RESOLUTION K22-1.2

Moved: Chairperson B Warren

Seconded: Member N Harray

That the Senior Governance Advisor's report dated 2 February 2022, titled 'Council decision on Katikati Community Board Recommendation – 33 Middlebrook Drive', be received.

CARRIED

9.2 COUNCIL DECISION ON KATIKATI COMMUNITY BOARD RECOMMENDATION - REQUEST TO ENDORSE "KATIKATI MURAL TOWN - AVOCADO CAPITAL OF NEW ZEALAND"

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

RESOLUTION K22-1.3

Moved: Member J Clements

Seconded: Cr A Sole

That the Senior Governance Advisor's report dated 2 February 2022, titled 'Council Decision on Katikati Community Board Recommendation – Request to endorse "Katikati Mural Town – Avocado Capital of New Zealand"', be received.

CARRIED

9.3 KATIKATI COMMUNITY BOARD CHAIRPERSONS REPORT - FEBRUARY 2022

The Board considered a report from the Chairperson. The report was taken as read.

The Chairperson reiterated the success of the Avocado Festival, with special mention to Pauline McFadden, Kylie Watkin, and Jacqui Knight for all their work put into the festival.

RESOLUTION K22-1.4

Moved: Chairperson B Warren

Seconded: Member J Clements

That the Chairperson's report dated 2 February 2022, titled 'Katikati Community Board Chairpersons Report – February 2022', be received.

CARRIED

9.4 KATIKATI COMMUNITY BOARD COUNCILLORS REPORT – FEBRUARY 2022

The Board considered a report from Councillor Sole, who provided the Board with a brief outline of each listed item.

The Board sought clarification around the Tourism Bay of Plenty (TBOP) Letter of Expectation. It was noted that Council included a focus on walking and cycling, and training and upskilling tourism providers, in their Letter of Expectation.

The Board also highlighted the benefit of TBOP promoting events happening in Katikati.

The Board was informed that Councillor Sole and Councillor Denyer did not mention the Katikati Community Boards resolution during the discussion at the Council meeting held 16 December 2021, regarding the Three Waters Reform.

RESOLUTION K22-1.5

Moved: Chairperson B Warren

Seconded: Cr J Denyer

That the Councillor's report dated 2 February 2022, titled 'Katikati Community Board Councillors Report – February 2022', be received.

CARRIED

9.5 KATIKATI COMMUNITY BOARD – ANZAC DAY COMMEMORATION 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read with discussion around representation on ANZAC Day 2022.

RESOLUTION K22-1.6

Moved: Chairperson B Warren

Seconded: Member N Harray

1. That the Senior Governance Advisor's report dated 2 February 2022, titled 'Katikati Community Board – ANZAC Day Commemoration 2022', be received.

2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Katikati Community Board provide a wreath for the ANZAC Day Service, to be paid from the Katikati Community Board Contingency Account (up to the value of \$200).
4. That Chairperson Ben Warren represent Katikati Community Board at the ANZAC Day Service in Katikati on 25 April 2022.

CARRIED

9.6 KATIKATI COMMUNITY BOARD GRANT APPLICATION

Councillor Denyer and Member Harray declared an interest in this interest in this item, withdrew from the meeting and took no part in the discussion or voting thereon.

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

RESOLUTION K22-1.7

Moved: Cr A Sole
Seconded: Member K Sutherland

1. That the Senior Governance Advisor's report dated 2 February 2022, titled 'Katikati Community Board Grant Application', be received.
2. That the Katikati Community Board approve the Grant Application from Road Safety Education for \$2,000 to contribute to costs relating to the delivery of the safety education programme to 100 Katikati College Year 12 students. This grant will be funded from the Katikati Community Board Grants Account, subject to all accountabilities being met.

CARRIED

9.7 INFRASTRUCTURE SERVICES REPORT KATIKATI COMMUNITY BOARD FEBRUARY 2022

The Board considered a report from the Deputy Chief Executive. The report was taken as read with further discussion on the below.

RESOLUTION K22-1.8

Moved: Chairperson B Warren

Seconded: Member K Sutherland

1. That the Deputy Chief Executive's report dated 2 February 2022, titled 'Infrastructure Services Report Katikati Community Board February 2022', be received.

CARRIED

9.7.1 HYDE STREET RE-SEAL

Councillor Denyer advised the Board that, following a walk down Hyde Street, he wished to pass a formal resolution for the Board to fund the sealing of the only unsealed section of road in urban Katikati. Some members of the Board felt this was something they would like to discuss further at an upcoming workshop, to ensure that they considered all priorities before committing the remaining funds in the Roothing Account. The Board was awaiting a priority list from the Roothing Engineer (West) to review at a workshop.

The Board was advised that, if they held this decision over to the next meeting, it would be unlikely to progress before the end of the triennium.

RECOMMENDATION

MOTION

Councillor Denyer put the following motion:

Moved: Cr Denyer

Seconded: Cr Sole

That the Katikati Community Board fund the sealing of the formed section of Hyde Street in Katikati from the Roothing Account.

The vote was as follows: 3 for the motion and 3 against the motion. The Chairperson then exercised his casting vote.

The motion was declared lost on the casting vote.

9.7.2 RESERVE MANAGEMENT PLAN

RECOMMENDATION

The Board requested a report on the Levels of Service for the parks and reserves within Katikati.

The Board was reminded about the importance of raising Service Requests (CCR's) if they saw an area that was in need of some attention.

9.8 FINANCIAL REPORT KATIKATI – DECEMBER 2021

The Board considered a report from the Financial Business Advisor. The report was taken as read.

RESOLUTION K22-1.9

Moved: Chairperson B Warren

Seconded: Cr A Sole

That the Financial Business Advisor's report dated 2 February 2022, titled 'Financial Report Katikati – December 2021', be received.

CARRIED

9.9 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

RESOLUTION K22-1.10

Moved: Chairperson B Warren

Seconded: Cr J Denyer

That the schedule of meetings for February, March and April 2022, be received.

CARRIED

Prior to closing the meeting, the Chairperson reminded those present that grant applications were encouraged to be presented to the Board at the next meeting, prior to the end of the financial year. It was also noted that the Board had the C.E Miller fund that could be used for beautification projects around Katikati.

The Meeting closed at 8.24pm.

The minutes of this meeting were confirmed as a true and correct record at the Katikati Community Board meeting held on Wednesday 30 March 2022.

.....

Chairperson B Warren

CHAIRPERSON

8.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 8 FEBRUARY 2022

File Number: A4478776

Author: Pernille Osborne, Senior Governance Advisor – Community Boards

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Ōmokoroa Community Board Meeting held on 8 February 2022, be received.

ATTACHMENTS

1. Minutes of the Ōmokoroa Community Board Meeting held on 8 February 2022

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
ŌMOKOROA COMMUNITY BOARD MEETING NO. OM22-1
HELD VIA ZOOM (AUDIO/VISUAL LINK) ONLY
UNDER COVID-19 PROTECTION FRAMEWORK - RED
ON TUESDAY, 8 FEBRUARY 2022 AT 7.00PM

1 PRESENT VIA ZOOM

Chairperson T Sage (Chairperson), Member P Presland, Member J Evans, Member D Sage, Cr M Grainger and Cr D Thwaites

2 IN ATTENDANCE VIA ZOOM

J Holyoake (Chief Executive Officer), A Hall (Roading Engineer West), H Wi Repa (Governance Technical Support) and P Osborne (Senior Governance Advisor)

OTHER ATTENDEE VIA ZOOM

Councillor Denyer

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 23 NOVEMBER 2021

RESOLUTION OM22-1.1

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the Minutes of the Ōmokoroa Community Board Meeting held on 23 November 2021, as circulated with the agenda, be confirmed as a true and accurate record.

CARRIED

9 REPORTS

9.1 ŌMOKOROA COMMUNITY BOARD CHAIRPERSONS REPORT – FEBRUARY 2022

The Board considered a report from the Chairperson. The report was taken as read.

RESOLUTION OM22-1.2

Moved: Member P Presland

Seconded: Member D Sage

That the Chairperson’s report dated 8 February 2022, titled ‘Ōmokoroa Community Board Chairpersons Report – February 2022’, be received.

CARRIED

9.2 ŌMOKOROA COMMUNITY BOARD COUNCILLOR'S REPORT – FEBRUARY 2022

The Board considered a report from Councillor Thwaites. The report was taken as read, noting that today was the first day back in Chambers for Councillors.

The Board was advised that Council staff were awaiting feedback from Kāinga Ora in regards to the Infrastructure Acceleration Fund.

RESOLUTION OM22-1.3

Moved: Cr D Thwaites

Seconded: Member D Sage

That the Councillor’s report dated 8 February 2022, titled ‘Ōmokoroa Community Board Councillor’s Report – February 2022’, be received.

CARRIED

9.3 ŌMOKOROA COMMUNITY BOARD – ANZAC DAY COMMEMORATION 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read, with further discussion on the representation for ANZAC day 2022.

RESOLUTION OM22-1.4

Moved: Member J Evans

Seconded: Member D Sage

1. That the Senior Governance Advisor’s report dated 8 February 2022, titled ‘Ōmokoroa Community Board – ANZAC Day Commemoration 2022’, be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council’s Significance and Engagement Policy.
3. That the Ōmokoroa Community Board provide a wreath for the ANZAC Day Service, to be paid from the Ōmokoroa Community Board Contingency Account (up to the value of \$200).
4. That Deputy Chairperson Peter Presland represents the Ōmokoroa Community Board at the ANZAC Day Service in Ōmokoroa on 25 April 2022.

CARRIED

9.4 INFRASTRUCTURE SERVICES REPORT ŌMOKOROA COMMUNITY BOARD FEBRUARY 2022

The Board considered a report from the Deputy Chief Executive. The report was taken as read.

RESOLUTION OM22-1.5

Moved: Cr M Grainger

Seconded: Chairperson T Sage

That the Deputy Chief Executive’s report dated 8 February 2022 titled ‘Infrastructure Services Report Ōmokoroa Community Board February 2022’, be received.

CARRIED

9.5 FINANCIAL REPORT ŌMOKOROA – DECEMBER 2021

The Board considered a report from the Financial Business Advisor. The report was taken as read.

RESOLUTION OM22-1.6

Moved: Member P Presland

Seconded: Member J Evans

That the Financial Business Advisor’s report dated 8 February 2022 and titled ‘Financial Report Ōmokoroa – December 2021’, be received.

CARRIED

9.6 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

RESOLUTION OM22-1.7

Moved: Cr M Grainger
Seconded: Member P Presland

That the schedule of meetings for February, March and April 2022, be received.

CARRIED

The Meeting closed at 7.10pm.

Confirmed as a true and accurate record at the Ōmokoroa Community Board meeting held on 5 April 2022.

.....
Chairperson T Sage
CHAIRPERSON

8.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 10 FEBRUARY 2022

File Number: A4479565

Author: Pernille Osborne, Senior Governance Advisor - Community Boards

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Te Puke Community Board Meeting held on 10 February 2022, be received.

ATTACHMENTS

- 1. Minutes of the Te Puke Community Board Meeting held on 10 February 2022**

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
TE PUKE COMMUNITY BOARD MEETING NO. TP22-1
HELD VIA ZOOM (AUDIO/VISUAL LINK) ONLY
UNDER COVID-19 PROTECTION FRAMEWORK - RED
ON THURSDAY, 10 FEBRUARY 2022 AT 7.00PM

1 PRESENT VIA ZOOM

Chairperson R Crawford (Chairperson), Member T Rolleston, Member K Ellis, Member D Snell, Cr G Dally and Cr M Gray

2 IN ATTENDANCE VIA ZOOM

J Osborne (Governance Support Administrator) and P Osborne (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

Nil

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 18 NOVEMBER 2021

RESOLUTION TP22-1.1

Moved: Member T Rolleston

Seconded: Member K Ellis

That the Minutes of the Te Puke Community Board Meeting held on 18 November 2021, as circulated with the agenda, be confirmed as a true and accurate record.

CARRIED

9 REPORTS

9.1 TE PUKE COMMUNITY BOARD CHAIRPERSONS REPORT – FEBRUARY 2022

The Board considered a report from the Chairperson. The report was taken as read, with the Chairperson providing a brief overview on each item.

In relation to the Te Puke Library and Service Centre Boardroom lighting, the Board asked that all future funding requests from staff, contained at least two quotes from local contractors.

RESOLUTION TP22-1.2

Moved: Cr M Gray

Seconded: Member D Snell

That the Chairperson's report dated 10 February 2022, titled 'Te Puke Community Board Chairpersons Report – February 2022', be received.

CARRIED

RESOLUTION TP22-1.3

Moved: Chairperson R Crawford

Seconded: Member T Rolleston

That the Te Puke Community Board approve \$1,879.91 from the Te Puke Community Board Reserve Account for costs relating to the Te Puke Library and Service Centre Boardroom lighting upgrade.

CARRIED

9.2 TE PUKE COMMUNITY BOARD COUNCILLOR'S REPORT – FEBRUARY 2022

The Board considered a report from Councillor Gray. The report was taken as read. The Board was advised that the Pukehina Community Hall and the Ratepayers Association, were yet to hold their Annual General Meeting.

RESOLUTION TP22-1.4

Moved: Member K Ellis
Seconded: Member D Snell

That the Councillor's report dated 10 February 2022, titled 'Te Puke Community Board Councillor's Report – February 2022', be received.

CARRIED

9.3 TE PUKE COMMUNITY BOARD – ANZAC DAY COMMEMORATION 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read, with further discussion around representation of the Community Board on ANZAC Day 2022.

RESOLUTION TP22-1.5

Moved: Cr M Gray
Seconded: Member D Snell

1. That the Senior Governance Advisor's report dated 10 February 2022, titled 'Te Puke Community Board – ANZAC Day Commemoration 2022', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Te Puke Community Board provide a wreath for the ANZAC Day Service, to be paid from the Te Puke Community Board Contingency Account (up to the value of \$200).
4. That Chairperson Richard Crawford represents the Te Puke Community Board at the ANZAC Day Service in Te Puke on 25 April 2022.

CARRIED

9.4 TE PUKE COMMUNITY BOARD GRANT APPLICATIONS – FEBRUARY 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read, with further discussion on each of the below applications.

Blue Light Ventures

The Board acknowledged that there was only one quote to produce the Street Smart Handbook, as the copyright to the Street Smart Handbook was owned by Countrywide Media Australia. This meant they were the only ones who could print the brochure.

Te Puke Scout Group

The Board acknowledged the importance of addressing the security issues that had taken place in this area, however they would like to invite representatives from the Te Puke Scout Group to an upcoming workshop to provide some further clarification.

The Board agreed to leave this application on the table until the next Community Board meeting.

RESOLUTION TP22-1.6

Moved: Member T Rolleston

Seconded: Cr G Dally

1. That the Senior Governance Advisor's report dated 10 February 2022, titled 'Te Puke Community Board Grant Application – February 2022', be received.

CARRIED

RESOLUTION TP22-1.7

Moved: Member K Ellis

Seconded: Member D Snell

1. That the Te Puke Community Board approve the Grant Application from Blue Light Ventures Inc for \$700 for the printing costs of 200 Street Smart Handbooks for Year 13 Te Puke High School students. This grant will be funded from the Te Puke Community Board Grants Account, subject to all accountabilities being met.

CARRIED

9.5 INFRASTRUCTURE SERVICES REPORT TE PUKE COMMUNITY BOARD FEBRUARY 2022

The Board considered a report from the Deputy Chief Executive. The report was taken as read.

The Board noted that the 'Library Mosaic Replacement' project had been completed.

The Board would like to have a workshop with the Senior Transportation Engineer regarding the proposed projects from the Roading Account.

RESOLUTION TP22-1.8

Moved: Member T Rolleston
Seconded: Member D Snell

That the Deputy Chief Executive’s Report, dated 10 February 2022 and titled ‘Infrastructure Services Report Te Puke Community Board February 2022’, be received.

CARRIED

9.6 TE PUKE COMMUNITY BOARD – FINANCIAL REPORT DECEMBER 2021

The Board considered a report from the Financial Business Advisor. The report was taken as read, and the Chairperson reiterated that the final CCTV cost was still in need of Board approval, prior to funding.

RESOLUTION TP22-1.9

Moved: Chairperson R Crawford
Seconded: Member T Rolleston

That the Financial Business Advisor’s report dated 10 February 2022 and titled ‘Te Puke Community Board – Financial Report December 2021’, be received.

CARRIED

9.7 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

RESOLUTION TP22-1.10

Moved: Member D Snell
Seconded: Cr M Gray

That the schedule of meetings for February, March and April 2022, be received.

CARRIED

The Meeting closed at 7.45pm.

Confirmed as a true and accurate record at the Te Puke Community Board meeting held on 7 April 2022.

.....
Chairperson R Crawford
CHAIRPERSON

8.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 15 FEBRUARY 2022

File Number: A4497996

Author: Pernille Osborne, Senior Governance Advisor – Community Boards

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Maketu Community Board Meeting held on 15 February 2022, be received.

ATTACHMENTS

- 1. Minutes of the Maketu Community Board Meeting held on 15 February 2022**

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU COMMUNITY BOARD MEETING NO. MC22-1
HELD IN THE MAKETU COMMUNITY CENTRE AND VIA ZOOM (AUDIO/VISUAL LINK)
UNDER COVID-19 PROTECTION FRAMEWORK – RED AND LIVESTREAMED
ON TUESDAY, 15 FEBRUARY 2022 AT 7.00PM

1 PRESENT

Chairperson S Beech, Member L Rae, Member S Simpson, and Deputy Mayor J Scrimgeour

VIA ZOOM

Member W Ra Anaru and Cr K Marsh

2 IN ATTENDANCE VIA ZOOM

J Holyoake (Chief Executive Officer), J Osborne (Governance Support Administrator and P Osborne (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

Rubeena Tapsell – Bee Nuisance on Spencer Avenue

Ms Tapsell was in attendance to speak to the Board about the current “bee nuisance” that neighbours around 94 Spencer Avenue were experiencing. The below points were noted:

- Due to 94 Spencer Avenue being classified as rural zone, they were allowed an unlimited number of beehives, in comparison to urban zoned properties that could house a maximum of two hives.

- Two main nuisances from the bees were highlighted:
 - Bee excrement on houses, cars, washing, and outdoor furniture amongst other things; and
 - Health and safety issues due to allergies (in some cases severe).

Ms Tapsell highlighted the Western Bay of Plenty District Council (WBOPDC) 'Animals (excluding dogs) Bylaw 2019', noting that there were several references of 'nuisance' and 'dangerous to health'. Ms Tapsell believes that, due to the rural zoning of 94 Spencer Avenue, they were excluded from these categories.

Max Johnston – Bee Nuisance on Spencer Avenue

Mr Johnston spoke in support of the issue raised by Ms Tapsell, noting that, as a long time resident, this was the first time something like this had become an issue. Mr Johnston noted that he would like to have an onsite meeting with Maketu Community Board members and Councillors, as well as appropriate Council staff.

Mr Johnston provided, what he believed, were some possible solutions to the bee nuisance:

- The current house to remain in the rural zone, but this particular area to have the same requirements as urban (maximum of 2 beehives per property); or
- Change the entire zone to 'residential rural', in the hopes that this may alleviate the problem. He did not believe that a full change from Rural to Residential would be in the best interest of existing properties.

Mr Johnston advised the Board that there were 11 submissions from effected neighbours that would be emailed to the Senior Governance Advisor following the meeting. These submissions would be passed on to appropriate staff, and could be viewed on request.

A member of the public spoke in support of this, highlighting the amount of stings that her children had been getting due to the number of bees in the area.

The Chairperson thanked those who attended and shared their concerns with the Board.

Ms Tapsell advised the Board that she hoped there were avenues that could be explored to help remedy this issue in the short term.

Yvonne Moses – Bee Nuisance on Spencer Avenue

Ms Moses also spoke in support of the previous two speakers, noting that not only was the bee excrement a nuisance, but that she was allergic to bee stings and was now worried about what the outcome would be if herself, or her grandkids got stung.

Mr Johnston advised the Board that they had tried to speak directly to the neighbours, however were yet to reach an amicable agreement.

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 16 NOVEMBER 2021

RESOLUTION MC22-1.1

Moved: Member S Simpson

Seconded: Member L Rae

That the Minutes of the Maketu Community Board Meeting held on 16 November 2021, as circulated with the agenda, be confirmed as a true and accurate record.

CARRIED

9 REPORTS

9.1 MAKETU COMMUNITY BOARD CHAIRPERSONS REPORT – FEBRUARY 2022

The Board considered a report from the Chairperson. The report was taken as read with a brief overview on each item, and further discussion on the below items.

RESOLUTION MC22-1.2

Moved: Chairperson S Beech

Seconded: Member L Rae

That the Chairperson's report dated 15 February 2022, titled 'Maketu Community Board Chairpersons Report – February 2022', be received.

CARRIED

9.1.1 CEMETERY DEVELOPMENT / PEST CONTROL

The Board requested an update on where this project was at, noting that several members of the community had noted a high number of pests in this area. The Board would like to see what Council may be able to do, to help remedy this issue for locals.

9.1.2 MAKETU BOAT RAMP

The Board noted that the bottom end of the Maketu Boat Ramp was undermined, and would like to see remedial work undertaken as soon as possible.

9.1.3 ZONING AND ACTIVITY USE AROUND RURAL AND URBAN LAND

The Board reiterated points that were raised during public forum, regarding the zoning of the rural and urban land. It was noted that, when the land was initially zoned, there were fewer houses surrounding the rural properties, compared to what had now been developed.

9.1.4 TENDERS FOR TREE PRUNING AND VEGETATION CLEAN UP

The Board noted that the Pohutakawa trees at the entrance into Maketu still required a trim, and the vegetation at the Arawa Avenue lookout also needed to be cleaned up.

9.1.5 MAKETU COMMUNITY CENTRE REFURBISHMENT

The Board was advised that there had been a shortfall in relation to the Maketu Community Centre refurbishment, and the Rotary Club was seeking further funding from the Board. The Board was given a brief outline of the shortfall, noting that this would come to around \$8,000.

Councillor Marsh spoke in support of the additional funding, as he believed the Maketu Community Centre was an important asset to the whole community.

The Chief Executive Officer asked if the Board had received confirmation that the Rotary Club had contributed their full amount of funding towards the project. The Board was confident that the Rotary Club had used their full contribution.

The Board would fund the additional cost from the Maketu Community Board Reserve Account.

RESOLUTION MC22-1.3

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr K Marsh

That the Maketu Community Board authorise Chairperson Shane Beech to liaise with Rotary Club Maketu to negotiate the completion of the building project, and authorise the spending of up to \$8,000, subject to other fundraising opportunities.

CARRIED

9.1.6 GRAFFITI AROUND MAKETU

Member Rae asked if Council kept a record of the style of graffiti in the Maketu area, to help identify the culprit. The Senior Governance Advisor would follow this up and see if any information could be fed back to Member Rae.

9.2 MAKETU COMMUNITY BOARD COUNCILLOR'S REPORT – FEBRUARY 2022

The Board considered a report from Deputy Mayor Scrimgeour, who provided the Board with updates on the below:

COVID-19

COVID-19 was all consuming, and particularly close to home with the temporary closure of Pongakawa School for onsite learning.

Three Waters Reform Update

This continued to be a “hot topic”, due to a lot of dissatisfaction with the Governments initial proposal. The national working group was looking at adjustments to the proposal, to address the concerns raised.

Review of Local Government

This had been progressing in the background, and Council was scheduled to have a meeting with the panel. This discussion would allow Council the opportunity to provide feedback.

District Plan Review

This had been discussed for a couple of years, however was looking to “ramp up” this year, in regards to collating a draft plan. The Board was reminded of the importance of providing feedback, once the consultation period began.

Annual Plan

This was expected to run close to what was predicted in the Long Term Plan, noting that inflation was greater than expected, therefore would add pressure to certain aspects of the plan.

Te Puke Wastewater Alternative Options

As part of the new consent, Council was required to look at alternative ways to dispose of wastewater, other than it going into the Waiāri Stream. Investigations into where this could be done had been discussed, and it was noted that a huge amount of work had already been undertaken.

Council gave approval for staff to ‘sound out’ landowners who may have sections that would be suitable for any of the alternative options. Council was at the beginning stages of a very big, and long, process.

Te Puke Maketu Reserve Management Draft Plan

This was adopted by Council last week, and would go out for consultation shortly.

RESOLUTION MC22-1.4

Moved: Deputy Mayor J Scrimgeour

Seconded: Chairperson S Beech

That the Councillor's report dated 15 February 2022, titled 'Maketu Community Board Councillor's Report – February 2022', be received.

CARRIED

9.3 MAKETU COMMUNITY BOARD – ANZAC DAY COMMEMORATION 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read, with further discussion on representation at the Maketu ANZAC Day service 2022. The Board also noted that they would remind the ANZAC Committee to apply for their annual grant, prior to the next Maketu Community Board meeting.

RESOLUTION MC22-1.5

Moved: Cr K Marsh

Seconded: Member L Rae

1. That the Senior Governance Advisor's report dated 15 February 2022, titled 'Maketu community Board – ANZAC Day Commemoration 2022', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Maketu Community Board provide a wreath for the ANZAC Day Service, to be paid from the Maketu Community Board Contingency Account (up to the value of \$200).
4. That Chairperson Shane Beech and Member Laura Rae represents the Maketu Community Board at the ANZAC Day Service in Maketu on 25 April 2022.

CARRIED

9.4 INFRASTRUCTURE SERVICES REPORT MAKETU COMMUNITY BOARD FEBRUARY 2022

The Board considered a report from the Deputy Chief Executive. The report was taken as read with further discussion on the below items.

RESOLUTION MC22-1.6

Moved: Member S Simpson

Seconded: Deputy Mayor J Scrimgeour

That the Deputy Chief Executive's Report, dated 15 February 2022 and titled 'Infrastructure Services Report Maketu Community Board February 2022', be received.

CARRIED

9.4.1 KERBSIDE RUBBISH AND RECYCLING SERVICE

The Board was advised that the new Kerbside Rubbish and Recycling Service was going well, and there would be a review of the service to determine any areas of improvement.

9.4.2 ON-SITE MEETING WITH SENIOR TRANSPORTATION ENGINEER

The Board was yet to have onsite meetings with the Senior Transportation Engineer, and asked to have this as soon as possible, in order to discuss roading projects within Maketu.

9.4.3 LED LIGHTING - MAKETU SURF CLUB

The Chairperson updated the Board in regard to the query around the light outside the Maketu Surf Club being upgraded to an LED. The Board was advised that the current light gave more of a flood light effect, compared to a directional light, which the LED would provide. It was agreed that a flood light was the best option for this area.

9.4.4 SURF CLUB CAR PARK RESERVE ROCK REVETMENT

The Chairperson advised the Board that the onsite meeting with himself, the Reserves and Facilities Asset Systems Manager, and a local contractor, was to discuss remedial actions that fit within the maintenance contract, and therefore did not require a further resource consent.

The Board expressed frustration over the lack of progression of this project and other projects throughout Maketu.

It was highlighted that, at the Operations and Monitoring Committee meeting held 12 February 2019, the Committee approved up to \$50,000 to proceed to a Regional Council hearing, however the Board have not heard anything further.

The Board requested to have a second meeting with the Reserves and Facilities Asset Systems Manager, and the Reserves and Facilities Manager onsite, to understand the timeline of this project and the steps required to proceed to a Regional Council hearing.

The Board also requested to see the original consent, to understand if there was any further work that could be undertaken within that consent, to improve the area as it was.

9.4.5 BBQ BY THE MAKETU SURF CLUB

The Board noted that the letter was yet to be delivered to Te Arawa Lakes. A signed hard copy of the letter would be provided to Member Ra Anaru.

9.4.6 TE AWHE ROAD AND BEACH ROAD INTERSECTION

The Board thanked the Senior Transportation Engineer for completing this project, noting that members of the community were happy with the upgrade, and removal of obstructing vegetation.

9.4.7 MAKETU CYCLEWAY

The Board requested a comment from the Deputy Chief Executive in regard to the funding for Stage 2 of the Maketu Cycleway, as they would like to see public consultation take place.

9.4.8 SPENCER AVENUE RESERVE LEVELLING

The Board noted that any good 'clean fill' from projects around Maketu would be earmarked to be dumped in the Spencer Avenue Reserve area. The Board agreed that clean fill should include black dirt.

9.4.9 MAKETU SPORTS FIELD

Member Simpson tabled a draft proposal for the Maketu Sports Field, that they would like to see progressed. The Board requested an on-site meeting with the Reserves and Facilities Officer East to discuss the draft proposal, and understand the next steps. The

Senior Governance Advisor would forward the plan onto the Reserves and Facilities Officer, prior to the onsite meeting.

9.4.10 IMPROVEMENT TO CULVERT CAPACITY - SPENCER AVENUE - MINUTE ACTION REFERENCE MC12 18 5.2

The Board noted that this MAS was closed off, but had not been completed. The Board sought an update to ensure that this project had not been left unfinished. The Senior Governance Advisor would re-open the MAS, and ensure an update was provided for the next meeting.

9.4.11 RELOCATION OF TWO CCTV CAMERAS

The Board noted that, at the Maketu Community Board meeting held 16 June 2020, the Board approved up to the value of \$6,331.97 from the Maketu Community Board Reserve Account, for the relocation of two CCTV camera's. The Board acknowledged they had missed out on the Annual CCTV Fund, however would like to fund this from the Maketu Community Board Reserve Account.

9.5 MAKETU COMMUNITY BOARD FINANCIAL REPORT - DECEMBER 2021

The Board considered a report from the Financial Business Advisor. The report was taken as read, with some clarification on the below projects.

RESOLUTION MC22-1.7

Moved: Member S Simpson

Seconded: Chairperson S Beech

That the Financial Business Advisor's report dated 15 February 2022 and titled 'Maketu Community Board Financial Report – December 2021', be received.

CARRIED

9.5.1 ENTRANCE SIGNS - WTF PRINT PAYMENTS

The Board questioned the payments made to date, to WTF Print. The Senior Governance Advisor would follow up with the Financial Controller to understand if the remaining funds for the project were correct.

9.5.2 WATER FOUNTAIN ON THE MAKETU SPORTS FIELD

The Board sought clarification on the remaining funds for the installation of the water fountain that was placed on the Maketu Sports Field.

9.5.3 GYM/EXERCISE EQUIPMENT AT PARK ROAD RESERVE

The Board sought clarification on the remaining funds for the purchase and installation of two additional pieces of outdoor gym/exercise equipment, to be located at Park Road Reserve.

9.6 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

RECOMMENDATION

Moved: Member L Rae

Seconded: Member W Ra Anaru

That the schedule of meetings for February, March and April 2022, be received.

CARRIED

The Meeting closed at 8.43pm.

Confirmed as a true and correct record at the Maketu Community Board meeting held on 12 April 2022.

.....

Chairperson S Beech

CHAIRPERSON

8.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 21 FEBRUARY 2022

File Number: A4497960

Author: Pernille Osborne, Senior Governance Advisor – Community Boards

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Waihī Beach Community Board Meeting held on 21 February 2022, be received.

ATTACHMENTS

- 1. Minutes of the Waihī Beach Community Board Meeting held on 21 February 2022**

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
WAIHĪ BEACH COMMUNITY BOARD MEETING NO. WB22-1
HELD IN THE WAIHĪ BEACH COMMUNITY CENTRE AND VIA ZOOM (AUDIO/VISUAL LINK)
UNDER COVID-19 PROTECTION FRAMEWORK – RED AND LIVESTREAMED
ON MONDAY, 21 FEBRUARY 2022 AT 6.30PM

1 PRESENT

Chairperson R Goudie, Member B Hulme, Member D Ryan, Cr J Denyer and Cr A Henry

2 IN ATTENDANCE

8 Members of the public, including Councillor Sole

VIA ZOOM

R Davie (Group Manager Policy Planning and Regulatory Services), A Hall (Roading Engineer West), J Osborne (Governance Support Administrator) and P Osborne (Senior Governance Advisor)

1 Member of the public

3 APOLOGIES

APOLOGY

RESOLUTION WB22-1.1

Moved: Cr J Denyer

Seconded: Cr A Henry

That the apology for absence from Member Roberts be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

7.1 DON FRASER - WAIHI BEACH MENZSHED

Mr Fraser was in attendance to provide the Board with the below updates on the Waihi Beach MenzShed project.

- Due to material availability, and COVID-19 delays, the project had been pushed back slightly, but it was looking to be completed within a month.
- The kitchen was being installed.
- The Waihi Beach MenzShed was now approved, and accepted, as a Charitable Trust, which had a positive effect on funding opportunities.
- \$22,000 had been spent on a concrete apron out the front, in order to create a separate area from the workshop.
- MenzShed had already received requests from around the Community to help with a variety of projects.
- Mr Fraser thanked the Community Board, and community, for their continued support.

The Board was advised that, once the project had been completed, they could look at taking memberships.

7.2 RUTH PARSONS - BROADLANDS BLOCK RESTORATION GROUP

Ms Parsons was in attendance to speak to her report, that was included in the Chairpersons Report of the agenda.

- The Board reinforced the request for an "itemized entry at each future Board meeting", noting this had been something requested from Ms Parsons for a while now.
 - Councillor Henry also asked that future quotes for consultation fees came to the Board for information when received by Council.
-

7.3 ALLAN SOLE - VARIOUS ITEMS

Councillor Sole was in attendance to provide the Board with the below updates:

- He thanked the Board for the cycle racks in Athenree, noting they were being well used.
-

- He noted the Athenree Road intersection had been fixed and thanked those involved with addressing the issue.
 - He noted that the Athenree Homestead remained open at this stage, however advised the Board that discussions were taking place regarding the potential closure due to COVID-19. The Trust was also exploring ideas for greater use, interest and income for the Homestead.
 - The Western Bay of Plenty Museum had hired a curator. The Board was advised that the Museum was currently closed to the public due to COVID-19.
 - The Community patrol had come to an end for the summer period. The team enjoyed their time on patrol, noting that it had been a great opportunity to educate visitors.
-

7.4 BRIAN HEPENSTALL - 8-10 WILSON ROAD

Mr Hepenstall was of the belief that the development at 8-10 Wilson Road was not being charged for roading in the financial contributions, and sort clarification as to why this would be.

Councillor Denyer noted that he had sought clarification over the same question and was provided with a detailed response from Council.

7.5 KEITH HAY - KAITKATI-WAIHI BEACH RESIDENTS AND RATEPAYERS ASSOCIATION

Mr Hay was of the belief that resource consents being granted around the Katikati-Waihi Beach Ward did not comply with the District Plan and had not been publicly advertised. The below examples were provided:

- 42 Park Road, Katikati
 - 100 Main Road, Katikati
 - 15 Edinburgh Street, Waihi Beach
 - 27 Edinburgh Street, Waihi Beach
 - 8-10 Wilson Road, Waihi Beach
 - 54 Wilson Road, Waihi Beach.
-

7.6 TRISH COATES - DISTRICT PLAN

Ms Coates was in attendance to seek some clarification on the District Plan, and when the community would be consulted with. The Board was advised that Council would endeavour to engage with the community between March 2022 and May 2022 (COVID-19 dependent).

It was noted that members of the community could reach out to the Community Board during this time, to ensure access to information.

The Group Manager Policy, Planning and Regulatory Services advised the Board that, due to the resource management system changes, the programme for the District Plan review was uncertain. Council was aware that the Resource Management Act would be repealed by Government, however, were surprised by an additional piece of legislation in 2021, which had led to further disruptions to Councils District Plan programme.

Council would embark on a programme to connect with communities around the District Plan Policy (noting that this was distinct from the Resource Consent Processes).

7.7 BOB DUNCAN - WAIHI BEACH COMMUNITY CENTRE

Mr Duncan was in attendance to provide the Board with the below updates:

- The new defibrillator had arrived and was now installed on the wall in the Community Centre. Mr Duncan thanked the Waihi Beach Woman's Institution for the unit itself, and the Community Board for the casing.
 - The new meeting rooms upstairs were not being utilised as much as they hoped.
 - New Wi-fi had been installed that was separate to the Library Wi-fi.
 - As a next step, the Hall Committee would be looking at upgrading the gentlemen's toilet, improving the ventilation in the hall itself, and adding an air-conditioning unit to the room upstairs.
-

7.8 MIKE HICKEY - VARIOUS ITEMS

Mr Hickey was in attendance to speak to the Board on the below items:

- He noted that rubbish collection over the holiday period went really well.
 - He sought further information regarding the new Waihi Beach Library location decision date.
 - He shared the concerns of previous speaker, Mr Hay, noting that he was disappointed, at what he felt was a lack of consistency with regards to building regulations.
 - He requested a report from Beach Contractors, following the summer period.
 - He was of the belief there were 26 streets that did not have road markings, noting that this caused a problem with parking along the streets during busy periods.
-

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE WAIHI BEACH COMMUNITY BOARD MEETING HELD ON 29 NOVEMBER 2021

RESOLUTION WB22-1.2

Moved: Member D Ryan

Seconded: Cr J Denyer

That the Minutes of the Waihi Beach Community Board Meeting held on 29 November 2021, as circulated with the agenda, be confirmed as a true and accurate record.

CARRIED

9 REPORTS**9.1 WAIHI BEACH COMMUNITY BOARD CHAIRPERSONS REPORT – FEBRUARY 2022**

The Board considered a report from the Chairperson. The report was taken as read with further discussion on the below items.

RESOLUTION WB22-1.3

Moved: Chairperson R Goudie

Seconded: Cr A Henry

1. That the Chairperson's report dated 21 February 2022, titled 'Waihi Beach Community Board Chairpersons Report – February 2022', be received.

Carried

RESOLUTION WB22-1.4

Moved: Cr J Denyer

Seconded: Cr A Henry

2. That the Waihi Beach Community Board approve up to \$200 from the Waihi Beach Contingency Account for costs relating to the printing of 600 self isolation flyers.

CARRIED

9.1.1 WILSON ROAD PARKING

The Board requested the Roading Engineer (West) make a site visit to look at options to extend parking. It was also suggested that it would be beneficial if the Deputy Chief Executive and the Strategic Property Manager were involved in these discussions, following the "walk-shop".

The Chairperson sought clarification on where the funding for additional parks would come from, to which he was informed that this would be through financial contributions, for example the Long Term Plan (LTP).

9.1.2 WILSON ROAD GROUND PLANTS AND TREE PRUNING

Member Hulme advised the Board that the current bike racks on Wilson Road (by the information sign) were no longer appropriate, and this space would need to be addressed before the planting was undertaken. The Roding Engineer (West) would continue to work with Member Hulme to progress this project. The Board approved funding for the removal of the old bike racks, and the purchase and installation of new bike racks.

RESOLUTION WB22-1.5

Moved: Member B Hulme

Seconded: Cr A Henry

The Waihi Beach Community Board approve funding of up to \$10,000 for the removal and replacement of bike racks by the Community Sign, from the Waihi Beach Community Board Roding Account.

CARRIED

9.1.3 COMMUNITY PLAN

The Board tabled the Community Plan which would be supplied to Councils Community Manager. The Board thanked Member Roberts for all her work on the Community Plan.

RESOLUTION WB22-1.6

Moved: Chairperson R Goudie

Seconded: Cr A Henry

The Waihi Beach Community Board accepted the Waihi Beach Community Plan as a tabled item, and thanked Member Roberts for all her hard work.

CARRIED

9.1.4 DISTRICT PLAN

The Group Manager Policy, Planning and Regulatory Services reiterated that engagement with communities would take place between March 2022 and May 2022, and, due to new legislation, this would also be commencing in Te Puke. The new legislation, previously known as the Housing Supply Bill, required Councils to progress (something similar to a plan change) to implement medium density residential standards in urban environments across their districts. Ōmokoroa and Te Puke were defined, by population, as an urban environment within the Western Bay of Plenty District.

The Board was advised that, in the coming weeks, Councillors would be briefed on the Community Engagement Plan, where they would have the opportunity to provide feedback.

The Board was also advised that concerns raised by Mr Hay earlier in the night had been responded to by Council, through a Local Government Official Information and Meetings Act (LGOIMA) request. The response would be forwarded to the Board for information, to help with the understanding of the shared concerns.

9.1.5 LIVE WELL WAIHĪ BEACH

There would be a Live Well Waihi Beach meeting on Tuesday 22 February 2022. Updates would be provided to the Board when available.

9.1.6 WAIHĪ BEACH LIBRARY SITE

The Board sought clarification around when they would see the submissions for the Waihi Beach Library Site. The Senior Governance Advisor would follow this up with the appropriate staff, and report back to the Board.

9.1.7 WELCOME TO WAIHĪ BEACH ENTRANCEWAY PROJECT

This project was still running on volunteer help with local architect, Rose Fox, continuing to work on designs. Once the material was ready it would go out for consultation and community feedback.

9.1.8 COAST CARE AND CREEK CLEANING

The Board noted that they were awaiting a response from Councils Utilities Operations Manager, to report back to the Board on the questions raised at the Waihi Beach Community Board workshop.

Member Ryan highlighted the importance of a conversation taking place regarding stormwater, due to the concerns of many community members.

The Group Manager Policy, Planning and Regulatory Services agreed that a combined discussion with the appropriate staff from her team, the Infrastructure team, and Board members, could be beneficial. It would provide the opportunity for staff to address the concerns regarding how Council could approach the analysis of stormwater management for discreet developments, in order to avoid downstream implications, particularly in any of the creeks. The Board was advised that these were aspects that were considered routinely by Councils' utilities engineers, and land development engineers, for all resource consents presented to Council.

Councillor Denyer agreed, as he believed a lot of the concerns from members of the community were due to misinformation, and that a conversation between staff and Board members would be useful in helping to address these concerns.

9.2 WAIHI BEACH COMMUNITY BOARD COUNCILLOR'S REPORT - FEBRUARY 2022

The Board considered a report from Councillor Henry. The report was taken as read with further discussion on the below.

Local Government New Zealand (LGNZ) Review

- The Board was advised that LGNZ had hosted a series of Zoom discussions regarding a number of topics.
 - Council was scheduled to have a meeting with the panel, which would allow Council the opportunity to provide feedback.
 - There was nothing further to update at this stage.
-

RESOLUTION WB22-1.7

Moved: Cr A Henry

Seconded: Chairperson R Goudie

That the Councillor's report dated 21 February 2022, titled 'Waihi Beach Community Board Councillor's Report – February 2022', be received.

CARRIED

9.3 WAIHI BEACH COMMUNITY BOARD – ANZAC DAY COMMEMORATION 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read, with further discussion on representation at the ANZAC Day Service 2022.

RESOLUTION WB22-1.8

Moved: Chairperson R Goudie

Seconded: Member B Hulme

1. That the Senior Governance Advisor's report dated 21 February 2022, titled 'Waihi Beach community Board – ANZAC Day Commemoration 2022', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Waihi Beach Community Board provide a wreath for the ANZAC Day Service, to be paid from the Waihi Beach Community Board Contingency Account (up to the value of \$200).
4. That Chairperson Ross Goudie and Councillor Denyer represents the Waihi Beach Community Board at the ANZAC Day Service in Waihi Beach on 25 April 2022.

CARRIED

9.4 INFRASTRUCTURE SERVICES REPORT WAIHI BEACH COMMUNITY BOARD FEBRUARY 2022

The Board considered a report from the Deputy Chief Executive. The report was taken as read with further discussion on the below.

RESOLUTION WB22-1.9

Moved: Cr A Henry

Seconded: Cr J Denyer

That the Deputy Chief Executive's Report, dated 21 February 2022 and titled 'Infrastructure Services Report Waihi Beach Community Board February 2022', be received.

CARRIED

9.4.1 BEACH ROAD PEDESTRIAN REFUGES

The Board sought clarification regarding the locations of the new pedestrian refuges. The Roding Engineer (West) clarified that, due to both being on Wilson Road, one was

referred to in the Infrastructure Report as 'near Browns Road' and the other 'by' the pensioner units.

The Roading Engineer (West) would provide further information regarding this project, at an upcoming workshop.

9.4.2 SHARED PATH ENHANCEMENTS

The Roading Engineer (West) noted that the cost estimates for the 'Seaforth Road – from Dillon Street to The Loop path widening' project was taking longer than expected. Once a cost was received it would be forwarded to the Board, and a resolution would be included in the next Community Board agenda.

9.4.3 TWO MILE CREEK

Councillor Henry noted that the Board did not want to see Council restricted from undertaking projects/work due to being unable to obtain land entry. The Board understood that the land entry requirements were in place, prior to development.

Councillor Denyer sought clarification regarding the variation to consent that had been granted to install rock armouring, noting this was a Regional Council consent. He noted that an independent commissioner was due to be appointed for the same variation. The Group Manager Policy, Planning and Regulatory Services would look into what the difference between the variations was and provide a response to Councillor Denyer.

9.4.4 STORMWATER - WAIHI BEACH PIO SHORES

The Board agreed to include this project in the combined discussion with the Policy and Planning team, the Infrastructure team and Board members.

9.4.5 BROADLANDS BLOCK

The Board noted that any quotes for future work that would be funded from the Community Board Reserve Account, needed to come to the Board and Broadlands Block Restoration Group representative, Ruth Parsons, prior to being accepted.

9.4.6 WAIHI BEACH HISTORICAL TRAIL INFORMATION PROJECT

The Board was disappointed there had been no progress on this project, and requested that ongoing updates be provided, for future Community Board meetings.

9.4.7 WESTERN SOLID WASTE

Member Ryan agreed with comments made earlier regarding the success of the Kerbside Collection over the holiday period. He asked whether this was something that could be considered over the long weekend periods as well, due to the amount of holiday visitors.

RESOLUTION WB22-1.10

Moved: Member D Ryan

Seconded: Cr A Henry

The Waihi Beach Community Board requests staff to look into the feasibility of having the collection service, to include glass and recyclables, on the Monday following a long weekend.

CARRIED

9.4.8 URBAN CYCLEWAY IMPROVEMENTS

The Board requested for the Dillon Street Bridge to be included in the Infrastructure Report.

The Roothing Engineer (West) would provide the Board with costings, and draft resolutions, at the next workshop.

9.4.9 VILLAGE GARDEN ENHANCEMENT PROJECT

The Board noted that the 'What's Next' should read 'Autumn 2022' rather than 'Spring 2022'.

9.5 FINANCIAL REPORT WAIHI BEACH - DECEMBER 2021

The Board considered a report from the Financial Business Advisor. The report was taken as read.

RESOLUTION WB22-1.11

Moved: Cr A Henry

Seconded: Member B Hulme

That the Financial Business Advisor’s report dated 21 February 2022 and titled ‘Financial Report Waihi Beach – December 2021’ be received, subject to a detailed account of the financials for the Broadlands Block Reserve Concept Plan project being supplied.

CARRIED

9.5.1 BROADLANDS BLOCK RESERVE CONCEPT PLAN

The Board sought clarification over the two references to the Broadlands Block project, as they did not believe it was correct.

They also reiterated they would like a breakdown of the costs coming out of the committed funds.

9.6 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

RESOLUTION WB22-1.12

Moved: Cr J Denyer

Seconded: Cr A Henry

That the schedule of meetings for February, March and April 2022, be received.

CARRIED

The Meeting closed at 8.44pm.

Confirmed as a true and correct record at the Waihi Beach Community Board meeting held on 19 April 2022.

.....

Chairperson R Goudie

CHAIRPERSON

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 10 FEBRUARY 2022

File Number: A4496772

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Performance and Monitoring Committee Meeting held on 10 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Performance and Monitoring Committee Meeting held on 10 February 2022**

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PERFORMANCE AND MONITORING MEETING NO. PM22-1
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM UNDER COVID-19 TRAFFIC LIGHT RED AND LIVESTREAMED
ON THURSDAY, 10 FEBRUARY 2022 AT 9.30AM

1 PRESENT

Cr D Thwaites (Chairperson), Mayor G Webber, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr A Henry, Cr M Murray-Benge, Deputy Mayor J Scrimgeour and Cr A Sole.

VIA ZOOM

Cr G Dally, Cr M Gray and Cr K Marsh.

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), J Graham (Acting Group Manager Finance and Technology Services), D Jensen (Finance Manager), O McVicker (Manager Corporate Services and Business Improvement), P Watson (Reserves and Facilities Manager), J Paterson (Transportation Manager), H Wi Repa (Governance Technical Support) and C Irvin (Senior Governance Advisor).

VIA ZOOM

J Pedersen (Group Manager People and Customer Services), G Payne (Strategic Advisor), B Williams (Strategic Property Manager), K Little (Operations Manager), S Parker (Reserves and Facilities Asset Systems Manager), E Thiart (Financial Business Advisor), Allan Carey (Financial Business Advisor), G Benn (Resource Management - Research and Monitoring Analyst), and J Osborne (Governance Support Administrator).

3 APOLOGIES

APOLOGY

RESOLUTION PM22-1.1

Moved: Cr J Denyer

Seconded: Cr M Grainger

That the apology for lateness from Cr G Dally be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Frank Aldridge and Chrissy Arnold – Snodgrass Road Residents

Mr Aldridge spoke to the Committee regarding speeding issues on Snodgrass Road and the proposed container park on Te Puna Station Road.

Speeding Issues on Snodgrass Road

- Mr Aldridge and Ms Arnold had moved to Snodgrass Road in May last year and became immediately aware of how dangerous the road was. They felt the speed limit of 80 kilometres per hour was inappropriate. They had experienced constant 'near misses' along the road, as had the surrounding neighbours, visiting friends and trades people (working at their house), some of whom had expressed not wanting to drive along the road.
- There were constant 'near misses' due to the nature of the road (rises and falls) and numerous blind spots when people were leaving their driveways, were out walking, and school children on the side of the road waiting for busses.
- Mr Aldridge, along with other residents of Snodgrass Road, had written to Council, Waka Kotahi (NZTA), Simon Bridges and Todd Muller who all understood the situation and the danger of the road. They had also spoken to Cr Murray-Benge who had been very helpful.
- Mr Aldridge had received a response from the Western Bay of Plenty District Council (WBOPDC) Transportation Manager, which was greatly appreciated, indicating the changes pending in terms of the speed limit setting regulation.
- There had been a death on Snodgrass Road about eleven years ago due to speeding and blind spots, and many years before a pedestrian had been killed. It was unbelievable that the speed limit remained at 80 kilometres per hour.
- Mr Aldridge and the surrounding residents believed the speed limit should be reduced to 60 kilometres per hour, more of a rural-residential speed limit. This would be consistent with the Snodgrass Road end, past the Borell Road intersection.
- Many State Highways were now 80 kilometres per hour. Mr Aldridge believed the speed limit should not be 80 kilometres per hour in a semi-rural residential area, with its high residential density and dangerous undulations, when the Napier-Taupo Road was 80 kilometres an hour along a straight stretch of road.

- Mr Aldridge understood Council was aware of the 'rat-run', which was not going away with the delays on Stage 1 of the Northern Link and the cancellation of Stage 2.
- A traffic review was required to monitor traffic volumes at peak times between 7.30am and 9am, when school children were being picked up, which was also the peak time of the 'rat-run'.
- Interim measures could be put in place that would make a difference to the safety of residents and drivers using Snodgrass Road. This could include signs indicating children and school buses and warning drivers about speeding and hidden driveways.
- Mr Aldridge called the Police just before Christmas 2021 to inform them that he was putting road cones out on the road, would put speed bumps in at his own cost and erect signs along the road. Within an hour the Police arrived at his house. Road cones were put out, and made a difference for one day, but then the speeding continued. A few days later a Police car was stationed down the road to monitor the situation (it was Friday which was a little quieter). A car was measured driving at 116 kilometres per hour. It was not possible to stop at this speed if a car was pulling out of a driveway or a child was on the road.
- Mr Aldridge had three children and he was very passionate about this issue. This was an urgent request for action to occur on Snodgrass Road.

Proposed Container Park at Te Puna Station Road

- Mr Aldridge had attended a Te Puna community meeting around the proposed container park at Te Puna Station Road the night before, where the Mayor and several Councillors were present.
- Obviously, the community was not happy with 500 trucks per day, 24 hours a day seven days a week. This would come under serious scrutiny.
- The roads were inadequate and not fit for purpose. Key intersections with State Highways were unsafe, there was high pedestrian usage of existing roads, the roads were not serviced by footpaths, and there were bus stops and many children.
- There was to be no form of traffic relief until 2026.
- The community was forming an action plan and engaging lawyers regarding the container park, which he was happy to help fund.

9:38am Cr Dally joined the meeting via Zoom

Mr Aldridge answered questions of clarification as follows:

- Mr Aldridge had considered installing speed bumps on the road, and at his own cost. However, the Police had advised him not to do this. He had also been approached by the Bay of Plenty Times as they had become aware of these concerns.

- Mr Aldridge was aware of a clause in legislation that allowed councils to look at speed limits at any time. The WBOPDC Transportation Manager had advised him Council could review and change non state highway speed limits.
- It would be preferable to have a combination of both a reduced speed limit (to 60 kilometres per hour) and better road signage.

8 PRESENTATIONS

Nil

9 REPORTS

9.1 GROUP MANAGER FINANCE AND TECHNOLOGY SERVICES' REPORT

The Committee considered a report dated 10 February 2022 from the Group Manager Finance and Technology Services. The report was taken as read.

Staff responded to questions as follows:

- The CEO advised that it was not unusual at this time of year to be sitting at 25% to 30% of budget. Council had a number of restrictions and/or constraints that would start impacting it such as costs, work force, Covid-19, supply chains, and inflation increases. Council was planning to do a more in depth dive into this at an appropriate level before the next Council meeting.

RESOLUTION PM22-1.2

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr A Sole

That the Group Manager Finance and Technology Services' report dated 10 February 2022 titled 'Group Manager Finance and Technology Services' Report be received.

CARRIED

9.2 SCHEDULE OF PAYMENTS FOR THE MONTH OF NOVEMBER AND DECEMBER 2021

The Committee considered a report dated 10 February 2022 from the Financial Controller. The report was taken as read.

RESOLUTION PM22-1.3

Moved: Cr M Grainger

Seconded: Cr M Dean

That the Financial Controller's report dated 10 February 2022 titled 'Schedule of Payments for the Months of November and December 2021' be received.

CARRIED

9.3 CIVIC FINANCIAL SERVICES STATEMENT OF INTENT 2022

The Committee considered a report dated 10 February 2022 from the Finance Manager. The report was taken as read.

RESOLUTION PM22-1.4

Moved: Mayor G Webber

Seconded: Cr M Murray-Benge

1. That the Finance Manager's report dated 10 February 2022 titled 'Civic Financial Services Statement of Intent 2022', be received.
2. That the Performance and Monitoring Committee receive the Civic Financial Services Statement of Intent 2022.

CARRIED

9.4 PAHOIA SCHOOL HALL

The Committee considered a report dated 10 February 2022 from the Strategic Property Manager, who took the report as read, noting the following:

- Council had received a letter from the Pahoia School Hall Committee saying they had struggled for some time to get more assistance and committee members. It had been unsuccessful.
- The main issue for discussion today was the \$80,000 of investment the Committee held and what was to be done with it.
- The Hall Committee had expressed it would like the money to go to Pahoia School for maintenance.

Staff responded to questions as follows:

- The school had indicated that it would remain as the booking agent for the Hall however, Council did not have anything in writing at this stage. There were still conversations to be had with the school regarding this and the Hall maintenance.
-

- There was no 'Sunset Clause' (a cessation date) in the Memorandum of Understanding with the Secretary of Education as to community entitlement to accessing the Hall. Access would continue until such time as the Hall was no longer there.
-

RECOMMENDATION

- That the Strategic Property Manager's report dated 10 February 2022 titled 'Pahoia School Hall' be received.
 - 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. Council staff request direction as to the following options:
- a. That Council assists with dissolution of the Society and disbursement of the Society's funds and enter into an agreement securing public access with the Board of Trustees.
- OR
- b. That Council continues to assist in trying to find officers for the Society to continue and engage with the School Board to try and find new members.
-

MOTION

The Chairperson accepted the following request from the floor to amend the recommendations.

The motion was moved and seconded.

The Chairperson put the following motion:

Moved: Mayor G Webber

Seconded: Cr A Henry

- That numbers 1 and 2 remain the same.
- That recommendation number 3 becomes:
 - That Council assists with dissolution of the Society and disbursement of the Society's funds and enter into an agreement securing public access with the Board of Trustees.

And

- That an additional recommendation be added as number 4:
 - That staff complete a transfer agreement for the outstanding Pahoia School Hall maintenance fund.
-

MOTION

The Chairperson accepted a further request from the floor to amend the recommendations:

The motion was moved and seconded.

The Chairperson put the following motion:

Moved: Cr Henry

Seconded: Cr Murray-Benge

- That Council maintain a presence on behalf of the community, until the community has the capacity to participate in the Memorandum of Understanding between Pahoia School Board of Trustees and the local community area of benefit, and that the \$80,000 the Hall community group has be held in trust with WBOPDC until such time.

A division was called and recorded as follows:

In Favour: Crs G Dally, M Dean, M Grainger, A Henry, K Marsh and M Murray-Benge

Against: Crs D Thwaites, G Webber, J Denyer, M Gray, A Sole and J Scrimgeour

EQUAL

The Chairperson then exercised his casting vote and voted against the motion.

The motion was declared lost on the casting vote.

MOTION

The Chairperson then revisited the first amended recommendations he had accepted earlier. The recommendations were put to the Committee.

A division was called and recorded as follows:

In Favour: Crs D Thwaites, G Webber, G Dally, M Dean, J Denyer, M Grainger, M Gray, A Sole and J Scrimgeour

Against: Crs A Henry, K Marsh and M Murray-Benge

CARRIED 9/3

SUBSTANTIVE MOTION

RESOLUTION PM22-1.5

Moved: Mayor G Webber

Seconded: Cr A Henry

1. That the Strategic Property Manager's report dated 10 February 2022 titled 'Pahoia School Hall' 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 assists with dissolution of the Society and disbursement of the Society's funds and enter into an agreement securing public access with the Board of Trustees.
4. That staff complete a transfer agreement for the outstanding Pahoia School Hall maintenance fund.

CARRIED

10 INFORMATION FOR RECEIPT

Nil

10:25 The meeting adjourned

10:45 The meeting reconvened

11 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION PM22-1.6

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

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
11.1 - Council Contracts Awarded or Renegotiated for the months of November and December 2021	<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)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</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
11.2 - Operational Risk Report February 2022 Confidential	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
CARRIED		

The Meeting closed at 11:11am.

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

9.2 MINUTES OF THE COUNCIL MEETING HELD ON 24 FEBRUARY 2022

File Number: A4501630

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Council Meeting held on 24 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Council Meeting held on 24 February 2022

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MEETING NO. C22-1
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM UNDER COVID-19 TRAFFIC LIGHT RED AND LIVESTREAMED
ON THURSDAY, 24 FEBRUARY 2022 AT 9.30AM

1 PRESENT

Mayor G Webber, Deputy Mayor J Scrimgeour, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Gray, Cr A Henry, Cr M Murray-Benge, Cr A Sole, and Cr D Thwaites.

VIA ZOOM:

Cr G Dally and Cr K Marsh.

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Graham (Acting Group Manager Finance and Technology Services), J Pedersen (Group Manager People and Customer Services), C Nepia (Strategic Kaupapa Māori Manager) D Jensen (Finance Manager), G Payne (Strategic Advisor), H Wi Repa (Governance Technical Support), and C Irvin (Senior Governance Advisor).

VIA ZOOM:

R Davie (Group Manager Policy Planning and Regulatory Services), L Balvert (Communications Manager) and J Osborne (Governance Support Administrator).

KARAKIA:

The Strategic Kaupapa Māori Manager gave a Karakia to open the meeting:

Tūtawa mai i runga	Come forth from above,
Tūtawa mai i raro	below,
Tūtawa mai i roto	within,
Tūtawa mai i waho	and from the environment
Kia tau ai	Vitality and wellbeing, for all
Te mauri tū	Strengthened in unity.
Te mauri ora	
Ki te katoa	

Haumi e

Hui e

Tāiki e!

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 2 DECEMBER 2021

RESOLUTION C22-1.1

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the Minutes of the Performance and Monitoring Committee Meeting held on 2 December 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

8.2 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 9 DECEMBER 2021

RESOLUTION C22-1.2

Moved: Mayor G Webber

Seconded: Cr A Sole

That the Minutes of the Policy Committee Meeting held on 9 December 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

8.3 MINUTES OF THE COUNCIL MEETING HELD ON 16 DECEMBER 2021

RESOLUTION C22-1.3

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Minutes of the Council Meeting held on 16 December 2021 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the following amendment be made to the recommendation for Item No. 8.1 'Notice of Motion – Councillor Grainger – Three Waters Proposal', to reflect a Division being called:

The motion was put. A division was called and recorded as follows:

In Favour: Crs M Grainger, A Henry, K Marsh, M Murray-Benge, A Sole and
D Thwaites

Against: Crs G Webber, J Scrimgeour, G Dally, M Dean, J Denyer and M Gray

EQUAL

The Chairperson then exercised his casting vote and voted against the motion.

The motion was declared lost on the casting vote.

CARRIED

8.4 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 8 FEBRUARY 2022

RESOLUTION C22-1.4

Moved: Mayor G Webber

Seconded: Cr A Sole

That the Minutes of the Policy Committee Meeting held on 8 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9 REPORTS**9.1 PUKEHINA COMMUNITY HALL 2020 TO 2050**

The Committee considered a report dated 24 February 2022 from the Strategic Property Manager. The report was taken as read.

Staff responded to questions as follows:

- The lease was required to be in place before the transfer of the building ownership to the Pukehina Beach Ratepayers Association could take place.
-

RESOLUTION C22-1.5

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Dean

1. That the Strategic Property Manager's report dated 24 February 2022 titled 'Pukehina Community Hall Lease 2020-2050' 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, in its capacity as administrating body of Lot 67 DPS 6963 Waihi South, grants Pukehina Beach Ratepayers Association a land lease of approximately 812m² for the purpose of a Community Hall from 1 November 2020 to 30 September 2025, with the ability to renew the lease 5 more times for a period of 5 years each, to 30 September 2050.
4. That the Chief Executive be delegated authority to negotiate and sign the lease.

CARRIED

9.2 STORMWATER EASEMENT OVER ŌMOKOROA SOUTH EAST COAST MAIN TRUNK ESPLANADE RESERVE IN FAVOUR OF PROPOSED LOCAL PURPOSE (STORMWATER) RESERVE

The Committee considered a report from the Reserves and Facilities Manager. The report was taken as read.

Staff responded to questions as follows:

- The water would be filtered through a stormwater pond. This was fully consented and met the required standards.

RESOLUTION C22-1.6

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That the Reserves and Facilities Manager's report dated 24 February 2022 titled 'Stormwater Easement Over Ōmokoroa Southeast Coast Main Trunk Esplanade Reserve in Favour of Proposed Local Purpose (Stormwater) Reserve' 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 the authority delegated by the Minister of Conservation to Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a stormwater easement shown on the attached plan (Attachment 2) to allow Lot 502 DP 560118 to discharge stormwater over Lot 201 DP 519381.

CARRIED

9.3 RIGHT TO CONVEY ELECTRICITY OVER LOT 1 DPS 65226 A LOCAL PURPOSE RESERVE (COMMUNITY USE) BEING WAIHĪ BEACH COMMUNITY CENTRE LAND, WAIHĪ BEACH

The Committee considered a report from the Reserves and Facilities Manager. The report was taken as read.

Staff responded to questions as follows:

- PowerCo had agreed to make a contribution for the restoration of the land to the community group with the payment staged over 3 years. The quantum was based on what would normally be charged for the easement.

RESOLUTION C22-1.7

Moved: Cr J Denyer

Seconded: Cr A Henry

1. That the Reserves and Facilities Manager's report dated 24 February 2022 titled 'Right to Convey Electricity over Lot 1 DPS 65226 a Local Purpose Reserve (Community Use) being Waihi Beach Community Centre Land, Waihi Beach' 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 the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of an electricity easement (in Gross) over Lot 1 DPS 65226 that aligns closely to the route shown in Attachment 1 in favour of PowerCo.

CARRIED

9.4 PROPOSAL TO OFFICIALLY NAME BROADLANDS BLOCK, WAIHI BEACH AND TO NAME THE MAIN STORMWATER POND IN KAIMAI VIEWS, ŌMOKOROA

The Committee considered a report from the Reserves and Facilities Manager. The report was taken as read.

RESOLUTION C22-1.8

Moved: Cr A Henry

Seconded: Cr J Denyer

1. That the Reserves and Facilities Manager's report, dated 24 February 2022 titled 'Proposal to Officially Name Broadlands Block, Waihi Beach and to Name the Main Stormwater Pond in Kaimai Views, Ōmokoroa' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council approves:
 - Council staff to undertake the Reserves Act 1977 process to officially name Te Mata Reserve, being Part Lot 5 DPS 13324 and Lot 1 DPS 14034, and currently unofficially known as 'Broadlands Block';
 - And
 - The naming of the main stormwater pond at Kaimai View subdivision to be known as 'Puna Rua' and that Council staff undertake the installation of

signage to identify the site.

CARRIED

9.5 MAYOR'S REPORT TO COUNCIL - 24 FEBRUARY 2022

The Committee considered a report from the Mayor who spoke to the below items noting the following:

Three Waters Working Group

- The Three Waters Working Group was about to reach the end of its conclusion around the bigger issues of community voice and the role of future development strategy, that would have to be implemented by individual councils.
- The 'Future Development Strategy' would be consulted on at a local council level, by the council, and would become the fundamental document.
- The 'Government Policy Statement' (GPS) would sit above the Future Development Strategy' document and would set the rules.
- The new organisation's fundamental role would be to make sure that all assets placed in the Three Waters space were compliant with Te Mata Atawai standards and resource consent conditions.
- The funding for assets for growth councils would be done through the use of financial contributions. The development would fund any new asset for growth. It was recognised there was a problem with councils in New Zealand needing to, and being able to, reach new operating standards.
- The organisations that were available to do the maintenance of the existing facilities and those that would build the new facilities were the same organisations.
- The big, nation-wide issue was who would set these operating priorities. Mayor Webber had suggested the same process used at SmartGrowth, based on 'how you identify'.
- The Crown needed to provide a significant guarantee that they could and would provide the funding. It had agreed to become a guarantor in the ownership structure and would need to be a funding 'backstop'.
- The Three Waters Working Group had still not arrived at a decision/solution for the ownership issue.
- At an organisational level, the main issue was whether or not all assets were compliant, and if not, what process was needed to make them compliant.

The Mayor responded to questions as follows:

- It was recognised by councils that they could not fund \$120 to \$160 billion over the next ten to fifteen years.
-

- Cross-subsidisation from bigger metro councils to smaller councils was recognised and becoming a bigger issue.
- WBOPDC had always been opposed to the Government simply providing the necessary funds to some councils to reach their required operating standards, due to it disadvantaging councils (WBOPDC included) whose ratepayers had paid their rates accordingly and had 'future-proofed' themselves.
- WBOPDC still came under 'Entity B' which was part of Taranaki and Waikato.
- The Crown had said that it would take \$160 billion to bring every council up to the same required standard and that ratepayers would have to pay this. The transition was likely to take 15 to 20 years.
- The ownership would lie with the new entities, which would be owned by the ratepayers as a collective ownership.
- It had been made clear to the Crown that a 'Waka Kotahi type' model was not wanted.
- The Three Waters Working Group could provide a report to the Government that was either unanimously/majority supported, or expressed no agreement at all. At this point the report was not unanimous.
- The ownership of the assets had not been resolved as yet, in the opinion of the Three Waters Working Group.
- The final opportunity to have a say would be with the Select Committee. Every council could put a submission into this process.

SmartGrowth

- Eastern Town was now in the process of going forward, in the early stages. There was a template being prepared for the process.
- Transport Minister Woods visited Tauranga on Tuesday 22 February 2022. He was aware of WBOPDC's position and asked why the Ōmokoroa roundabout was going to cost \$50 million, when most roundabouts cost \$15 million. He was informed that a large area of land had to be levelled out to be able to put the roundabout in.
- Minister Robertson acknowledged yesterday he was aware of the projects that were concerning WBOPDC.

Managing Forestry Land-Use Under the Influence of Carbon

- Cr Dean expressed disappointment at the way the potential of native species forestry was dismissed, only looking at native species as a carbon sequestering unit, rather than a production possibility. Research had shown that native species forestry was very viable in New Zealand.

RESOLUTION C22-1.9

Moved: Mayor G Webber

Seconded: Cr A Sole

That the Senior Executive Assistant Mayor/CEO's report dated 24 February 2022 titled 'Mayor's Report to Council – 24 February 2022' be received.

CARRIED

10 INFORMATION FOR RECEIPT

Nil

10:26 The meeting adjourned

10:43 The meeting reconvened

11 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C22-1.10

Moved: Cr A Henry

Seconded: Cr A Sole

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
11.1 - Confidential Minutes of the Performance and Monitoring Committee Meeting held on 2 December 2021	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	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>to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	
<p>11.2 - Confidential Minutes of the Council Meeting held on 16 December 2021</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(i) - the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</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</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>

	<p>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 disadvantage, commercial activities</p> <p>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)</p>	
<p>11.3 - Chief Executive Officer's Report - Request for Execution of Documents under Seal of Council</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>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>
<p>11.4 - 2022 Statute Barred Rates Report</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the</p>

	<p>natural persons, including that of deceased natural persons</p>	<p>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>
<p>11.5 - Mayor's Report to Council - 24 February 2022</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(c)(i) - 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 to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment</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>
<p>CARRIED</p>		

The Meeting closed at 11.09am.

Confirmed as a true and correct record at the Council meeting held 6 April 2022.

.....
Mayor G Webber
CHAIRPERSON / MAYOR

unconfirmed

9.3 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 24 FEBRUARY 2022

File Number: A4508228

Author: Barbara Clarke, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the District Plan Committee Meeting held on 24 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the District Plan Committee Meeting held on 24 February 2022

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT PLAN COMMITTEE MEETING NO. DP22-1
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM UNDER COVID-19 TRAFFIC LIGHT RED AND LIVESTREAMED
ON THURSDAY, 24 FEBRUARY 2022 AT 9.00AM

1 PRESENT

Deputy Mayor J Scrimgeour (Chairperson), Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Murray-Benge.

ABSENT

Cr G Dally.

2 STAFF ATTENDANCE

H Wi Repa (Governance Technical Support) and C Irvin (Senior Governance Advisor).

VIA ZOOM

R Davie (Group Manager Policy, Planning and Regulatory Services), C Watt (Environmental Consents Manager), R Friend (Senior Consents Planner) and J Osborne (Governance Support Administrator).

3 ATTENDANCE ON BEHALF OF COUNCIL

Nil

4 OTHERS PRESENT

Nil

5 APOLOGIES

APOLOGY

RESOLUTION DP22-1.1

Moved: Cr J Denyer

Seconded: Cr M Grainger

That the apology for absence from Cr Gray and Cr Henry be accepted.

CARRIED

6 DECLARATIONS OF INTEREST

Nil

7 RECEIPT OF REPORTS AND EVIDENCE

7.1 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER – FEBRUARY 2022

The Committee considered a report from the Senior Consents Planner. The Environmental Consents Manager spoke to the report noting the following:

- This was an ongoing project to strengthen and align Two Mile Creek.
- The original consent was approved under delegation by Commissioner Withy on 4 July 2019 to construct and use a 285m long, 7m wide vertical concrete erosion protection structure ('concrete structure') within the bed of Two Mile Creek at Waihi Beach.
- Council tendered for the construction of this structure, all of which came back significantly exceeding budget.
- This led Western Bay of Plenty District Council (WBOPDC) to consider an alternative design, resulting in a locally placed rock-based erosion protection structure (instead of a concrete structure), which required a change/variation to the original approved consent.
- Bay of Plenty Regional Council (BOPRC) had granted their variation to the consent. Western Bay of Plenty District Council (WBOPDC) would be following suit.
- Because Commissioner Withy approved the original consent, it was thought appropriate for him to approve the variation.

The Environmental Consents Manager responded to a question, providing the following information:

- A Resource Consent was sought from WBOPDC under the following provisions of the District Plan:
 - Rule 8.3.3(c): To undertake earthworks and establish structures within a floodable area (restricted discretionary activity);
 - Rule 4A.1.4: For the establishment and use of the structure within the commercial transitional, commercial, medium density residential and residential zones (non-complying activity); and
 - Rule 4A.5(b): Earthworks in areas outside of the floodable area.Overall consent is sought as a non-complying activity.

- A Resource Consent was sought from BOPRC under the following provisions of the Water and Land Plan:
 - Rule 37: For the temporary discharge of sediment laden stormwater to the creek during the construction period (discretionary activity);
 - Rule 1C: To undertake earthworks in the Riparian Management zone (discretionary activity);
 - Rule 71: For placement and use of an erosion protection structure along the banks and within the bed of the creek (discretionary activity); and
 - Rule 48 to temporarily dam and/or divert the creek, as part of temporary works to construct the erosion protection structure (discretionary activity).
-

RESOLUTION DP22-1.2

Moved: Cr M Murray-Benge

Seconded: Cr M Dean

1. That the Environmental Consents Manager's report dated 11 February 2022 titled 'Appointment of Independent Hearings Commissioner – February 2022' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the District Plan Committee appoints the following Independent Hearings Commissioner to consider and determine the land use consent RC103457v01L at 50A Wilson Rd, Waihi Beach:
 - Commissioner Alan Withy

CARRIED

The Meeting closed at 9.05 am.

Confirmed as a true and correct record at the Council Meeting on 6 April 2022

9.4 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 8 MARCH 2022

File Number: A4504461

Author: Barbara Clarke, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 8 March 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 8 March 2022

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING NO. APLTP22-1
HELD VIA ZOOM ONLY (AUDIO/VISUAL LINK) UNDER COVID-19 PROTECTION FRAMEWORK
RED (PHASE THREE), LIVESTREAMED ON TUESDAY, 8 MARCH 2022 AT 9.30AM

1 PRESENT

Deputy Mayor J Scrimgeour (Chairperson), 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, Cr A Sole, Cr D Thwaites, and Mayor G Webber

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), R Davie (Group Manager Policy Planning and Regulatory Services), J Graham (Acting General Manager Finance and Technology Services), P Watson (Reserves and Facilities Manager), E Watton (Policy and Planning Manager), D Jensen (Finance Manager), L Balvert (Communications Manager), O McVicker (Manager Corporate Services and Businesses Improvement), M Leighton (Senior Policy Analyst), J Rickard (Senior Policy Analyst), R McKeagg (Financial Accountant), S Bedford (Financial Controller), A Carey (Financial Business Advisor), and B Clarke (Senior Governance Advisor)

COMMUNITY BOARDS

R Crawford (Chair, Te Puke Community Board)

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil.

5 DECLARATIONS OF INTEREST

Nil.

6 PUBLIC EXCLUDED ITEMS

Nil.

7 PUBLIC FORUM

Nil.

8 PRESENTATIONS

Nil.

9 REPORTS

9.1 ANNUAL PLAN 2022/23 - ADOPTION OF CONSULTATION DOCUMENT, SUPPORTING INFORMATION AND SCHEDULE OF FEES AND CHARGES FOR PUBLIC CONSULTATION

The Senior Policy Analyst introduced the report to adopt the Annual Plan consultation document for public consultation.

Key points:

- The Annual Plan was projected to closely align with the Long Term Plan (LTP), that Council adopted in 2021.
- It anticipated a rates increase of 3.96%, which was only marginally lower than the 3.98% forecast through the LTP.
- The only change being considered was to the Pukehina Development Rate (PDR). Council was seeking responses from the Pukehina community about the future of that rate. As the PDR was the only item 'in scope', any submissions received requesting material or significant changes to other parts of Council's business or budgets could not be considered through the process, and would be deferred until the next Annual Plan.
- The report also sought adoption of the Fees and Charges, to be consulted on concurrently with the Annual Plan, from 21 March to 21 April 2022.
- A few minor corrections would be made to the Fees and Charges document. One was the minimum fee for 'Engineering design approval', which would be corrected from \$250.00 to \$800.00.

Responses to questions:

- Repetition of figures in the table on page 29 of the agenda would be corrected.
- Council used the revenue metric prescribed by Inland Revenue for mileage charges. That rate may catch up as petrol prices changed, but the current revenue metric must be used.

- Council could not consider matters outside of the PDR, because it had adopted the Annual Plan and communicated that the only material or significant change being considered through this process was the PDR. Everything else would be kept in line with the LTP. As required by legislation, Council had set the scope for consultation and must adhere to it.
- In relation to the roading rate and inflation, when Council worked through the Annual Plan process, it had signalled an increase in pricing. This had been apparent through the contract extension, and what was reflected in the market place. Council had included an allowance for increases in the LTP budget. The extent of the situation was not currently known, and would not be known until Council went to the market. This could be tested by putting some projects out to competitive tender, e.g. Ōmokoroa Road went out to competitive tender. In the final analysis, the contractor had to manage the balance between the budget Council set and the work programme. Some factors might alter the work programme. Standards on maintenance came through the maintenance contract and should be met, but if the contractor was compromised due to Covid-19, that may have an impact.
- In relation to Pyes Pa Hall costs, there were few replacement members applying to be on the Hall Committee, as members vacated their positions. If the community was not able to operate the hall, the matter would come back to Council to determine what would happen in future. Some of the money being spent covered insurance costs.
- In relation to the PDR, the preferred option to maintain the status quo was a Councillor-led direction that had been indicated through workshop discussion in December 2021.
- The roading rate had been set based on Council's projected expenditure, therefore, it matched projected expenditure for next year. It had increased due to the 'seal extension bubble', which effected rates. In a following year Council may have to do a 'reset'.
- In relation to Maketu sewerage scheme, there were five properties not connected. At the moment, with the ownership of those properties, it was problematic to achieve connection.
- Staff would ensure the information on the proposed rates increases would be loaded on to Council's website, as had been done with the LTP, however, Council was not actively seeking submissions on rates increases.

Elected Members commended staff for their work, and expressed their full support in adopting the Annual Plan consultation document for public consultation.

RESOLUTION APLTP22-1.1

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr J Denyer

1. That the Senior Policy Analyst's report dated 8 March 2022, titled 'Annual Plan 2022/23 - Adoption of Consultation Document, Supporting Information and Schedule of Fees and Charges for Public Consultation', be received.
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 the Assessment of Materiality and Significance (Attachment E of the agenda report) be endorsed.
4. That the Supporting Information for the Annual Plan 2022/23 Consultation Document (Attachment B of the agenda report) be adopted for the purpose of providing supporting information for the Annual Plan 2022/23 Consultation Document.
5. That, in accordance with sections 82 and 95A of the Local Government Act 2002, the draft Annual Plan 2022/23 Consultation Document (Attachment A of the agenda report) be adopted for the purpose of consultation from 21 March to 21 April 2022.
6. That in accordance with Sections 82 and 150 of the Local Government Act 2002, the draft Schedule of Fees and Charges 2022/23 (Attachment C of the agenda report) and the Statement of Proposal (Attachment D of the agenda report) be adopted for the purposes of public consultation from 21 March to 21 April 2022, noting that on page 24 of the draft Schedule of Fees and Charges 2022/23, the minimum fee for 'Engineering design approval' be corrected to \$800.00, rather than \$250.00.
7. That the Chief Executive Officer be delegated authority to make minor editorial changes to the documents if required.

CARRIED

10 INFORMATION FOR RECEIPT

Nil.

The meeting was declared closed at 9.53am.

Minutes confirmed as a true and correct record by Council on 6 April 2022.

UNCONFIRMED

9.5 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 10 MARCH 2022

File Number: A4512727

Author: Barbara Clarke, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Policy Committee Meeting held on 10 March 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Policy Committee Meeting held on 10 March 2022

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
POLICY COMMITTEE MEETING NO. PP22-2
HELD VIA ZOOM ONLY (AUDIO/VISUAL LINK) UNDER COVID-19 PROTECTION FRAMEWORK RED
(PHASE THREE) ON THURSDAY, 10 MARCH 2022 AT 9.30AM

1 PRESENT

Mayor G Webber (Chairperson), 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, Cr A Sole and Cr D Thwaites

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), R Davie (Group Manager Policy Planning and Regulatory Services), E Watton (Policy and Planning Manager), D Jensen (Finance Manager), L Balvert (Communications Manager), C McLean (Senior Transportation Engineer), M Leighton (Senior Policy Analyst), T Rutherford (Policy Analyst), C Stevens (Kaupapa Māori Specialist), and B Clarke (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

Michael Mills represented Te Rūnanga o Ngāi Te Rangi Iwi Trust. He addressed the Committee on the Local Alcohol Policy, and Alcohol Control Bylaw as follows:

- Appreciated Council's intention to address alcohol related harm in the community through the Local Alcohol Policy (LAP) and related activities.
- Ongoing engagement with staff was acknowledged.

- Proposed regulatory elements in the LAP were strongly supported, including 9:00pm closing time, and the cap on off-licenses in Te Puke-Maketu Ward.
- Some submissions had sought to restrict the granting of further off-licenses in Ōmokoroa and Katikati. Concerned with how this could be addressed in future, should these areas reach saturation point.
- Supported a “Rebuttable Presumption”, which meant no new licences, unless an Applicant could make a strong case for one. If applied District-wide, this would give the District Licensing Committee greater capability to manage the increase in new licence applications, and put greater responsibility on Applicants to justify their application. It would not be inconsistent with a cap or other restrictions in specified areas, if deemed necessary.
- Strongly urged inclusion of Discretionary Conditions.
- Imposition of specified conditions for off-licences, 9:00pm closing hours and the “Rebuttable Presumption” were accepted as reasonable by the Court of Appeal, providing judicial validation on these matters.
- Sought greater community engagement/input into licensing decisions, such as improved notification processes, and consultation through submissions/hearings processes. Supported Staff initiatives relating to these matters.
- Supported greater efforts to engage with Licensees, with the aim of pre-empting issues.
- Concerned with increased online/remote alcohol sales and home deliveries since the Covid-19 Pandemic outset, as almost no controls to minimise harm. Suggested home deliveries could be controlled via Discretionary conditions.
- Sought Iwi/Māori representation on the District Licensing Committee, and hearings processes more amenable to community and cultural sensitivities, by holding hearings within effected communities and considering timing of hearings.
- Recommended provision in the LAP for a Discretionary Māori Cultural Report on matters of concern.

Mr Mills responded to a question of clarification as follows:

- With regard to remote/online sales, there was currently no clear legal path. It appeared the Sale and Supply of Alcohol Act 2012 had not anticipated this kind of retail activity to this extent. Discretionary Conditions in the LAP could include negotiation with Licensees. There may be future legislative changes in this regard.

The Chairperson thanked Mr Mills for his verbal address.

8 PRESENTATIONS

Nil.

9 REPORTS

9.1 LOCAL ALCOHOL POLICY AND ALCOHOL CONTROL BYLAW REVIEWS - DELIBERATIONS AND ADOPTION OF PROVISIONAL POLICY AND RECOMMENDATION TO COUNCIL FOR ADOPTION OF THE BYLAW

The Senior Policy Analyst's report was taken as read. Responses to questions were as follows:

- In relation to the relocation of existing licensed premises to a site nearby, e.g. moving close to a school, the District Licensing Committee could consider that through the license application process.
- There had been requests from some submitters to improve public notification to ensure greater awareness of license applications in communities. The non-regulatory matters, in paragraph 22 of the agenda report, stated that Council was seeking to raise public awareness of new alcohol license applications/renewals for on-licenses, off-licenses and club licenses. This paragraph was in the body of the report, and Part 11 of the recommendation referenced it.
- People could not object to license applications anonymously, as submission processes, whether under the Local Government Act 2002, or Sale and Supply of Alcohol Act 2012, required submitters to put their name to their submission, which was then publicly available, and formed part of the process record. It would be difficult for an anonymous submission to have any weight in such a process. Regardless of the uniqueness of any particular application, Council must ensure its processes were fair, transparent and met legal obligations. Staff undertook to further consider the matter, but noted it did not preclude Council from its decision-making at this meeting.

The Chairperson noted that the recommendation would be dealt with 'in parts' as follows:

RESOLUTION PP22-2.1 – PARTS 1 & 2

Moved: Cr A Sole

Seconded: Cr A Henry

1. That the Senior Policy Analyst's report dated 10 March 2022, titled 'Local Alcohol Policy and Alcohol Control Bylaw Reviews - Deliberations and Adoption of Provisional Policy and Recommendation to Council for Adoption of the Bylaw', be received.
-

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

CARRIED

RESOLUTION PP22-2.2 – PART 3(A)

Moved: Cr G Dally

Seconded: Cr J Denyer

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

- a. Off-licence hours: Option B - Final sales time to be 9.00pm.

CARRIED

RESOLUTION PP22-2.3 – PART 3(B)

Moved: Cr M Murray-Benge

Seconded: Cr M Gray

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

- b. Limit on number of bottle stores in the Te Puke – Maketu Ward area: Option A - Amend wording to allow for the sale of existing licenced premises or relocation of an existing premise to a site nearby.

CARRIED

RESOLUTION PP22-2.4 – PART 3(C)

Moved: Cr G Dally

Seconded: Cr J Denyer

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

- c. Location of the limit on new bottle stores: Option A - Limit applies in Te Puke - Maketu Ward only.

CARRIED

RESOLUTION PP22-2.5 – PART 3(D)

Moved: Cr M Dean

Seconded: Cr J Denyer

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

- d. Limit on new bottle stores or expand type: Option A – Limit on new bottle stores only.

CARRIED

RESOLUTION PP22-2.6 – PART 3(E)

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

- e. Off-licence conditions / discretionary conditions: Option F – Do not introduce new conditions/discretionary conditions.

CARRIED

RESOLUTION PP22-2.7 – PART 3(F)

Moved: Cr A Sole

Seconded: Cr G Dally

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

- f. On licences hours: Option A – Retain the current Local Alcohol Policy (LAP) provisions.

CARRIED

RESOLUTION PP22-2.8 – PART 3(G)

Moved: Cr J Denyer

Seconded: Cr D Thwaites

-
3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

g. One way door policy: Option C - Delete the one way door provision.

CARRIED

RESOLUTION PP22-2.9 – PART 3(H)

Moved: Cr M Dean

Seconded: Cr A Henry

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

h. Club licences: Option A - Create a separate section for Club licences, but retain the current LAP provisions.

CARRIED

RESOLUTION PP22-2.10 – PART 3(I)

Moved: Cr D Thwaites

Seconded: Cr A Sole

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

i. Club licence hours: Option A - Retain current hours 9.00am-1.00am.

CARRIED

RESOLUTION PP22-2.11 – PART 3(J)

Moved: Cr G Dally

Seconded: Deputy Mayor J Scrimgeour

3. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following option for the Provisional Local Alcohol Policy is chosen:

j. Special licences: Option A - Retain the current LAP provisions.

CARRIED

RESOLUTION PP22-2.12 – PART 4

Moved: Cr A Henry

Seconded: Cr M Gray

4. That the provisional Local Alcohol Policy be adopted, as per attachment C of the agenda report, and publicly notified.

CARRIED

RESOLUTION PP22-2.13 – PART 5

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

5. That, in considering the submissions received and the options presented through Attachment B of the agenda report, the following options for the Alcohol Control Bylaw are chosen:

- The extent of the alcohol control areas: Option A - Expand the existing Alcohol Control Area to cover Te Puke more broadly.

CARRIED

RESOLUTION PP22-2.14 – PART 6

Moved: Cr M Dean

Seconded: Cr A Henry

6. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol ban proposed in Te Puke in the draft Alcohol Control Bylaw 2022, that there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime and disorder, that can be shown to have been caused, or been made worse, by alcohol consumption in the area.

CARRIED

RESOLUTION PP22-2.15 – PART 7

Moved: Cr J Denyer

Seconded: Cr M Grainger

7. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol bans proposed in Katikati and Waihi Beach in the draft Alcohol Control Bylaw 2022, that a high level of crime and disorder (caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply, if the bylaw is not made.
-

CARRIED

RESOLUTION PP22-2.16 – PART 8

Moved: Cr G Dally

Seconded: Cr M Grainger

8. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied that the draft Alcohol Bylaw 2022 can be justified as a reasonable limitation on people's rights and freedoms, and that the draft bylaw is appropriate and proportionate, in light of the crime and disorder.

CARRIED

RESOLUTION PP22-2.17 – PART 9

Moved: Cr M Gray

Seconded: Cr M Dean

9. That pursuant to s155 of the Local Government Act 2002, Council confirms that a bylaw is the most appropriate way of addressing the perceived problems, 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.

CARRIED

RESOLUTION PP22-2.18 – PART 10

Moved: Cr A Henry

Seconded: Cr J Denyer

10. That the draft Alcohol Control Bylaw, as per attachment D of the agenda report, be recommended to Council for adoption and that it come into force on 6 May 2022.

CARRIED

RESOLUTION PP22-2.19 – PART 11

Moved: Cr G Dally

Seconded: Cr A Sole

11. That the non-regulatory actions, set out in paragraph 22 of the agenda report, also be progressed.

CARRIED

RESOLUTION PP22-2.20 – PART 12

Moved: Cr A Henry

Seconded: Cr M Grainger

12. That the Policy Committee requests the Chief Executive Officer to direct staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report, and recommends to Council that this is adopted, alongside the final Alcohol Control Bylaw.

CARRIED

9.2 REVIEW OF RATES RELIEF POLICIES

The Policy Analyst's report was taken as read.

RESOLUTION PP22-2.21

Moved: Cr D Thwaites

Seconded: Cr M Dean

1. That the Policy Analyst's report dated 10 March 2022 titled 'Review of Rates Relief Policies', be received.
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 the following ten rates relief policies be adopted for public consultation in accordance with sections 82, 109 and 110 of the Local Government Act 2002, alongside the draft Annual Plan 2022/2023, from 21 March to 21 April 2022.
(Click link to view document)
 - a. [Rates remission on Māori freehold land;](#)
 - b. [Discount for early payment of rates in current financial year;](#)
 - c. [Rates postponement for homeowners aged over 65 years;](#)
 - d. [Rates remission for covenanted land;](#)
 - e. [Rates remission for contiguous land;](#)
 - f. [Rates remission for land used for sport and games;](#)
 - g. [Rates remission for re-zoned land;](#)
 - h. [Rates remissions for natural disasters and emergencies;](#)
 - i. [Remission of rates penalties; and](#)
 - j. [Rates postponement for financial hardship.](#)

CARRIED

9.3 ADOPTION OF THE DRAFT POLICY ON COUNCIL MAINTENANCE OF PREVIOUSLY UNMAINTAINED ROADS FOR CONSULTATION

The Policy and Planning Manager's report was taken as read.

RESOLUTION PP22-2.22

Moved: Cr M Dean

Seconded: Cr J Denyer

1. That the Policy and Planning Manager's report dated 10 March 2022, titled 'Adoption of the draft Policy on Council Maintenance of Previously Unmaintained Roads for Consultation', be received.
2. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the Committee adopts the draft Policy on Council Maintenance of Previously Unmaintained Roads set out in Attachment One of the agenda report, for community consultation, in accordance with section 82 of the Local Government Act.
4. That the Committee proposes the revocation of the Māori Roadways Policy 2012, Attachment Two of the agenda report, and notes this as part of the wider proposal for community consultation.

CARRIED

9.4 PROPOSED DRAFT KERBSIDE RUBBISH AND RECYCLING POLICY

The Senior Policy Analyst - Consultant's report was taken as read. Staff responded to questions as follows:

- In terms of the capacity criterion, if Council wished to extend the service but the contractor did not intend to acquire more trucks, (for example), Council would consider the overall capacity in the network. Council had the ability to change the collection area, subtly, to build in capacity in some areas. There was a requirement in the contract to service extensions.
 - The uptake in the number of connections had been greater than was originally intended. Council would work with the Contractor to find a way to extend the
-

service, as the extensions were consistent with the policy Council had put in place to reduce waste landfill, and it was considered the right thing to do.

RESOLUTION PP22-2.23

Moved: Cr G Dally

Seconded: Cr A Henry

1. That the Senior Policy Analyst - Consultant's report dated 10 March 2022, titled "Proposed Draft Kerbside Rubbish and Recycling Policy" be received.
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 the Policy Committee approves adoption of the Draft Kerbside Rubbish and Recycling Policy for community consultation, in accordance with section 82 of the Local Government Act 2002, and alongside the Annual Plan process.

CARRIED

10 INFORMATION FOR RECEIPT

Nil.

The meeting was declared closed at 10.00am.

Minutes confirmed as a true and correct record by Council on 6 April 2022.

10 REPORTS

10.1 DELEGATION OF DECISION MAKING FOR 2022 COMMUNITY MATCHING FUND

File Number: A4511184

Author: David Pearce, Community Manager

Authoriser: John Holyoake, Chief Executive Officer

EXECUTIVE SUMMARY

1. The purpose of this report is to ensure that the Chief Executive Officer and selected Elected Members have appropriate powers to enable timely distribution of grants, from the Community Matching Fund, to successful applicants.
2. This requires the establishment of a Community Matching Fund Working Party and delegation of decision-making powers to the working party.

RECOMMENDATION

1. That the Community Manager's report dated 6 April 2022 titled 'Delegation of decision making for 2022 Community Matching Fund' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of council's significance and engagement policy.
3. That pursuant to clause 32 schedule 7 of the Local Government Act 2002, Council delegates to Deputy Mayor Scrimgeour, Councillor Dean and Councillor Denyer, together with the Chief Executive Officer, or his nominee(s), the power to make decisions in respect of applications to the Community Matching Fund 2022, including but not limited to the following powers:
 - a) To award grants according to the purposes and guidelines of the Community Matching Fund 2022, within the allocated budget of \$140,000;And
 - b) To make payments to grant recipients as soon as practicable after the award decisions have been made.

BACKGROUND

3. Council has made available the Community Matching Fund, which is an annual contestable fund. This financial year \$140,000 is available. This is the same amount that was allocated in 2019 and 2021, the last times the Community Matching Fund was allocated. In 2020, the Community Resilience Fund, a combination of a number of Council funds, replaced the Community Matching Fund.

4. The framework is such that applicant groups will 'match' any cash grant from Council, with an equivalent amount, which can be made of volunteer hours, cash in hand, donated services and other similar matching services. The guiding principle of the fund is that of providing public benefit.
5. The Community Matching Fund will be open to receive applications from 19 April 2022 to 31 May 2022 inclusive. The panel will meet in June/July to make decisions, with recommendations to the next appropriate Council meeting.
6. The 2022 Community Matching Fund budget specifies that \$40,000 is available for applications with an environmental focus. The balance of \$100,000 is available for all other projects.
7. The 2020 Community Resilience Fund (a different fund created specifically to help the District cope with the impacts of COVID-19) and the 2021 Community Matching Fund had working parties made up of the Chief Executive, Deputy Mayor Scrimgeour (representing the Maketu - Te Puke Ward), Councillor Dean (representing the Kaimai Ward) and Councillor Denyer (representing the Katikati - Waihi Beach Ward).

SIGNIFICANCE AND ENGAGEMENT

8. 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 order to guide decision on approaches of engagement and degree of options analysis. In making this formal assessment, it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
9. In terms of the Significance and Engagement Policy, this decision is considered to be of low significance because it is essentially an administrative matter to appoint the panel members who will help ensure timely distribution of funds, which is fundamental to the purpose of the Community Matching Fund.

Interested/Affected Parties	Planned Communication
Council	Council will receive a full report of allocations made from the Community Matching Fund.
General Public	<p>The Grant availability and application process will be advertised in the media through Council's usual communication channels.</p> <p>Both successful and unsuccessful applicants, through their nominated first contact person, will be advised of the outcomes in writing, within two weeks of the decisions and before final decisions are made public.</p>

	Community Boards will be advised of the outcomes to ensure there is no breach of Council’s policy stating that recipients of the Community Matching Fund grants cannot receive a Community Board grant in the same financial year.
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10.

BUDGET FUNDING INFORMATION	RELEVANT DETAIL
\$140,000	\$140,000 has been allocated to the 2022 Community Matching Fund. \$40,000 of this is available for those applications with an environmental focus, with the balance of \$100,000 available to all other projects.

10.2 DELEGATION OF DECISION MAKING FOR FACILITIES IN THE COMMUNITY FUND 2022**File Number: A4510891****Author: Katy McGinity, Senior Recreation Planner****Authoriser: Rachael Davie, Group Manager, Strategy and Community Services****EXECUTIVE SUMMARY**

1. The purpose of this report is to establish a 'Facilities in the Community' Working Party with the appropriate delegation of decision-making powers, in order to enable timely distribution of grants, from the Facilities in the Community Fund to successful applicants for the 2022/2023 period.

RECOMMENDATION

1. That the Senior Recreation Planner's report dated 6 April 2022 titled 'Delegation of Decision Making for Facilities in the Community Fund 2022' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That, pursuant to Clause 32 Schedule 7 of the Local Government Act 2022, Council delegates Councillor _____ (representing the Te Puke-Maketu Ward), Councillor _____ (representing the Kaimai Ward) and Councillor _____ (representing the Katikati-Waihi Beach Ward), together with the Chief Executive Officer, the power to make decisions in respect of applications to the Facilities in the Community Fund 2022/23, including but not limited to the following powers:
 - a. To award grants according to the purposes and guidelines of the Facilities in the Community Fund 2022, within the allocated contestable budget of \$74,000; and
 - b. To make payments to grant recipients as soon as practicable after the award decisions have been made.

BACKGROUND

2. Council has made available the 'Facilities in the Community Fund', which is a contestable fund of \$100,000 let every two years. In 2020, the Community Resilience Fund replaced the Facilities in the Community Fund as part of Council's response to the Covid-19 pandemic.

3. For the 2022/2023 period there is \$74,000 available for distribution due to \$26,000 of the fund already been committed to Maketu School through Council's Long Term Plan 2021/2031 process.
4. Eligibility for funding is reliant on several factors, as outlined below:
 - The project being required as a result of significant growth in an area;
 - It not being located on Council land;
 - Being available for public use;
 - Does not replace or duplicate an existing recreational facility in the community; and
 - Has a minimum total value of \$10,000.

FACILITIES IN THE COMMUNITY FUND 2022 WORKING PARTY

5. It is requested that Council nominate a working party member representing each Council Ward, together with the Chief Executive Officer, to form the Facilities in the Community Fund 2022 Working Party. In 2020, Deputy Mayor Scrimgeour (representing the Maketu - Te Puke Ward), Councillor Dean (representing the Kaimai Ward) and Councillor Denyer (representing the Katikati -Waihi Beach Ward) oversaw the distribution of the Community Resilience Fund.
6. The Facilities in the Community Fund will be open to receive applications from 19 April until 31 May 2022. The Working Party will meet in June/July to make decisions and applicants will be advised of the outcome thereafter.
7. The fund will be let at the same time as Council's Community Matching Fund to enable applications to be redirected to each other if required.
8. Council will receive a full report of allocations made by the Working Party from the Facilities in the Community Fund in August 2022.

SIGNIFICANCE AND ENGAGEMENT

9. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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.
10. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
11. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is essentially an administrative matter to appoint Working Party members who will ensure timely distribution of funds.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Planned Engagement/Consultation/Communication
Council	Council will receive a full report of allocations made from the Facilities in the Community Fund in August 2022.
General Public	<p>The grant availability and details of the application process will be advertised through Council's usual communication channels before the opening date.</p> <p>All applicants will be advised of the outcome of their application in writing within two weeks of decisions being made.</p>

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
\$100,000	\$100,000 has been allocated to the Facilities in the Community Fund for the 2022/23 period. Of this amount \$26,000 has already been committed to Maketu School through Council's Long Term Plan 2021/2031 process. Therefore \$74,000 of contestable funding is available for applications in the 2022/2023 period.

10.3 2022 TRIENNIAL ELECTIONS AND ORDER OF CANDIDATES NAMES

File Number: A4501717

Author: Dale Ofoske, Electoral Officer

Authoriser: Barbara Whitton, Customer Services and Governance Manager

EXECUTIVE SUMMARY

The 2022 triennial Local Government elections will occur on Saturday 8 October 2022. An update on preliminary matters relating to the election is provided to Council, including consideration of the order of candidate names to appear on the voting documents.

RECOMMENDATION

1. That the Electoral Officer's report dated 7 March 2022 and titled '2022 Triennial Elections and Order of Candidate Names' 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 resolves for the 2022 triennial elections to adopt either:
 - The alphabetical order of candidate names;
or
 - The pseudo-random order of candidate names;
or
 - The random order of candidate names;

as permitted under regulation 31 of the Local Electoral Regulations 2001.

BACKGROUND

The 2022 triennial elections for local authorities are due to occur on Saturday 8 October 2022 and are required to be undertaken according to the Local Electoral Act 2001, the Local Electoral Regulations 2001, and to a limited extent, the Local Government Act 2002.

Certain pre-election information and tasks are outlined in this report for Council's information and attention.

The Local Electoral Regulations 2001 provides for Council to resolve the order of candidate names to appear on the voting documents (alphabetical, pseudo-random or random order). If no decision is made, the order of names defaults to alphabetical.

2022 Elections

Elections will be required for the following positions:

- Mayor (elected 'at large')
- 11 Councillors (elected from three wards):
 - Kaimai Ward (4)
 - Katikati-Waihi Beach Ward (3)
 - Maketu-Te Puke Ward (4)
- 20 Community Board Members (elected from five community board areas):
 - Katikati Community Board (4)
 - Maketu Community Board (4)
 - Ōmokoroa Community Board (4)
 - Te Puke Community Board (4)
 - Waihi Beach Community Board (4)
- 1 or 2 Bay of Plenty Regional Council Members (either 2 members elected from the Western Bay of Plenty General Constituency or 1 member from the Mauao Māori constituency).

2022 Election Timetable

With an election date of **Saturday 8 October 2022**, the following key functions and dates will apply:

- **Nominations open/roll open**
Friday 15 July 2022
- **Nominations close/roll closes**
Noon Friday 12 August 2022
- **Delivery of voting documents**
From Friday 16 September 2022
- **Close of voting**
Noon Saturday 8 October 2022

A more detailed timetable is attached (**Appendix 1**) and has been placed on Council's website.

2022 Election Fact Sheet

A 2022 Election Fact Sheet summarising the key functions of the election (**Appendix 2**) is attached and has also been placed on Council's website.

Compilation of non-resident Ratepayer Roll

The compilation of the 2022 non-resident Ratepayer Roll is required to commence early-mid 2022. This may include:

- An insert (or similar) detailing the qualifications and procedures for enrolment as a non-resident ratepayer elector which is to be included with a 2022 rates instalment notice by the end of August 2022 (**Appendix 3**);
- A national non-resident Ratepayer Roll inquiry hotline operating between 1 February and 30 August 2022;
- A confirmation letter issued to all current non-resident ratepayer electors in March/April 2022; and
- A national advertising campaign on the qualifications and procedures for enrolment as a non-resident ratepayer elector during May 2022.

Council is able to undertake additional promotion of the non-resident Ratepayer Roll if it wishes - such as contacting (letter/email etc) all current or potential ratepayer electors encouraging their enrolment and participation in the electoral process.

Order of Candidate Names

Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for Council to choose the order of candidate names appearing on the voting documents from three options - alphabetical, pseudo-random (names drawn randomly with all voting documents printed in this order) or random order (names randomly drawn by computer with each voting document different).

Council may determine which order the names of candidates are to appear on the voting documents, but if no decision is made, the order of names defaults to alphabetical.

Council resolved to adopt the random order for the 2019 triennial election.

For Council's information, following a recent analysis undertaken by Auckland Council, research showed no observable effect of candidate order on actual election outcomes.

For the 2019 local government elections:

- 22 territorial authorities used alphabetical order (32.84%);
- 7 territorial authorities used pseudo-random order (10.44%); and
- 38 territorial authorities used random order (56.72%).

Alphabetical Order

Alphabetical order is simply listing candidate surnames alphabetically and is the order traditionally used in local and Parliamentary elections.

Comments regarding alphabetical order are:

- Voters are easily able to find names of candidates for whom they wish to vote. Some candidates and voters over the years have argued that alphabetical order may tend to favour candidates with names in the first part of the alphabet, but in practice this is generally not the case – most voters tend to look for name recognition, regardless of where in the alphabet the surname lies;
- The order of candidate names on the voting document matches the order listed in the candidate directory (candidate profile statements).

Pseudo-Random Order

Pseudo-random order is where candidate surnames are randomly selected, and the same order is used on all voting documents for that position. The names are randomly selected by a method such as drawing names out of a container.

Comments regarding pseudo-random order are:

- The candidate names appear in mixed order (not alphabetical) on the voting document;
- Possible voter criticism/confusion as specific candidate names are not easily found, particularly where there may be many candidates; and
- The order of candidate names on the voting document does not match the order listed in the candidate directory (candidate profile statements).

Random Order

Random order is where all candidate surnames are randomly selected and are listed in a different order on every voting document. The names are randomly selected by computer so that the order is different. Random order enables names to be listed in a completely unique order on each voting document.

Comments regarding random order are:

- The candidate names appear in mixed order (not alphabetical) on the voting document;
- Possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates; and
- The order of candidate names on the voting document does not match the order listed in the candidate directory (candidate profile statements).

There is no price differential in printing costs between the three orders of candidate names.

Number of Electors

The number of electors for the 2022 triennial elections is expected to be in the order of 39,500 (as at 31 January 2022 this was 39,825). This compares to 36,425 electors for the 2019 triennial election or +8.4% growth.

Pre-Election Report

Section 99A of the Local Government Act 2002 requires each local authority to prepare a pre-election report, whose purpose is to provide information to promote public discussion about the issues facing the local authority. The pre-election report is prepared by the Chief Executive, must contain financial and major project information, and should be completed by the end of June 2022 (two weeks before the opening of nominations) or earlier.

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 is a legislative requirement.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Communication
General Public	The order of candidates' names will be incorporated on statutory voting documents.

ISSUES AND OPTIONS ASSESSMENT

Insert précis of resolution required	
Reasons why no options are available	Legislative or other reference
Council is required to decide the order of names on voting documents in the Local Electoral Regulations 2001.	Local Electoral Act 2001

STATUTORY COMPLIANCE

This report meets statutory compliance for elections.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Elections are budgeted	Contained in LTP documentation

ATTACHMENTS

- Appendix 1 2022 Election Timetable
- Appendix 2 2022 Election Fact Sheet
- Appendix 3 Non-resident Ratepayer Roll insert

Appendix 1



SATURDAY 8 OCTOBER 2022

Wednesday 2 March - Saturday 30 April 2022	Ratepayer roll enrolment confirmation forms sent [Reg 16, LER]
Wednesday 2 March - Wednesday 6 July 2022	Preparation of ratepayer roll [Reg 10, LER]
May 2022	National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]
Friday 1 July 2022	Electoral Commission's enrolment update campaign commences
Wednesday 13 July 2022	Public notice of election, calling for nominations, rolls open for inspection [Sec 42, 52, 53, LEA]
Friday 15 July 2022	Nominations open / roll open for inspection [Sec 42, LEA]
Friday 12 August 2022	Nominations close (12 noon) / roll closes [Sec 5, 42, 55 LEA, Reg 21, LER]
Wednesday 17 August 2022	Public notice of day of election, candidates' names [Sec 65, LEA]
by Monday 12 September 2022	Electoral officer certifies final electoral roll [Sec 51, LEA, Reg 22, LER]
Friday 16 September - Wednesday 21 September 2022	Delivery of voting documents [Reg 51, LER]
Friday 16 September - Saturday 8 October 2022	Progressive roll scrutiny [Sec 83, LEA] Special voting period [Sec 5 LEA, Reg 35, LER] Early processing period [Sec 80, LEA]
by Friday 7 October 2022	Appointment of scrutineers (12 noon) [Sec 68, LEA]
Saturday 8 October 2022	Election day [Sec 10, LEA] Close of voting (12 noon) [Sec 84, LEA] Progress and preliminary results available as soon as practicable after close of voting [Sec 85, LEA]
Saturday 8 October (pm) - Thursday 13 October 2022	Official count [Sec 84, LEA]
Friday 14 October - Wednesday 19 October 2022	Declaration of result/public notice of declaration [Sec 86, LEA]
mid-December 2022	Return of electoral donations & expenses form [Sec 112A, LEA]

LEA = Local Electoral Act 2001
LER = Local Electoral Regulations 2001



Dale Ofsoske, Electoral Officer
Western Bay of Plenty District Council
January 2022

Appendix 2

FACT SHEET

2022 election

8 OCTOBER 2022



What does Council do?

The District Council meets regularly to make many decisions that impact the day-to-day lives of people in the Western Bay of Plenty area. The Council governs a wide range of local services including roads, water systems, rubbish collection, libraries, parks, community centres, dog registration, community and economic development and district planning.

Background

Local government triennial elections are being held by postal vote on Saturday 8 October 2022 and will be undertaken by Election Services, under contract to the Western Bay of Plenty District Council.

The first past the post (FPP) electoral system will be used for the Western Bay of Plenty District Council elections and the Bay of Plenty Regional Council elections.

2022 Key Dates

Nominations open	Friday 15 July
Nominations close	Noon, Friday 12 August
Delivery of voting packs	from Friday 16 September
Close of voting	Noon, Saturday 8 October
Official results announced	Thursday 13 October

Who is being elected?

Elections will be required for the following positions:

- Mayor (elected 'at large')
- Councillors (11)
 - Kaimai Ward (4)
 - Katikati-Waihi Beach Ward (3)
 - Maketu-Te Puke Ward (4)
- Community Board Members (20)
 - Katikati Community Board (4)
 - Maketu Community Board (4)
 - Ōmokoroa Community Board (4)
 - Te Puke Community Board (4)
 - Waihi Beach Community Board (4)
- Bay of Plenty Regional Council Members (either 2 members from the Western Bay of Plenty General Constituency or 1 member from the Mauao Māori Constituency).

There will be no district health board elections in 2022.

How can I be nominated?

Nominations for these positions will open on **Friday 15 July 2022** and close at noon on **Friday 12 August 2022**.

Nomination papers will be available during this period:

- Council's Main Office, Barks Corner, 1484 Cameron Road, Greerton, Tauranga;
- The Centre - Pātuki Manawa, 21 Main Road, Katikati;
- Ōmokoroa Library & Service Centre, 28 Western Avenue, Ōmokoroa;
- Te Puke Library & Service Centre, 130 Jellicoe Street, Te Puke;
- Waihi Beach Library & Service Centre, 106 Beach Road, Waihi Beach;
- by accessing www.westernbay.govt.nz;
- by telephoning the electoral office on 0800 922 822.

To be eligible to stand for election, a candidate **must** be:

- a New Zealand citizen (by birth or naturalisation ceremony); **and**
- enrolled as a Parliamentary elector (anywhere in New Zealand); **and**
- nominated by two electors whose names appear on the electoral roll within the respective area that a candidate is standing for.

A detailed candidate information handbook will be available from April 2022.

Who can vote?

Those eligible to vote are all resident electors and non-resident ratepayer electors whose names appear on the electoral roll when it closes on Friday 12 August 2022. The Preliminary Electoral Roll will be available for public inspection from **Friday 15 July 2022** to **Friday 12 August 2022** at the above locations.

Resident Roll: All parliamentary electors, including those on the Māori Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

Any alterations to the Resident Roll (e.g. change of address details, including new postal addresses) should be made by:

- completing the appropriate form at any postal agency;
- phoning 0800 ENROLNOW (0800 36 76 56)
- accessing the Electoral Commission website on www.vote.nz

Ratepayer Roll: If a person is on the parliamentary roll in one area and pays rates on a property in another area, this person may be eligible to be enrolled on the non-resident ratepayer roll. A firm, company, corporation or society paying rates on a property may nominate one of its members or officers as a ratepayer elector (provided the nominated person resides outside the area).

Ratepayer Roll enrolment forms are available at www.westernbay.govt.nz, or by phoning 0800 922 822.

How to vote?

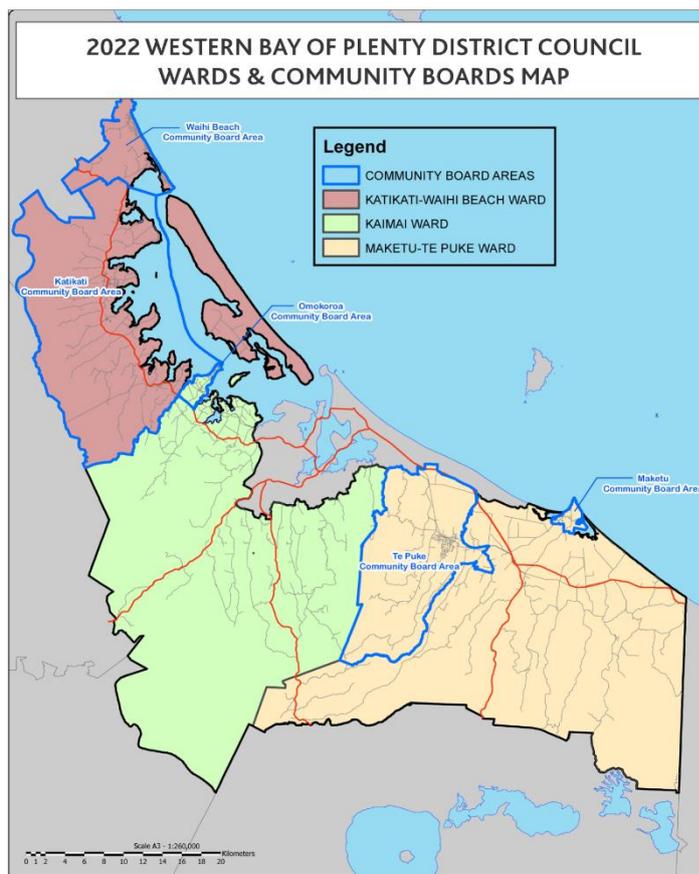
Voting packs will be sent out in the mail to all those who have enrolled from **Friday 16 September 2022**.

The voting period is three weeks (**Friday 16 September 2022 to noon Saturday 8 October 2022**). Electors may post their completed voting documents back to the electoral officer using the orange pre-paid envelope sent with their voting document.

Polling places for the issuing of special voting documents and for the receiving of completed voting documents will be available from Friday 16 September 2022 to noon Saturday 8 October 2022 at all Council offices.

To be counted, all completed voting documents must be in the hands of the electoral officer or an electoral official by **noon Saturday 8 October 2022**.

Progress results will be known early afternoon on election day, and preliminary results will be known on Sunday morning, 9 October 2022. Final results will be known on Thursday 13 October 2022, and all results will be accessible on Council’s website: www.westernbay.govt.nz



Contact us



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 Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
 Email: barbara.whitton@westernbay.govt.nz
 Phone: 0800 926 732

Appendix 3



Wherever you pay rates you can vote

Do you live in one area and pay rates on a property in another area?

You may qualify to vote in both areas at the local authority elections in October 2022

You may like to vote in this election. Voting is a way to have your say on what happens in your local community. This information is designed to help you. It notes who you can contact to enrol, and ways you might qualify to vote.

There are two types of electors...

Residential Electors – If you are registered to vote on the electoral roll, you are automatically enrolled to vote in local authority elections. You will receive a voting document so that you can vote by post.

Ratepayer Electors – You may also be eligible to enrol as a non-resident ratepayer elector in a council district if both of these apply:

- you are on the district valuation roll and pay rates in the council district
- the address where you are registered as a Parliamentary elector is outside that council district.

Your eligibility to enrol or be nominated as a ratepayer elector may also depend on your individual circumstances as determined by criteria in the Local Electoral Act 2001 and its regulations.

An organisation can nominate one of its members or officers to vote on its behalf

If a firm, company, trust, corporation, society partners, joint tenants and tenants in common collectively pay rates on a property in a council district, one of the group may be nominated to be the ratepayer elector. The person nominating and the nominated person must be registered as Parliamentary electors at addresses outside the council district where the property is located.

You can only enrol once

You can only enrol, or be nominated to enrol, once in a council district, no matter how many properties you own in that council district. Council district includes: a city, district and regional council area; a community board area if established; the area of Auckland Council and the local boards.

New Ratepayer Electors

If you think you may be eligible to enrol or to nominate someone as a ratepayer elector, get an Enrolment Form for Ratepayer Electors from the local council where you pay your rates. The Electoral Officer will be able to help you with your application.

If you want further information please phone toll free

0800 54 8683 0800 LG VOTE

(phone number is available from 7 February 2022 to 30 August 2022)



**Enrol now – the
Ratepayer Electoral
Roll closes on
12 August 2022**

10.4 COUNCIL DECISION ON FORMAL SUBMISSIONS REGARDING ITS VIEWS ON THE GOVERNMENT'S PROPOSAL TO REMOVE EXOTIC FORESTS FROM THE EMISSIONS TRADING SCHEME

File Number: A4517930

Author: Charlene Page, Executive Assistant Mayor/CEO

Authoriser: Garry Webber, Mayor

EXECUTIVE SUMMARY

The purpose of this report is for Council to decide if it would like to formally submit its views on the Government's proposal to remove exotic forests from the Emissions Trading Scheme.

RECOMMENDATION

1. That the Senior Executive Assistant report dated 24 March 2022 titled 'Council Decision on Formal Submissions Regarding its Views on the Government's Proposal to Remove Exotic Forests from the Emissions Trading Scheme' be received.
2. That Council submits high-level feedback on the proposals as set out in the email (**Attachment 1**).
3. That Council adopts one of the following options as set out in the email (**Attachment 1**):
 - o Option one: Maintain the Status quo.
Or
 - o Option two: Prevent exotic forestry from registering in the permanent post-1989 category in the NZ ETS.
Or
 - o Option three: As for option two, but with exceptions for exotic species under certain conditions or criteria.

BACKGROUND

As per attached email.

ATTACHMENTS

1. **Email: Seeking Views on the Government's Proposal to Remove Exotic Forests from the Emissions Trading Scheme**  

From: Fraser Pearce <fraser.pearce@lgnz.co.nz>
Date: 23 March 2022 at 5:10:36 PM NZDT
Cc: Nicci Wood <nicci.wood@lgnz.co.nz>, Grace Hall <grace.hall@lgnz.co.nz>
Subject: Seeking your views on the Government's proposal to remove exotic forests from the ETS

Tēnā koutou Rural and Provincial Mayors and Chief Executives

As some of you may be aware, last week the Government began publicly consulting on [a proposal to remove exotic forests from the permanent category of the NZ Emissions Trading Scheme](#) from 1 January 2023. The Government is also seeking feedback on whether there should be changes to how the carbon accounting method applies to remote and marginal land for harvesting.

Since then, several councils have emailed LGNZ requesting that we formally submit on the proposal, which closes on 22 April 2022. Based on the level of interest, and the opportunity to provide constructive feedback to the Government on its proposals and broader policy programme for the forestry sector, we will be submitting. This will further support the work LGNZ and a number of councils are doing with Yule Alexander and other partners on the Green Paper *Managing Forestry Land-Use Under the Influence of Carbon*.

Based on feedback and discussions at the Yule Alexander carbon forestry seminar on 2 March 2022, our initial thinking is that the LGNZ submission would:

- Support Option 3 as set out by the Government (as that would redress historical issues around Iwi/Māori in the carbon farming industry, and potentially enable locally tailored approaches to carbon farming).
- Discuss the broader local government considerations central government may need to think about in carbon/production forestry, e.g., roading.
- Propose that central government explore whether there is opportunity for greater local democratic input into carbon farming (e.g., in local/regional government being able to determine where exotic forests can be planted). There are a couple of ways this could be done through the current reform programmes (e.g., RMA reforms).
- Encourage government to look at other incentives to planting native forests in the long-term.
- Align with the messaging set out in the February 2022 *Managing Forestry Land-Use under the influence of Carbon* Green Paper.

At this stage we would like to engage you at two points. **Firstly, we would like your high-level feedback on the proposals by Friday 1 April**, principally:

- Your initial thoughts on our thinking above, including whether there's anything you think we've missed.
- Which of the 3 options do you support, and why? For your information, the three options are:
 - **Option one: Maintain the Status quo**
 - **Option two: Prevent exotic forestry from registering in the permanent post-1989 category in the NZ ETS**
 - **Option three: As for option two, but with exceptions for exotic species under certain conditions or criteria**
- Would you support improved local council land-use controls over carbon forestry, if so, what would this look like?

- Are there any broader local government considerations you think the Government needs to consider around carbon farming in New Zealand?

At this stage we are only inviting email feedback for the submission. This is because Yule Alexander is hosting a second forestry webinar on Wednesday 30 March.

We will also look to engage you on the draft submission, which we will share the week commencing 11 April. This will provide us with sufficient time to incorporate any feedback before the deadline for submissions close on Friday 22 April.

We're happy to receive feedback via email or you're welcome to give Nicci Wood or me a call.

In the meantime, if you have any questions on the submissions process please don't hesitate to contact Nicci (copied in) or me.

Ngā mihi,

Fraser Pearce
Principal Policy Advisor
Local Government New Zealand
DDI 021 916 251
E fraser.pearce@lgnz.co.nz
W www.lgnz.co.nz



10.5 MAYOR'S REPORT TO COUNCIL – ELECTED MEMBERS REPRESENTATION AT ANZAC DAY 2022 COMMEMORATIONS**File Number: A4515978****Author: Carolyn Irvin, Senior Governance Advisor****Authoriser: Garry Webber, Mayor****EXECUTIVE SUMMARY**

The purpose of this report is for Council to pass a resolution regarding Elected Members representation at the 2022 ANZAC Day commemorations.

RECOMMENDATION

1. That the Senior Governance Advisor's report dated 6 April 2022 titled 'Mayor's Report to Council' be received.
2. That Waihi Beach Councillors attend the Waihi Beach ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
3. That Te Puke Councillors attend the Te Puke ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
4. That Maketu Councillors attend the Maketu ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
5. That Katikati Councillors attend the Katikati ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
6. That Omokoroa Councillors attend the Omokoroa ANZAC Day Service and lay a wreath in conjunction with the Omokoroa Community Board on behalf of the Western Bay of Plenty District Council.
7. That Councillor Murray-Benge attend the Tauranga ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.

BACKGROUND**ANZAC Day Commemorations**

At the first round of the Western Bay of Plenty District Council Community Board meetings held in February 2022 it was resolved by all five Community Boards that a wreath be laid by Community Board representatives at the ANZAC Day commemoration services to be held on Monday, 25 April 2022 throughout the district.

A wreath from Western Bay of Plenty District Council is also laid by attending Councillors at the Waihi Beach, Katikati, Maketu and Te Puke services. A joint wreath is usually laid

on behalf of Council and the Community Board at the Omokoroa Community Commemoration Service.

A wreath from the Western Bay of Plenty District Council is laid by a representing Councillor at the Tauranga City Civic Service.

10.6 BOPLASS HALF YEARLY REPORT TO SHAREHOLDERS 2021-2022 (PERIOD ENDING 31 DECEMBER 2021) AND DRAFT STATEMENT OF INTENT 2022-2025**File Number: A4500410****Author: David Jensen, Chief Financial Officer****Authoriser: James Graham, Acting Group Manager Corporate Services****EXECUTIVE SUMMARY**

1. Council is required to receive the Bay of Plenty Local Authority Shared Services Limited (BOPLASS) Half Yearly report to Shareholders 2021-2022 (period ended 31 December 2021) and requested to receive and comment on, if applicable, the draft Statement of Intent 2022-2025.

RECOMMENDATIONS

1. That the Chief Financial Officer's report dated 6 April 2022 titled 'BOPLASS Half Yearly Report to Shareholders 2021-2022 (period ending 31 December 2021) and Draft 'Statement of Intent 2022-2025', be received.
2. That the BOPLASS Limited Half Yearly Report 2021-2022 to Shareholders (Period Ended 31 December 2021) be received.
3. That the BOPLASS Limited Draft Statement of Intent 2022-2025 be received.
4. That the BOPLASS Limited Half Yearly Report to Shareholders 2020-2021 (Period Ended 31 December 2021) and Draft Statement of Intent 2021-2024 relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.
5. That the Board of BOPLASS Limited be advised of any comments on their Draft Statement of Intent 2022-2025.

BACKGROUND

2. Bay of Plenty Local Authority Shared Services Limited (BOPLASS) is designated a council-controlled organisation under the Local Government Act 2002. The company was formally established in January 2008 by the nine local authorities in the Bay of Plenty and Gisborne regions to foster collaboration between councils in the delivery of services, particularly back office or support services.

BOPLASS Limited Half Yearly Report to Shareholders 2021–2022 (Period ended 31 December 2021)

3. Under Section 66 of the Local Government Act 2002, within two months after the end of the first half of each financial year, the Board of a council-controlled organisation must deliver to the shareholders a report on the organisation's operations during that half year. The report is required to provide information against the objectives set out in the Statement of Intent. Please refer **Attachment 1**.

BOPLASS Limited Draft Statement of Intent 2022–2025

4. As a council-controlled organisation BOPLASS Ltd is a separate legal entity from Council and is responsible for delivery of services in accordance with an agreed Statement of Intent. The company is governed by a Board of Directors, being the Chief Executives of the constituent local authorities. The Board also includes an independent Director, appointed with specific skills to add incremental value and appointed by the Board for a term of 12 months.
5. Under Schedule of 8 (9) of the Local Government Act 2002 the Board of a council-controlled organisation must deliver to its shareholders a draft Statement of Intent on or before 1 March each year. Please see **Attachment 2**. The Board must consider any comments on the draft Statement of Intent that are made to it within two months of 1 March 2022 by the shareholders.
6. Following the two months allowed for submissions, the Directors of BOPLASS will consider any submissions made by Shareholders and approve a final Statement of Intent by 30 June 2022.
7. Council is therefore required to receive and comment on, if applicable, the draft Statement of Intent 2022–2025.
8. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy in order to guide decision on approaches of engagement and degree of options analysis. In making this formal assessment it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

SIGNIFICANCE AND ENGAGEMENT

9. In terms of the Significance and Engagement Policy, this decision is considered to be of low significance because it is a statutory requirement for council-controlled organisations to deliver to the Shareholders a report on the organisations operations. Receiving the Statement of Intent from a council-controlled organisation for shareholders comment is statutory, therefore the effect on ratepayers is low.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned/Engagement/Consultation/Communication	
The Board of BOPLASS Limited	Any comments on BOPLASS Limited's draft Statement of Intent 2022-2025 must be received by the Board for its consideration within two months of 1 March 2022.	Planned
The Shareholders of BOPLASS Limited	Shareholders are invited to provide comment and feedback on the draft Statement of Intent 2022-2025 within two months of 1 March 2022.	

ISSUES AND OPTIONS ASSESSMENT

THAT the Board of BOPLASS Limited be advised of the following comments on the BOPLASS draft Statement of Intent 2022-2025 within two months of 1 March 2022:	
Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002	Legislative or other reference
The Board of a council-controlled organisation must deliver to its Shareholders a draft Statement of Intent on or before 1 March each year.	Schedule 8 (Statement of Intent) of the Local Government Act 2002 refers.

STATUTORY COMPLIANCE

10. This report and its recommendations comply with the relevant legislation

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	The recommendations in this report have no budgetary or funding implications.

ATTACHMENTS

- BOPLASS Half Yearly Report to Shareholders 2021-2022 (Period ending 31 December 2022)** 
- BOPLASS Limited Draft Statement of Intent 2022-2025** 



HALF YEARLY REPORT TO SHAREHOLDERS



Period ended 31 December 2021

“COUNCILS PARTNERING FOR VALUE AND SERVICE”



BOPLASS Chair's Report

It is with pleasure the Directors present their 2021/2022 Half Yearly Report to Shareholders demonstrating the considerable contribution the company makes to collaboration between councils.

With one change to the Board earlier this year, we farewelled and thanked Miriam Taris for her contribution and welcomed John Holyoake as Director and Shareholder's representative for the Western Bay of Plenty District Council.

The hardening of the global insurance market continued in 2021 with insurers focussing on climate change risks and the impact of this on councils' risk profiles. BOPLASS has continued to build strong relationships within the insurance markets and this again proved its value throughout the renewal process, ensuring favourable terms and competitive rates were achieved. BOPLASS has continued to take a proactive role in ensuring councils provide timely, relevant, and accurate data to support and promote the collective group's engagement with both local and international insurers.

2021 saw the awarding and management of several large aerial imagery and LiDAR contracts, with the benefits not only covering the collective capture of imagery but also providing resource savings through collaborating in the processing and storage of data for the region. Contributions from Land Information NZ to the collective BOPLASS programme were received, which further contributed to council savings.

In addition to the essential uses of the mapping data for internal and external council systems, this GIS work also feeds into insurance data used in our submissions to insurers. The quality of this data and mapping often sets our applications apart from less-informed organisations – resulting in improved pricing and terms for BOPLASS councils.

The BOPLASS team have managed well through the continued challenges and changes of the COVID-19 response frameworks and the Board acknowledges this commitment. Additionally, BOPLASS facilitate a Health and Safety Managers' Advisory Group which has proven to be an essential conduit for the sharing of information as councils work through similar pandemic responses and processes.

Each year the number of established procurement contracts BOPLASS manages on behalf of councils grows, and with it, the importance to maintain competitive contracts to achieve best value for our shareholding councils. BOPLASS has reviewed and renewed several contracts in the first six months of this year and, where able, this has been undertaken in conjunction with the other LASS. In addition, BOPLASS has successfully led the procurement of mail services for BOPLASS, MW LASS, Waikato councils providing each group with substantial savings and an improved level of service. The Board continues to support the development of inter-regional opportunities and collaboration.

Additional information about current projects is available in the attached report.

We thank staff from the participating councils and acknowledge the support we have received from them.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Craig O'Connell', written in a cursive style.

Craig O'Connell

Chair



BOPLASS Ltd
"COUNCILS PARTNERING FOR VALUE AND SERVICE"

HALF YEARLY REPORT TO SHAREHOLDERS

15 FEBRUARY 2022

1 INTRODUCTION

The Local Government Act 2002 requires that the Directors deliver to the Shareholders a report within two months of the end of the first six months of the financial year. The report is required to provide information against the objectives set out in the Statement of Intent. The following report records the objectives of the company and reports on performance against a table of specific performance requirements set out in the Statement of Intent.

2 OBJECTIVES OF BOPLASS LTD

The company exists to provide councils in the Bay of Plenty and Gisborne regions with an umbrella vehicle to investigate, procure, develop and deliver shared services.

Working together with the full support and involvement of staff, we will provide benefit to councils and their stakeholders through improved levels of service, reduced costs, improved efficiency and/or increased value through innovation.

These will be achieved primarily through:

JOINT PROCUREMENT

Being the procurement of services or products by two or more councils from an external provider regardless of whether the service is paid for through BOPLASS or individually by participating councils.

SHARED SERVICES

Being the participation of two or more councils in the provision of a common service which may be jointly or severally hosted.

3 GOVERNANCE

In the year to date the governance structure has remained stable with no changes to the Board of Directors or Shareholder Representatives.

4 NATURE AND SCOPE OF ACTIVITIES

The principle nature and scope of the activities of BOPLASS Ltd is to:

- *Use joint procurement to add value to goods and services sourced for its constituent councils.*
- *Facilitate shared services that benefit councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value.*
- *Pursue best practice in the management of all activities to obtain best value and minimise risk.*
- *Demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, council contributions, or Government funding where available.*
- *Allow other councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly.*
- *Represent the collective views of its shareholders in matters with which it is associated.*

5 FUTURE DEVELOPMENTS

BOPLASS Ltd will continue to work on business cases for joint procurement and shared services that may be provided in the region or cross-regionally.

The Board has adjusted its strategy to ensure that BOPLASS is focused on continuing to deliver savings and value to councils through new and existing joint procurement initiatives.

Current feasibility studies for joint procurement and shared services cover but are not limited to:

- *GIS;*
- *ICT strategy and services;*
- *Joint software support;*
- *High speed fibre network services;*
- *Digitalisation Services;*
- *Accounts payable processing;*
- *Collaboration Portal;*
- *Archive services;*
- *Health and safety;*
- *IT datacentre/hosting;*
- *Regional waste facilities strategy;*
- *Diversion of putrescible waste from landfill;*
- *Waste collections licensing and data;*
- *Insurance valuations;*
- *Robotic Process Automation;*
- *Collective training services;*
- *High-volume print.*

Other collaborative opportunities may be progressed after the Board has considered individual business cases and formally agreed to take on and deliver (or host/procure etc.) the project.

Joint procurement opportunities will continue to be identified and developed with individual councils engaging under the opt-in principle established by the Board. Joint procurement initiatives will be considered by the Board and/or its advisory groups where there is demonstrated support from two or more member councils.

The Board supports BOPLASS continuing to develop collaboration opportunities outside of the regional boundaries. BOPLASS will continue to proactively explore opportunities to partner with other Local Authorities and shared services organisations within New Zealand where they are developing, or considering developing, cost effective shared services and products that are of value to the Bay of Plenty and Gisborne councils.

BOPLASS development of the Collaboration Portal for the sharing of information on joint procurement or shared services opportunities within the constituent councils identified a number of duplicate projects across councils that present an opportunity for further collaboration. The BOPLASS Collaboration Portal is now used by other LASS, councils and local government organisations and provides an opportunity to assist with the identification and management of inter-regional collaboration opportunities. BOPLASS will continue to develop the Collaboration Portal and make it available to the wider local government community.

6 PERFORMANCE TARGETS

To ensure the company continues to operate effectively in both governance and management terms over the next three years the current SOI targets are to:

- Ensure supplier agreements are proactively managed to maximise benefits for BOPLASS councils.
- Investigate new joint procurement initiatives for goods and services for BOPLASS councils.
- Identify opportunities to collaborate with other LASS in Procurement or Shared Service projects where alliance provides benefits to all parties.
- Further develop and extend the Collaboration Portal for access to, and sharing of, project information and opportunities from other councils and the greater Local Government community to increase breadth of BOPLASS collaboration.
- Communicate with each shareholding council at appropriate levels.
- Ensure current funding model is appropriate.

The Board believes that all targets are being achieved or are on-track to be achieved, as is demonstrated by the following list of current initiatives.

7 CURRENT INITIATIVES

The following initiatives have been under consideration or operating during the first part of the year:

HIGHLIGHTS

- Contractor and Employee H&S Inductions – A project is underway to develop a common platform and standard for the development and management of H&S inductions – for both staff and contractor purposes. In addition to the financial savings, a common platform would also provide an opportunity for the single development of modules that could be used across multiple councils.
- Inter-Council Network review and redesign – BOPLASS conducts ongoing reviews to ensure the high-speed inter-council network is cost-effective and the quality of service is maintained. In mid-2021, BOPLASS went out to tender for the ICN service. The tender received significant interest with the resultant contract providing an improvement in service levels and financial savings for all participating councils. The migration of services to the new vendor has been initiated and is expected to be completed early 2022.
- Geotechnical Engineering Panel – Currently the approval of geo-tech consultants is a time-consuming exercise undertaken separately by each council. BOPLASS is investigating opportunities for establishing a preapproved panel for accredited geotechnical engineering consultants.
- Institute of Public Works Engineering Australasia (IPWEA) – BOPLASS negotiated a single BOPLASS membership covering all councils at the same cost of a single large council, providing substantial savings.
- Cross-Regional Licencing of Waste Operators and Waste Data Collection – BOPLASS is leading this project in conjunction with Waikato and Wellington councils. An ROI was undertaken at the end of 2021 and received good responses from the market, with five specialist organisations shortlisted. The ROI was considered an information gathering stage, for both councils and suppliers and will ultimately inform the RFP to be undertaken this year.
- Insurance scorecards – Given the importance of international underwriters being confident in the accuracy of data, schedules, loss modelling and valuations provided by councils, BOPLASS developed council scorecards to help councils assess the quality of their information and highlight any areas that could be improved. The scorecards have assisted BOPLASS to identify where councils may require more training. With the help of Aon, a series of online training modules is currently being developed to build on council staff's understanding of their role in the insurance renewal cycle and the importance of accurate data.
- Insurance renewals
Renewals were completed for all councils under the BOPLASS collective programme with full cover achieved utilising a mix of NZ insurers and London markets. Throughout the renewal process it became obvious that insurers are very focussed on increasing climate change risks and the impact on councils' risk profiles. Insurers continue to look very closely at regions and areas susceptible to flood or sea inundation and now impose stricter underwriting discipline when considering risks. BOPLASS has worked with our brokers to ensure accurate and up to date asset schedules and hazard mapping are provided by our councils to retain a competitive advantage with the underwriters. A very good outcome has been achieved this year with minimal premium increases applied and favourable terms able to be negotiated in all categories.

- Insurance – Cyber Security – The global cyber market has become extremely challenging with most insurers now very cautious about providing cyber cover due to the increasing levels of claims in this category. Our insurers deemed some BOPLASS councils as having inappropriate cyber security controls. BOPLASS engaged with each at-risk council to gain clarity on their IT and cyber security roadmaps. The additional information provided by BOPLASS allowed for the collective cover to be reinstated and the premiums reduced overall.
- Occupational Health Services – BOPLASS has recently extended the agreement with Waikato Occupational Health Services for a further 12 months. Waikato LASS have extended their agreement to align with BOPLASS so we can approach the market collectively next year.
- E-Plan Development – BOPLASS councils are required to move current operative plans to an online environment by 2023. BOPLASS continues to review current providers to explore collaborative options and opportunities to leverage a collective group rate.
- Multi-function Devices (Photocopiers and Printers) – The collective agreement was due to terminate at the end of 2021. Due to COVID lockdowns and subsequent working from home policies, councils' print volumes were much lower than forecast. Due to the low usage of print equipment, BOPLASS negotiated a 12-month term extension to the existing agreement with further discounts applied.
- High Volume Print – Councils currently use a variety of solutions for their high-volume print runs including utilising large print equipment, outsourcing to external suppliers, or a mixture of both. BOPLASS is currently investigating alternative solutions with a focus on minimisation of resource and cost reduction.
- Postal & Courier Services – Procurement for councils' mail service has been completed and a preferred supplier appointed. The BOPLASS-led process covers BOPLASS, WLASS, MWLASS and Hawke's Bay councils. Savings for all councils will be substantial, particularly for councils with high volumes of urban mail. The second phase of this project will involve appointment of a courier services provider in 2022.
- GIS Regional Technical Support – The majority of core GIS software used within councils is now procured through collective BOPLASS agreements. However, there were a variety of support models in place with most support being provided on an ad-hoc basis. BOPLASS has established a discounted enterprise support agreement now covering all councils. As well as financial savings, the support model provides for sharing of information and learnings across the GIS teams to reduce any duplication of effort.
- Aerial Imagery – Tenders have now been awarded for aerial imagery services covering both the Eastern Bay regions and Gisborne's urban/rural areas. Both tenders contribute to the greater BOPLASS regional imagery programme and are being flown during the 2021-22 summer with updated imagery available mid-2022.
- BOPLASS LiDAR – LiDAR capture is being undertaken under a separate contract to the aerial imagery but during an overlapping period. This contract is being managed by BOPLASS and completed with central government co-funding in conjunction with Land Information NZ.
- Video Conference Services – BOPLASS has continued to develop Zoom and meeting room video conference services across the councils. While these services proved invaluable during lockdown, there has been continued growth and usage. Further work is being undertaken to ensure participating councils continue to have a reliable and secure service.
- GIS Software and Services – A number of key contracts for councils' geospatial software have been reviewed and renewed through collective BOPLASS agreements.

- Driver Training – BOPLASS continues to investigate options for appointing a preferred provider for driver training services.
- Media Monitoring Service – BOPLASS continues to manage a collective media monitoring service with ISENTIA that automatically monitors and reports on broadcast, print and social media based upon council requirements. The single BOPLASS portal provides substantial savings to councils while also providing a significant reduction in internal resource requirements. The contract will be put out for tender in mid-2022.
- Print Media Copyright Agency (PMCA) – A collective contract providing savings for all BOPLASS councils has been renewed with PMCA for councils' print and media copyright services.
- Health and Safety Advisory Group – The BOPLASS and Waikato Health and Safety groups continue to collectively develop policies and protocols, significantly reducing the resources required by individual councils and helping ensure common standards and best practice are established across the greater region. This has been particularly beneficial for councils in the development of H&S pandemic responses.
- MahiTahi Collaboration Portal – The Collaboration Portal continues to encourage collaboration between New Zealand local government organisations. Membership has grown further with a mixture of councils and council groups across the country joining. In particular, the regional council national alliance group, MWLASS and Waikato LASS are actively utilising the service with several new projects added.
- Website Quality Assurance – BOPLASS was requested to identify opportunities for a collective agreement for website quality assurance. As council websites are often the first point of contact for many in the community, regular content assurance is only going to become more important. Several BOPLASS councils are now benefitting from the service and the discounted collective agreement.
- Inter-LASS collaboration – A number of procurement projects are underway covering multiple LASS and benefitting from the increased volumes. Collaboration across the regions is driving greater efficiencies within projects under consideration by more than one LASS and allows the projects to be better resourced.
- Communication – BOPLASS continues to regularly engage with our constituent councils, senior management and shareholders to ensure opportunities continue to be developed to the benefit of all stakeholders.
- Viability of Current Funding Model – The sources of BOPLASS funding and the viability of the funding model are regularly reviewed with financial reporting provided to the BOPLASS Board.

8 FINANCIAL REPORTS

8.1 Financial Support and Accounting Services

Accountancy services and support continue to be provided by Tauranga City Council.

8.2 Accounting Policies

The company is compliant with the accounting policies stated in the Statement of Intent.

8.3 Tier 2 PBE Accounting Standards Applied

The financial accounts are prepared with application of Tier 2 accounting standards.

8.4 Financial Reports

Financial Reports for the period to 31 December 2021 are attached.

8.5 Variations

Included are the service-related payments for services accessed by councils.

The organisation is operating within budget and has achieved a reasonable revenue stream for the first half of the year.

Aerial photography revenue and expenditure are higher than budgeted due to delays in the initial flying of LiDAR capture in 2020, with the work being moved forward to 2021. Significant progress has been made with the capture and processing of the data this year.

December salaries include an accrual for the last 12 days of December for salaries and PAYE (\$15,875 total) which would normally be included in the January Accounts as this is when they are physically paid. There is also an accrual for the total leave owing at 31 December. The total accruals of \$26,477 are reversed in January 2022.

Variances with ICN lease revenue and expenditure are due to the transition to a new fibre provider and the requirement to run some services in parallel during the transition.

9 STAFFING, ACCOMMODATION AND SUPPORT

Staff

Staffing levels are unchanged with a part-time administrator continuing to provide additional project support and management of existing activities.

Accommodation and Support

We continue to appreciate the office space provided at Tauranga City Council and the support that is offered for IT and Accounting services. Although there is a monthly fee there is still a contribution in kind.

BOP LASS LTD				
STATEMENT OF COMPREHENSIVE INCOME				
FOR THE MONTH ENDED 31 DECEMBER 2021				
	Actual YTD	Budget YTD	Total Budget	YTD Variance
REVENUE				
Revenue - Core	153,211	153,172	306,339	39
Bank Interest Received	141	102	200	39
Council Contribution	153,070	153,070	306,139	(0)
Revenue - Projects	993,286	857,000	1,199,000	136,286
Bank Interest Received	1,378	3,000	6,000	(1,622)
Aerial Photography Income	330,099	200,000	300,000	130,099
Collaboration Portal	20,400	30,000	45,000	(9,600)
Lease Income - ICN	91,276	67,500	135,000	23,776
Lease Income - Video Confer.	29,241	15,250	30,500	13,991
Recoveries	520,150	540,000	680,000	(19,850)
Rebates	742	1,250	2,500	(508)
Total Operating Revenue	1,146,497	1,010,172	1,505,339	136,325
EXPENSES				
Expenditure - Core	199,113	196,948	374,950	2,165
ACC	562	800	800	(238)
Accommodation & Travel	1,023	1,000	2,000	23
Administration	7,799	8,650	17,300	(851)
Amortisation	1,569	2,498	5,000	(929)
Audit Fees	0	20,700	20,700	(20,700)
Bank Fees	131	176	200	(45)
Conferences	0	1,000	2,000	(1,000)
Depreciation	540	326	650	214
Directors Costs	9,000	10,500	21,000	(1,500)
Fringe Benefit Tax	1,937	1,750	3,500	187
General & Catering Expenses	1,717	998	2,000	719
Health & Safety	0	502	1,000	(502)
Insurance	9,860	9,000	9,500	860
Interest Paid – TCC Loan	0	500	500	(500)
Legal	0	2,000	2,000	(2,000)
Salaries	153,409	129,000	278,000	24,409
Salaries – Projects Opex	(2,452)	(8,250)	(16,500)	5,798
Staff Support Costs	8,894	8,498	17,000	396
Staff Training Costs	474	1,000	2,000	(526)
Subscriptions	0	1,000	1,000	(1,000)
Tax Advice	4,650	5,300	5,300	(650)
Tax Expense – Prior Years	0	0	0	0
Expenditure – Projects	949,792	818,253	1,130,389	131,539
Aerial Photography Expense	330,099	200,000	300,000	130,099
Collaboration Portal Opex	9,605	16,117	26,119	(6,512)
Lease Expense - ICN	88,189	64,800	129,600	23,389
Lease Expense – Video Confer.	28,252	14,336	28,670	13,916
Projects - Recoveries	493,647	523,000	646,000	(29,353)
Total Operating Expenditure	1,148,905	1,015,201	1,505,339	133,704
Operational Surplus / (Deficit) before Tax	(2,408)	(5,029)	0	2,621

BOP LASS LTD STATEMENT OF FINANCIAL POSITION AS OF 31 DECEMBER 2021	
	Actual YTD
Current Assets	
Cheque Account	396,179
Trust A/c Aerial Photography	103,125
Term Deposit 182 days @ 1.20%. Maturing 11 April 2022	300,000
Term Deposit 185 days @ 1.15% Maturing 10 February 2022	250,000
Term Deposit 182 days @ 1.15% Maturing 07 March 2022	250,000
Trade Debtors	127,431
Accrued Revenue	170,475
Tax Payable (Tax Receivable)	12,127
Prepayments	19,158
Total Current Assets	329,191
Non-current assets	
Intangible - Computer Software	79,175
Amortisation	(68,266)
Computer Equip at cost	4,516
Computer Equip depreciation	(3,175)
Office equip at cost	0
Office equip depreciation	0
Total Non-current assets	12,251
TOTAL ASSETS	1,640,746
Current Liabilities	
Business Credit Card	207
Trade Creditors	287,996
Accrued Expenses	17,845
Accrued Salaries and Wages	12,410
Accrued Leave Entitlements	10,602
GST Collected, Paid, Payments (Refunds)	(37,704)
Retentions	37,374
Income in Advance	1,256,828
PAYE Accruals Payable	11,770
TCC Loan	0
Total Current Liabilities	1,597,329
TOTAL LIABILITIES	1,597,329
NET ASSETS	43,417
Equity	
Current Year Earnings	(\$2,409)
Retained Earnings	(\$53,176)
Share capital	99,002
TOTAL EQUITY	43,417



STATEMENT OF INTENT FOR 2022-2025



June 2022

"COUNCILS PARTNERING FOR VALUE AND SERVICE"

1. Introduction

This Statement of Intent (SOI), developed under Schedule 8 of the Local Government Act 2002:

- Declares a public statement of the activities and intentions of BOPLASS Ltd and the objectives to which those activities will contribute.
- Provides an opportunity for the shareholders to influence the direction of BOPLASS Ltd, and
- Provides a basis for the accountability of the Directors to the Shareholders for the performance of BOPLASS Ltd.
- Covers BOPLASS Ltd and any subsidiary company established in pursuance of the objectives herein.

2. Background

The councils that operate within the Bay of Plenty and Gisborne Regions have formed a Council Controlled Organisation (CCO) to investigate, develop and deliver Joint Procurement and Shared Services projects where delivery is more effective for any combination of some or all of the councils.

Benefits that can be achieved through collaboration are:

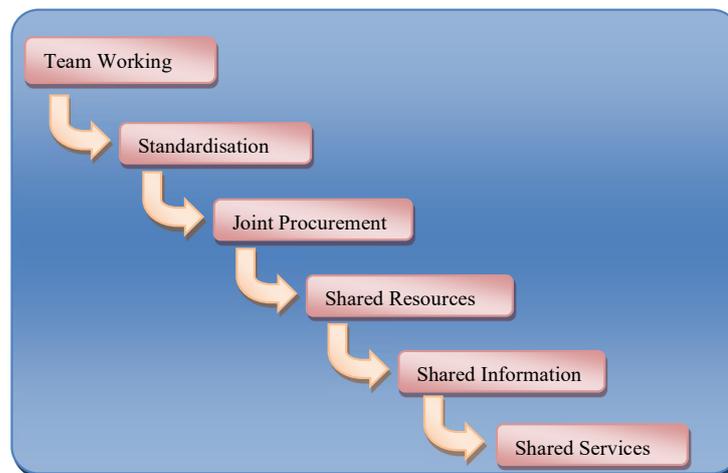
- improved levels and quality of service;
- a co-ordinated and consistent approach to the provision of services;
- reductions in the cost of support and administrative services;
- opportunities to develop new initiatives;
- economies of scale resulting from a single entity representing many councils in procurement.

These benefits and opportunities can apply to all councils irrespective of location or size.

Business processes, information architectures and functional tools differ in each council to varying degrees. The BOPLASS strategies facilitate a journey of progressive development using the approach identified in the BOPLASS Strategy and Action Plan to:

- enhance the capability to collaborate;
- encourage the elimination of barriers to collaborative action; and
- identify services that deliver viable business cases.

A generic sequence or stages of collaboration between multiple councils is followed to develop Shared Services, as shown in Figure 1.



Many of the BOPLASS Joint Procurement projects have supported the development of standard products, services or solutions across the councils. These standards assist in creating a foundation for the delivery of collaboration within the councils.

Examples of Joint Procurement and collaborative projects are:

- Infrastructure Insurance
- Collective Training
- Aerial Imagery and LiDAR
- Provincial Growth Fund Co-funding for LiDAR Capture
- Standardised Community Engagement App
- Lone Worker Field Solutions
- Robotic Process Automation
- Accounts Payable Automation Software
- Print Media Licencing
- Insurance Valuations
- Contractor Online Inductions
- Health and Safety Management Software
- Radio Telephony (RT) Strategy
- Solid Waste Management
- Insurance Forums
- Health and Safety Inter-Council Audits
- Asbestos Protocols
- Sustainable Public Procurement
- Health and Safety Benchmarking
- Video Conferencing Services
- Council Library and Cloud Services
- Inter-Council Network (ICN) Review, Redesign and Renegotiation
- Debt Collections
- Collaboration Portal
- Capital Construction and Civil Works Projects
- Fortigate Firewall Services
- Wireless WAN
- Inter-LASS Collaboration
- Human Resources Information Systems

3. Our Vision

“COUNCILS PARTNERING FOR VALUE AND SERVICE”

4. Objectives of BOPLASS Ltd

Working together with the full support and involvement of staff, we will provide benefit to councils and their stakeholders through improved levels of service, reduced costs, improved efficiency and/or increased value through innovation.

These will be achieved primarily through:

Joint Procurement

Being the procurement of services or products by two or more councils from an external provider regardless of whether the service is paid for through BOPLASS or individually by participating councils.

Shared Services

Being the participation of two or more councils in the provision of a common service which may be jointly or severally hosted.

5. Nature and Scope of Activities

The principle nature and scope of the activities of BOPLASS Ltd is to:

- Use Joint Procurement to add value to goods and services sourced for its constituent councils.
- Establish the underlying technology, framework, platform and policies to enable and support collaboration.
- Facilitate initiatives that benefit councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value.
- Pursue best practice in the management of all activities to obtain best value and minimise risk.
- Demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, council contributions, or Government funding where available.
- Allow other councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly.
- Actively monitor and engage with Shared Service developments across the public sector to identify opportunities for further development and establishing best practice.
- Represent the collective views of its Shareholders in matters with which it is associated.

6. Governance

BOPLASS Ltd will conduct itself in accordance with its Constitution, its annual Statement of Intent, and the provisions of the Companies Act 1993 and the Local Government Act 2002.

The Company is governed by its Directors. To ensure total synergy between the Company's activities and its council shareholders' activities, nine Directors are also the current Chief Executives of their respective shareholding councils. The dual roles recognise the interdependence of BOPLASS and its councils in the undertaking of its activities.

The Board also includes an independent Chair, appointed with specific skills and knowledge to add incremental value. This appointment brings experience and specialist skills that are complementary to those held by the other Directors.

Shareholder	Appointed Director
Bay of Plenty Regional Council	Fiona McTavish
Gisborne District Council	Nedine Thatcher Swann
Kawerau District Council	Russell George
Opotiki District Council	Aileen Lawrie
Rotorua Lakes Council	Geoff Williams
Taupo District Council	Gareth Green
Tauranga City Council	Marty Grenfell
Western Bay of Plenty District Council	John Holyoake
Whakatane District Council	Stephanie O'Sullivan
Independent Director and Chair	Craig O'Connell

A sub-committee of council delegates has been established by the Directors as an Operations Committee to manage responsibility for regular monitoring and governance of operational aspects of BOPLASS projects, allowing the Board to primarily focus on supporting the strategic development of the organisation.

Each activity or project is managed by an Advisory Group, nominated by the shareholding councils in that particular service. The Board retains the right to approve nominations to the Advisory Groups and all of their material decisions – there is only one Board of Directors and that remains at the umbrella or holding company level.

The Board has established a principle that participation in each initiative is decided by individual councils on an 'opt in' basis.

Services delivered are subject to a formal service level agreement between BOPLASS Ltd and the participating councils, outlining the services and activities provided, where, when and how; and reflecting the capital and operational costs being met by each service shareholder.

Joint Procurement initiatives consistent with their nominated role may be undertaken by any advisory group or as approved by the Operations Committee. In considering Joint Procurement initiatives, the Company will take into account the opportunities available through All of Government (AoG) purchasing arrangements and, where there is demonstrated benefit to the Company or its constituent councils, support such initiatives. In assessing the benefits of a Joint Procurement initiative, opportunities for integration shall be considered. The Board has recognised that the availability of All of Government Procurement options has the potential to impact on BOPLASS' ability to provide procurement options in some categories.

Subject to the approval of shareholders in accordance with the shareholder agreement the Directors may decide that a particular activity is best managed as a subsidiary company and proceed accordingly. Any subsidiary company whose objectives are in accordance with the objectives set out in this Statement of Intent shall not be required to have a separate Statement of Intent.

7. Future Developments

The company recognises the importance of remaining adaptive in what is a complex and changing working environment. BOPLASS continues to look at new opportunities or alternative approaches to progressing projects that benefit our shareholding councils.

The Board recognise that the drive for change and/or collaboration in some key areas of council business will often be led by other groups, e.g. three waters reform, RMA changes. Although BOPLASS may not be leading these specific projects, the organisation may be considered as one of the vehicles available to assist with managing collective regional outputs from these projects.

BOPLASS Joint Procurement opportunities will continue to be actively pursued to ensure maximum savings and benefits are delivered to the participating councils through existing and new contracts.

Joint Procurement initiatives will be considered by the Board and/or its advisory groups where there is demonstrated support from two or more member councils, with councils participating on an opt-in basis.

BOPLASS also recognises the importance of social procurement and will continue to consider the broader social, cultural and environmental outcomes as part of its procurement process.

BOPLASS will explore opportunities for councils to develop ICT solutions using middleware and cloud technologies that allow for future sharing and the development of Shared Services without the wholesale replacement of IT systems.

The Board will be looking for commitment from councils to participate in collaborative services and to provide a lead in the identification and management of opportunities and projects.

8. Inter-Regional Collaboration

The board recognise the benefits of BOPLASS proactively partnering with other local authorities and Shared Services organisations where they are either developing or considering developing cost effective services or Joint Procurement initiatives that are of value to the BOPLASS councils. The Board is looking to expand on this activity and the range of opportunities for inter-regional partnering. BOPLASS will work towards providing improved visibility of projects being undertaken in other regions that may provide for multiple councils to participate in.

Where it is practicable, BOPLASS will work with other LASS or councils to leverage off, or participate in, services established by other collective local government groups.

The Collaboration Portal, established by BOPLASS for the sharing of information on Shared Services or Joint Procurement opportunities, has been made available to the wider local government community to provide better visibility of common projects and to encourage further cross-regional collaboration. BOPLASS will continue to market the benefits of inter-region collaboration and assist other councils through providing support and access to the Collaboration Portal.

BOPLASS has provided substantial savings to its shareholding councils through joint procurement and the Board has tasked BOPLASS with leading further inter-regional joint procurement initiatives that will provide benefit to all parties through an aggregated approach.

Significant benefits and savings have been achieved in the placement of councils' insurance through working in conjunction with other LASS. BOPLASS is considered a key contributor to the development of the interLASS insurance collective. Unfortunately, cost-effective placements and coverage are becoming more challenging to achieve as a result of the hardening of global insurance markets. Opportunities for the LASS groups to share a specialised internal resource to ensure we maintain our favourable position within the insurance industry will be investigated.

9. Stakeholder Engagement

BOPLASS recognises the ambitious plans our constituent councils have for their communities and endeavours to support these aspirations through:

- Regular engagement at project, management and governance level;
- Including councils' short, medium and long-term goals within BOPLASS planning;
- Using quality information from councils to guide our decision-making;
- Identifying and developing services that directly benefit councils and/or their communities;
- Monitoring councils' future plans and remaining agile to change to include these aspirations in our own planning;
- Ensuring Operation Committee members include regular communication about individual council LTP developments to assist BOPLASS with aligning with councils' strategic direction;

- Regularly communicating to ensure stakeholders are aware of what we are doing and why we are doing it;
- Involving councils in our decision-making and planning.

10. Performance Targets

To ensure the Company continues to operate effectively in both governance and management terms over the next three years the targets are to:

Target	How	Measure
Ensure supplier agreements are proactively managed to maximise benefits for BOPLASS councils.	Manage and/or renegotiate existing contracts.	Contracts reviewed annually to test for market competitiveness. New suppliers are awarded contracts through a competitive procurement process involving two or more vendors where applicable.
Investigate new Joint Procurement initiatives for goods and services for BOPLASS councils.	Procure from sources offering best value, service, continuity of supply and/or continued opportunities for integration. (Current identified projects are listed in Appendix B.)	A minimum of four new procurement initiatives investigated. Initiatives provide financial savings of greater than 5% and/or improved service levels to the participating councils.
Identify opportunities to collaborate with other LASS in Procurement or Shared Service projects where alliance provides benefits to all parties.	BOPLASS to regularly engage with other LASS to identify and explore opportunities for further inter-regional collaboration.	Quarterly reporting on engagement and a minimum of one new collaborative initiative undertaken annually.
Further develop and extend the Collaboration Portal for access to, and sharing of, project information and opportunities from other councils and the greater Local Government community to increase breadth of BOPLASS collaboration.	Increase usage of the Collaboration Portal by providing support and training material for new and existing users. Proactively market the benefits to councils.	Number of listed projects to increase by 5% per year. Number of active users to increase by 5% per year.
Communicate with each shareholding council at appropriate levels.	Meeting with members of Executive Leadership Team.	At least one meeting per year.
Ensure current funding model is appropriate.	Review BOPLASS expenditure and income and review council contributions and other sources of funding.	Performance against budgets reviewed quarterly. Company remains financially viable.

11. Balance Sheet Ratios

The Local Government Act 2002 Schedule 8 (9) requires the SOI to include the projected ratio of shareholders' funds to total assets within the Forecast Statement of Financial Position. As at 30 June 2021 the consolidated Shareholder funds comprised \$45,826 and the total assets were \$1,492,395. The resulting ratio is 3.07%.

As asset owning Shared Services are approved, the Board will, if appropriate, provide a mechanism for the recognition of each council's contribution.

12. Accounting Policies

12.1 Statement of Accounting Principles

The Company will adopt accounting practices that comply with NZ IFRS, the requirements of the LGA and the Financial Reporting Act 1993.

12.2 IPSAS Accounting Standards

As a Public Sector Public Benefit Entity (PS PBE), the Company has elected to report using International Public Sector Accounting Standards for Public Benefit Entities under Tier 3 PBE standards.

12.3 Measurement Basis

The Company will follow generally accepted international accounting principles for reporting of earnings and financial position.

12.4 Specific Accounting Principles

The following are principles which will have a significant effect on the measurement of financial position:

- Accounts Receivable are stated at their expected realisable value after writing off any known bad debts and providing for doubtful debts.
- Investments are valued at the prevailing market value.
- Fixed assets are recorded at cost, less accumulated depreciation.
- Any liability for overseas funding of equipment, systems or services is based on the prevailing exchange rate as at balance date.
- Where intangible assets are purchased, such as intellectual property, these are capitalised and written off on a straight line basis over their expected life, but no greater than four years.
- All assets are depreciated over their expected useful lives. Depreciation is provided on a diminishing value basis over the estimated useful life, at the same rate as is allowed by the Income Tax Act 1994.

- It is not envisaged that the Company will hold inventories, other than those that might relate to providing information services to a number of parties. They will be valued at net realisable value.
- Taxation will be provided as required in line with relevant legislation.
- In accordance with the Public Audit Act 2001 and the Local Government Act 2002, the office of the Auditor General will be responsible for the audit of the Company's financial statements.

13. Distributions to Shareholders

The Company is not expected to make profits that would ordinarily be distributed by way of dividends. Any surplus funds (after tax) remaining from an activity or the annual operations of the Company shall be carried forward to the ensuing year and may be used to reduce service costs, invest in further developing other services, and/or as the Directors may decide.

14. Information to be Provided to Shareholders

The Company will deliver the following statements to shareholders:

- On a three monthly basis the Financial Position and Cashflow.
- Within two months of the end of the first half of the financial year: Financial Performance and Financial Position.
- Within three months of the end of the financial year the following audited statements: Financial Position, Movements in Equity, Cashflows, Service Performance plus a summary of how the Company has tracked against its objectives and prospects for the next financial year, and a report on the Company's medium to long term plans.
- Six monthly summaries of project activities included in Half Yearly and Annual Reports.

15. Procedures for the Purchase and Acquisition of Shares

The Board will give approval before BOPLASS Ltd subscribes for, purchases or otherwise acquires shares in any company or other organisation, which is external to the group.

16. Activities for Which the Board Seeks Compensation

The ongoing activities to identify, develop, procure Shared Services will be budgeted for in advance, subject to a business case and either funded by individual councils without BOPLASS Ltd involvement, or agreed by the Board to be funded by BOPLASS Ltd with consequent recovery from participating councils.

Shareholding councils will make a contribution to the operational costs of the Company on an annually agreed basis.

The Company will also seek contributions by way of a levy or administration charges on services provided or administered. In determining an appropriate charge, the Directors may take into account the cost of running the Company, its future operational requirements, the nature and cost of the service provided, benefits achieved and councils' ability to pay.

The Company may provide services (at a cost recovery or a cost plus basis) to other non-shareholding councils within or beyond the region. Any surplus from such activity will be used to either reduce service costs and/or invest in further developing of that or other services, as agreed by the Advisory Group and by the Board.

17. Value of Shareholder's Investment

The Directors estimate that, at this stage, BOPLASS Ltd has limited commercial value. As each shareholder's investment in BOPLASS Ltd is less than \$20,000, the Board believe that fairly represents the value of their investment. The Directors will reassess the value of this shareholding on or about the 1st of March each year.

18. Financial Forecasts

The Forecast Financial Statements for the years 2022-2025 are included (Appendix A).

The Aerial Photography revenue/expenses reflects the flying programme determined by the participating councils which includes interim flying programmes and extensive region-wide flying programmes over the next five years.

A continued increase in Recoveries has been forecast to reflect the direct recovery of purchases made on behalf of councils through Joint Procurement projects.

It is the company's intention to always fully recover costs incurred on behalf of participating councils.

Appendix A

SOI Forecast 2021/24	Budget 2021/22	Forecast 2022/2023	Forecast 2023/2024	Forecast 2024/2025
REVENUE				
Revenue - Core	306,339	313,992	321,837	329,878
Bank Interest Received	200	200	200	200
Council Contribution	306,139	313,792	321,637	329,678
Revenue - Projects	1,199,000	1,301,600	1,211,100	1,421,200
Aerial Photography Income	300,000	400,000	300,000	500,000
Bank Interest Received	6,000	4,100	4,100	4,200
Collaboration Portal	45,000	50,000	55,000	55,000
Lease Income - ICN	135,000	130,000	125,000	125,000
Lease Income - Video Confer.	30,500	15,000	15,000	15,000
Rebates	2,500	2,500	2,000	2,000
Recoveries	680,000	700,000	710,000	720,000
Total Operating Revenue	1,505,339	1,615,592	1,532,937	1,751,078
EXPENSES				
Expenditure - Core	374,950	384,570	396,453	404,999
ACC	800	850	900	950
Accommodation & Travel	2,000	2,100	2,200	2,200
Accounting & Audit	20,700	21,300	22,000	22,800
Administration	17,300	17,500	18,000	18,500
Amortisation	5,000	7,700	8,700	9,400
Bank Fees	200	200	200	200
Conferences	2,000	2,100	2,200	2,200
Depreciation	650	650	650	650
Directors costs	21,000	21,000	23,000	24,000
Fringe Benefit Tax	3,500	3,500	4,000	4,500
General & Catering	2,000	2,200	2,400	2,400
Health and Safety	1,000	1,000	1,000	1,000
Insurance	9,500	10,500	12,000	13,000
Interest Paid - TCC Loan	500	500	500	500
Legal	2,000	2,000	2,000	2,500
Salaries	278,000	282,170	286,403	290,699
Salaries - C'Portal Opex	-16,500	-16,500	-17,000	-18,000
Staff Support Costs	17,000	17,500	18,500	18,500
Staff Training Costs	2,000	2,000	2,500	2,500
Subscriptions	1,000	1,000	1,000	1,000
Tax Advice	5,300	5,300	5,300	5,500
Expenditure - Projects	1,130,389	1,231,022	1,136,484	1,346,079
Aerial Photography Expense	300,000	400,000	300,000	500,000
Collaboration Portal Opex	26,119	27,122	27,884	27,979
Lease Expense - ICN	129,600	124,800	120,000	120,000
Lease Expense - Video Confer.	28,670	14,100	14,100	14,100
Projects - Recoveries	646,000	665,000	674,500	684,000
Total Operating Expenditure	1,505,339	1,615,592	1,532,937	1,751,078
Operational Surplus/ (Deficit) before Tax	0	0	0	0

Appendix B

Completed Joint Procurement Projects

Requiring ongoing management for performance, renewal or replacement:

- Collective Geospatial training
- Aerial Imagery
- Provincial Growth Fund co-funding for LiDAR Capture
- Antenno community engagement app
- Insurance Valuations
- Contractor online inductions
- Eastern BOP Electricity
- Health and Safety Management Software
- Solid Waste Management
- Insurance Forums
- Asbestos protocols
- Sustainable Public Procurement
- Health and Safety Benchmarking
- Council Library and cloud services
- Inter-Council Network (ICN) review, redesign and renegotiation
- Debt Collections
- Collaboration Portal
- Capital Construction and Civil Works Projects
- Inter-LASS collaboration
- Spark Fortigate Firewall Services
- Evolution Networks Wireless WAN
- Office supplies
- Banking
- Postal services
- Courier services
- Fuel
- Advertising services
- Travel and accommodation services
- Air travel
- Insurance brokerage
- Risk management
- N3/GSB
- GIS software
- Health insurance
- Security services
- Antivirus software
- Video conferencing
- Above ground asset insurance
- GPS vehicle tracking
- Archaeological services
- Telephony – voice, data, mobile
- Reprographic – printers/copiers
- Media monitoring services
- EFTPOS services
- Historical imagery digitisation
- Online services
- Internal audit services
- Health and safety training services
- Risk management workshops
- Infrastructure Insurance
- Collective H&S training
- EMA membership
- Environmental insurance
- Print Media Copyright Services
- Health and Safety software
- Tender Facilitation
- Regional LiDAR Capture
- Standards NZ
- Accounts Payable Automation Software
- FME Server
- Human Resources Information Systems

Appendix B

Identified Joint Procurement Projects

- Civil works contracts
- Civil works materials
- Infrastructure valuation services
- High volume print
- Electronic document management
- Archives
- Document storage
- Document scanning
- Agenda management software
- ICT security policies
- Business continuity
- IT applications
- Property valuation services
- Telephony platform
- Chemicals
- Digital signatures
- Recruitment/candidate management
- Surveys and research
- Media distribution services
- CD emergency notifications
- Fleet purchasing
- Push wireless
- Fleet management
- Community communication systems
- Lone worker field solutions
- LiDAR acquisition – PGF
- Drug & alcohol testing
- Electronic agenda and minute management
- Occupational health
- Health & Safety training

Collaborative Projects

Managed by BOPLASS or by one or more constituent councils:

- IT hosting / IaaS
- Shared datacentre
- Internal audit services
- GIS web services
- Shared licence server
- Contractor H&S prequalification
- Radio telephony strategy
- Collaboration Portal
- After hours call management
- Archive service
- Debt management
- Health and safety auditing
- Inter-council network (ICN)
- Smart cities
- Section 17A reviews
- Video conferencing
- GIS imagery data storage
- Historic aerial imagery
- Sustainable procurement
- Diversion of putrescible waste from landfill
- Civil works projects marketing
- Robotics processing automation
- Civil Defence Emergency Management
- Insurance Valuations
- Inter-LASS collaboration
- Regional waste operator licensing and data collection
- Zoom licencing and group plan

Appendix B**Projects for Consideration**

- Rates Collection
- Geospatial services
- Joint software support
- Asset Management
- Web services
- Payroll
- Consents Processing
- CCTV monitoring
- Information Services
- HR Information Systems
- Electronic Document and Records Management System
- Business continuity planning
- Infrastructure development codes
- Solid waste regional facilities strategy
- Building consents
- Regional Civil Defence
- Document digitisation
- Capital Expenditure projects
- Project management office
- Windscreen replacement
- Driver training
- Staff engagement survey systems
- Contractor online inductions
- Centralised insurance resource

10.7 RECOMMENDATORY REPORT FROM POLICY COMMITTEE – ADOPTION OF THE WASTE MANAGEMENT AND MINIMISATION BYLAW 2022**File Number: A4476369****Author: Barbara Clarke, Senior Governance Advisor****Authoriser: Rachael Davie, Group Manager, Strategy and Community Services****EXECUTIVE SUMMARY**

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

Please note the following is a recommendation only. The Council may resolve to:

- a. Adopt as recommended
- b. To modify
- c. Refer to another Committee
- d. To decline (giving reasons) and refer back to the Policy Committee.

RECOMMENDATION

1. That, pursuant to section 155 of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problems, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
2. That Council hereby adopts the Waste Management and Minimisation Bylaw 2022, as released for consultation, (included as Attachment 1 of the agenda report), to come into force on 11 April 2022.
3. That the decision document, (included as Attachment 2 of the agenda report), as the formal response to submitters, in general accordance with the resolutions made in relation to this report, be adopted by Council alongside the final bylaw.
4. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.

RECOMMENDATION FROM THE POLICY COMMITTEE ON 8 FEBRUARY 2022

REMIT NO. PP22-1.1 DELIBERATIONS ON THE WASTE MANAGEMENT AND MINIMISATION BYLAW

Moved: Cr J Denyer

Seconded: Cr M Murray-Benge

1. That the Policy Analyst's report dated 8 February 2022 titled 'Deliberations on the Waste Management and Minimisation Bylaw' be received.
2. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That, in relation to the following key deliberations matters that arose from feedback in the consultation period, the Policy Committee resolves:

Issue One: Construction and Demolition Waste

Option 1A: That the bylaw retains the current wording relating to Construction and Demolition waste.

Issue Two: Waste Management and Minimisation Plan

Option 2A: That feedback received regarding transfer stations be diverted to the Waste Management and Minimisation Plan (WMMP) review 2022/23.

4. That, pursuant to section 155 of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problems, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
5. That the Policy Committee recommends to Council that the Waste Management and Minimisation Bylaw, as released for consultation, and included as Attachment 1 of the agenda report, be adopted, and come into force on 11 April 2022.
6. That the Policy Committee requests the Chief Executive Officer to direct staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report, to be adopted by Council alongside the final bylaw.

CARRIED

STAFF COMMENTS

Staff support the recommendation in accordance with the report titled 'Deliberations on the Waste Management and Minimisation Bylaw' as considered by the Policy Committee on 8 February 2022.

ATTACHMENTS

1. **Waste Management and Minimisation Bylaw**  
2. **Waste Management and Minimisation Bylaw Decisions Document**  



Waste Management and Minimisation

Bylaw 2022

April 2022

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1. Authority

- 1.1 This Bylaw is made pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

2. Title

- 2.1 The title of this Bylaw is the [Draft] Western Bay of Plenty District Council Waste Management and Minimisation Bylaw 2021.
- 2.2 This Bylaw applies within the boundaries of the Western Bay of Plenty District.
- 2.3 This Bylaw comes into force on [XXX].

3. Revocation

- 3.1 This Bylaw revokes and replaces the Western Bay of Plenty District Council Waste Management and Minimisation Bylaw 2013.

4. Validation

- 4.1 The Western Bay of Plenty Waste Management and Minimisation Bylaw 2021 was duly made at a meeting of the Western Bay of Plenty District Council on [XXX].

5. Savings

- 5.1 All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Waste Management and Minimisation Bylaw 2013, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.
- 5.2 The revocation of the Western Bay of Plenty District Council Waste Management and Minimisation Bylaw 2013 does not prevent any legal proceedings, criminal or civil, being taken to enforce that Bylaw and such proceedings continue to be dealt with and completed as if the Bylaw had not been revoked.

6. Interpretation

6.1 In this Bylaw, unless the context requires otherwise, the following definitions apply:

Term:	Definition:
Accessway	Has the same meaning as in section 315 of the Local Government Act 1974.
Act (the Act)	Waste Minimisation Act 2008.
Approved	Authorised in writing by the Council.
Approved container	Any container (including bags) that has been approved by the Council for the collection of any type of waste, with approval based on the following criteria: the prevention of nuisance, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.
Authorised officer	Any officer of the Council or other person authorised by the Council to administer and enforce its Bylaws, and any person appointed especially or generally by the Council to enforce the provisions of this Bylaw.
Building work	As defined in the Building Act 2004 and includes any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.
Cleanfill material	Waste that: (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on

the environment or human health; and

(b) is not diverted material; and

(c) includes materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

(i) combustible, putrescible, degradable or leachable components;

(ii) hazardous waste;

(iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;

(iv) materials that may present a risk to human health or the environment; and

(v) liquid waste; and

(d) has less than two percent by volume by load of tree or vegetable matter.

Cleanfill site	The facility used for the disposal of cleanfill material.
Commercial Property	Any property used for business, manufacture, process, trade, market or other undertakings.
Commercial waste	Waste that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other undertakings
Construction and demolition waste	Waste generated from any building work (including construction, renovation, repair or demolition); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, steel, brick, paper, roofing materials, wool/textiles, cardboard, metals, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps,

	asphalt and rubble.
Council or District Council	The Western Bay of Plenty District Council or any person delegated or authorised to act on its behalf.
Council collection points	Places or containers where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.
Deposit	To cast, place, throw or drop any waste or diverted material.
Dispose or Disposal	As defined in the Waste Minimisation Act 2008
Disposal facility	A facility, including a landfill, at which waste is disposed of and which operates, at least in part, as a business to dispose of waste, but does not include a cleanfill site.
District	The area administered by the Western Bay of Plenty District Council.
Diverted material	As defined in the Waste Minimisation Act 2008.
Domestic waste	Waste consisting of refuse, recyclable material or organic matter (food waste and/or greenwaste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.
Donation collection point	Place where approved types of waste may be deposited for the purposes of raising funds from the waste items.
Estimated value	As defined in the Building Act 2004.
Event	Any organised temporary activity of significant scale that is likely to create litter and includes (but is not

limited to) an organised gathering, open-air market, parade, sporting event, protest, festival, film shoot, concert or celebration. An event will be considered significant if it has an expected attendance of 500 or more people across the duration of the event, whether it be a single or multi-day event. Events involve large groups of people either as participants or spectators. For the purpose of this Bylaw 'event' excludes:

- Indoor private functions
- Indoor tasting and sampling activities
- Indoor performances, markets, displays, exhibitions or conferences
- Any regularly occurring recreational activities such as weekly sporting events.
- Open-aired events that are enclosed within a building or structure.

This definition applies only where the activity is not covered by another definition/activity in the District Plan.

Food waste	Waste that is derived from any item of food and is organic in origin and free of contamination and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.
Footpath	The same meaning as in section 315 of the Local Government Act 1974.
Green waste	Compostable plant material including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition, and being free of any contaminants will degenerate into compost. This does not include flax, bamboo, pampas, flowering gorse, palm trees or cabbage trees.
Handling waste	Removing, collecting, transporting, storing, treating, processing or disposing of waste.

Hazardous waste	Waste that is reasonably likely to be or contain a substance that meets 1 or more of the classification criteria for substances with explosive, flammable, oxidising, toxic, corrosive or ecotoxic properties under the Hazardous Substances (Classification) Notice 2017. Hazardous waste does not include household waste, inorganic material, construction and demolition waste, or commercial or industrial waste.
Home composting	The activity of creating decaying organic matter from domestic green waste and/or food waste into compost.
Household waste	Waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
Illegal dumping	The disposal of waste in an unauthorised or non-dedicated area.
Inorganic waste	Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as domestic waste in an approved container, and that is specified by the Council as suitable for: (a) collection from a public place by the Council; (b) collection from any premises by the Council; or (c) delivery to a resource recovery facility
Licence	A licence, consent, permit or approval to do something under this Bylaw and includes any conditions to which the licence is subject.
Litter	Includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

Litter container	A container provided for the collection of litter.
Manager	A person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event. This includes a Body Corporate.
Multi-unit development	A development consisting of two or more separately occupied residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership. This includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.
Nuisance	A nuisance in terms of the Health Act 1956.
Occupier	In relation to any property or premises, the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.
Organic matter	Food waste and/or green waste that is specified by the Council under clause 6 of this Bylaw as organic matter
Owner	In relation to any property or premises, the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.
Person	An individual, a corporation sole, a body corporate, and an unincorporated body.
Premises	Any separately occupied land, dwelling, building, or part of the same.

Prohibited waste	<p>Waste containing:</p> <ul style="list-style-type: none"> (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury; (b) any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury; (c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal; (d) any radioactive wastes, but excluding domestic smoke detectors; (e) any used oil and lead-acid batteries; (f) any hazardous waste; (g) medical waste; (h) any material identified by the Council under clause 6 of this Bylaw as posing an unacceptable risk of nuisance to the public or to public health and safety, subject to a control made under clause 9 below.
Public place	As defined in the Litter Act 1979
Recovery	As defined in the Waste Minimisation Act 2008
Recyclable material	The types of waste that are able to be recycled and that may be specified by the Council from time to time under this Bylaw.
Recycling	As defined in the Waste Minimisation Act 2008
Reserve	Any open space, playing field, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management or control of the

	Council and includes any Facility, structure or building within those reserves.
Road	The same meaning as in section 315 of the Local Government Act 1974.
Rural	Any areas zoned and/or defined in the Western Bay of Plenty District Plan as rural.
Site	For the purposes of this Bylaw means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
Specified intended life	As defined in the Building Act 2004.
Treatment	As defined in the Waste Minimisation Act 2008.
Waste	As defined in the Waste Minimisation Act 2008.
Waste collector	A person or entity who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, a person taking household garden waste to a waste management facility).
Waste Container	Container utilised for the collection of waste.
Waste management facility	A facility, authorised by Council, which primarily provides waste management and disposal services or waste remediation and materials recovery services, in relation to solid waste. Includes but is not limited to waste transfer stations, resource recovery stations, recycling

centres, composting facilities, landfills or cleanfill sites, or hazardous waste facilities.

Waste management facility operator A person who owns or manages a waste management facility.

Waste management and minimisation plan A waste management and minimisation plan adopted by the Council under section 43 of the Waste Minimisation Act 2008.

Waste operator A person who is a waste operator or operates a waste management facility.

Waste remediation and materials recovery services The remediation and clean up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.

Waste treatment and disposal services The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, compost dumps and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

7. Purpose

- 7.1 The purpose of this Bylaw is to support the management and minimisation of waste by:
- (a) The promotion and delivery of effective and efficient waste management and minimisation in the Western Bay of Plenty District as required under the Waste Minimisation Act 2008;
 - (b) Supporting the implementation of Council's Waste Management and Minimisation Plan;

- (c) Upholding the purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
- (d) The regulation of waste collection, removal, transport, disposal and processing of waste;
- (e) The protection of the health and safety of waste collectors, waste operators and the public; and
- (f) The management of litter and nuisance relating to waste in public places.

8. Compliance with Bylaw

- 8.1 No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this Bylaw.
- 8.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, Bylaws, and rules of law.

9. Controls

- 9.1 The Council may make, amend or revoke controls for the safe and efficient operation of waste collections services from a public place.
- 9.2 The controls made by Council in clause 9.1 may only relate to the following matters:
 - a) The type, size, capacity/volume, weight, number, colour and construction of approved containers that may be used for the disposal, storage and collection of waste and recyclable material;
 - b) The types of household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable, organic waste, or other residual waste;
 - c) The types and categories of waste that may be deposited in approved containers;
 - d) The conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;

- e) Requirements to ensure the correct separation of wastes into approved containers, including content control messaging and symbology on an approved container that specifies the permitted and prohibited content;
 - f) Maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved container;
 - g) Maximum allowable limits of a waste type that may be placed in a container that is approved for another type of waste;
 - h) Types of waste that are prohibited;
 - i) The locations, access times and conditions of use of approved collection points;
 - j) Requirements relating to the safe and secure transportation of waste;
 - k) Requirements applicable to waste service users and/or to waste handling and collection if traffic or pedestrian safety have the potential to be adversely impacted by the deposit of material in a public place or by waste servicing operations; and
 - l) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.
- 9.3 Any control made, amended or revoked under clause 9.1:
- a) Must be made by a resolution of Council that is publicly notified; and
 - b) May:
 - i. prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;
 - ii. apply to all waste or to any specified category of waste; and
 - iii. apply to the District or to a specified part of the District; and/or
 - iv. apply at all times or at any specified time or period of time.

10. Collection, transportation, processing, and disposal of waste

10.1 General responsibilities

- 10.1.1 The occupier and/or the manager of a premises must ensure that the domestic waste from the premises is separated into waste types as determined by the Council, and deposited for collection in the correct approved container. No person may deposit material in a container that is not approved for that type of container.
- 10.1.2 The occupier and/or the manager of any premises must ensure that:
- (a) reasonable steps are taken to prevent waste or recycling escaping from any container;
 - (b) waste from the premises has no more than a minimal adverse effect on neighbouring occupiers;
 - (c) any waste container is regularly emptied when it is full;
 - (d) the contents of any waste container, excluding containers for green waste and glass recycling, are protected from rain or ingress or egress of flies and animals; and
 - (e) steps are taken to ensure that no waste is deposited in or about any building or its surrounding area (including kerbside) except in accordance with this Bylaw.
- 10.1.3 The occupier and/or the manager of any premises who is in control of an approved container must ensure that:
- (a) the container is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its appearance;
 - (b) the contents of any approved container do not seep or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;
 - (c) if required, waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
 - (d) the container is placed upright either at an approved collection point, in front of the premises from which the waste originated and as close to the kerbside as possible;
 - i. from time to time, the Council and/or the waste operator may advise the occupier and/or manager of a different collection point to the one in front of their premises due to safety of collection or for ease of access.

- (e) reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises; and
 - (f) the container is placed for the collection of waste and retrieved in accordance with any applicable control specified by the Council.
- 10.1.4 No person may:
- (a) put waste into an approved container provided to any other person, without that other person's consent;
 - (b) remove waste from, or interfere with any waste deposited in an approved container, except the Council, a licensed waste collector or the person who deposited the waste;
 - (c) remove or interfere with any mode of identification of any approved container;
 - (d) remove a container provided by the Council from the premises to which it has been allocated, except with the prior written approval of the Council.
- 10.1.5 The occupier and/or the manager of any premises is responsible for any waste generated on the premises until it has been collected.
- 10.1.6 The occupier and/or the manager of any premises is responsible for any waste not collected because of non-compliance with this Bylaw. Any waste or recyclables shall be returned to the occupier's premises by noon on the day following collection day and alternative arrangements for disposal shall be made by the occupier and/or manager as soon as practicable.
- 10.1.7 The occupier and/or the manager is responsible for approved containers. If the occupier and/or manager's waste collection service is withdrawn or suspended then the waste container provided for the purposes of kerbside waste collection will remain the property of the kerbside waste operator. The waste containers must remain with the property unless Council and/or the waste operator advises otherwise. Council reserves the right to charge to replace any containers that are lost, stolen or damaged.

10.2 Licensing waste collection and waste management facility operators

- 10.2.1 The following waste operators must have a waste operator licence issued by the Council and must not collect waste if they do not hold such a licence:
- a) Any waste collector who collects and/or transports waste from land in the District:
 - i. in a quantity of at least 30 tonnes of waste in any one twelve month period in, around or out of the Western Bay of Plenty District; and/or
 - ii. waste management facility operator with a facility in the District of Western Bay of Plenty that handles more than 30 tonnes of waste in any one twelve month period.
- 10.2.2. An application for a waste operator licence must be made on the application form which is available from the Council, and must be accompanied by any application fee and the information required by the Council to process the application.
- 10.2.3. The holder of an existing licence may apply to the Council for a renewal of that licence. A licence is personal to the holder and is not transferable.
- 10.2.4. A licence may be granted or refused at the discretion of the Council, and if granted may be on such terms and conditions as the Council deems appropriate.
- 10.2.5. When considering a licence application, the Council may take into account matters including but not limited to:
- (a) The extent to which the licenced activities will promote public health and safety, and support achievement of the Council's waste management and minimisation plan, including goals and initiatives within that plan;
 - (b) The quantity and type of waste to be handled;
 - (c) The methods employed for the handling of the waste;
 - (d) The frequency and location of the waste collection, removal and transportation services;
 - (e) The specifications of the vehicles, equipment, and containers to be used for the handling of waste;

- (f) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions; and
- (g) The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.

10.2.6. A licenced waste operator must comply with all terms and conditions of the licence. These conditions may include, but are not limited to, the following matters:

- (a) Term – a licence may be granted for a term of up to 5 years;
- (b) Licence fee – the licensee must pay an annual licence fee in an amount determined by the Council's annual fees and charges;
- (c) Bond – the Council may, on a case by case basis, require a licence holder to post a bank-guaranteed bond;
- (d) Compliance with standards – the licence holder must comply with any standards or policies the Council has set for waste handling including but not limited to:
 - i. Provision of waste collection services within reasonable times specified by Council;
 - ii. Provision of appropriate approved containers for waste collection which clearly identify the waste collector's name and contact details;
 - iii. The collection of any litter within a specified distance of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process; and
- (e) Provision of information – the licence holder must provide data relating to waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council, which may include:
 - i. The quantities of various waste categories that have been handled by the waste operator during a period of time;
 - ii. Weighbridge receipts;
 - iii. Gate records of waste tonnage.

10.2.7. The Council will take all reasonable steps to keep commercially sensitive information confidential, for example by aggregating such information for reporting purposes.

10.2.8. The Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms or obligations of the licence, any relevant controls made under this Bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the holder of a waste operator licence.

10.3 General controls on the collection, transportation, and disposal of waste

10.3.1 Collections from a public place

10.3.1.1. Any person providing or using a waste collection service in or from a public place must comply with this Bylaw.

10.3.1.2. Waste collection with a collection service may not be placed on a public place for collection unless it is:

- (a) domestic waste;
- (b) green waste; or
- (c) any other type of waste determined by the Council as able to be placed on a public place for collection.

10.3.1.3. Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by the Council under this Bylaw.

10.3.1.4. Any waste operator who collects or transports waste from a public place must ensure waste containers provided clearly differentiate the waste operators' containers from the containers of other operators.

10.3.1.5. Any waste operator who collects or transports waste from a public place must:

- (a) make available to the occupier and/or manager of a premises one or more approved containers to enable separate collection of each of the waste types required to be separately collected from the premises;
- (b) not collect any prohibited or domestic waste that is prohibited from being collected. This includes:

- i. Any explosives, hot ashes, flammable material or other dangerous objects;
 - ii. Any liquid, whether in a container or otherwise, or any viscous fluid included used oil;
 - iii. Any radioactive waste, but excluding domestic smoke detectors;
 - iv. Any lead-acid batteries (car/boat/truck batteries);
 - v. Any compressed gas cylinders, excluding aerosol cans;
 - vi. Any hazardous or toxic waste;
 - vii. Any hazardous or Controlled Healthcare Waste as defined in NZS 4304:2002.
 - (c) not collect any waste container that exceeds the maximum allowable weight limits specified by the Council;
 - (d) following collection, ensure that any container is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved.
- 10.3.1.6. The Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:
- (a) the area to which the control applies;
 - (b) the type, size, colour, and construction of approved containers that may be used for the storage and collection of waste;
 - (c) the types of waste that may be collected in various types of approved container;
 - (d) the categories of wastes that may be deposited at or collected from a public place;
 - (e) the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
 - (f) requirements to ensure the correct separation of categories of wastes into approved containers;
 - (g) the locations, access times and conditions of use of Council waste collection points;
 - (h) any other operational matter required for the safe and efficient operation of a collection service from a public place.
- 10.3.1.7. Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.

10.3.2 General Controls

10.3.2.1. The Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste from any property:

- (a) Types of domestic waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable material, organic matter, or refuse;
- (b) maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of;
- (c) maximum allowable limits of a waste type that may be placed in an container approved for another waste type;
- (d) types of waste that may be handled at any class 1 – 4 landfill and material that may be used as cover material at any such site;
- (e) materials that may be used as natural or other hardfill material at a clean fill site;
- (f) types of waste that are prohibited.

10.3.3 Council collection points

10.3.3.1. No person may deposit waste at a Council collection point other than in accordance with any applicable Council control.

10.3.3.2. The Council may specify:

- (a) any place, or container in a public place or on a barge in a marine area, as a Council collection point for the collection of domestic waste; and
- (b) controls relating to the deposit of waste at the Council collection point including the use of specified containers.

10.3.4 Multi-unit developments

10.3.4.1. The owner and/or manager of a multi-unit development must make adequate provision for the management of all waste and recycling generated within the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council.

10.3.4.2. For any multi-unit development for which building consent is granted must be accompanied by a development waste management and minimisation plan supplied by the owner and/or manager to the satisfaction of Council, which must include:

- (a) identification of an adequate area on the premises for the storage of containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of refuse, recyclable material and/or organic matter;
- (b) the methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism;
- (c) identification of the means and route of access and egress to the waste storage area;
- (d) an estimate of the volumes of refuse, recyclable material and organic matter that will be generated; and
- (e) any relevant further steps taken to achieve the objective of waste minimisation.

10.3.4.3. Any person who owns, occupies or manages a multi-unit development must comply with the approved development waste management and minimisation plan for that development.

10.3.4.4. The Council may, on application, grant a written exemption from compliance if:

- (a) in the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
- (b) the manager or owner demonstrates to the satisfaction of the council that refuse, recyclable material and organic waste are separately and regularly collected.

10.3.4.5. The Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:

- (a) the categories of recyclable material, organic matter and refuse that may be deposited at or collected from a multi-unit development;
- (b) the times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of containers for collection, collection times and restrictions on the number and weight of approved containers;
- (c) requirements to ensure the correct separation of refuse, organic matter and recyclable materials into containers; and/or

- (d) any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.

10.3.4.6. Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the Council.

10.3.5 Events

10.3.5.1. Any organiser of an event must obtain prior approval from the Council for an Event Waste Management and Minimisation Plan for the event.

10.3.5.2. The Event Waste Management and Minimisation Plan must set out:

- (a) an estimate of the types and amounts of waste to be generated by the event;
- (b) how waste generated by the event is to be minimised;
- (c) the steps to maximise the collection and use of recyclables and reusable material;
- (d) the equipment to be provided for the storage, collection and transportation of waste and diverted material;
- (e) the person responsible for the collection and disposal of waste and the methods to be used;
- (f) the requirement to provide a waste analysis following the conclusion of the event;
- (g) the timing and frequency of the collection of waste, during or after the event; and
- (h) any other matters relating to event waste management and minimisation that may be specified by the Council.

10.3.5.3. The organiser of an event must comply with the approved event waste management and minimisation plan approved by Council for the event.

10.3.5.4. On completion of the event, the organiser must provide the Council with a report on the implementation of the Event Waste Management and Minimisation Plan, including:

- (a) a waste analysis which sets out the predicted and actual types and amounts of waste generated by the event; and
- (b) which waste management facility was used to recover, recycle, treat or dispose of this waste.

10.3.6 Construction site and demolition waste

10.3.6.1. Council may make a control under this Bylaw to require any person that is applying for a building consent for building work exceeding a set estimated value to submit a site waste management plan to the Council for approval as part of the building consent application process and prior to the commencement of any building work.

10.3.6.2. All site waste management plans must set out:

- (a) The name of the client, principal contractor, and person who prepared the site waste management plan;
- (b) The location of the site;
- (c) The estimated total cost of the building work;
- (d) A description of each type of waste expected to be produced;
- (e) An estimate of the quantity of each type of waste; and
- (f) The proposed method of waste management for each type of waste (e.g. recovery, recycling, disposal).

10.3.6.3. While the building work is being carried out, the principal contractor will:

- (a) Ensure that:
 - i. Reasonable steps are taken to prevent waste escaping from any waste container;
 - ii. Waste does not go onto the property of neighbouring occupiers;
 - iii. Waste from the site has no more than a minimal adverse effect on neighbouring occupiers;
 - iv. Any waste container is regularly emptied when it is full.
- (b) Review the site waste management plan as necessary;
- (c) Record quantities and types of waste produced; and
- (d) Record the types and quantities of waste that have been:
 - i. Reused (on or off site)
 - ii. Recycled (on or off site)
 - iii. Sent to other forms of recovery (on or off site)
 - iv. Sent to landfill
 - v. Otherwise disposed of.

10.3.6.4. Within 90 days of completion of the building work, the principal contractor must add to the site waste management plan:

- (a) Confirmation that the plan has been monitored and updated;
- (a) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
- (b) An explanation of any deviation from the plan;
- (c) Forward a waste data diversion report to Council.

10.3.6.5. Where a site waste management plan is required, the principal contractor must ensure that a copy of the site waste management plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

10.3.7 Inorganic waste

10.3.7.1. The Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:

- (a) the weight, size and nature of inorganic materials that may be deposited for collection;
- (b) the categories of inorganic waste that may be deposited for collection;
- (c) the times, locations and conditions applicable to the collection of inorganic waste from a public place;
- (d) the methods by which the inorganic waste may be collected; and
- (e) any other operational matters required for the safe and efficient collection of inorganic material from a public place.

10.3.7.2. Any person who deposits inorganic waste for collection on, or collects or transport inorganic waste from, a public place must comply with the controls made by the Council under this Bylaw.

10.3.7.3. No member of the public may place inorganic waste for collection in a public place or kerbside without written prior approval from Council.

10.3.8 Nuisance and litter

10.3.8.1. No person may:

- (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health;

- (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

10.3.8.2. Except as provided for under this Bylaw, no person may:

- (a) burn or allow to be burnt on any property they own, occupy or manage any waste except in accordance with any Bay of Plenty Regional Council Plan or Fire and Emergency New Zealand requirements;
- (b) bury or allow to be buried any waste on any property they own, occupy or manage any waste except:
 - i. organic waste, including dead farm animals in rural areas;
 - ii. dead companion animals and nuisance pests; or
 - iii. for the purposes of home composting.
- (c) dispose of any waste on any premises except at:
 - i. a class 1-4 landfill, or
 - ii. any premises they own, occupy or manage, for the purposes of home composting.

10.3.8.3. No person may:

- (a) deposit any waste arising from that person's household or that person's business activities in any litter container provided by the Council in any public place;
- (b) remove any waste from any litter container provided by the Council in any public place, where this results in any waste being deposited outside the container, unless authorised by the Council to do so;
- (c) deposit or attempt to deposit any litter in any container provided by the Council in any public place if:
 - i. the container is full; or
 - ii. the litter is likely to escape.
- (d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter container provided by the Council in any public place; or
- (e) damage any litter container provided by the Council in any public place.

10.3.8.4. The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the

satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

10.3.9 Donation collection points

10.3.9.1. Anyone intending to establish a donation collection point in or on a public place must notify the Council in advance and must operate the donation collection point in compliance with any requirements the Council specifies including but not limited to:

- (a) Location;
- (b) vehicle access;
- (c) type of waste which may be deposited; and
- (d) use of approved containers.
- (e) removal of deposited waste from the collection point;
- (f) clean up of any litter or illegal dumping; and
- (g) clean up or removal of any graffiti.

10.4 Recycling and green waste facilities

10.4.1 Council may, by resolution, specify the type of materials acceptable for deposit at any Recycling and Green Waste Facilities and no person may deposit any material other than that specified at any Recycling or Green Waste Facility.

10.4.2. No person may use a Recycling or Green Waste Facility or enter upon any portion of it except for the purpose of depositing and leaving waste, recyclable materials or things as specified by the Council in accordance with Clause 6 and such depositing and leaving constitutes "using" for the purpose of this Bylaw.

10.4.3. All waste and recyclable materials or things deposited and left at any Recycling or Green Waste Facility by any person are deemed then and there to have been abandoned by that person who from that time onwards has no rights of ownership but such abandonment does not relieve that person from liability for damage flowing in any way from such action nor from the penalties provided for Offences against this Bylaw.

10.4.4. No person may move or remove any item, material or waste found in the Recycling and Green Waste Facilities without the permission of an Authorised Officer of the Council.

- 10.4.5. Every person using the Recycling and Green Waste Facilities or entering any portion of it must comply in all respects with any direction or instructions given verbally by any Authorised Officer, or appearing in any signs erected at the area for that purpose, and any such direction or instructions may include a requirement for the person depositing material to sort the same into separate classes (for example but not to be taken as exclusive: glass, ferrous metal, non ferrous metal), to facilitate reuse, recycling and recovery of materials.
- 10.4.6. Persons using any Recycling and Green Waste Facilities must pay such amounts as set through Council's annual Schedule of Fees and Charges.
- 10.4.7. Council may from time to time by resolution prescribe the period or periods during which the Recycling and Green Waste Facilities will be open for use by the public and no person may use the Recycling and Green Waste Facilities during any other hours.
- 10.4.8. Every person committing any breach of the provisions of this Bylaw:
- (a) must on request by an Authorised Officer of the Council immediately leave any Recycling or Green Waste Facility taking with them the material which they brought there and as the Authorised Officer considers to be of a kind which is prohibited under this Bylaw; and
 - (a) is also liable to be prosecuted for that breach; and any person failing with all reasonable speed to comply with such request commits a further Offence.
- 10.4.9. No person may in any Recycling and Green Waste Facilities:
- (a) Light any fire; or
 - (b) Cause any fire to be lit; or
 - (c) Spread or increase any fire already alight; or
 - (d) Deposit any combustible material within 12 metres of any apparent fire; or
 - (e) Deposit any prohibited or hazardous waste; or
 - (f) Deposit any Household Hazardous Waste unless authorised to do so by the operator of that facility.

11. General offences and penalties

- 11.1. Any person who fails to comply with this Bylaw and the decisions and controls made under this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242(4) of the Local Government Act 2002.
- 11.2. A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008 or the Health Act 1956 is liable to a penalty under those Acts, as relevant.

12. Other enforcement powers

- 12.0.1. Where a licence holder does not comply with the terms and conditions of a waste operator licence, the Council may take one or more of the following steps:
- (a) Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence;
 - (b) Review the licence, which may result in:
 - i. amendment of the licence; or
 - ii. suspension of the licence; or
 - iii. withdrawal of the licence.
 - (c) Have recourse to any bond where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
 - (d) Review the amount and nature of the bond, which may result in:
 - i. an increase of the amount of the performance bond or security;
 - ii. a change to the nature of the security that has been provided.
 - (e) Enforce any offence that may have been committed under the Litter Act 1979; and
 - (f) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.
- 12.0.2. Where a person does not comply with the requirements of this Bylaw and/or any controls made under the Bylaw in relation to the waste and diverted materials collection service that applies to them, the Council (or licensed waste operator where applicable) may take the following action(s) against the person:

- (a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place, if the contents or placement of the container is non-compliant;
- (b) Remove the non-compliant contents in a container with the owner/occupier subject to payment of the costs of removal, administrative costs and an additional penalty specified by Council. If payment is not made within the specified period, the service may be withdrawn or suspended as below.
- (c) Withdraw or suspend the collection service provided to that owner/occupier. The suspension can be for a set period of time or indefinite, depending on the severity, at the discretion of Council (or licensed waste operator where applicable). The set targeted rate will continue to apply throughout the withdrawn or suspended collection service period.

12.0.3. Where a person does not comply with a control made by the Council under the title collections from a public place the Council may:

- (a) Suspend that person's use of any service provided by the Council at any or every waste collection service;
- (b) Enforce any offence that may have been committed under the Litter Act 1979;
- (c) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

12.1 Site waste management plans

12.1.1. Where a person does not comply with any of the requirements under this Bylaw and/or any controls made under the Bylaw, the Council may take one or more of the following steps:

- (a) Enforce any offence that may have been committed under the Litter Act 1979; and
- (b) Enforce breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

12.2 Inorganic material

12.2.1. Where a person does not comply with a control made by the Council, the Council (or a licensed waste operator where applicable) may:

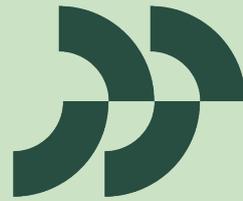
- (a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
- (b) Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the Council;
- (c) Enforce any offence that may have been committed under the Litter Act 1979; and/or
- (d) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

13. Exceptions and saving provisions

- 13.1. A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.
- 13.2. A product stewardship scheme accredited under the Act may be exempted from the requirements of this Bylaw.

14. Fees and charges

- 14.1. Pursuant to section 150 of the Local Government Act 2002, Council may charge fees in relation to licences or Waste Management Plans, including fees to process an application or carry out inspections as part of any waste collection or facility operator licence; or Waste Management Plan.
- 14.2. The Council may recover costs associated with enforcement of this Bylaw in accordance with the Local Government Act 2002 or other legislation



**Western
Bay of Plenty**
District Council

Waste Management & Minimisation Bylaw Decision Document

Council has been reviewing its Waste Management and Minimisation Bylaw. Council has considered the community feedback received and adopted the final bylaw on Wednesday 6 April 2022. We wanted to let you know about the key decisions. In the following pages you will find details of the decisions on the key issues we considered throughout the review.

The Bylaw was released for feedback from Tuesday 26 October to Friday 26 November 2021, with submissions sought from the community and interested parties.

The Waste Management and Minimisation Bylaw comes into effect on Monday 11 April 2022.

Would you like to know more?

For full copies of the bylaw, you can visit one of our libraries and service centres or visit our website at www.westernbay.govt.nz/bylaws

Full copies of the reports are also available on our website as part of the Policy Committee and Council meeting agendas at www.westernbay.govt.nz/agendas-and-minutes



Waste Management and Minimisation Bylaw

This bylaw covers matters relating to waste and how we manage and minimise it in the Western Bay of Plenty District.

Its key purpose is to promote waste management and minimisation objectives and support the implementation of Council's Waste Management and Minimisation Plan. The purpose of the bylaw is also to promote safe kerbside collection of waste, including recyclables, so that it does not accumulate and become offensive.

In reviewing the Waste Management and Minimisation Bylaw, we identified some changes that could be made to better align the bylaw with Council's kerbside waste collection service and support our goal of moving the Western Bay closer to being waste-free.



Why was it reviewed?

The review of the Waste Management and Minimisation Bylaw was undertaken to support the Council-led kerbside waste collection services. The current Waste Management and Minimisation Bylaw was adopted in 2013.

This bylaw review was the District's opportunity to ensure the bylaw is an effective tool to assist in moving the Western Bay closer to being waste-free. The bylaw allows Council to promote safe kerbside collection of waste and to set out the parameters of waste management in the District (including waste plans for building and demolition projects), the types of waste collected, and how it is collected.

Key Changes

The main areas of change in the Waste Management and Minimisation Bylaw were:

Support for Council-led kerbside waste collection service

The bylaw has been updated to include greater detail in support of the Council-led kerbside waste collection service.

Enforcement

This section has been amended and updated to better reflect the model bylaw developed by the Waikato and Bay of Plenty Waste Liaison Group.

Construction and demolition waste

Much of this waste material is recoverable such as concrete, timber, plasterboard, brick, and metal. It currently is our third largest source of waste and comprises approximately 10% of our sub-regional waste to landfill. The bylaw provides the framework for a future Council requirement for the preparation of a waste management plan for approval prior to the commencement of consented building works. The introduction of a control to require the preparation of site waste management plans would be a decision of Council in the future, the bylaw only gives the power to do this. More engagement is needed with the local construction sector, to determine what types of building works should be subject to this requirement. Council is also aware that more work needs to be done sub-regionally to identify appropriate facilities for construction and demolition waste.

Event waste

We've introduced a requirement for significant events (of more than 500 people) to provide for proper disposal of waste. This includes the use of recyclable, compostable and reusable material at these events to decrease the total waste sent to landfill. Any organiser of a significant event must obtain prior approval from Council for an Event Waste Management and Minimisation Plan. On completion of the event, the organiser must provide the Council with a report on the implementation of their Event Waste Management and Minimisation Plan.

Multi-unit developments

The bylaw requires the owner and/or manager of a multi-unit development to make adequate provision for the management of all waste and recycling generated within the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council.

Editorial changes

Several changes have been made to aid in clarity.

What did the consultation say?

16 submissions were received on the draft Waste Management and Minimisation Bylaw.

In total:

- 8 submitters agreed with the proposed changes
- 3 opposed the proposed changes
- 5 submitters suggested an alternative or did not state a clear position.

Additionally, 14 submissions were received on whether Council should be providing a framework to require in the future the preparation of a waste management plan for approval prior to the commencement of the building works.

Some submitters commented on the lack of transfer stations available in the District. The Waste Management and Minimisation Bylaw is not the appropriate place to deal with investigations into future transfer stations for the District, however, Council will be reviewing its Waste Management and Minimisation Plan (WMMP) in 2022/23 and Council has agreed to refer this feedback to the WMMP review. The WMMP can consider and decide on appropriate actions in relation to potential future transfer stations in the District.

Our Decisions

Council has approved the draft bylaw to become operative, with no changes from the draft version.

Comments on the lack of transfer stations available in the District have been referred for consideration through the Waste Management and Minimisation Plan review 2022/2023.



10.8 RECOMMENDATORY REPORT FROM POLICY COMMITTEE - ADOPTION OF THE ALCOHOL CONTROL BYLAW 2022

File Number: A4514280

Author: Barbara Clarke, Senior Governance Advisor

Authoriser: Rachael Davie, Group Manager, Strategy and Community Services

EXECUTIVE SUMMARY

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

Please note the following is a recommendation only. The Council may resolve to:

- a. Adopt as recommended
- b. To modify
- c. Refer to another Committee
- d. To decline (giving reasons) and refer back to the Policy Committee.

RECOMMENDATION

1. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol ban proposed in Te Puke in the Alcohol Control Bylaw 2022, that there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime and disorder, that can be shown to have been caused, or been made worse, by alcohol consumption in the area.
2. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol bans proposed in Katikati and Waihi Beach in the Alcohol Control Bylaw 2022, that a high level of crime and disorder (caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply, if the bylaw is not made.
3. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied that the Alcohol Control Bylaw 2022 can be justified as a reasonable limitation on people's rights and freedoms, and that the Bylaw is appropriate and proportionate, in light of the crime and disorder.
4. That pursuant to s155 of the Local Government Act 2002, Council confirms that a Bylaw is the most appropriate way of addressing the perceived problems, the Bylaw is the most appropriate form of bylaw, and that the Bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.

5. That Council hereby adopts the Alcohol Control Bylaw 2022, (included as Attachment 1 of the agenda report), to come into force on 6 May 2022.
6. That the decision document (included as Attachment 2 of the agenda report), as the formal response to submitters, in general accordance with the resolutions made in relation to this report, be adopted by Council alongside the final bylaw.
7. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.

RECOMMENDATIONS FROM THE POLICY COMMITTEE ON 10 MARCH 2022:

RESOLUTION PP22-2.1 – PART 6

Moved: Cr M Dean

Seconded: Cr A Henry

6. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol ban proposed in Te Puke in the draft Alcohol Control Bylaw 2022, that there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime and disorder, that can be shown to have been caused, or been made worse, by alcohol consumption in the area.

CARRIED

RESOLUTION PP22-2.2 – PART 7

Moved: Cr J Denyer

Seconded: Cr M Grainger

7. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol bans proposed in Katikati and Waihi Beach in the draft Alcohol Control Bylaw 2022, that a high level of crime and disorder (caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply, if the bylaw is not made.

CARRIED

RESOLUTION PP22-2.3 – PART 8

Moved: Cr G Dally

Seconded: Cr M Grainger

8. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied that the draft Alcohol Bylaw 2022 can be justified as a reasonable limitation on people's rights and freedoms, and that the draft bylaw is appropriate and proportionate, in light of the crime and disorder.

CARRIED

RESOLUTION PP22-2.4 – PART 9

Moved: Cr M Gray

Seconded: Cr M Dean

9. That pursuant to s155 of the Local Government Act 2002, Council confirms that a bylaw is the most appropriate way of addressing the perceived problems, 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.

CARRIED

RESOLUTION PP22-2.5 – PART 10

Moved: Cr A Henry

Seconded: Cr J Denyer

10. That the draft Alcohol Control Bylaw, as per attachment D of the agenda report, be recommended to Council for adoption and that it come into force on 6 May 2022.

CARRIED

RESOLUTION PP22-2.6 – PART 12

Moved: Cr A Henry

Seconded: Cr M Grainger

12. That the Policy Committee requests the Chief Executive Officer to direct staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report, and recommends to Council that this is adopted, alongside the final Alcohol Control Bylaw.

CARRIED

BACKGROUND

At the Policy Committee held 10 March 2022, a draft Provisional Local Alcohol Policy and draft Alcohol Control Bylaw were presented for adoption and public notification, and recommendation to Council, respectively.

As only Council can resolve to adopt a Bylaw, this report presents the Alcohol Control Bylaw for adoption.

Following adoption of the Alcohol Control Bylaw 2022, it will become operational one month later, on 6 May 2022, to allow time for signage to be prepared and placed.

STAFF COMMENTS – SENIOR POLICY ANALYST

Staff support the recommendation in accordance with the report titled 'Local Alcohol Policy and Alcohol Control Bylaw Reviews – Deliberations and Adoption of Provisional Policy and Recommendation to Council for Adoption of the Bylaw' as considered by the Policy Committee on 10 March 2022.

ATTACHMENTS

- 1. Alcohol Control Bylaw 2022** 
- 2. Local Alcohol Policy, and Alcohol Control Bylaw Decision Document** 



DRAFT Alcohol Control Bylaw 2022

Explanatory Note

The objective of the Alcohol Control Bylaw is to help minimise the potential for offensive behaviour in public places, to protect the public from nuisance in public places, and to protect, promote and maintain public health and safety in public places.

This Bylaw is made by the Western Bay of Plenty District Council under the powers given to it by the Local Government Act 2002 and the Sale and Supply of Alcohol Act 2012 and their respective amendments.

Western Bay of Plenty District Council

DRAFT Alcohol Control Bylaw 2022

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Western Bay of Plenty District Council

DRAFT Alcohol Control Bylaw 2022

Authority

Pursuant to the powers vested in it under Section 147 of the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw may be cited as the Western Bay of Plenty District Council Alcohol Control Bylaw 2022 and shall come into force on 6 May 2022.

Repeal

The Western Bay of Plenty District Alcohol Control Bylaw 2016 is repealed

Bylaw Structure

This Bylaw comprises the document including Schedule 1.

Scope

This Bylaw shall apply within the boundaries of the Western Bay of Plenty District. The provisions shall apply to the areas as detailed in Schedule 1, and any temporary areas as made by Council from time to time.

The purpose of this Bylaw is to prohibit or control the consumption of, bringing into and possession of alcohol into restricted places, and also to:

- (a) Protect the public from nuisance in public places;
 - (b) Protect, promote and maintain public health and safety in public places;
- and
- (c) Minimise the potential for offensive behaviour in public places.

Validation

The Western Bay of Plenty District Council Alcohol Control Bylaw 2022 was duly made at a meeting of the Western Bay of Plenty District Council held on 6 April 2022, after completion of the Special Consultative Procedure, and will come into force on 6 May 2022.

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Alcohol Control Bylaw 2016, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The revocation of the Western Bay of Plenty District Council Alcohol Control Bylaw 2016 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.

1. Definitions

Alcohol

As defined in section 5 of the Sale and Supply of Alcohol Act 2012, means a substance –

- (a) That –
 - a. Is or contains a fermented, distilled, or spirituous liquor; and
 - b. At 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
- (b) That –
 - a. Is a frozen liquid, or a mixture or a frozen liquid and another substance or substances; and
 - b. Is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
- (c) That, whatever its form, is found to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.

Alcohol Control Area

Means public place(s) specified in Schedule 1 of this Bylaw, and in respect of which the prohibitions and controls in this Bylaw will apply at any specified time, day or event. It does not include any part of a public place for which an alcohol licence has been issued under the Sale and Supply of Alcohol Act 2012.

Event

As defined in section 5 of the Sale and Supply of Alcohol Act 2012, includes an occasion or gathering, and any of a series of events

Licensed premises

As defined in section 5 of the Sale and Supply of Alcohol Act 2012, means any premises for which a licence is held (where premises may include a conveyance, or part of any premises).

Public Place

As defined in section 147 of the Local Government Act 2002,

- (a) Means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject and person from it; but
- (b) Does not include licensed premises.

Restricted Place Means a public place where an Alcohol Control Area or Temporary Alcohol Control Area is in force.

Temporary Alcohol Control Area

Means public place(s) specified by Council resolution publicly notified where the same prohibitions and controls as for Alcohol Control Areas will temporarily apply, due to the occurrence of a specific event.

2. Alcohol Control Areas

- 2.1 This Bylaw makes permanent alcohol bans in specified Alcohol Control Areas in Waihi Beach, Katikati and Te Puke. Subject to clause 6 of this Bylaw, the following actions are prohibited at all times in any place within the Alcohol Control Areas detailed in Schedule 1:
- (a) The consumption of alcohol in an Alcohol Control Area;
 - (b) The bringing of alcohol into an Alcohol Control Area;
 - (c) The possession of alcohol in an Alcohol Control Area; and
 - (d) In conjunction with the alcohol controls under paragraphs (i) to (ii) above, the presence or consumption of alcohol in vehicles within any Alcohol Control Area is also prohibited.
- 2.2 Alcohol Control Areas can only be made, amended or revoked through a review of this Bylaw, using the Special Consultative Procedure as required by section 156 of the Local Government Act 2002.
- 2.3 Aside from regular reviews required by sections 158 or s159 of the Local Government Act 2002, Council will only initiate a review of this Bylaw (for the specific purpose of proposing new Alcohol Control Areas) where it considers that the requirements of section 147A of the Local Government 2002 have been satisfied (i.e. where there is sufficient evidence to justify the making of a new Alcohol Control Area).

3. Temporary Alcohol Control Areas

- 3.1 Council may from time to time, by way of resolution publicly notified, impose temporary alcohol bans. A Temporary Alcohol Control Area may be made for a particular time period related to a specific event, for a period not exceeding seven (7) consecutive days.
- 3.2 The same prohibitions and controls in clause 2.1 (which apply to Alcohol Control Areas with permanent alcohol bans) will apply for the period of the temporary ban.
- 3.3 Before Council makes a Temporary Alcohol Control Area, it will consider:
- (a) the nature and duration of the expected event;
 - (b) the number of people expected to attend;
 - (c) the history of the event (if any);
 - (d) the area in which the event is to be held;
 - (e) the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems;
 - (f) whether the benefits to local residents and to the community would

outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events, in the area covered by resolution;

- (g) whether the Police support the proposed Temporary Alcohol Control Area; and
- (h) any other information the Council considers relevant.

- 3.4 Where a Temporary Alcohol Control Area is made, public notice shall be given for a minimum of seven (7) days prior to the event or particular time of the year, specifying the areas and the time periods when the provisions of this Bylaw shall apply. Public notices shall be affixed in or adjacent to these specified public places for such times that the provisions of this Bylaw apply.

4. Offences and Penalties

- 4.1 Every person commits an offence under the Local Government Act 2002, and is liable upon summary conviction to a fine not exceeding \$20,000, who:

- (a) Fails to comply with or acts in contravention to any alcohol ban or any provision under this Bylaw;
- (b) Fails, refuses or neglects to comply with any notice duly given to that person under this Bylaw; or
- (c) Breaches the conditions of any dispensation or exemption granted under clause 6 this Bylaw.

- 4.2 Breaches of this Bylaw are also Infringement Notice offences under s245 of the Local Government Act 2002.

5. Powers of the Police

- 5.1 In accordance with the powers of arrest, search and seizure set out in sections 169, 169A and 170 of the Local Government Act 2002, a member of the Police may, without warrant, for the purpose of ascertaining whether alcohol is present, search a container (such as a parcel, package, bag or case) in the possession of a person who is in, or entering, a Restricted Place; or a vehicle that is in or is entering a Restricted Place; and seize and remove any alcohol (and its container) that is in a Restricted Place in breach of an alcohol ban.

- 5.2 A person must be informed that they have the opportunity to promptly remove a container or a vehicle containing alcohol from a Restricted Place, and the person shall be given reasonable opportunity to do so. For the

avoidance of doubt, if the person has removed alcohol from the Restricted Place and returns to that Restricted Place with alcohol (within a period when it could be deemed that the person has been informed prior to remove the alcohol), then this clause shall not be interpreted as requiring the member of Police to provide the person with a further opportunity to remove the alcohol from the Restricted Place prior to search.

- 5.3 A member of the Police may arrest:
- (a) any person whom the Police find committing an offence against this Bylaw;
 - (b) arrest a person who has refused to comply with a request made by Police:
 - (i) to leave the Restricted Place; or
 - (ii) to surrender to a constable the alcohol that, in breach of an alcohol ban, is in the person's possession.
- 5.4 Alcohol or a container seized under section 169(2)(b) of the Local Government Act 2002 is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee.

6. Exemptions and Dispensations

- 6.1 As provided for in section 147(4) of the Local Government Act 2002, this Bylaw does not prohibit, regulate, or control, in the case of alcohol in an unopened container,—
- (a) the transport of the alcohol from licensed premises next to a public place, if—
 - (i) it was lawfully bought on those premises for consumption off those premises; and
 - (ii) it is promptly removed from the public place; or
 - (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
 - (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
 - (d) the transport of the alcohol from premises next to a public place to a

place outside the public place if—

- (i) the transport is undertaken by a resident of those premises; and
- (ii) the alcohol is promptly removed from the public place.

- 6.2 This Bylaw does not limit any individual or organisation (corporate or otherwise) from obtaining a Special Licence pursuant to section 137 of the Sale and Supply of Alcohol Act 2012, for any event to be held in a Restricted Place.
- 6.3 The Chief Executive of the Western Bay of Plenty District Council or a delegated staff member may, on application by any person (including a territorial authority employee), grant a dispensation to do or refrain from doing anything that would otherwise be in breach of this Bylaw for the purpose of enabling possession and/or consumption of alcohol in a Restricted Place at anytime for a specific event. Such dispensation will only be granted for the specific time periods and specific locations associated with the event, and may be subject to conditions or requirements as the delegated staff member determines necessary to meet the objectives of the Local Government Act 2002 and the Sale and Supply of Alcohol Act 2012.
- 6.4 This Bylaw does not prohibit the possession and/or consumption of alcohol at any premises within a Restricted Place in compliance with the conditions of a license for the sale and/or consumption of alcohol under the Sale and Supply of Alcohol Act 2012. This includes footpath areas that are licenced as part of those premises and are clearly defined on an approved plan of a current and appropriate licence. The operating hours permitted by the licence must also apply at the time alcohol is being possessed or consumed within the licensed area. Such footpath areas will be required to comply with all other relevant Western Bay of Plenty District Council Bylaws.

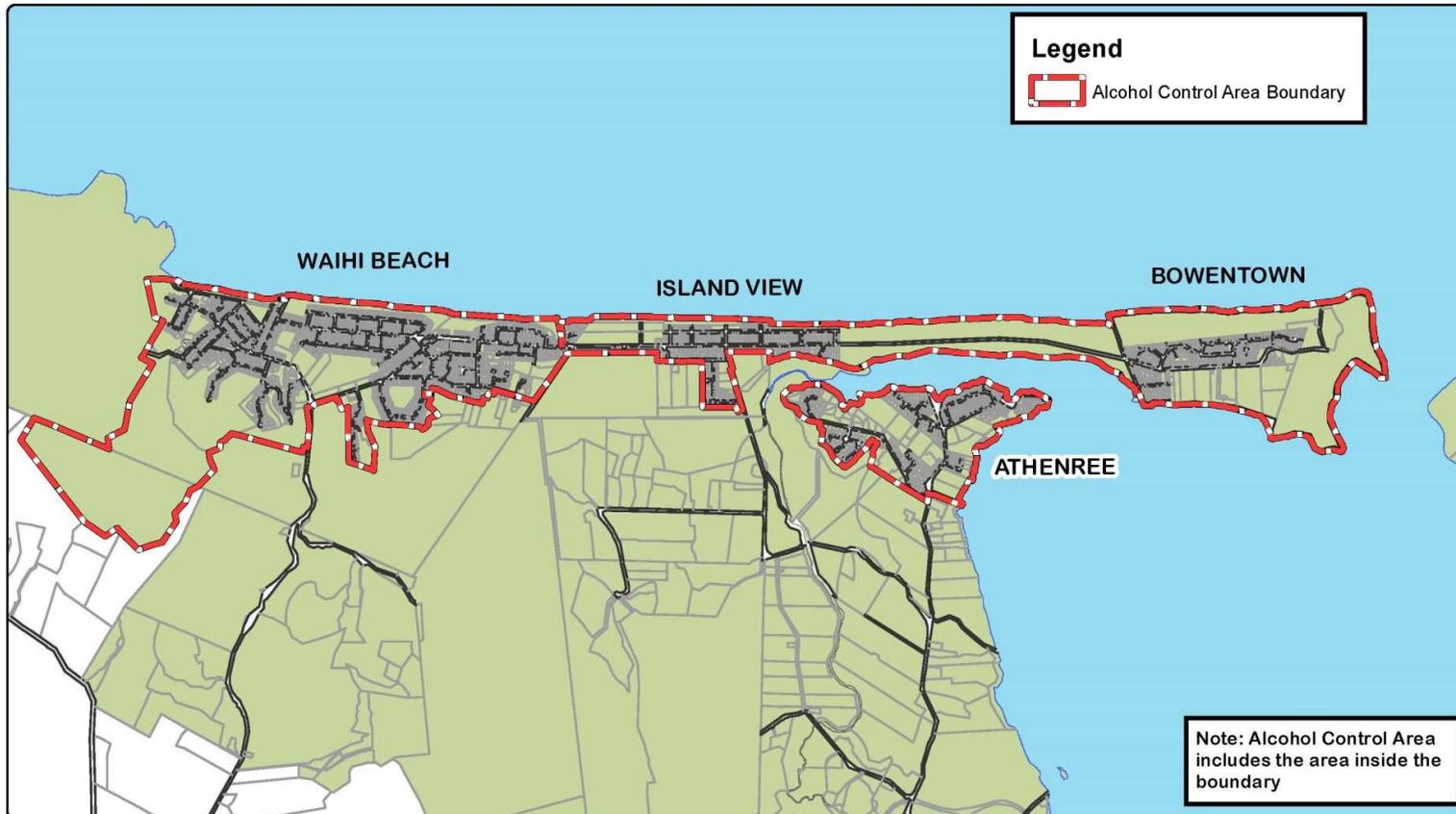
Schedule 1: Alcohol Control Areas

Public places within the following areas of the Western Bay of Plenty District are Alcohol Control Areas for the purpose of this Bylaw, as shown on the maps attached for:

- Waihi Beach (Map A)
- Katikati (Map B)
- Te Puke (Map C)

DRAFT

Map A – Waihi Beach



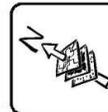
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Location of services is indicative only. Council accepts no liability for any error.
Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: gis@westernbay.govt.nz
Date: 14/07/2016
Operator: mlb
Map: E:\Shape\MLB\2016\Alcohol Control Areas\Alcohol Control Area - Waihi Beach.mxd

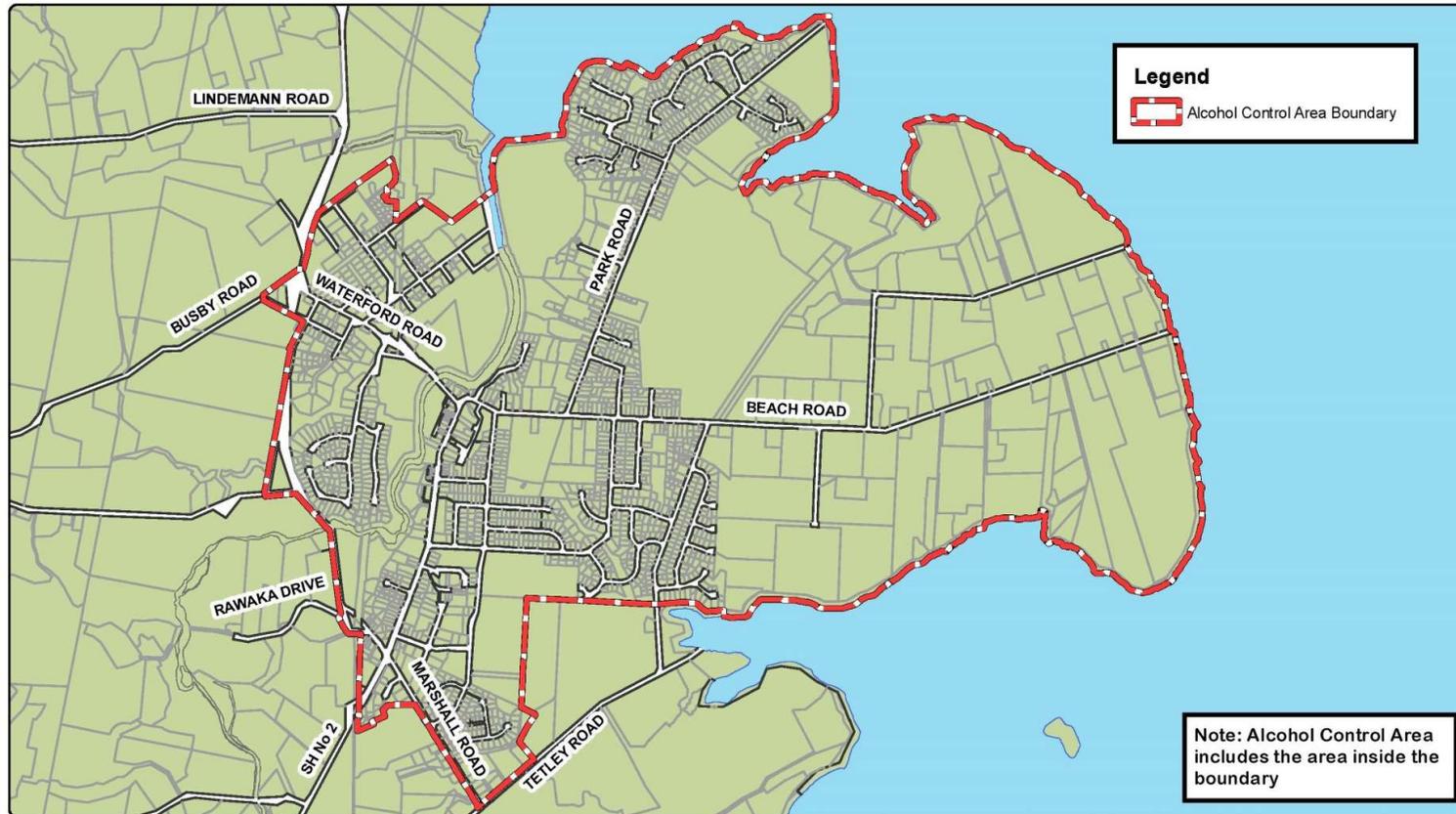
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0 0.5 1 2 3 Kilometers



**ALCOHOL CONTROL AREA
WAIHI BEACH**



Map B – Katikati



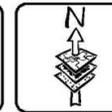
Produced using ArcMap by the Western Bay of Plenty District Council GIS Team. Crown copyright reserved. LINZ digital license no. HN/352200/03 & TD093522. Location of services is indicative only. Council accepts no liability for any error. Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: gis@westernbay.govt.nz
Date: 14/07/2016
Operator: mib
Map: E:\Shape\MLB\2016\Alcohol Control Areas\Alcohol Control Area - Katikati.mxd

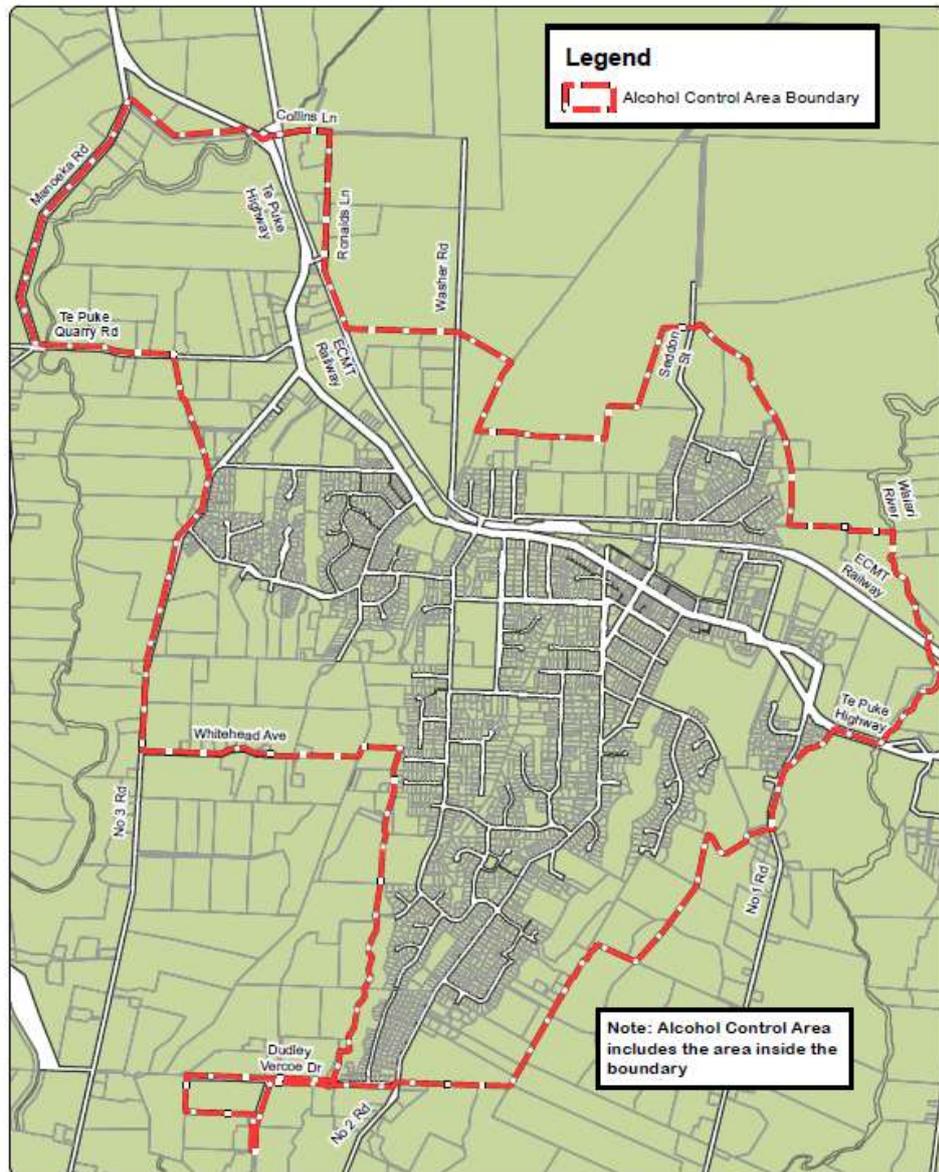
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0 250 500 1,000 1,500 2,000 Meters



**ALCOHOL CONTROL AREA
KATIKATI**



Map C – Te Puke



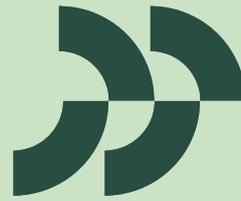
Produced using ArcMap by the Western Bay of Plenty District Council GIS Team. Crown copyright reserved. LINZ digital license no. HN/352200/03 & T0093522. Location of services is indicative only. Council accepts no liability for any error. Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Email: gis@westernbay.govt.nz Scale A4 - 1:22,000
Date: 26/10/2021
Operator: mfb
Map: E:\Shapefiles\2016\Alcohol Control Areas\Alcohol Control Area - Te Puke - Updated



**ALCOHOL CONTROL AREA
TE PUKE**





**Western
Bay of Plenty**
District Council

Local Alcohol Policy and Alcohol Control Bylaw 2022 Decision Document

We've undertaken a review of our current alcohol regulations and found they could do more to reduce alcohol related harm in our communities.

We have two tools to help manage alcohol – the Local Alcohol Policy, and Alcohol Control Bylaw.

The Local Alcohol Policy helps the community have a say on who can sell alcohol, how and where, by guiding licensing decisions. The Alcohol Control Bylaw sets out where drinking alcohol in a public area is not allowed.

Two minor changes to the draft LAP have been made following consultation. These are the removal of unneeded one-way door requirements for on-licences and clarifying when new licences for bottle stores in the Te Puke-Maketu ward may be granted.

No changes to the draft Bylaw have been made following consultation.



Key Changes

Policy changes

- Alcohol stores (off-licences - this includes bottle stores, grocery stores and supermarkets) will not be able to sell alcohol past 9pm across the Western Bay of Plenty district.
- No new licences will be issued for bottle stores across the Te Puke-Maketu ward (except where an existing store changes hands or moves to a new premises close by).

Bylaw change

- The public alcohol ban zone (Alcohol Control Area) is extended to the whole of Te Puke urban area, not just the town centre.

Why was it being reviewed?

The policy and bylaw were adopted in 2015 and 2016 respectively and are required for review under the legislation.

What did the consultation say?

135 submissions were received, with eight submitters also choosing to speak to their submissions.

The majority of submitters supported the proposed changes to our policy and bylaw.

A mix of individuals, businesses and health agencies submitted on the Policy. Submitters raised points regarding alcohol harm, suggested adding further restrictions or conditions, supported the current policy approach, and suggested other actions be taken.

Council consulted on the draft Policy and draft Bylaw between 5 November and 6 December 2021, people submitted online, by email and through hardcopy responses.

Next steps

The Local Alcohol Policy is now 'Provisional'.

This means that it may be appealed. Except for the Police and the Medical Officer of Health, only people who made a submission on the draft policy can appeal against any element of the provisional Policy. The only ground on which an element of the provisional LAP can be appealed against is that it is unreasonable in the light of the object of the Sale and Supply of Alcohol Act 2012. This period runs from 19 March to 18 April 2022. This a prescribed legislative process.

The Bylaw was adopted by Council on 6 April and will become operational one month later on 6 May 2022, to allow time for signage to be prepared and placed.

Council has also committed to a number of other actions outside of the Policy and Bylaw to help address alcohol related harm in our communities. These include:

- Increasing public awareness of new alcohol licence applications and renewal applications for on-licences, off-licences and club licences.
- Seeking a wide diversity of candidates for the District Licencing Committee and consider who is included on the appointment panel.
- Council will meet with the Police to outline submitters concerns and seek greater Police -Council collaboration.
- Responding to future Central Government-led work on Alcohol reform.
- Considering alcohol harm as part of the current Community Safety Policy Review.

Would you like to know more?

For full copies of the provisional LAP or the Alcohol Control Bylaw, please visit our website at www.westernbay.govt.nz/bylaws or ask at one of our libraries and service centres.

Full copies of the reports are also available on our website as part of the Policy Committee meeting held 10 April 2022. To view please visit our website www.westernbay.govt.nz/policy-committee.



10.9 RECOMMENDATORY REPORT FROM TE KAHUI MANA WHENUA O TAURANGA MOANA - TE TOKA TŪ MOANA - TAURANGA MOANA RELATIONSHIP DOCUMENT

File Number: A4514588

Author: Pernille Osborne, Senior Governance Advisor - Community Boards

Authoriser: Rachael Davie, Group Manager, Strategy and Community Services

EXECUTIVE SUMMARY

1. At a meeting held 23 February 2022, Te Kahui Mana Whenua o Tauranga Moana members were presented with the Te Toka Tū Moana (Tauranga Moana Relationship Document). This document outlines the relationship that the iwi/hapū want to have with the Western Bay of Plenty District Council. This report seeks to formalise the resolution made at the 23 February 2022 meeting, by adopting the relationship document in principle.

RECOMMENDATION

1. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
2. That Council adopt Te Toka Tū Moana as the basis of a forum involving Tauranga Moana iwi and hapū, and Western Bay of Plenty District Council.

RECOMMENDATION FROM TE KAHUI MANA WHENUA O TAURANGA MOANA HELD 23 FEBRUARY 2022

6.1 TE TOKA TŪ MOANA - TAURANGA MOANA RELATIONSHIP DOCUMENT

The Forum considered a report from the Strategic Kaupapa Māori Manager, who provided the Forum with an overview of the guiding principles that would underpin the relationship with Council, noting that these were anchored by the Treaty of Waitangi. These included integrity, humility, respect, reciprocity, empowerment, sharing, mutual learning and sustained long-term engagement.

The below points were made by members of the Forum:

- Mayor Webber requested that the Katikati-Waihi Beach Councillors, Kaimai Councillors and the Mayor, are all members of the Forum to represent the Western Bay of Plenty District Council.
- Clarification was provided that the membership for both iwi/hapū members and Council shall be re-affirmed every 3 years in line with local government elections.

- There was a discussion around the quorum of the Forum, and how this may need to be amended due to the increase of the membership of Elected Members. It was agreed that paragraph 2g should now read “The quorum for meetings under Te Toka Tū Moana will be made up of at least four (4) Elected Members and no less than 60% of iwi and hapū members”.
- The Strategic Kaupapa Māori Manager noted that there was currently 11 representatives from iwi/hapū on the forum, however there was a further 9 seats available if the opportunity was undertaken by remaining invitees.

RESOLUTION **TKMW22-1.2**

Moved: Mayor G Webber

Seconded: Member P Kohu

1. That the Strategic Kaupapa Māori Manager’s report dated 24 February, titled ‘Te Toka Tū Moana – Tauranga Moana Relationship Document’ be received.
2. That the meeting recommend to Council that it adopt Te Toka Tū Moana as the basis of a forum involving Tauranga Moana iwi and hapū and Western Bay of Plenty District Council, subject to the below amendments:
 - That all Katikati-Waihī Beach Ward Councillors, Kaimai Ward Councillors together with His Worship the Mayor sit on the Forum as Western Bay of Plenty District Council representatives.
 - That section 2g (of the Te Toka Tū Moana document) now read “The quorum for meetings under Te Toka Tū Moana will be made up of at least four (4) Elected Members and at no less than 60% of iwi and hapū members.”

CARRIED

BACKGROUND

2. Following the last meeting of the Tauranga Moana and Te Arawa ki Takutai Partnership Forum held on 29 July 2020, Te Arawa ki Takutai members disengaged from the forum. Since then they have established Te Ihu o Te Waka o Te Arawa and their Kawenata guides the relationship with Council. Iwi and hapū of Tauranga Moana have established Te Kāhui Mana Whenua o Tauranga Moana and would like to use Te Toka Tū Moana as the basis for a relationship with Council.

Te Toka Tū Moana is provided as **Attachment 1** and has the following main elements

-

Principles	Guiding principles underpinning the relationship, anchored by the Treaty of Waitangi. This includes integrity, humility, respect, reciprocity, empowerment, sharing, mutual learning and sustained long-term engagement.
Membership	Iwi and hapū of Tauranga Moana are entitled to be members of Te Kāhui Mana Whenua o Tauranga Moana and select their members through a process they have put forward in Te Toka Tū Moana. Western Bay of Plenty District Council will select four (4) Councillors to be members of Te Kāhui Mana Whenua o Tauranga Moana. The quorum for meetings of Te Kāhui Mana Whenua o Tauranga Moana shall be ten (10), comprising of more than half of the iwi/hapū members and at least three (3) Elected Members.
Functions	Ensure Council compliance with its legislative obligations to Māori and the principles of the Treaty of Waitangi. Build Council's understanding about Treaty of Waitangi Settlements, determine and make recommendations or actions to enhance Māori capacity and capability to contribute to Council's decision-making process.
Issues of substance	Te Kāhui Mana Whenua o Tauranga Moana and Council shall determine issues of substance to frame into a work programme for the parties to progress.
Working relationships	Official meetings between Te Kāhui Mana Whenua o Tauranga Moana and Council shall be held every quarter. Co-Chairpersons shall be selected from among Te Kāhui Mana Whenua o Tauranga Moana members, one from among iwi and hapū members and one from among Elected Members. These appointments will be made at the inaugural meeting between Te Kāhui Mana Whenua o Tauranga Moana and Council. Membership for both iwi/hapū members and Council shall be re-affirmed every 3 years in line with local government elections.
Training	Will be provided to members of Te Kāhui Mana Whenua o Tauranga Moana on Council structures, roles and responsibilities, rules and procedures, effective meetings and dispute resolution.
Funding	Te Kāhui Mana Whenua o Tauranga Moana and Council will jointly develop an annual budget for the work that comes out of their work programme. Council will provide

resource and support to the meetings of Te Kāhui Mana Whenua o Tauranga Moana and Council.

It is important to note that Te Toka Tū Moana does not preclude individual hapū, iwi or Marae of Tauranga Moana working with Council on projects that are specific to those hapū, iwi or Marae. For example, Council has worked with individual Marae to upgrade their onsite wastewater treatment systems. This was achieved by Council staff working directly with the respective Marae committees.

Operating Te Toka Tū Moana will be funded by existing budgets approved in the Long Term Plan (LTP) as they relate to Māori governance arrangements. In the past this funding has supported the meeting fees paid to members of Te Kōmiti Māori and the Partnership Forums. In the past three financial years Council has never exhausted the budget provided for supporting Māori governance arrangements. In those three years the following amounts have been spent from an annual budget of \$75,000:

2018/2019 - \$34,218.54

2019/2020 - \$15,822.59

2020/2021 - \$17,826.91

It should be noted that, over the last two financial years, we did not have a fully operational Partnership Forum, however these amounts include payments for both Tauranga Moana and Te Arawa governance representatives. It is for this reason that it is not envisaged that there will be an issue supporting the operation of Te Kāhui Mana Whenua o Tauranga Moana as the Māori governance membership of both Tauranga Moana and Te Arawa is largely unchanged.

While Te Toka Tū Moana provides for Te Kāhui Mana Whenua o Tauranga Moana and Council to agree an annual budget for the work programme, any such budget would need to align with Long Term Plan/Annual Plan processes. It is anticipated that the development of a work programme and specific budget implications would be considered and debated by Council through the 2022/23 Annual Plan process. Until that time, Council staff will endeavour to progress specific kaupapa through approved LTP budgets.

STATUTORY BACKGROUND

3. Section 81 of the Local Government Act states -

A local authority must:

Establish and maintain processes to provide opportunities for Māori to contribute to decision-making of the local authority; and

Consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and

Provide relevant information to Māori for the purposes of paragraphs (a) and (b).

4. Te Toka Tū Moana is considered a solid foundation upon which to progress Council's legislative obligations under section 81 of the Local Government Act.

SIGNIFICANCE AND ENGAGEMENT

5. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy in order to guide decision on approaches of engagement and degree of options analysis. In making this formal assessment it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
6. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the decision does not relate to a significant alteration to a level of service or a transfer of ownership or control of a strategic asset.

ATTACHMENTS

1. **Te Toka Tū Moana**  

TE TOKA TŪ MOANA

Between: **Te Kāhui Mana Whenua o Tauranga Moana**

Ngai te Rangi,

Te Whānau a Tauwhao ki Otawhiwhi,
Ngai Tamawhariua (Te Rangihouhiri)
Ngai Tamawhariua (Te Rereatukahia)
Ngai Tūwhiwhia

Ngati Ranginui

Ngati Taka
Ngai Tamarāwaho
Ngati te Wai
Pirirakau

Ngati Pukenga

Ngā Pōtiki

and: **Western Bay of Plenty District Council**

Katikati-Waihi Beach Ward Councillors
Kaimai Ward Councillors
His/Her Worship the Mayor

Hitori – (History)

For a number of years Western Bay of Plenty District Council (**Council**) has provided for Māori representation through a dedicated committee – the most recent name for this committee being the Tauranga Moana and Te Arawa ki Tai Partnership Forum (**the Partnership Forum**). The Partnership Forum had been established to strengthen the relationships between Council and Tangata Whenua with the intention of working together in equal partnership to achieve better outcomes for Māori. The Partnership Forum included representatives of iwi and hapū across the Western Bay of Plenty district as well as the Mayor and Councillors of Western Bay of Plenty District Council.

The Partnership Forum worked hard to develop a strategic plan that outlined how the partnership would work – this strategic plan was known as Te Ara Mua. It acknowledged the importance of Council's Long Term Plan in setting the budget and work of Council and ensured that it influenced matters within the Long Term Plan by identifying issues of significance for Māori and how they could be resolved with appropriate projects and budgets.

The Partnership Forum no longer operates, in its place Te Arawa ki Tai has established a roopu that reflects the mechanism they want for achieving their aspirations within the work of Council. Tauranga Moana iwi and hapū have done the same and have named their roopu Te Kāhui Mana Whenua o Tauranga Moana and have developed this document known as Te Toka Tū Moana to reflect how they want to achieve their aspirations in working with Council.

Kaupapa – (Purpose)

Each of the iwi and hapū outlined in this document have progressed the settlement of their Treaty of Waitangi claims with the Crown and have worked hard to establish meaningful relationships at the Central and Local Government level. To reflect this Te Kāhui Mana Whenua through Toka Tū Moana will enhance and increase the opportunity for Te Kahui Mana Whenua o Tauranga Moana to contribute to Local Government decision making leading to better outcomes for Māori, a sustainable environment and healthy empowered communities.

Moemoea – (Vision)

Te Kahui Mana Whenua o Tauranga Moana marae, iwi, hapū and whanau are healthy, prosperous and empowered by Iwi working collectively and collaboratively with Council.

Te Mahi – (Mission)

To establish an equal partnership as envisaged under Te Tiriti o Waitangi and all the Principles of Te Tiriti o Waitangi as formally adopted by the Western Bay District Council

Nga Tikanga – (Principles)**Mana Tukuiho (heke iho):**

Tangata Whenua Rights are the foundation upon which all discussions will be initiated. Following Te Tiriti o Waitangi and international best practices, this includes the right to exercise;

- Whenua rights;
- Our own ways of defining mauri, mana, and wairua.

Mana Whakahonohono

Relationships must be based on integrity, humility, respect, reciprocity, empowerment, sharing, mutual learning, and sustained long-term engagement.

Mana Whakahaere

Is founded on the worldview of the iwi and hapū that are impacted. Processes must have integrity and will be achieved with;

- Clear communication;
- Transparent decision making;
- Ongoing monitoring;
- Respect to our timelines;
- Collective endorsement

Tino Rangatiratanga

The right of Maori to exercise under lore/law, authority and control over their rohe, land, rivers, resources and taonga.

Mana motuhake

That our rights guaranteed under Te Tiriti o Waitangi and our respective settlements are recognised and provided for.

1. Whakaaetanga – (Agreement)

The parties to this agreement are:

- Te Kāhui Mana Whenua o Tauranga Moana
- Western Bay of Plenty District Council

2. Whakauru – (Membership)

- a) Those iwi and hapū that have mana whenua within the Tauranga Moana rohe are entitled to be represented. They will have one primary representative and an alternate representative.
- b) Council membership will comprise of all Katikati-Waihi Beach Councillors, Kaimai Councillors and His/Her Worship the Mayor.
- c) Iwi and hapū will appoint their representatives and shall advise Council of their respective representatives by providing the following;
 - (i) Minutes of an advertised hui-a-hui/hui-a-hapū where a resolution was passed appointing a representative to the Forum; or
 - (ii) A letter of appointment from the Chairperson of an iwi or hapū governance entity that has the authority to appoint iwi/hapū representatives (where such a governance entity exists).
- d) Representatives must be good advocates for their iwi and hapū and able to represent the interests of their respective iwi and hapū impartially. They should have the ability to understand due process and meeting procedures with experience in Local Government, environmental resource management issues and have an awareness of the needs and concerns of the iwi and hapū that they represent. The ability to take a broad strategic view to issues is critical.
- e) If both the primary and alternate representative for an iwi or hapū attends a meeting, only the primary representative will have the right to vote in accordance with Te Toka Tū Moana. The alternate representative shall not be entitled to remuneration for their attendance.
- f) Should there be any dispute over who is the rightful representative for an iwi or hapū, the matter must be referred to the respective iwi/hapū for clarification.
- g) The quorum for meetings under Te Toka Tū Moana will be made up of at least four (4) Elected Members and at no less than 60% of iwi and hapū members.

3. Nga Ahuatanga – (Functions)

- a) Ensure that Council complies with its duties and obligations to Māori in terms of the Local Government Act 2002 and the Resource Management Act 1991 and will ensure proper compliance with the Principles of Te Tiriti o Waitangi.
- b) Build Council's understanding about Te Tiriti o Waitangi Settlements (including statutory acknowledgements), identify mana whenua iwi partners and identify the implications for Council (including decision making processes).

- c) Determine or make recommendations on any actions to enhance Māori capacity and capability that will contribute to Council's decision making processes for inclusion in the development of Council's planning instruments such as the Long Term Plan, Annual Plan and District Plan

4. Nga Take Kiko – (Issues of Substance)

- a) Te Kāhui Mana Whenua o Tauranga Moana and Council will define what is an "Issue of Significance" by way of a set of developed and approved criteria; and
- b) Once an Issue of Significance has been identified a Schedule of those issues will be established and categorized separately as follows:
 - Organisational issues and
 - Operational strategic issues
- c) A work programme will then be developed to address these issues with timeframes, priorities and budget.

5. Hononga Mahi – (Working relationships)

- a) Formal meetings of Te Kāhui Mana Whenua o Tauranga Moana and Council shall be held every quarter (3 months). Meetings will be held on a nominated Marae of Tauranga Moana in the Western Bay District or at any other venue that the Forum may decide upon. Where agreed, the parties may meet through electronic means such as Zoom.
- b) Two Chairpersons, one from Te Kāhui Mana Whenua o Tauranga Moana representatives and one from the Council representatives, shall be selected at the beginning of the inaugural meeting between Te Kāhui Mana Whenua o Tauranga Moana and Council.
- c) The Group Manager Policy and Planning Services shall be responsible for resourcing Te Kāhui Mana Whenua o Tauranga Moana within the work of Te Toka Tū Moana.
- d) Once membership has been confirmed in accordance with clause 2 above, all representatives – both Councillors and iwi/hapū shall be revalidated every three (3) years. For Councillors the same time as local body elections and for iwi/hapū representatives, the year following local body elections.
- e) The operation of Te Toka Tū Moana does not preclude individual Marae, iwi or hapū from working with Council on matters of their own concern, nor does it preclude Marae, iwi and hapū representatives from holding workshops outside of official meetings under Te Toka Tū Moana.
- f) Agenda matters that are specific to the kaupapa of Te Toka Tū Moana can be provided for by either iwi and hapū or Council.
- g) If Council establishes a Tangata Whenua Standing Committee, Te Kāhui Mana Whenua o Tauranga Moana members may nominate their representatives onto that Standing Committee Te Kāhui Mana Whenua o Tauranga Moana may also

appoint representatives to external Tangata Whenua roopu such as the SmartGrowth Combined Tangata Whenua Forum and the SmartGrowth Leadership Group.

- h) Te Kāhui Mana Whenua o Tauranga Moana and Council can agree to engage specialist advice and support to progress the work undertaken under Te Toka Tū Moana.

6. Akoranga – (Training)

All iwi and hapū representatives will be required to attend a governance induction training workshop which will cover;

- Council Structures
- Roles and responsibilities
- Rules and Procedures
- Effective Meetings
- Disputes and Conflicts

It is suggested that all Elected Members attend a Cultural Induction training workshop covering the Kawa and tikanga of Tauranga Moana, designed in discussion with Te Kāhui Mana Whenua o Tauranga Moana.

7. Putea Moni – (Funding and remuneration)

- a) Pursuant to the obligations outlined in sections 81 and 82 of the Local Government Act (**see schedule B**) Council in collaboration with Te Kāhui Mana Whenua o Tauranga Moana will develop an annual budget to conduct the business of Te Toka Tū Moana and give effect to the kaupapa that come out of it. This will be an annual amount negotiated and agreed in advance in April of each year.

The budget allocation shall be used to cover:

- Meetings venue and catering costs;
 - Member hui and travel expenses;
 - Administration fees;
 - Strategic planning;
 - Special projects;
 - Annual reporting;
 - Training for iwi and hapū representatives and Elected Members
- b) Council will also provide funding for specific workshops held outside of official meetings within a budget agreed upon.
- c) Te Kāhui Mana Whenua o Tauranga Moana representatives will be entitled to a meeting fee and travel expenses for official business, to be paid at the prescribed rate. (**see Schedule C**). These rates will be at a minimum adjusted annually in line with the cost of living (COLA) and reviewed generally at the same time.

- d) In order to claim a meeting fee, a member must be in attendance at the meeting for at least 90% of that meeting.

8. Rauemi – (Resources)

In addition to the budget referred to in clause 9, Council will provide a support people whose duties will be to:

- Prepare agreed agenda items;
- Attend and minute all meetings;
- Prepare and distribute minutes from meetings;
- Ensure that meetings do not conflict with other Tangata Whenua forum hui.

9. Whakatika Raruraru – (Dispute Resolution)

- a) In the event that a dispute arises in terms of the meaning/operation of these terms of Te Toka Tū Moana, Te Kāhui Mana Whenua o Tauranga Moana and Council will attempt to resolve the matter themselves. If a resolution cannot be reached, the matter will be referred to an independent dispute resolution process;
- b) The relationship between the members of Te Toka Tū Moana must be guided by ngā tikanga with members agreeing to act with integrity, respect and reciprocity. In the event that a dispute arises between iwi and hapū representatives of Te Kāhui Mana Whenua o Tauranga Moana, those members will agree to take those disputes out of a meeting and resolve it among themselves according to tikanga.
- c) Dispute resolution processes shall take account of the tikanga/principles of this document.

10. Arotake – (Review)

The representatives of Te Kāhui Mana Whenua o Tauranga will accept responsibility for reviewing Te Toka Tū Moana and associated budgets, at least every 3 years aligned with Local Government Elections and recommending updates as deemed necessary.

Schedule A - Iwi/hapū entitled to representation on Te Kāhui Mana Whenua o Tauranga Moana

Iwi

Ngati Ranginui,
Ngai te Rangi,
Ngati Pukenga
Nga Pōtiki

Hapū

Ngati Kahu
Ngati Hangarau
Ngai Tamarāwaho
Ngati Pango
Ngati Rangi
Pirirakau
Ngati Taka
Ngati te Wai
Ngai te Ahi
Ngati Ruahine
Ngai Tamawhariua (Te Rangihouhiri)
Ngai Tamawhariua (Te Rereatukahia)
Te Whānau o Tauwhao (Otāwhiwhi, Rangiwaea)
Ngai Tuwhiwhia
Ngati Tauaiti
Te Ngare

Schedule B - Relevant legislation**Local Government Act 2002****Section 4**

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision making processes, Part 2 and Part 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision making processes.

Part 2 – section 14(1)(d)

A local authority should provide opportunities for Māori to contribute to its decision making processes.

Part 6 – section 81

- 1 A local authority must -
 - (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making process of the local authority; and
 - (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
 - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- 2 A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to –
 - (a) the role of the local authority, as set out in section 11; and
 - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Section 82(2)

A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1)).

Resource Management Act 1991**Part 2 – 6**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga
- (f) the protection of historic heritage from inappropriate subdivision, use and development
- (g) the protection of recognised customary activities.

Part 2 – 7

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to –

- (a) Kaitiakitanga
- (aa) the ethic of stewardship.

Part 2 – 8

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Schedule C – Meeting fee rates**1. Marae, Iwi/Hapū representatives:**

\$300.00 per meeting

2. Chair (When chairing a meeting):

\$350.00 per meeting

3. Chair (When not chairing a meeting)

\$300.00 per meeting, engagement or for additional work required to be undertaken by the Chair

4. Member of a project team:

Rate to be negotiated through project

Mileage shall be paid at 79c per kilometer. All amounts referred to above are inclusive of GST.

Schedule D – Principles of the Treaty of Waitangi

1. It is understood that Council has adopted a set of understandings of Treaty of Waitangi principles, as outlined in Council's Long-Term Plan.

Treaty of Waitangi Principles Understandings adopted by Council and Tangata Whenua

- 1. Principle of Tino Rangatiratanga - Self Management**
The right of Māori to exercise under the law, authority and control over their Rohe, land, rivers, resources and taonga.
- 2. Principle of Kawanatanga – Governance**
The Government has the right to make laws for the good order and security of the country, subject to the duty imposed (on the Crown) to Māori under the Treaty.
- 3. Principle of Whakawhanautanga – Partnership**
A duty on both iwi/hapū and the Council to interact in the best possible way with reason, respect and in good faith.
- 4. Principle of Oritetanga – Equality**
The right of tangata whenua to fair and equal treatment under the law.
- 5. Principle of Kaitiakitanga –Guardianship**
The right of Māori to exercise guardianship over their ancestral lands, water, sites, waahi tapu and other taonga.
- 6. Principle of “He here kia mohio” -Co-operation and Consultation**
The duty to listen to what others have to say, consider their responses and then decide what will be done.
- 7. Principle of Whakatika I te he - Redress Past Breaches**
The duty of the Crown to work towards settlement of grievances under the Treaty of Waitangi.

10.10 REQUEST FOR EXECUTION OF DOCUMENTS UNDER SEAL OF COUNCIL

File Number: A4514608

Author: Charlene Page, Executive Assistant Mayor/CEO

Authoriser: John Holyoake, Chief Executive Officer

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with updates to standard reports on significant issues dealt with under delegated authority (if any), and the list of documents sealed under delegated authority.

RECOMMENDATION

That the Senior Executive Assistant Mayor/CEO's report dated 6 April 2022 titled 'Request for Execution of Documents Under Seal of Council' be received.

BACKGROUND

Date	Document description	Document type	Date executed
2 February 2022	Agreement to purchase land for road for 7 Prole Road Upgrade between WBOPDC and Rascal Holdings Ltd	Agreement	2 February 2022
4 February 2022	Statutory Declaration under Section 52 (7) Public Works Act 1981 signed by John Holyoake as CEO of WBOPDC for land on Mark Road.	Statutory Declaration	4 February 2022
4 February 2022	Agreement for Construction, Maintenance and Ownership - Treatment System Upgrade Moko Marae between WBOPDC and Hnui Joseph, Arapeta Neketai, Peter Raymond, Dean Hiini, Te Uruhi Anthony Wihapi and Kramer Ronaki as trustees of Rainiuru IAIOB Maori Reservation Trust.	Agreement	4 February 2022

Date	Document description	Document type	Date executed
4 February 2022	Agreement for Construction, Maintenance and Ownership - Treatment System Upgrade Pukehina Marae between WBOPDC and Kerri Junior Kerr and Mita Michael Ririnui on behalf of the trustees of the Pukehina M 2C 24 Maori Reservation Trust	Agreement	4 February 2022
8 February 2022	Removal of the previous Group Manager Finance and Technology Services from ANZ bank mandate	Mandate	8 February 2022
11 February 2022	Residential Tenancy Agreement for Elderly Persons housing between WBOPDC and Anthony Bradley for 20/9 Slater Place, Te Puke	Residential Tenancy Agreement	11 February 2022
11 February 2022	Residential Tenancy Agreement for Elderly Persons housing between WBOPDC and Joan Vera Dore for 15/9 Slater Place, Te Puke	Residential Tenancy Agreement	11 February 2022
11 February 2022	Agreement to grant easement Te Puke Golf Course water main stage 2 of 2 between WBOPDC and Te Puke Golf Club Incorp.	Agreement	11 February 2022
11 February 2022	Agreement for the OSET system access and maintenance at Poututerangi Marae between WBOPDC and the Trustees of Poututerangi Marae Trust	Agreement	11 February 2022

Date	Document description	Document type	Date executed
11 February 2022	Agreement for access to property for the construction of road in Omokoroa – Omokoroa Industrial Road – between WBOPDC, Brent William Leek and Graeme Murray Muir & Edward John Paul Leek and Graeme Murray Muir	Agreement	11 February 2022
11 February 2022	Consent form relating to un-habited buildings being built within a flood zone between WBOPDC and Micro Farms Ltd for BC96417	Consent Form	11 February 2022
11 February 2022	Consent form relating to un-habited buildings being built within a flood zone between WBOPDC and Wheyland Farms Ltd for BC96431 & 96432	Consent Form	11 February 2022
11 February 2022	Consent to note title under Section 73 of the Building Act 2004 between WBOPDC and Cooney Lees Morgan for BC96284	Consent Form	11 February 2022
11 February 2022	Consent to note title under Section 73 of the Building Act 2004 between WBOPDC and Cooney Lees Morgan for BC95798	Consent Form	11 February 2022
11 February 2022	Consent to note title under Section 73 of the Building Act 2004 between WBOPDC and Cooney Lees Morgan for BC96234	Consent Form	11 February 2022
11 February 2022	Deed of covenant for Pukehina Property Investments for resource consent between WBOPDC and Pukehina Property Investments Ltd (Cooney Lees Morgan) RC13015	Deed	11 February 2022

Date	Document description	Document type	Date executed
18 February 2022	Consent to note title under Section 73 of the building act 2004 for BC96389 between WBOPDC and Cooney Lees Morgan	Consent Form	18 February 2022
18 February 2022	Consent to note title under Section 73 of the building act 2004 for BC96409 between WBOPDC and Cooney Lees Morgan	Consent Form	18 February 2022
3 March 2022	Consent to note title under Section 73 of the building act 2004 for BC96444 between WBOPDC and Cooney Lees Morgan	Consent Form	3 March 2022
3 March 2022	Licence to occupy council land for grazing and replanting purposes at Wairoa Road between WBOPDC and Ngati Pango O Tauranga Moana Trust	Licence to occupy	3 March 2022
3 March 2022	Agreement for road legalisation in Wright Road between WBOPDC and Kevin Lance Woodcock, Susan Judith Woodcock, and Murray Crossman Trustee Company.	Agreement	3 March 2022
3 March 2022	Sale and purchase agreement to transfer of Lot 19 Kaimai views to Council for a reserve between WBOPDC and Classic Developments Omokoroa Ltd	Agreement	3 March 2022
8 March 2022	Agreement to enable the installation and maintaining of a 220mm stainless steel watermain pipe attached to overbridge (Br 90) at Te Puke, on the East Coast Main Trunk Line between Kiwirail Ltd and WBOPDC	Agreement	8 March 2022

Date	Document description	Document type	Date executed
8 March 2022	Authority and Instruction for registration of encumbrance instrument for the purpose of protecting wastewater infrastructure between WBOPDC and Bay Online Services Ltd for 15B Brown Terrace Te Puke	Authority and Instruction	8 March 2022
8 March 2022	Authority and Instruction for erosion protection at Two Mile Creek in Waihi Beach for 41 Edinburgh Street between WBOPDC and Blackhawk Law Ltd	Authority and Instruction	8 March 2022
10 March 2022	Entry Agreement and Agreement to Grant Easement to construct a sewer and stormwater pipeline between WBOPDC and HARL Holdings Ltd for the Burdened Land 506909	Agreement	10 March 2022
10 March 2022	Declaration signed by CEO John Holyoake for the vesting of road and reserve at Middlebrook Drive under s52 of PWA 1981 to provide a separate title for the sale of land to Kainga Ora for housing development for Section 2 SO 568819	Declaration	10 March 2022
15 March 2022	Agreement between Mavis and Leslie Goldstone and WBOPDC where avulsion land will become Councils and Council has agreed to provide some of the land to the adjacent landowner in exchange that the landowner does not lay claim to the full avulsion land. The piece that Council holds will become reserve.	Agreement	15 March 2022

Date	Document description	Document type	Date executed
15 March 2022	Authority and instruction form between WBOPDC and Bay Online Services Ltd for grant of easement in gross to drain sewage for subdivision at 13B Astella Drive, Omokoroa.	Authority and Instruction	15 March 2022
15 March 2022	Agreement to grant right of way easement between WBOPDC and Richard & Donna Nicholson for 56 The Esplanade (Lot 1 DP 399474)	Agreement	15 March 2022
15 March 2022	Consent to note title under section 73 of the building act 2004 for BC96488 between WBOPDC and Cooney Lees Morgan	Consent Form	15 March 2022
15 March 2022	Consent to note title under section 73 of the building act 2004 for BC96417 between WBOPDC and Cooney Lees Morgan	Consent Form	15 March 2022
15 March 2022	Consent to note title under section 73 of the building act 2004 for BC95458 between WBOPDC and Cooney Lees Morgan	Consent Form	15 arch 2022

10.11 TOURISM BAY OF PLENTY DRAFT STATEMENT OF INTENT 2022/2023 TO 2024/2025**File Number: A4511240****Author: David Pearce, Community Manager****Authoriser: John Holyoake, Chief Executive Officer****EXECUTIVE SUMMARY**

1. The purpose of this report is to provide shareholder feedback on the draft Statement of Intent for Tourism Bay of Plenty (TBOP) by 1 May 2022, as required by the Local Government Act 2002 (LGA 2002).

RECOMMENDATION

1. That the report from the Community Manager dated 6 April 2022 titled 'Tourism Bay of Plenty Draft Statement of Intent 2022/2023 to 2024/2025' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council receives the Tourism Bay of Plenty Draft Statement of Intent 2022/2023 to 2024/2025 report.
4. That Council notes that as joint shareholder of Tourism Bay of Plenty, Tauranga City Council will be asked to approve the shareholder comments on the draft Statement of Intent for TBOP at their 11 April 2022 Council meeting.

BACKGROUND

2. Tourism Bay of Plenty (TBOP) is a Council Controlled Organisation (CCO) and is required to prepare a draft Statement of Intent (SOI) and provide a copy to their shareholders, Tauranga City Council (TCC) and Western Bay of Plenty District Council (WBOPDC), by 1 March each year.
3. In accordance with the LGA 2002, TBOP provided their draft SOI to Council by 1 March. Their SOI document is intended to cover the next three financial years. TBOP's SOI meets the statutory requirements as outlined in schedule 8, section 9 of the Local Government Act 2002 (LGA).
4. Both Council's have an opportunity to comment on the draft SOI before it is finalised by TBOP. Shareholder comments must be provided to TBOP by 1 May 2022, in accordance with the LGA.
5. As joint stakeholders, TCC funds \$2.4m per annum to TBOP, while Council contributes \$232,000 per annum. Whakatane District Council holds a Memorandum of Understanding with TBOP and contributes \$84,000 per annum.

6. TBOP's draft SOI is attached to this report (**Attachment 1**) and has been assessed against the Letter of Expectation (LOE) (**Attachment 2**) which outlines Councils' expectations of TBOP for 2022/23.
7. A copy of this report and the resolutions will be provided to TBOP by 30 April 2022, together with resolutions from both Council meetings. The final TBOP SOI is to be delivered to Councils by 30 June 2021. Staff will review the final SOI and present a report to Council for approval in August 2022.

Stakeholder assessment

8. Overall, the Tourism Bay of Plenty Statement of Intent is a more considered and realistic document than previously, with fewer targets (reduced as recommended in Letter of Expectations), and again openly frank about the areas that are of concern to the organisation.
9. Minor amendments would include:
 - TBOP staff engagement survey – percentage has been reduced (from 80% to 76%), more useful to have a range of targets across the three-year period of the Statement of Intent.
 - TBOP need to include a reference to implementing the Living Wage across its organisation (although most staff are probably already on the Living Wage).
10. TBOP's Destination Management:
 - Target to facilitate leads and bids for business events to the region – increase the target of one lead to three by 2023.
11. Approach to Governance needs to include:
 - Annual report – TBOP presentation to full Council.

SIGNIFICANCE AND ENGAGEMENT

12. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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.

13. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the financial implications associated with the decision are low and community engagement at this point is minimal.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

14. Under section 8 of the LGA, no consultation is required.

STATUTORY COMPLIANCE

15. The SOI is one of the CCO's key governance and planning documents. Engaging with TBOP throughout the development of the annual SOIs is one of the main ways Council can influence TBOP, while ensuring TBOP are aligned with Council's strategic outcomes.

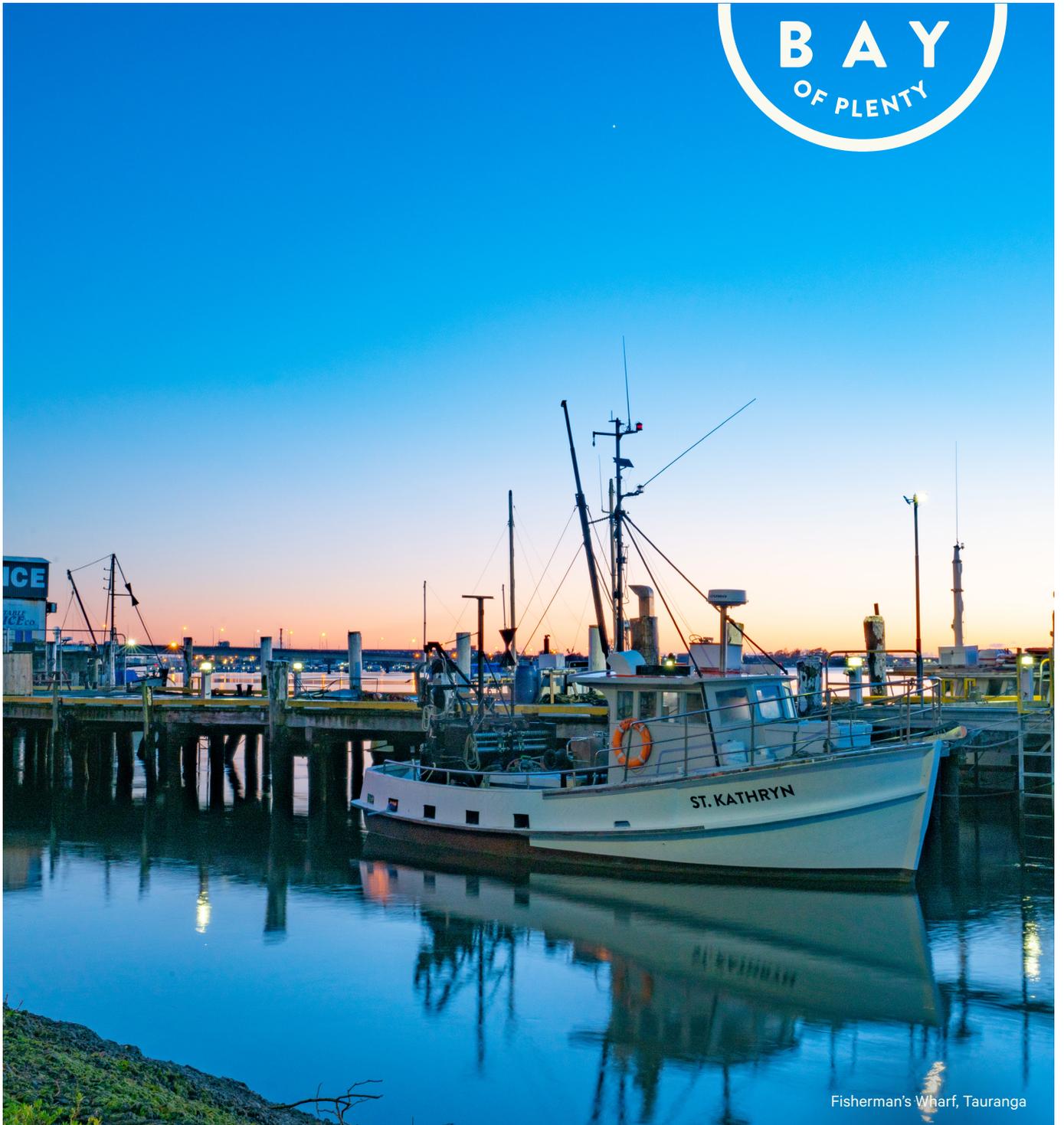
FUNDING/BUDGET IMPLICATIONS

16.

Budget Funding Information	Relevant Detail
	The budget TBOP, including Council's contributions, are included in the draft SOI.

ATTACHMENTS

1. **Draft TBOP Statement of Intent 2022 – 2023**  
2. **TCC Letter of Expectations 2022–2023 to Tourism Bay of Plenty**  



Fisherman's Wharf, Tauranga

STATEMENT OF INTENT

2022-2023 TO 2024-2025

TĀPOI TE MOANANUI Ā TOI | TOURISM BAY OF PLENTY

(WESTERN BAY OF PLENTY TOURISM AND VISITORS TRUST)



Our Regional Brand Story

KO MĀTOU WAAHI HE NGĀKAU PAI, HE
TAKUTAI HAUMAKO RAWA, HE WAAHI PITO
MATA.

HE WAAHI AWHINA O NGĀ AHUREA
TUAKIRI KĀTOA. KO TE WAIRUA
MĀHORAHORA O TE TANGATA HE ORITE KI
TE PARITANGA HUANGĀ PAI O TE WHENUA.

HE WAAHI HURANGA – KO TĀ MĀTOU
PŪMANAWATANGA, TE MOTUHAKETANGA
ME TE WHAKAARO MURAMURA E
HONOHONO ANA MĀTOU KI TE AO.

HE TAURANGA MAI. HE TAURANGA ATU.

TE MOANANUI Ā TOI – HE WAAHI MŌU.

OURS IS A PLACE OF POSITIVE ENERGY; A
RICH COASTAL PARADISE BLESSED WITH
RAW POTENTIAL.

WHERE CULTURES EMBRACE
AND THE NATURAL GENEROSITY
OF OUR PEOPLE IS AS ABUNDANT AS OUR
FERTILE LAND AND OPEN SEAS.

A PLACE OF DISCOVERY –
OUR INGENUITY, DETERMINATION
AND BOLD THINKING CONNECT
US TO THE WORLD.
A LANDING PLACE. A LAUNCH PAD.

THE COASTAL BAY OF PLENTY –
A PLACE FOR YOU.



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1. Purpose of Statement of Intent

In accordance with section 64 of the Local Government Act 2002 and the Local Government Amendment Act 2019, this annual Statement of Intent (SOI) publicly states the activities and intentions of the Western Bay of Plenty Tourism and Visitors Trust (Tourism Bay of Plenty) for the next three years. This SOI sets out Tourism Bay of Plenty's strategic framework, activities, and performance measures, as the basis of organisational accountability.

Tourism Bay of Plenty (TBOP) acknowledges the Enduring Statement of Expectations (ESE) and Letter of Expectation (LOE) from Tauranga City Council and Western Bay of Plenty District Council. These articulate the focus areas for TBOP that will contribute to advancing the Western Bay of Plenty's economic prosperity.

2. About Tourism Bay of Plenty

TBOP is incorporated under the Charitable Trusts Act (1957) and is a not-for-profit entity established to promote and manage the Western Bay of Plenty sub-region (WBOP) as a visitor and tourist destination. TBOP is a Council Controlled Organisation (CCO) and is accountable to Tauranga City Council (TCC), Western Bay of Plenty District Council (WBOPDC) and Whakatāne District Council (WDC), the latter being by a separate Letter of Intent. This collective region is known as Te Moananui ā Toi | the Coastal Bay of Plenty.



3. Objectives of Tourism Bay of Plenty

TBOP's purpose, as described in its Trust Deed, is to promote the economic welfare and development of the Western Bay of Plenty region and its citizens through destination marketing, management and any other activity which impacts on that region as a visitor destination. TBOP is also responsible for providing visitor information services in the region.

TBOP's role as a Destination Management Organisation (DMO) is to lead, advocate, and coordinate a cohesive, collaborative, and balanced approach to the promotion and management of the region. This is a partnership approach and requires valued engagement with the community, businesses, iwi, and stakeholder councils in order to enhance the visitor experience.

Councils have encouraged TBOP to consider how best to contribute to achieving desired community outcomes, as developed for Tauranga City Council's Long-Term Plan 2021-2031. Accordingly, TBOP will work with the Tauranga City Council Group to achieve these desired community outcomes. The specific outcomes that TBOP has been asked to consider are:

- We value and protect our environment - Tauranga is a city that values its natural environment and outdoor lifestyle, and actively works to protect and enhance it.
- We are inclusive – Tauranga is a city that recognises and promotes partnership with tangata whenua, values culture and diversity, and where people of all ages and backgrounds are included, and feel safe, connected and healthy.
- We recognise that we are an integral part of the wider Bay of Plenty region and upper North Island – Tauranga is a well-connected city having a key role in making a significant contribution to the social, economic, cultural, and environmental well-being of the region.



3.1 Principal Objectives

TBOP takes the lead role in the sustainable growth of the visitor economy and destination management of Te Moananui ā Toi | the Coastal Bay of Plenty. TBOP's purpose is to 'connect and enrich people and place through tourism'. As such, our principal objectives are to:

1. Provide leadership for the recovery and restart of the Tauranga and Western Bay of Plenty visitor economy to mitigate the impacts of the COVID-19 pandemic on the local economy.
2. Help manage and promote Tauranga city's and the region's reputations nationally and internationally, to increase attractiveness. This includes supporting TCC with the development of a Tauranga city brand, as well as the implementation of the city events strategy once it has been adopted.
3. Participate in conversations and subsequent workstreams with TCC regarding the development of the City Vision and with TCC and WBOPDC as they set further strategic direction for Tauranga City and the Western Bay of Plenty District.
4. Provide leadership, advocacy, and engagement across the visitor economy, including areas such as events, cruise, conferencing, destination management, marketing, and storytelling.
5. Create, identify, and support opportunities for tourism to have positive economic, social, cultural, and environmental outcomes for the region and residents.
6. Grow the capability of local operators through identifying areas of need and supporting the provision, access to, and engagement of suitable training and upskilling opportunities.
7. Identify ongoing opportunities to assist in the development of walking and cycling infrastructure planning and promotion across the region.
8. Ensure the TBOP business continuity plan is up-to-date and includes contingency strategies, including any legislative responsibilities for keeping safe while providing services that support the wellbeing of our community.



3.2 Operating Principles

TBOP will adhere to the 'Council Group' operating principles whereby:

- We deliver value for our communities through prudent financial management, ensuring we plan and provide affordable fit-for-purpose services.
- Sustainability and resilience underpin our decision making and service delivery, protecting the future of our city.
- We work in partnership with tangata whenua, our communities, sub-regional stakeholders and central Government.
- We manage the balance between the social, economic, cultural and environmental wellbeing of our communities.
- We listen to our communities and make transparent, evidence-based decisions.

TBOP staff will be guided by Tauranga City Council's overarching purpose statement and values when working with councils and our community:

- Purpose: We're here to make Tauranga better
- Values:
 - Pono/Integrity – we do what we say we will do
 - Manaakitanga/Respect – we listen to all views and show we care
 - Whaia to tika/Service – we do the right thing for our community and for each other
 - Whanaungatanga/Collaboration – we work together and create connections.



4. Approach to Governance

TBOP is a CCO of the Tauranga City and Western Bay of Plenty District Councils. The TBOP Board and management are committed to ensuring the organisation meets recommended best practice governance principles and maintains the highest ethical standards, as outlined in the ESE.

The TBOP Board of Trustees is appointed by the Councils to govern and direct TBOP's activities. The Board is accountable to the Councils for the financial and non-financial performance of TBOP. The Board works collaboratively with the Councils to ensure a bilateral "no surprises" relationship.

4.1 The Role of the Tourism Bay of Plenty Board of Trustees

The Board of Trustees is responsible for the direction of TBOP. In accordance with the ESE, this responsibility includes:

- Acting in accordance with the Trust Deed.
- Developing and overseeing TBOP's Visitor Economy Strategy 2018-2028 (VES).
- Advocating on behalf of TBOP with key stakeholders.
- Approving Annual Plans, budgets and the Statement of Intent (SOI).
- Maintaining Enterprise Risk and Health and Safety systems, policies and controls.
- Monitoring financial performance and achievement of key initiatives and SOI objectives.
- Appointing and monitoring the performance and remuneration of the General Manager (GM).
- Ensuring the integrity of management information systems and policies.
- Assessing business opportunities and business risks.
- Ensuring TBOP policies enable a healthy organisational culture and staff engagement.
- Complying with relevant law.
- Ensuring TBOP exhibits a sense of social and environmental responsibility.
- Reporting to the councils.
- Following the decision-making guidelines in the ESE and the TCC Appointment of Directors to Council Organisations Policy and the Significance and Engagement Policies.

The Trustees operate under the TBOP Code of Conduct and the Tauranga City Council Code of Conduct for Directors Appointed by Council-to-Council Organisations.

The Trustees delegate the day-to-day operation of TBOP to the General Manager (GM) of TBOP who reports to the Board.

4.2 Tourism Bay of Plenty Trustees

As of 28 February 2022, the TBOP Board comprises the following trustees:

- Laurissa Cooney (Chairperson)
- Russ Browne (Deputy Chairperson)
- Gwendoline Keel
- Jason Hill
- Clare Swallow



4.3 Communication Protocol

The Chairperson, Board members and officers of TBOP will adhere to the following communication protocols with the councils, in addition to the formal reporting requirements:

- Two-way dialogue and consideration of the councils' strategic priorities and objectives.
- A bilateral 'no-surprises' approach to governance and management of the organisation.
- Consultation prior to external release of any significant changes and/or developments.
- Early notification and collaboration on key matters of risk or reputation.
- Appraise the performance of the TBOP Board of Trustees at a minimum of every two years, alternating annually between a Board led review and a Council led review.
- Inform any substantive engagement with central Government and/or external agencies.
- Acknowledge our relationship with councils and use of logos where appropriate.

4.4 Statement of Intent

The draft SOI for the ensuing financial year will be provided by TBOP to the Councils by 1 March each year. Feedback from the Councils will be considered by 1 May and the final SOI will be provided by 30 June each year.

The draft SOI provides a three-year view which is consistent with the ESE and identifies:

- Indicative rolling three-year forecast of performance and position.
- Identification of any significant intended expenditure.
- Any likely requests for increased levels of funding from councils.
- Key actions or initiatives to deliver on the objectives of TBOP.
- Upcoming challenges, risks, and opportunities for TBOP.



5. Nature and Scope of Activities

TBOP’s growing role as a Destination Management Organisation requires it to *lead*, *advocate* and *coordinate* the visitor economy, while considering environmental, social, and cultural interests. We also need to ensure we preserve the region’s unique identity and that our visitor-related development is cognisant of the interests of local residents and iwi.

Lead	Advocate	Coordinate
<ul style="list-style-type: none"> •Lead the sustainable growth of the tourism sector, for the benefit of our community. 	<ul style="list-style-type: none"> •Manage, develop and plan growth, taking into consideration social, environmental and cultural interests. 	<ul style="list-style-type: none"> •Work with public, private and Iwi led organisations as a key collaborator in order to make the region a more regenerative, compelling and attractive visitor destination.

Destination management is an ongoing process that requires destinations to plan for the future. It brings together different stakeholders in a collaborative manner to achieve the common goal to which they are all committed, developing a well-managed, sustainable destination for locals and visitors alike. This requires inclusive and coordinated leadership. Destination management needs to engage residents, tourism enterprises, businesses, Māori/iwi/hapū, Regional Tourism Organisations, Economic Development Organisations, Tourism New Zealand, and local/regional and central government as appropriate. In order to be successful, we require the support of our local councils.

To ensure effective planning for population and urban growth, councils can provide opportunities for TBOP to actively contribute their expertise and knowledge of the tourism industry and economic development. This will help to ensure effective destination management of the region going forward.

5.1 Execution of the Plan

In 2022 – 2023 TBOP will be focused on delivery and putting our Destination Management Plan into action. As a result of the ongoing COVID-19 pandemic, the tourism sector remains in survival mode, and our aim is to transition into revival mode as our international borders gradually start reopening.

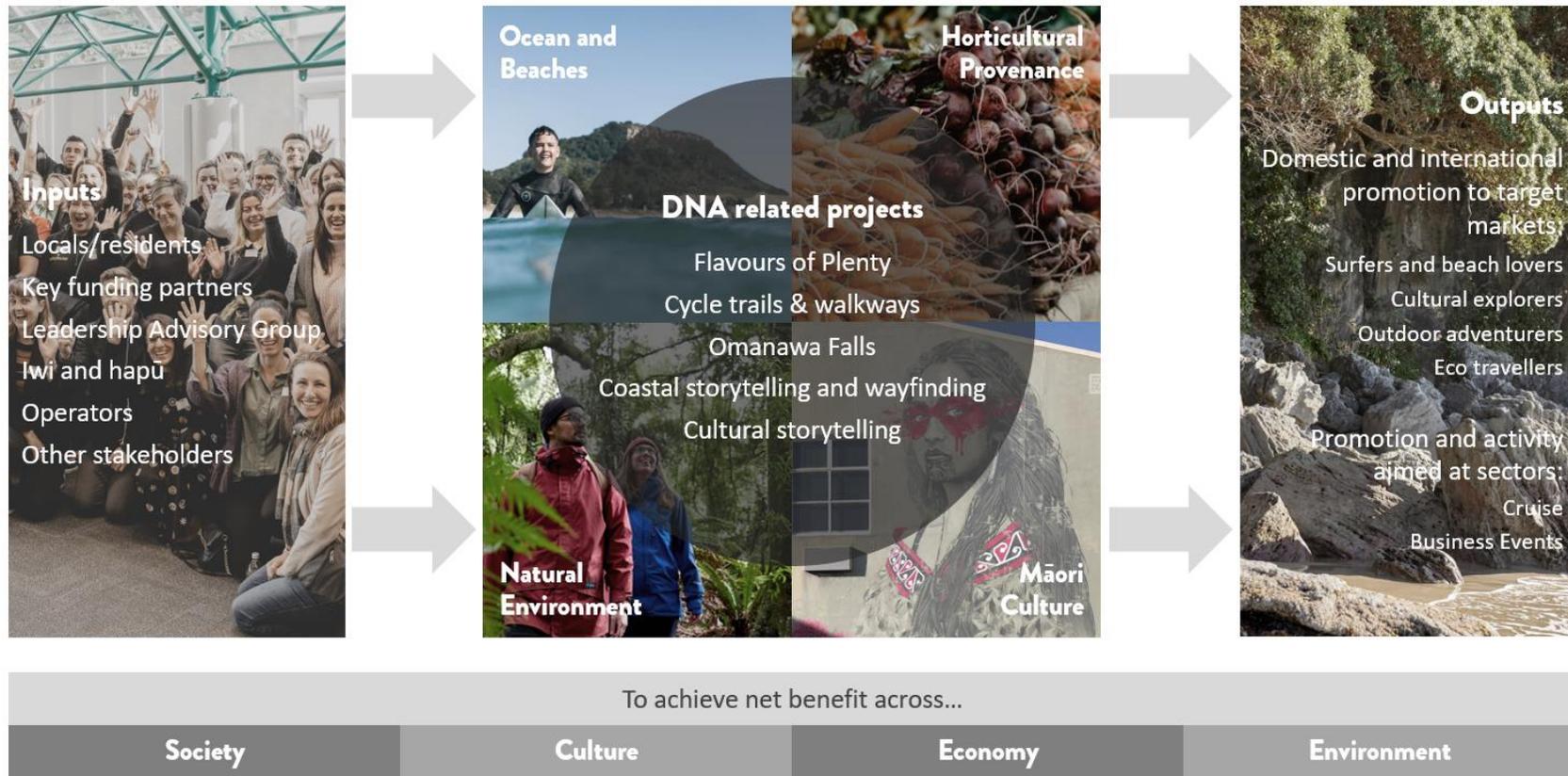
Accordingly, TBOP’s 2022 - 2023 work programme will be a balance between surviving (i.e., enabling, supporting, and building operator capability and opportunities), and reviving (i.e., continuing to advocate and work with key sectors, iwi, associations, and local and central government) in order to ensure the destination is best positioned to move at pace once the operating environment allows.

This dual focus is reflected in the targets and supporting activities outlined in the Section 8 Performance Targets, with the ultimate goal being the return of a thriving and sustainable visitor economy across Te Moananui ā Toi | the Coastal Bay of Plenty.



5.2 Tourism Bay of Plenty's Activity Framework

Purpose: To connect and enrich people and place through tourism





6. Ratio of Funds to Assets

6.1 Ratio of Consolidated Funds

If the Trust is wound up everything reverts to the Councils (to be held in trust for similar purposes). TBOP intends to keep the equity ratio equal to or above 0.5:1.0. The ratio is calculated as: equity divided by total assets.

7. Accounting Policies

Financial statements will be prepared in accordance with Tier 2 Public Benefit Entity Accounting Standards. The accounting policies that have been adopted are detailed in the Tourism Bay of Plenty Annual Report.

7.1 Asset Management

TBOP will prepare and implement Asset Management Plans for all assets where relevant.

7.2 Transactions Between Related Parties

Transactions between the councils and TBOP will be conducted on a wholly commercial basis.

8. Performance Targets

Baseline measures will be updated to reflect the latest data at time of finalising the Statement of Intent 2022-23.

FOCUS AREA	PROJECT DELIVERABLE	MEASURE	TBOP	SOURCE	BASELINE (FEB 2022) [To be updated to June 2022 for final version]	TARGET BY JUNE 2023	TARGET BY JUNE 2024	TARGET BY JUNE 2025
ECONOMIC Wellbeing	Growing the economic value of the tourism industry.	Trends in visitor spending via electronic card transactions.	Direct Partnered Indirect	Marketview Tourism Dashboard May change to MBIE visitor spend data, depending on the best sources available at the time.	In the year ending January 2022, total visitor spending in Te Moananui ā Toi the Coastal Bay of Plenty was up 13% compared to the year ending January 2021.	Monitor and report on changes in visitor spend and use the information to set new goals for future years.	Increased visitor spending in Te Moananui ā Toi the Coastal Bay of Plenty.	Increased visitor spending in Te Moananui ā Toi the Coastal Bay of Plenty.
SOCIAL Wellbeing	Enhancing the value tourism brings to the community (according to the community).	Resident's sentiment towards tourism. This is measured by the percentage of residents who agree that tourism has a positive impact on the community. Residents provide a rating of 1 to 10, where 1 is strongly disagree and 10 is strongly agree.	Direct Partnered Indirect	Residents' satisfaction surveys conducted by the respective Council.	Tauranga City Council: 68% agree. Jul-Dec 2021 Representing scores of 7 to 10 Western Bay of Plenty District Council: 62% agree. YE Dec 2021 Representing scores of 6 to 10 Whakatāne District Council: 69% agree. YE Dec 2021 Representing scores of 6 to 10	Implement actions identified from TBOP's community perceptions survey to help enhance the perceived value of tourism to the community. Measured by 65% or more residents agreeing that tourism has a positive impact on the community.	67% or more residents agree that tourism has a positive impact on the community.	70% or more residents agree that tourism has a positive impact on the community.
CULTURAL Wellbeing	Improving the cultural wellbeing of the community through tourism.	Participation in developing cultural storytelling and wayfinding platforms.	Direct Partnered	TBOP Six-Month and Annual Reports.	Discussed opportunity to work with Tauranga City Council and TECT on developing signage.	Work with iwi, hapū, councils and other stakeholders on the development of storytelling and wayfinding platforms in Tauranga.	Expand development of storytelling and wayfinding by continuing to work with iwi, hapū, councils and other stakeholders in Western Bay of Plenty. And share these via TBOP's marketing campaigns.	Incorporate storytelling components into TBOP's marketing campaigns and collateral as appropriate.
ENVIRONMENTAL Wellbeing	Improving the environmental wellbeing of the region through environmental sustainability and regeneration projects.	Number of industry focused environmental sustainability and regeneration initiatives facilitate or enabled by TBOP.	Direct Partnered	Programme reports.	Developed The Green Room programme (aimed at helping operators reduce their carbon and waste footprints) and ran the first course.	A total of 40 tourism or hospitality businesses to complete The Green Room programme during the year.	Work with Department of Conservation on a regenerative tourism focused initiative in the region.	Engage with wider stakeholders to identify opportunities to work on projects focused on climate change mitigation and adaptation.
TBOP ORGANISATION Wellbeing	Enhance TBOP's ability to achieve its goals through high staff engagement.	TBOP staff engagement.	Direct	Employee engagement survey (via Employment Hero).	Employee Engagement score: 76%. April 2021	Employee Engagement score of 75% or higher.	Employee Engagement score of 77% or higher.	Employee Engagement score of 80% or higher.



FOCUS AREA	PROJECT DELIVERABLE	MEASURE	TBOP	SOURCE	BASELINE (FEB 2022) [To be updated to June 2022 for final version]	TARGET BY JUNE 2023	TARGET BY JUNE 2024	TARGET BY JUNE 2025
DESTINATION MANAGEMENT	Elevate the region's cycling offering	Develop and share promotional and informative material on cycle trails and help to facilitate the development of a cycle trail network.	Direct Partnered	Council's feedback.	First iteration of Western Bay of Plenty cycle trails map produced.	Combined Western Bay of Plenty and Tauranga cycle trails map and storytelling produced and shared via TBOP's channels.	Expand cycle trails offering through connecting a minimum of three experiences and services with the cycle trails.	Tauranga i-SITE becomes the regional hub of cycling information.
	Build operator capability to enhance the quality of the region's tourism offering	Provide opportunities for operators to train or upskill in key areas and gain Qualmark certification.	Direct Partnered Indirect	Capability programme report.	Scoped key areas of training need and developed digital marketing health check and training modules.	Provide 1-on-1 digital marketing training to 10 tourism businesses.	A minimum of five additional operators are endorsed with Qualmark certification.	A minimum of five additional operators are endorsed with Qualmark certification.
	Coordinate opportunities to bring business events to the region	Facilitate leads and bids for business events in the region.	Direct Partnered	TBOP Six-Month and Annual Reports.	Identified key partner agency that delivered one lead within a week of engaging with them.	Facilitated 15 leads or bids for business events in the region.	Facilitated 18 leads or bids for business events in the region and won two.	Facilitated 20 leads or bids for business events in the region and won five.
DESTINATION MARKETING	Elevate the region's food story and proposition	Promote and facilitate the delivery of the Coastal Bay of Plenty region Flavours of Plenty Festival to draw visitors to the region.	Direct Partnered	Festival delivery.	Promoted and facilitated the delivery of the Flavours of Plenty Festival in April 2022.	Promote the Flavours of Plenty Festival to help sell 80% of festival event tickets.	Promote the Flavours of Plenty festival to visitor markets to help grow the number of attendees from out of region by at least 5% compared to the previous year.	Support the Flavours of Plenty Festival to transition to an independent entity (similar to Wellington on a Plate).
	Promote the destination to our target markets (outdoor adventurers, surf & beach lovers, cultural explorers, and eco-travellers)	Develop and deliver marketing campaigns that incorporating all four DNA™ elements and reach the destination's target markets.	Direct Partnered	Campaign collateral.	Delivered the refreshed domestic 'Sure to Make you Smile' campaign.	Identify effective channels for marketing to international and domestic audiences to ensure value for money.	Achieve 5% growth in the proportion of domestic visitors to the region who associate with one or more of the destination's target markets.	Achieve 5% growth in the proportion of domestic and international visitors to the region who associate with one or more of the destination's target markets.



9. Expected Shareholder Distributions

TBOP is not expected to make profits; any surplus funds remaining from the annual operations of TBOP shall be carried forward to the ensuing year to continue to meet the primary objectives of TBOP.

10. Financial and Non-Financial Reporting

10.1 Financial Performance Targets and Measures

- Gross revenue is consistent with the agreed budget.
- Expenditure is managed within the agreed budget.
- Working capital ratio of no less than 1 (excluding current portion of term debt).
- Equity to assets ratio is reported on (equity divided by total assets).
- No debt is to be raised to finance operating expenses.

10.2 Reporting

TBOP has adopted 30 June as its balance date.

10.2.1.1 Six Month Report

By 28 February each year, the Trustees shall deliver to the councils an unaudited report containing the following information in respect of the six months under review:

- Statement of Financial Performance, disclosing revenue and expenditure and comparative prior period and budget figures.
- Statement of Financial Position.
- Progress towards Non-Financial Performance Targets.
- A commentary on the financial and non-financial results for the first six months and a forecast of these results for the full year.

10.2.1.2 Annual Report

By 31 August each year, the Trustees shall deliver to the councils a draft Annual Report, and by 30 September a final version of the Annual Report which will include audited financial statements (dependent on Audit New Zealand timeframes), in respect to the previous financial year, and containing the following information:

- Chairperson's and GM's reports.
- Audited financial statements for that financial year including Statement of Financial Performance, Statement of Financial Position and Changes in Equity.
- Notes to the financial statements including accounting policies.
- Service Delivery Report summarising TBOP's performance against the SOI strategic priorities.
- Independent Auditor's report on the financial statements and non-financial performance measures.



11. Activities for Compensation

11.1 Funding Principles

There are six high-level funding principles:

- As a general principle, TCC and WBOPDC will provide ongoing funding to TBOP as a contribution towards operational expenses.
- The role of the councils is to hold TBOP accountable for the use of funds provided by TCC/WBOPDC, which will ideally be consistent with the councils' strategies.
- TBOP is encouraged to seek funding opportunities from the private sector and central government in order to maximise the best outcomes for the organisation and the region.
- The TBOP Board must be empowered with sufficient flexibility to determine the best use and allocation of funding to meet required levels of service to the community and visitors.
- TBOP is expected to meet the approved annual budget.
- Any net surpluses are to be disclosed through Six Month and Annual Reports.

11.2 Approach to Funding

TBOP receives an operating grant from both councils for the purpose of marketing and managing the destination. The operating grant is set through the Long-Term Plan (LTP) process, with the contribution from each council updated annually in line with the Consumer Price Index (CPI) when TBOP creates its budgets for the coming year.

Council funding for additional operating grants and ad hoc new capital projects is to be assessed on a case-by-case basis through the LTP or the Annual Plan process.



11.3 Compensation from Local Authorities

TCC and WBOPDC intends to purchase services from TBOP over the long term and agrees to the level of funding on a rolling three-year basis aligned to the three-year Business Plan of TBOP.

The services for the next three years are currently forecast as per the table below.

Funder	2022-2023	2023-2024	2024-2025
TCC*	\$2,410,663	\$2,480,477	\$2,552,398
WBOPDC	\$235,480	\$239,012	\$242,597
Total	\$2,646,143	\$2,719,489	\$2,794,995

*TCC's figures include funding for Visitor Information Centres.

The payments will be made quarterly in advance on receipt of a GST invoice, with payments one and two each being 30% of the annual sum, and payments three and four each being 20% of the annual sum.

Western Bay of Plenty Tourism & Visitors Trust

BUDGET	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>
	\$	\$	\$
Revenue			
Funding - Tauranga City Council	2,410,663	2,480,477	2,552,398
Funding - Western BOP District Council	235,480	239,012	242,597
Funding - Whakatane District Council (cpi to be confirmed)	84,000	84,000	84,000
Retail Sales	8,000	8,000	8,000
Other Revenue (includes industry contributions)	565,200	66,000	66,000
Total Revenue	3,303,343	2,877,489	2,952,995
Less Expenditure			
Cost of Sales	5,000	5,000	5,000
Operating & Marketing	2,416,803	1,969,649	2,023,155
Administration & Overheads	804,540	827,840	851,840
Depreciation & Amortisation	77,000	75,000	73,000
Total Expenditure	3,303,343	2,877,489	2,952,995
Surplus/(Deficit)	0	0	0



12. Estimated Value of Tourism Bay of Plenty

The TBOP Board estimate that the commercial value of the shareholders' investment in TBOP is represented by the net assets of TBOP. This value is calculated from total assets less liabilities.

13. Significant Decisions

In accordance with the TCC Significance and Engagement Policy, TBOP will not undertake any activity of a nature or scope not provided for in this SOI without prior approval of the Councils. Specifically, prior approval would be required for TBOP to:

- form any subsidiary entity.
- purchase shares in any other entity.
- dispose of any significant assets e.g. land or buildings.
- purchase any significant assets e.g. land or buildings.
- seek partnering solutions that involve the dilution of assets or the commitment of councils.

14. Termination

If any party wishes to terminate this three-year rolling arrangement due to non-performance or any other substantive reason within the control of either of the parties:

- the party may give written notice to the other party specifying the issue and if possible requiring remedy within twenty-eight (28) days, and/or
- mediation is set to investigate any remedy of the issue, and/or
- if the issue is unable to be remedied to the party's satisfaction, the party must give written notice of its intention to terminate this arrangement from a date being not less than one year commencing the forthcoming 1 July (that is, the secondary party must have at least one full financial year's notice commencing on 1 July and ending on 30 June).

15. Signed by

Chairperson
Laurissa Cooney
Tourism Bay of Plenty

General Manager
Oscar Nathan
Tourism Bay of Plenty



16. Glossary of Terms

CCO	Council Controlled Organisation
CE	Chief Executive
COVID-19	Coronavirus disease
CPI	Consumer Price Index
ESE	Enduring Statement of Expectations
GDP	Gross Domestic Product
GM	General Manager
GST	Goods and Services Tax
LOE	Letter of Expectations
MBIE	Ministry of Business, Innovation and Employment
MOU	Memorandum of Understanding
P&L	Profit and loss
SOI	Statement of Intent
TBOP	Tourism Bay of Plenty
TCC	Tauranga City Council
TIA	Tourism Industry Aotearoa
VES	Tourism Bay of Plenty's Visitor Economy Strategy 2018-2028
VIC	Visitor Information Centre
WBOP	Western Bay of Plenty sub-region
WBOPDC	Western Bay of Plenty District Council
WDC	Whakatāne District Council
YE	Year end



13 December 2021

Laurissa Cooney
Chair, Tourism Bay of Plenty
8 Wharf Street
Tauranga 3110

By email: laurissa@laurissacooney.com

Tēnā koe Laurissa

Letter of Expectation from Tauranga City Council and Western Bay of Plenty District Council to Tourism Bay of Plenty for 2022-2023

We acknowledge that the past 12 months have once again been a challenging time for Tourism Bay of Plenty (TBOP), with the ongoing uncertainty of COVID. The Councils recognise the difficulties this creates, particularly in the tourism industry, and we would like to commend you, your Board and the TBOP team for the huge effort and dedication that you have all shown this year.

We have had good dialogue over the past ten months, and we are heartened by the Board's commitment to building strong relationships and aligning the organisation more closely to the Councils' expectations.

As Commissioners and Elected Members, we are privileged to hear from our community. The biggest part of our work programme to date has been the adoption of our Long-Term Plans for 2021-2031, where we listened to iwi, business, community leaders and residents expressing their aspirations for the future of Tauranga Moana and the wider Western Bay of Plenty. We expect that TBOP will continue to be part of these conversations as we develop our City Vision and further strategic direction for Tauranga city and the Western Bay of Plenty District.

The decisions adopted affect the social, cultural, environmental and economic well-beings of our region – now and in the future. An overwhelming sentiment was for the councils to deliver more investment into the community, and the commitment we made is to “put the community at the heart of everything we do”.

Community outcomes

Council's community outcomes are the starting point for our Long-term Plan and guide our decision-making. We have chosen three specific outcomes for TBOP to consider during the development of your Statement of Intent:

- **We value and protect our environment** - Tauranga is a city that values our natural environment and outdoor lifestyle, and actively works to protect and enhance it. While we recognise that TBOP is seen as leading the way nationally in terms of its regenerative tourism strategy, we would like to see more clarity in terms of how the extra investment from TCC has benefitted the ratepayers of our city. A specific request from Western Bay of Plenty District Council is for a focus, within their District, towards walking and cycling.
- **We are inclusive** – Tauranga is a city that recognises and promotes partnership with tangata whenua, and values culture and diversity, and where people of all ages and backgrounds are included, feel safe, connected and healthy. It's pleasing that the boards of our council-controlled organisations are keen to embrace the opportunity for mana whenua representation at the board table. We look forward to working together on these appointments in January 2022.
- **We recognise we are an integral part of the wider Bay of Plenty region and upper North Island** – Tauranga is a well-connected city having a key role in making a significant contribution to the social, economic, cultural and environmental well-being of the region. A specific request from Western Bay

of Plenty District Council is that TBOP maintains training and upskilling tourism providers across the region. In addition, the Commissioners would like to see a strong focus from TBOP on the rebuild of the tourism industry following the impacts of the COVID pandemic.

Accountability and Transparency

The councils are required to provide accountability for the public funds that it provides across the business, and for not-for-profit organisations. We would also like to see TBOP identify opportunities to deliver operational efficiencies through shared service delivery models with Council and look forward to seeing the results of this in the coming year.

Transparency requires visibility of funding to ensure that it has been used for intended public-good outcomes. In particular, we would like to see the Board work towards having more public oversight.

Purpose and values

In addition, Tauranga City Council has an overarching purpose statement and values that we expect our staff to observe, which should also guide how staff of our council-controlled organisations are expected to work with the Councils and the community, and be incorporated into your accountability documents:

Our purpose – we're here to make Tauranga better

Our values:

- pono/integrity – *we do what we say we will do*
- manaakitanga/respect – *we listen to all views and show we care*
- whaia te tika/service – *we do the right thing for our community and each other*
- whanaungatanga/collaboration – *we work together and create connections.*

Through our governance-to-governance meetings we have begun the mahi of building strong relationships and can expect to continue this in the coming year. The Pedersen Review (2020) recommended *"that the concept of the Council and its council-controlled organisations being part of a 'Tauranga City Council Group' that has common desired community outcomes, be the overarching principle of accountability documents and interactions between the respective organisations."*

We have included a Statement of Intent template with this year's Letter of Expectation, to provide clearer guidance to our council-controlled organisations, and to ensure greater group consistency.

We also expect that you will work with us and our other council-controlled organisations on the promotion of Tauranga and the Western Bay of Plenty as a destination, including supporting TCC with the development of a Tauranga city brand, as well as the implementation of our city events strategy once it has been adopted.

In addition, the Councils expect all council-controlled organisations to actively seek opportunities to utilise the Tauranga City Council and Western Bay of Plenty District Council logos and seek to promote them as the main contributors to operating costs.

Governance and Board professional development

The Councils have a role in providing training including the induction for new board members. Other training which has more recently been offered includes *Te Kete ā Rohe: Cultural Connections* and we are delighted that many of TBOP's trustees have taken up this enriching opportunity.

Tauranga City Council will provide additional training in 2022, including *Openness and Transparency (Office of the Ombudsman)* and *Managing Risk, Improving Trust and Confidence (Office of the Auditor General)*. These half-day sessions are tailored around council-controlled organisations and offer examples from around the country. Further information will be provided once the details are confirmed.

COVID-19 - Health, Safety and Wellbeing

We take heart in the work that our council-controlled organisations have delivered under the strain of the COVID-19 global pandemic. It is essential that our business continuity plans are updated to include contingency strategies, including the legislative responsibilities for keeping people safe while providing services that deliver to the social wellbeing of our community.

Statement of Intent

The Councils expect that the strategic priorities contained in this Letter of Expectation will be reflected in TBOP's Statement of Intent and supported by performance indicators measures where appropriate - with significantly less (i.e. no more than ten in total) key performance indicators than previously in TBOP's Statement of Intent for 2021-2022 - and with a greater focus on those measures that can clearly demonstrate the value that TBOP brings to the region. There are still challenges ahead but we believe that by working collaboratively, with a shared approach, goals and culture, the Councils and their council-controlled organisations can deliver best value for money, high-quality and cost-effective outcomes, and services for our community.

Thank you again for your contribution to this process. We look forward to receiving your draft Statement of Intent by 1 March 2022 and to working together next year, and beyond.

Ngā mihi

Anne Tolley

**COMMISSION CHAIR
TAURANGA CITY COUNCIL**

Garry Webber

**MAYOR
WESTERN BAY OF PLENTY DISTRICT COUNCIL**

Cc: Oscar Nathan, General Manager: Tourism Bay of Plenty – oscar@bayofplentynz.com

10.12 TOURISM BAY OF PLENTY HALF YEARLY REPORT TO 31 DECEMBER 2021

File Number: A4511305

Author: David Pearce, Community Manager

Authoriser: John Holyoake, Chief Executive Officer

EXECUTIVE SUMMARY

1. The purpose of this report is to present to Council Tourism Bay of Plenty's half-yearly report to 31 December 2021.

RECOMMENDATION

1. That the report from the Community Manager dated 6 April 2022 titled 'Tourism Bay of Plenty Half Yearly Report to 31 December 2021' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council receives Tourism Bay of Plenty's Half Yearly Report to 31 December 2021.

BACKGROUND

2. In accordance with the Statement of Intent (SOI) and the Local Government Act 2002 (LGA 2002), Tourism Bay of Plenty (TBOP) are required to report to Council on their financial and non-financial performance, six monthly and annually.
3. TBOP's report for the six months to 31 December 2021 is provided as **Attachment 1**, with a brief summary in the main body of this report. The report summarises the high-level financial performance for the period ended 31 December 2021 and service performance against objectives/targets.
4. TBOP's report for the six months to 31 December 2021 was received by Council on 3 March 2022.
5. TBOP finishes the six-month period in a sound financial position. The financial summary shows an overall surplus of \$1,290,959 compared to the budget of \$1,149,955 and is therefore favourable by \$141,004.
6. This is partly due to a reduction in total expenditure and reduced expenses including some vacant positions remain unfilled and events and projects being delayed due to COVID (to be pushed out to the second half of 2022).
7. TBOP has maintained a working capital ratio of not less than 1 (Actual 2.7) and equity ratio above .5 (Actual .7).

8. TBOP's progress to date shows 26 of 33 objectives on track, five at risk, and the remaining two no longer applicable, due to COVID. These two objectives no longer applicable relate to the visitor spend (cruise industry) and the Qualmark Assessment which has been deferred to August–September 2022.
9. TBOP still managed to deliver a number of key outcomes including the Flavours of Plenty brand and planning for a food festival for April 2022, the development of a carbon waste reduction programme and the completion and distribution of a new Cycle Trails booklet for the WBOPDC region.
10. While the domestic visitor spend across New Zealand reduced by 11%, it is pleasing to note that with the local promotions and Destination Management projects the Coastal Bay of Plenty showed a minimal decrease of 5%.
11. The Domestic Visitor Satisfaction survey returned for Coastal Bay of Plenty tourism has returned an 86% satisfied or very satisfied rating.
12. While Total Visitor Numbers are considerably lower across Tauranga and Western Bay of Plenty (-16%) it is encouraging to note that jobs in tourism show an increase of 2% compared to July – December 2020.

SIGNIFICANCE AND ENGAGEMENT

13. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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.

14. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the financial implications associated with the decision are low and community engagement is not needed.

STATUTORY COMPLIANCE

15. In accordance with the SOI and the LGA 2002, TBOP is required to report to Council on their financial and non-financial performance six monthly and annually.
16. Council's partnership with TBOP help us successfully deliver our community outcomes and be a district that attracts businesses, people and visitors, is well planned, with a variety of successful and thriving compact centres, and is inclusive, safe, resilient and healthy.

- 17. As Council develops its strategic priorities and works with TBOP on how they can help achieve these, the Letter of Expectation (LOE) and SOI will become more aligned with our strategic outcomes.
- 18. While this report outlines TBOP’s performance against SOI measures for the first half of the year, with the ever-changing economic climate as a result of the global pandemic of COVID-19, there is some risk that TBOP may not meet all their SOI measures by the year end.

FUNDING/BUDGET IMPLICATIONS

19.

Budget Funding Information	Relevant Detail
	The financial implications are outlined in the above report and attachments.

ATTACHMENTS

- 1. **TBOP Six Month Report Jul to Dec 2021**  



SIX MONTH REPORT

TO 31 DECEMBER 2021

TĀPOI TE MOANANUI Ā TOI | TOURISM BAY OF PLENTY

(WESTERN BAY OF PLENTY TOURISM AND VISITORS TRUST)



GENERAL MANAGER'S REPORT

The COVID-19 pandemic continued to have a significant impact on the tourism industry across New Zealand and the Bay of Plenty throughout 2021. Our international borders remained closed and the regional lockdowns that were periodically implemented to contain COVID outbreaks dramatically impacted domestic travel flows, particularly from Auckland and the Waikato which are our top two domestic visitor markets.

Despite this uncertain environment, Tourism Bay of Plenty (TBOP) remained vigilant in the delivery of our organisation's fundamental functions in order to meet the performance measures we've been prescribed. In doing so, we've had to learn to be flexible and responsive to the realities of operating with COVID, both as an organisation and in support of our sector and operators.

While our Te Hā Tāpoi | The Love of Tourism Strategy 2020 - 2023 continued to guide us strategically, the environment during the six-month period July to December 2021 required a much more tactical and adaptive approach in the prioritisation and delivery of programmes across our four strategic pillars:

- Target the right visitors at the right time with the right messages.
- Connect with residents.
- Enhance the visitor experience.
- Grow capability and increase supply.

Essentially this resulted in us prioritising several key programmes and initiatives (particularly those that were digital/online in nature) that were aimed at stimulating domestic visitation during non-lockdown periods, as well as leveraging events as drawcards to the region, while also building on shoulder and peak season opportunities with our operators as we led into a highly anticipated summer season.

Conversely, we also needed to be prudent with our resources and defer a range of scheduled activity into the second half of the 2021/22 year (such as seasonal campaign activations, in-person trade/training events and international marketing) due to timing and the ongoing realities of COVID and associated restrictions.

Central government support, via our successful application to MBIE's one-off \$1million Tourism Support, Recovery and Reset (TSRR) programme, continued to underpin most of our Destination Management activity across industry capability, product development and marketing. Due to the extenuating circumstances of COVID and its impact on activity timelines, MBIE extended the funding deliverables across all 30 Regional Tourism Organisations to December 2022, allowing TBOP to broaden our programme reach and collaboration timelines. This also necessitated some carry-forward implications, in terms of our budget and non-BAU (i.e. non-Council funded) programmes, which are outlined in the financial section of this report.

In terms of MBIE's Regional Events Fund (REF) announced in September 2020, TBOP successfully undertook the promotion and distribution of the three-year \$500,000 contestable REF process during the July to December period, inviting applications from across the Coastal Bay of Plenty which were then co-assessed by event team managers from the Tauranga, Western Bay and Whakatane councils. This process was administered via the Smarty Grants system in partnership with TECT, which also funded an additional \$200,000 to increase the total contestable fund provision to \$700,000 across 15 key events over the following three years.



Of the 33 measures used to track TBOP's progress to date, 26 remain on track for completion with a further five at risk related to COVID-deferred TBOP activities that are now being undertaken in the second half of the 2021/22 Financial Year. The remaining two measures are no longer applicable as a direct result of COVID. These relate to cruise visitor spend (given that there were no cruise passenger arrivals during the 2021/22 season), and Qualmark assessment scores in region, which have since been deferred by Qualmark assessors to Jul/Aug 2022 due to the 2021 lockdowns.

As outlined in the pages following, TBOP has managed to deliver a number of key outcomes during the July – December 2021 period, with some of the major achievements including:

- Reorganisation of the TBOP team – new staff appointed with a key focus on delivery
- Completion and distribution of a new Cycle Trails booklet for the WBOPDC region
- Launch of the Flavours of Plenty brand, platform and inaugural April 2022 festival planning
- Ongoing delivery of key Destination Management projects, funded by MBIE's \$1m TSRR Fund
- Local operator activations and promotions over summer with Mt Mainstreet in the *i*-SITE POD
- Delivery of an integrated domestic campaign, with backing track by local band L.A.B.
- Successful development of a carbon waste reduction programme for the BOP tourism industry
- Proactive support of local hapū in confirming an MOU with award-winning tourism operator
- Partnered with TECT and MBIE to fund 15 events over three years to the value of \$700,000.

Despite the constant challenges facing the visitor economy in Te Moananui ā Toi | the Coastal Bay of Plenty, we incurred only a 5% drop in domestic visitor spend compared to July – December 2020. Taking into consideration the significant decline in visitation and subsequent visitor spend in other regions across the country, this can be viewed as a positive result.

Our organisation is in a sound financial position at the end of the first six months of the current financial year. The financial summary shows an overall surplus of \$1,290,959 compared to the budget of \$1,149,955 and is therefore favourable by \$141,004. Income shows a total of \$2,823,717 compared to the budget of \$3,259,409, which reflects a decrease in total revenue of \$435,692. Expenses show a total of \$1,532,757 compared to the budget of \$2,109,454. This reflects a reduction in total expenses compared to the budget of \$576,697 with employee expenses down \$243,526 YTD compared to budget due to vacant roles at the start of the year. Marketing costs were also down \$281,297 due to COVID and subsequent project delays, with the expectation that these costs will be spent in the second half of the financial year. Overall, as per our Key Performance Indicators in the Statement of Intent 2020–2023, TBOP has maintained a working capital ratio of not less than 1 (Actual 2.7) and equity ratio above .5 (Actual .7) and we fully expect the results to June 2022 to be on budget with a net breakeven position by the financial year end.

In closing, this Six-Month Report 2021 reflects the work of a dedicated and talented team, many of whom transitioned with the organisation as it went through a reorganisation and the onboarding of new staff and leadership. Together with the board, I want to thank our longer-term and new staff and also to acknowledge the vital support we receive from our council partners and other stakeholders in enabling us to do what we do. Noho ora mai.



MAJOR ACHIEVEMENTS



TBOP's new team structure is in place and most roles have been recruited



Inaugural Western Bay of Plenty Cycle Trails booklet produced and digital version distributed

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Tourism Support, Recovery and Re-Set funding
Value of \$1m to be used by end of 2022

Secured TSRR funding from MBIE



Launched Flavours of Plenty brand and website, and announced a food festival for April 2022

TECT

Funding for events
Value of \$200,000 to boost MBIE Regional Events Fund

Partnered with TECT and MBIE to support 15 regional events



Our partnership with a local hapū has resulted in a joint venture with an award-winning operator



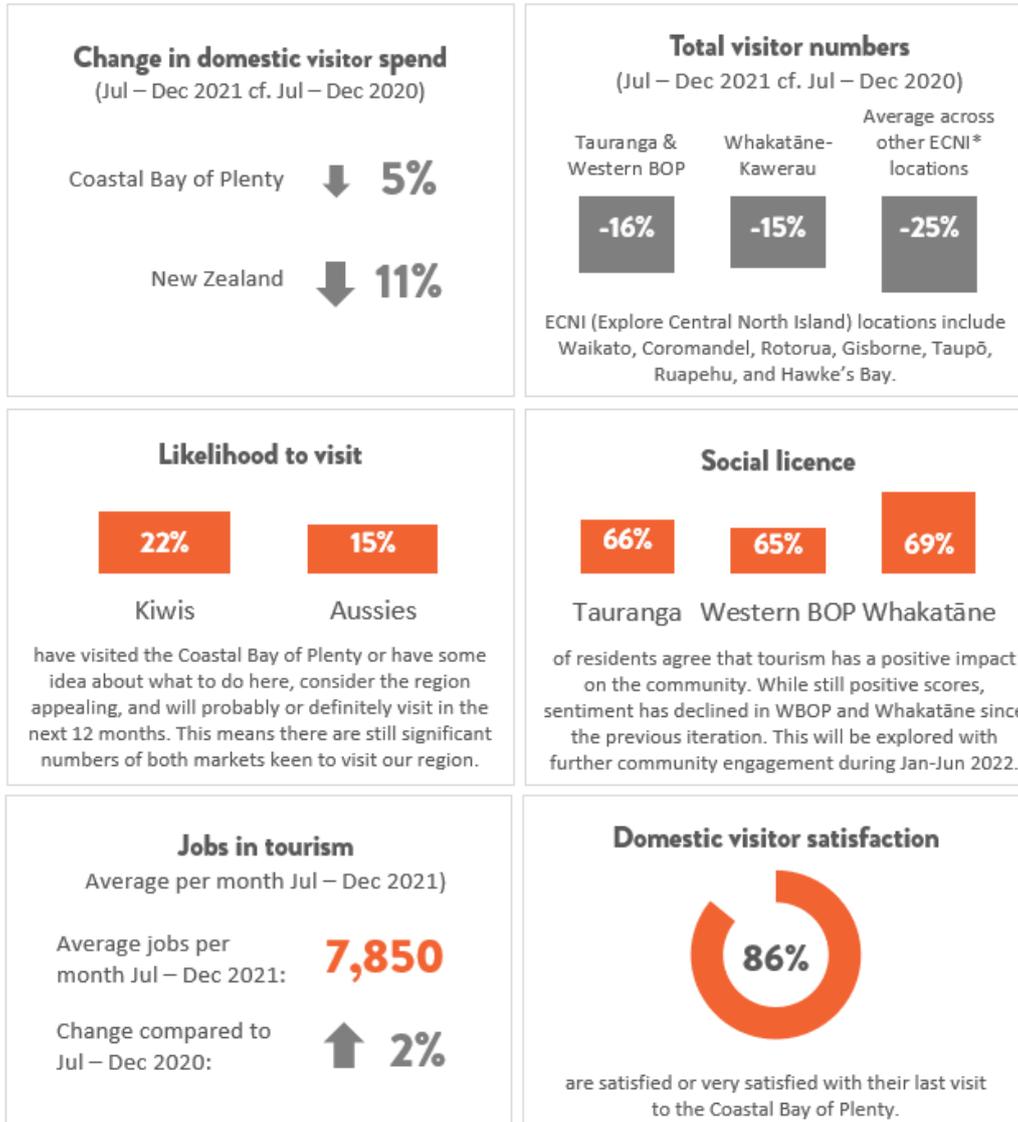
Locals and visitors engaged in giveaways and activations at the Mount i-SITE Pod over the summer



Domestic campaign achieved 1.4 million impressions and 264,000 complete video views



TOURISM LANDSCAPE: JULY TO DECEMBER 2021





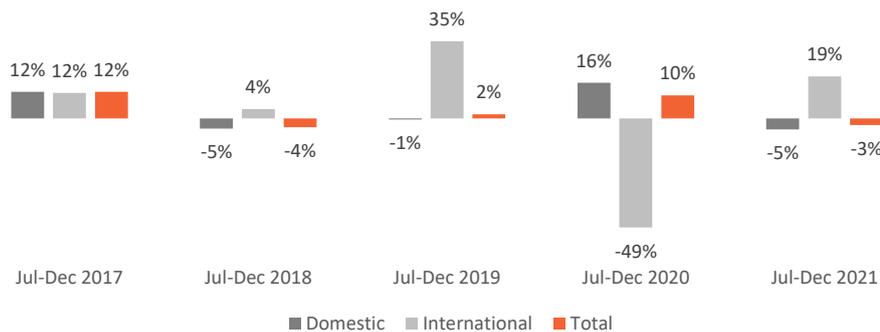
Visitor Economy

The COVID-19 pandemic has had a significant impact on the tourism industry locally, nationally and globally. The July - December 2021 period saw a decrease in domestic visitor spend and domestic visitor numbers compared to the same period in 2020. It's likely that the second half of 2020 reflected a period of heightened domestic travel, following that year's COVID-19 lockdowns, that was unable to be sustained throughout 2021. Additionally, the nationwide lockdown and the extended Waikato and Auckland lockdowns in the latter part of 2021 curtailed travel during this time (those two regions represent our two main visitor markets).

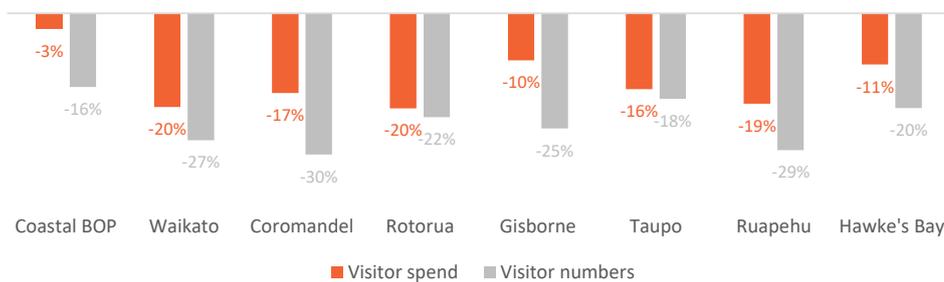
Spending by domestic visitors during this July to December 2021 period actually increased compared to same period in 2019, (up 9%), further suggesting that the 2020 spike was the result of unusual domestic activity due to the unique circumstances at that time.

The 19% increase in spend by international visitors is likely primarily attributable to repatriating Kiwis from the USA, Japan and Australia still using overseas electronic cards. The short travel bubble between NZ and Australian in the middle of 2021 did have some effect, however spending via Australian cards actually decreased by 20% compared to the year prior.

Change in visitor spend in Te Moananui ā Toi | The Coastal Bay of Plenty
(compared to same period of the previous year)



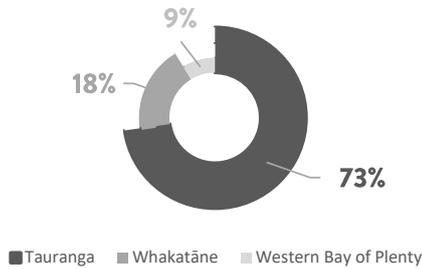
Change in Total Visitor Spend and Visitor Numbers
(Jul - Dec 2021 cf. Jul - Dec 2020)





The good news is that while Te Moananui ā Toi | the Coastal Bay of Plenty experienced a decline of both domestic visitor numbers and spending during the July to December 2021 period (compared to July to December 2020), this was a trend that was seen across most of New Zealand. During this period, the change in visitor spending and visitor numbers in Te Moananui ā Toi | the Coastal Bay of Plenty compared favourably with our Central North Island neighbours and with the national trend (total visitor spend decreased by 11% nationally).

Approximate proportion of visitor spend per territorial authority



Source of all spend data: MarketView Tourism Dashboard. Note that these data are based on electronic card transactions only and exclude pre-bookings, online and cash purchases. As such, figures should be read as approximates and treated with caution.



KEY HIGHLIGHTS

Te Hā Tāpoi | The Love of Tourism 2021–2022 is TBOP’s Destination Management Plan (DMP) and outlines its commitment to its role as a Destination Management Organisation. Considering the balance of economic growth with the social, cultural and environmental wellbeing of the community underpins everything that TBOP does.

TBOP’s key achievements from the July to December 2021 period are highlighted in the sections below.

Overall Highlights

Flavours of Plenty – a regional platform and festival celebrating our horticultural abundance

Horticultural Provenance is a key element of Te Moananui ā Toi | The Coastal Bay of Plenty’s DNA™ and our proposition and story needs to be elevated to appeal to potential and current visitors. Work in this space continued at pace in July to December 2021.

- We announced the region’s first multi-event food festival and launched a festival brand, website and marketing campaign. The theme of the 7-10 April 2022 festival, ‘Plentiful Produce’, recognises our regional DNA and will celebrate and raise awareness of the region’s abundance of local produce and artisans.
- We worked collaboratively across Te Moananui ā Toi | The Coastal Bay of Plenty to create a united food story. We held four meetups with food businesses from throughout the rohe during July - December 2021. A total of 436 stakeholders joined our industry database and 650 people joined the consumer database.
- We continued to build the profile and reputation of the region as a food and produce destination via foodie content and media partnerships. During this reporting period, we produced five new food feature stories; featured in the spring and summer editions of *Nourish* magazine; signed a content partnership with *Cuisine* magazine; and funded a BOP focused episode of *A NZ Food Story Series Two* starring award-winning chef Ben Bayly, which will screen in New Zealand on TVNZ 1, Duke and TVNZ on Demand in May 2022.

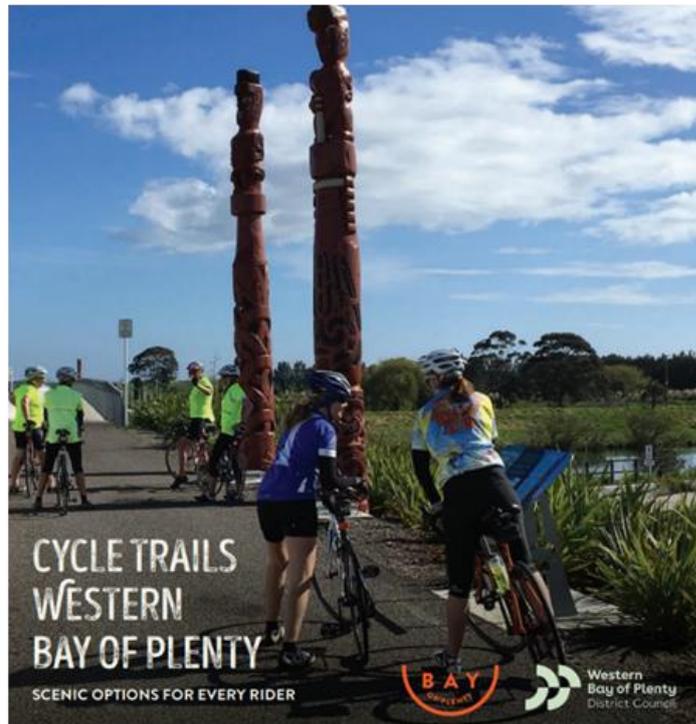
Delivering cycle trails – exploring our region through trails, storytelling and experiences

The Coastal Bay of Plenty offers some of the most diverse and unique landscapes for locals and visitors alike to get out and explore. A key challenge for us as a wider region has been in the coordination of a diverse network of cycle trails that showcase the region’s scenic vistas, heritage sites of significance and waterways. The trails span different areas; are at varying stages of consultation, development and/or completion; and some traverse multiple-owned land parcels, council boundaries and/or iwi whenua.

As part of our focus in this cycle trails area, TBOP has been working heavily to ascertain the current state of play across these varied stakeholder interests, to develop a regional narrative and promotional workplan that pulls together this network as a rich tapestry of trail discovery across the region.



- A key highlight achieved during the July to December 2021 period was the coordination, creation and delivery of a dedicated cycle trails booklet for the Western Bay of Plenty District Council region. The booklet is now completed leading into the summer period of 2021/22.



- With the WBOP Cycle Trails booklet completed, further work is underway with Bay of Connections and Tauranga City Council to scope and develop a regional collateral piece in 2022 that will include all the relevant Tauranga trails. This may be delivered in stages, dependent on the varied nature of consultation, development and/or completion of these trails and related parties.
- TBOP will continue to work with interested parties to identify opportunities to further develop or propose product and experiences that could complement the various trails, including the partnering with relevant iwi/hapū on potential storytelling and signage elements and interpretation.
- As part of TBOP's regenerative tourism focus, there has also been engagement with other entities around encouraging more locals and visitors to utilise cycle trails rather than relying on the roading network.



Regional Events Fund – funding provided to 15 key regional events for three years

The Ministry of Business, Innovation and Employment released a Regional Events Fund to be used over three years. TBOP was successful in securing \$865,000 via this funding and also secured a further \$200,000 by collaborating with the Tauranga Energy Consumer Trust (TECT).

Event organisers were asked to provide expressions of interest to access this funding support. TBOP coordinated a panel to assess each event submission and determine how the funding should be allocated. The panel comprised of representatives from Tourism Bay of Plenty, Tauranga City Council, Whakatāne District Council, Western Bay of Plenty District Council and TECT.

Events were assessed on key factors such as the likelihood of generating a significant increase in visitation and spend within the Coastal Bay of Plenty region, and their alignment with one or more of the region's Place DNA™ elements of Natural Environment, Ocean and Beaches, Māori Culture and Horticultural Provenance. Additionally, events were required to promote kaitiakitanga, regeneration and sustainability, and show a likely future legacy with year-on-year growth in visitor numbers.

A total of 15 events were successful in securing funding and were awarded multi-year/multi-event funding. These events were Polo in the Bay, Mount Festival of Multisport, NZ National Bridge Congress, Te Atea Indigenous Art and Tattoo Event, 2022 NZ SUP Nationals, Sun to Surf fun run, The West End Wiggle Surf Carnival, Wild Food Challenge & Festival, Flavours of Plenty food festival, X* Air Games, The Tauranga Arts Festival, AIMS Games, Tauranga STEMfest, Classics at Ōhope, and the 2023 Paddle Boarding World Champs.



Key Destination Marketing Highlights

Domestic marketing campaign delivered - keeping our region top-of-mind with Kiwis

Given COVID-19 lockdowns during the latter part of the July – December 2021 period, when our key markets (Auckland and Waikato) were unable to travel, TBOP took a pragmatic approach to domestic marketing. This meant continual reviewing of the landscape and rescheduling domestic marketing to ensure appropriate timing.

To increase cut through in an increasingly competitive landscape, and to showcase our Ocean and Beaches DNA asset, we licensed a L.A.B music track and released new video content for our Sure To Make You Smile campaign.

We also devised a new campaign architecture to reflect the visitor decision journey (dream, plan, book) and built in subregional identities and tourism products. This was rolled out in a summer campaign across our display, Facebook and YouTube channels from 1 December 2021. This campaign is due to finish at the end of January 2022. Early results indicate good engagement results across all these activities, with 415k impressions delivered and 3,324 clicks through to the landing page.

Maximising media coverage – Over \$4m of equivalent advertising value (EAV) achieved

Corporate PR

During the reporting period, TBOP commentary appeared in 75 articles across Sunlive, the NZ Herald, BOP Times and Rotorua Daily Post. These opportunities have allowed us to help shape the national conversation on topics such as COVID-19, major events, tourism industry recovery and cruise. The AVE (advertising value equivalent) for this publicity is \$4.03m. To view the dashboard for Corporate PR please click [here](#) and use the password “tbop”.

Travel stories

TBOP worked with travel journalists to promote the region in 12 national travel stories, gaining an AVE value of just under \$1 million (\$999,610). This content included our accessible tourism offerings, foodie spots, and a heritage story that shone a light on The Elms, Pukehinahina battle sites and Clarence Hotel.

Keeping our community informed - highlighting tourism activities to locals

The continuation of a successful monthly e-communications programme resulted in an average open rate of 35% and 4,415 views of the locals' pages on the bayofplentynz.com website. Established media partnerships with BOP Times, Stuff, Our Place magazine and Sun Media resulted in seven new tourism stories and multiple advertising features that highlighted local tourism operators, specifically targeted to the local market. Feedback from operators was positive, with three operators reporting that they received phone calls and bookings following publication of these stories.



Delivering updated information – rich imagery, content and collateral for visitors

To support our i-SITE team to assist visitors and to promote major events and natural landmarks, we produced three new collateral pieces during the reporting period. This included:

- a detailed [BOP visitor map](#)
- a [major event guide](#)

We created 16 new stories that covered tourism experiences, foodie hot spots and regional gems. We also produced an entire hub on our website dedicated to the region's [accessible tourism offerings](#) and commissioned one story that has since appeared in [Stuff](#). We worked alongside Kieran Wall from TCC, Cindy Clare from Waihi Beach Info and John Sligo from Parafed BOP to produce this content.

Increasing online profile - improving our regional website performance and reach

During the reporting period there were 235,774 page views on the bayofplentynz.com website. This is up 1% from the same period last year. The average time spent on each page increased by 23%. The most popular pages (after the home page) were Tauranga, Covid-19, Mount Maunganui, Mauao walking tracks, and locals (the No Place Like Home campaign).

Two-thirds (67%) of our total web traffic is organic. This is an increase of 32% or 91,095 more people who are finding our content when looking for travel ideas and inspiration compared with the same period last year.

This means people are either searching for us by name or by topics that interest them, suggesting that the effort we are putting into our content strategy and storytelling is paying off. This also demonstrates our strong domain authority and SEO results for Bay of Plenty search terms. We have also seen a 9% increase in e-newsletter sign-ups amongst these organic website visitors, allowing us to continue sharing messages about the Bay with them through our communications plans.

Maintaining destination awareness - keeping our regional on the consideration list

It's important that we keep Te Moananui a Toi | the Coastal Bay of Plenty brand in the minds of international wholesalers and travel agents as preparation for when the New Zealand border will reopen to international markets. In the reporting period, we achieved this via the online training of more than 2,000 individuals, spanning product managers Tourism New Zealand offshore teams and travel agents (across Australia, South-East Asia, the United Kingdom and Germany). This training was done in conjunction with Tourism New Zealand. TBOP also participated in TRENZ Connect online – a new platform introduced by TIA (Tourism Industry Association) to allow destinations and operators to stay connected with international wholesalers around the world. Furthermore, we provided updates to more than 30 inbound tour operators.

As we look ahead to the highly anticipated phased opening of New Zealand's international border, we are continuing to work with Tourism New Zealand to ensure our region is included in international campaigns.



Key Destination Management Highlights

Supporting operators

We included operators in media stories and social media posts and provided training to enable operators to list and upload deals onto newzealand.com. This activity, alongside a more dynamic and inclusive *i*-SITE approach (see more below), has helped support operators' own marketing efforts.

Visitor Information Centre operating in Mount Maunganui for the summer season

In collaboration with Tauranga City Council and Mount Mainstreet, TBOP opened a temporary Mount Maunganui *i*-SITE Visitor Information Centre ('the pod') in December at Te Papa o Ngā Manu Porotakataka for the busy summer season. To ensure the effective promotion of activities and things to do in the area, operators were offered free advertising and promotional opportunities, and many took advantage of this offer. A radio activation plan was executed to raise awareness of the Mount VIC and to engage the community. This included some exciting giveaways and promotions of operators. The *i*-SITE team also developed a social media plan to further promote tourism products and deals over the summer and beyond.

Joint venture enabled between local hapū and national award-winning tourism operator

TBOP was instrumental in shaping a joint venture between Ngāti Hangarau and top Qualmark operator Kaitiaki Adventures. Once developed this product will showcase the spectacular Omanawa Falls, tell the story of the area, and allow visitors to experience local Māori culture. This experience will align closely with our region's Place DNA™ and will appeal to some of our key target markets. This is the first foray into tourism for this hapū and it promises the added benefit of further job opportunities and training with Kaitiaki Adventures.

Enabling development of a programme to reduce carbon and waste footprints of the tourism industry

TBOP is rolling out a three-year programme (supported by Bay of Plenty Regional Council Toi Moana) to educate operators about low carbon circular economies and to provide practical recommendations for implementing measures to meet recommended guidelines. While COVID-19 and associated restrictions have delayed this programme's progress, it is set to kick off in the January - December 2022 period. Part of this project, that is currently underway, includes measuring the carbon footprint of tourism in the Coastal Bay of Plenty region and identifying key opportunities to decrease emissions. This is being done in conjunction with Rotorua Economic Development and Bay of Plenty Regional Council Toi Moana.



Key Stakeholder Engagement and Collaboration Highlights

Building greater connections with operators

TBOP has continued its efforts to build stronger relationships with operators and provide meaningful support throughout these challenging times. Our monthly Office Open Hour gatherings continue to be well attended. These provide an opportunity to engage in a more personal and informal chat with TBOP team members. During lockdown, and prior to the peak summer visitor season, TBOP checked in with operators via phone to gain an understanding of the COVID-19 policies and processes that were being implemented by each operator. This assisted *i*-SITE staff to accurately answer customer enquiries. Additionally, staff from both the TBOP office and the *i*-SITE Visitor Information Centre are making a more concerted effort to meet with operators more regularly.

Seeking better understanding and reflections of the community

TBOP has an ongoing commitment to genuine partnerships with *iwi* and *hapū* that ensures we honour Māori principles and values. As a result of recent changes within TBOP, new members (primarily the General Manager and the Head of Destination Management) have been working on establishing new relationships with local *iwi* and *hapū* leaders.

To ensure continued wider community engagement and leadership, TBOP is establishing steering and industry groups to lead activity related to elements of our Place DNA™. The steering group related to Horticultural Provenance (referred to as Flavours of Plenty) is up and running and we are in the process of establishing the Ocean and Beaches steering group.

Key Stakeholder Engagement and Collaboration

TBOP management and governance are actively building relationships with local council staff, councilors and commissioners. This is an area TBOP places significant importance and is a key aspect of the realigned structure of our organization and priority focus of the general manager.

TBOP is continuing to work collaboratively with the TCC events team. We attended 13 meetings with the TCC events team during July - December 2021 and were part of the City Events Strategic Plan working group. TBOP and TCC have been working together on major event destination messaging, b-roll videos, imagery and promotion, in particular for the Black Clash and the upcoming Women's Cricket World Cup. TBOP also produced a major events guide which is being distributed via the Visitor Point network across Aotearoa.

During July to December 2021, TBOP has also made a point of connecting with local economic development agencies (Priority One, Toi Kai Rawa and Bay of Connections) and has identified key opportunities for working together to achieve projects of mutual interest. It is in the alignment of strategy and objectives with our stakeholder Councils' (TCC and WBOPDC) along with other entities such as BOPRC, Priority 1, Toi EDA and DOC that will remain a key focus for the TBOP Leadership Advisory under the direction of chair Graeme Marshall.



AREAS OF DELIVERY NOT MET OVER THE PERIOD

Of the 33 performance indicators, 26 are on track to be achieved by end of the financial year. Two indicators have been marked as 'not applicable' due to extenuating circumstances. (Given the cruise market has not yet returned, we are unable to monitor or report on visitor spending from this market. Similarly, the Auckland lockdown last year has delayed the Qualmark assessment of the i-SITE. This is now expected to take place in July or August 2022.)

The following are the areas where we are at risk of not achieving the desired level of performance by the end of the financial year, although we are putting measures in place to address these matters.

- COVID-19 restrictions and a change of TBOP leadership have resulted in slightly fewer stakeholder engagement hui than intended. That said, we are making significant progress in building relationships and will continue to do so over the next six months.
- Residents in Whakatāne and the Western Bay of Plenty are less satisfied with the impact of tourism on their communities than in previous years. We expect this is likely, at least partly, a result of the impact of COVID-19, but we will be undertaking research during January to June 2022 to understand what is causing this shift and how we can best respond.
- The proportions of Kiwi and Australian travellers who are somewhat informed about the region, consider the region to be highly appealing, and will probably or definitely visit in the next 12 months have dropped marginally compared to the scores for the previous year (YE March 2021). The decrease in percentages (23% down to 20% for Kiwis, and 16% down to 13%) are within the margin of error for the results of the survey, meaning there may well have been no real change in the results. However, the ongoing COVID pandemic may be impacting these results and, if so, it may continue to affect further results in the short-term.



WESTERN BAY OF PLENTY TOURISM AND VISITORS TRUST

STATEMENT OF COMPREHENSIVE REVENUE & EXPENDITURE FOR THE SIX MONTHS ENDED 31 DECEMBER 2021

	2021 Actual	2021 Budget	2020 Actual
REVENUE			
Funding - Tauranga City Council	1,405,633	1,405,632	1,391,717
Funding - Western Bay of Plenty District Council	139,200	139,200	129,837
Funding - Whakatāne District Council	42,000	42,000	42,000
Retail sales	6,546	4,000	4,310
Finance revenue	2,588	1,150	1,566
Other revenue	1,227,749	1,667,427	718,725
Total revenue	2,823,717	3,259,409	2,288,155
EXPENDITURE			
Cost of sales	4,367	2,500	3,119
Operating & marketing	641,885	923,182	632,070
Administration & overhead	232,367	274,962	161,315
Finance costs	0	0	125
Employee benefit expenses	583,474	827,000	673,585
Trustee fees	37,500	43,500	27,875
Depreciation and loss on sale of assets	33,164	38,310	35,744
Total expenditure	1,532,757	2,109,454	1,533,833
SURPLUS/(DEFICIT) before Tax	1,290,959	1,149,955	754,322
Taxation	0	0	0
SURPLUS/(DEFICIT) after tax	1,290,959	1,149,955	754,322
Other Comprehensive Revenue & Expense			
Other Comprehensive revenue	0	0	0
Total Other Comprehensive Revenue & Expense	0	0	0
Total Comprehensive Revenue & Expense	1,290,959	1,149,955	754,322

STATEMENT OF CHANGES IN NET ASSETS/EQUITY FOR THE SIX MONTHS ENDED 31 DECEMBER 2021

	2021 Actual	2020 Actual
Net assets/equity at start of the year	461,288	424,937
Total comprehensive revenue and expenses	1,290,959	754,322
BALANCE AT 30 JUNE	1,752,247	1,179,259



STATEMENT OF FINANCIAL POSITION AS AT 31 DECEMBER 2021

	2021	2020
ASSETS		
Current assets		
Cash and cash equivalents	1,239,236	1,170,326
Investments	0	0
Debtors and prepayments	1,146,053	66,371
Inventories	10,720	16,115
Total current assets	<u>2,396,009</u>	<u>1,252,812</u>
Non-current assets		
Property, plant and equipment	186,903	214,823
Intangible assets	52,889	47,241
Total non-current assets	<u>239,792</u>	<u>262,064</u>
TOTAL ASSETS	<u>2,635,801</u>	<u>1,514,876</u>
LIABILITIES		
Current liabilities		
Creditors and accrued expenses	194,764	149,779
Revenue received in advance	541,200	42,000
Employee benefit liabilities	147,590	143,349
Finance leases	0	489
Total current liabilities	<u>883,554</u>	<u>335,617</u>
Non-current liabilities		
Loans	0	0
Finance leases	0	0
Total non-current liabilities	<u>0</u>	<u>0</u>
TOTAL LIABILITIES	<u>883,554</u>	<u>335,617</u>
TOTAL ASSETS LESS TOTAL LIABILITIES	<u>1,752,247</u>	<u>1,179,259</u>
EQUITY		
Accumulated funds	1,752,247	1,179,259
TOTAL EQUITY	<u>1,752,247</u>	<u>1,179,259</u>



Summary

These financial statements include the operations of TBOP and the Tauranga *i*-SITE, as these contracts are now combined.

The financial summary shows an overall surplus of \$1,290,959 compared to the budget of \$1,149,955 and is therefore favourable by \$141,004.

Income

Income shows a total of \$2,823,717 compared to the budget of \$3,259,409 which reflects a decrease in total revenue of \$435,692. This is due to Stapp/TSRR funding of \$499,200 that was received in this financial year that will be spent in the next financial year. Total income is up on last year due to the one-off extra \$300,000 in TSSR funding received this year.

Expenses

Expenses show a total of \$1,532,757 compared to the budget of \$2,109,454. This reflects a reduction in total expenses compared to the budget of \$576,697. Employee expenses show a reduction of \$243,526 compared to budget, due to vacant roles at the start of the year. Marketing costs also show a reduction of \$281,297 due to COVID-related delays in project costs, but we are expecting to spend this allocation in the second half of the financial year.

Balance sheet

Equity is currently showing an increase for the six months as a balance of \$1,752,247. Our equity has remained approximately \$400,000 for the past four years, as at year end 30 June, and we expect it will be approximately \$400,000 in June 2022. The six months to December show a higher amount due to less spend in the first half of the year and more spend in the second half of the financial year, which is a similar pattern to previous years. The increase in debtors is due to late payment of funding invoices by the councils.

As per key performance indicators in the Statement of Intent 2020–2023, TBOP has maintained a working capital ratio of not less than 1 (Actual 2.7) and equity ratio above .5 (Actual .7).

Forecast to June 2022

We expect the results to June 2022 will be on budget, with a net breakeven position by the financial year end.



SERVICE DELIVERY REPORT JULY – DECEMBER 2021

The activity outlined on the following page applies to the territorial boundaries covered by TBOP, as recognised by Statistics New Zealand, and covers the rateable areas of Tauranga City, Western Bay of Plenty District and Whakatāne District.

Status scale:

Exceeded	Completed	On track	Not started	At risk	Off track	N/A*
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*Note: N/A is used where that activity is no longer applicable due to elements outside of TBOP's control. For example, the cruise market has not yet returned due to the ongoing pandemic, therefore we will not be reporting on cruise visitor spend.



External Focus Areas

Focus Area	Performance Area	Performance Measure	Breakdown	Baseline	2021-2022 Goal (June 2022)	Six-month summary (July to December 2021)	Status	Source
Economic	Visitor spend	Measure trends in visitor spend in Te Moananui ā Toi the Coastal Bay of Plenty. Tourism data expert Shane Vuletich from FreshInfo deems it imprudent to forecast or set targets for future years at the moment (February 2021), due to the current levels of market uncertainty.	Total visitor spend	In the YE May 2021, total visitor spend in the region was up 18% compared to YE May 2020.	Monitor and report on changes in visitor spend and use the information to set new goals for future years.	For the period July - December 2021, total visitor spend was down 3% compared to the same period in 2020.	On track	Marketview Tourism Dashboard
			Domestic visitor spend	In the YE May 2021, domestic visitor spend in the region was up 27% compared to YE May 2020.	Monitor and report on changes in visitor spend and use the information to set new goals for future years.	For the period July - December 2021, total visitor spend was down 4% compared to the same period in 2020.	On track	Marketview Tourism Dashboard
			International visitor spend	In the YE May 2021, international visitor spend in the region was down 51% compared to YE May 2020.	Monitor and report on changes in visitor spend and use the information to set new goals for future years, dependent on market conditions.	For the period July - December 2021, total visitor spend was up 19% compared to the same period in 2020.	On track	Marketview Tourism Dashboard
			Cruise visitor spend	No baseline result, as there was no 2020-21 cruise season due to travel restrictions associated with COVID-19.	If the cruise market returns in 2021-2022, monitor and report on changes in visitor spend and use the information to set new goals for future years.	No update available. The cruise sector is still unable to operate owing to the pandemic and its associated restrictions.	N/A	MBIE Tourism Satellite Account
	Visitor numbers	Monitor trends in the number of visitors to Te Moananui ā Toi the Coastal Bay of Plenty.	Te Moananui ā Toi the Coastal Bay of Plenty	Monitoring average number of visitors each day per month and reporting to stakeholders.	Monitor and report on visitor numbers across the year.	TBOP is tracking visitor numbers and uses daily averages to construct monthly averages. This information is then shared with key stakeholders.	On track	Data Ventures Tourism NZ Tool
	Employment	Measure the number of jobs provided by the tourism industry. (Includes accommodation, food and beverage services, tourism activities, travel and tour services, and transport services.)	Total number of filled jobs in select tourism industries.	Tourism provides 7,440 jobs in the Coastal Bay of Plenty (April 2021).	Monitor and report on the number of jobs the tourism industry provides and use the information to set new goals for future years.	Tourism provided an average of 7,850 jobs in the Coastal Bay of Plenty each month through July - December 2021.	On track	Inland Revenue's Employer Monthly Schedule (EMS) and payday filing
Environmental	Environmental impact	Measuring the impact (both positive and negative) of tourism on the environment.	Te Moananui ā Toi the Coastal Bay of Plenty	Started to assess the impact of tourism across the region via ECO-destination certification (50% complete) and in conjunction with stakeholders.	Determine a framework for measuring the impact of tourism and regenerative tourism on the environment and begin monitoring.	TBOP is measuring the carbon footprint of tourism in the region as part of a joint project with Bay of Plenty Regional Council Toi Moana and Rotorua Economic Development.	On track	Report to be developed based on framework



Focus Area	Performance Area	Performance Measure	Breakdown	Baseline	2021-2022 Goal (June 2022)	Six-month summary (July to December 2021)	Status	Source
Cultural	Reach of engagement with iwi and hapū	Monitor the number of iwi and hapū with whom TBOP engages.	Te Moananui ā Toi the Coastal Bay of Plenty	Relationships with 10 iwi and 11 hapū.	Two new relationships developed with iwi and hapū per year.	The new General Manager and the Head of Destination Management are stepping into this space and are prioritising strengthening existing relationships before reaching out to other local iwi and hapū.	On track	Simpleview CRM system
	Quality of engagement with iwi and hapū	Monitor the strength of TBOP's relationships with iwi and hapū.	TBOP	Internal assessment of quality of relationships: <ul style="list-style-type: none"> 48% are classified as 'strong' 24% are classified as 'moderate' 29% are classified as 'weak' 	Develop a 360° review to establish a new baseline.	Enabling new TBOP staff to establish and strengthen existing relationships with iwi and hapū has been a priority during the July to December 2021 period. A re-assessment will be conducted in May 2022.	On track	360° review
Social	Social licence	Measure resident's sentiment towards tourism. This is measured by the percentage of residents who agree that tourism has a positive impact on the community. Residents provide a rating of 1 to 10, where 1 is strongly disagree and 10 is strongly agree.	Tauranga City residents	The score for the year to date (2020-21) is 66% agree (representing scores of 7 to 10).	Maintain or improve perceptions of tourism's impact on the community.	The score for the July - December 2021 period is 68% agree (representing scores of 7 to 10).	On track	Tauranga City Council residents' satisfaction survey results
			Western Bay of Plenty District residents	The score for the year ending June 2021 is 72% agree (representing scores of 6 to 10).	Maintain or improve perceptions of tourism's impact on the community.	The score for the year ending December 2021 is 62% agree (representing scores of 6 to 10). This is a decline of 10% compared the June 2021 result. We expect this is likely, at least partly, a result of the impact of COVID-19, but will be undertaking research during January to June 2022 to understand what is causing this shift and how we can best respond to improve perceptions.	At risk	Western Bay of Plenty residents' satisfaction survey results
			Whakatāne District residents	The score for the year ending June 2020 is 79% agree (representing scores of 6 to 10).	Maintain or improve perceptions of tourism's impact on the community.	The score for the year ending December 2021 is 69% agree (representing scores of 6 to 10). This is a decline of 10% compared the June 2020 result. We expect this is likely, at least partly, a result of the impact of COVID-19, but will be undertaking research during January to June 2022 to understand what is causing this shift and how we can best respond to improve perceptions.	At risk	Whakatāne District Council residents' satisfaction survey results
	Operator social licence	Measure industry operators' satisfaction with Tourism Bay of Plenty's activities.	Operators	No current baseline data is available. First survey to be undertaken in 2021-2022.	Maintain or improve operators' satisfaction with TBOP's activities.	Survey is scheduled to occur between February and May 2022.	On track	TBOP operator satisfaction survey
	Stakeholder engagement	Monitor stakeholder engagement volume.	Stakeholders	Averaged 120 engagements with key stakeholders per two-month period from July - December 2020.	Achieve an average of 70 engagements with key stakeholders per two-month period.	The current General Manager, Head of Destination Marketing, Head of Destination Management, and Head of Strategy & Insights achieved an average of 45 engagements with key stakeholders in the July - December 2021 period. Staff turnover and new appointments contributed to a lower number of engagements than intended. That said, we are making significant progress in building relationships and will continue to do so over the next six months.	At risk	Simpleview CRM system



Focus Area	Performance Area	Performance Measure	Breakdown	Baseline	2021-2022 Goal (June 2022)	Six-month summary (July to December 2021)	Status	Source
	Leadership Advisory Group	Hold Leadership Advisory Group meetings.		One meeting in the 2020-21 FY.	Hold three Leadership Advisory Group meetings.	Two meetings were held in July - December 2021. One of these was focused on Flavours of Plenty, to get feedback from group members regarding potential opportunities for collaboration or support.	On track	Simpleview CRM system
Visitor experience	Visitor satisfaction	Measure visitor satisfaction with their visit to Te Moananui ā Toi the Coastal Bay of Plenty.	Total visitor satisfaction	86% of visitors are satisfied with their last visit to the region (May to April 2021). Sample: n=214 Error margin: +/-7%	Maintain or improve visitors' satisfaction with their visit.	Most (86%) of visitors are satisfied with their last visit to the region (March to August 2021). Sample size: n=418 Error margin: +/-5%	On track	Visitor satisfaction survey
	Potential visitor perceptions	Measure perceptions of Te Moananui ā Toi the Coastal Bay of Plenty among the New Zealand and Australia markets.	New Zealand market	23% of adult New Zealand travellers are somewhat informed about the region, consider the region to be highly appealing, and will probably or definitely visit in the next 12 months (YE March 2021).	Maintain or improve propensity to visit score.	20% of adult New Zealand travellers are somewhat informed about the region, consider the region to be highly appealing, and will probably or definitely visit in the next 12 months (YE December 2021). While this result represents a decline of 3% compared to the last reported result (YE March 2021), the change is within the margin of error for the results and there is actually no real change in the results. That said, COVID-19 and its impact on propensity to travel may be having an impact here. TBOP's domestic marketing campaigns are aimed at enhancing perceptions of the area to help improve these scores.	At risk	Market Perceptions research report by Angus & Associates
			Australia market	16% of adult Australian travellers are somewhat informed about the region, consider the region to be highly appealing, and will probably or definitely visit in the next 12 months (YE March 2021).	Maintain or improve propensity to visit score.	13% of adult Australian travellers are somewhat informed about the region, consider the region to be highly appealing, and will probably or definitely visit in the next 12 months (YE December 2021). While this result represents a decline of 3% compared to the last reported result (YE March 2021), the change is within the margin of error for the results and there is actually no real change in the results. That said, continued international border closures may be impacting perceptions and we hope to see increased likelihood to visit when Trans-Tasman travel is once again an option.	At risk	Market Perceptions research report by Angus & Associates
	i-SITE user experience	Measure i-SITE users' perceptions of their experience.	Tauranga i-SITE	Six responses to i-SITE users' perceptions survey.	Monitor Net Promoter Score™ and set benchmarks for future years.	We have received seven responses to the i-SITE users' perceptions survey and identified a plan to increase response rates over the latter half of the 2021-2022 financial year.	On track	Customer Radar feedback dashboard



Internal Focus Area

Focus Area	Performance Area	Performance Measure	Baseline	2021-2022 Goal (June 2022)	Six-month summary (July to December 2021)	Status	Source
TBOP team	Employee engagement	Measure organisational culture and staff well-being.	Employee Engagement score: 76% (April 2021)	Maintain or improve Employee Engagement Score.	Implementing a new HR system, Employment Hero. Will conduct employee engagement assessments through this system once up and running.	On track	TBOP Employee Engagement Survey
	Living wage	Payment of the living wage (as a minimum) to all permanent employees.	All employees are being paid a minimum of the living wage.	Payment of the living wage (as a minimum) to all permanent employees.	Payment of the living wage is paid to all permanent employees.	On track	Financial records
Regulations	Health and Safety	Measure health and safety capability of Tourism Bay of Plenty.	Safe365 Index of 79% across the ten modules.	Safe365 Index of 80% across the ten modules.	Safe365 index of 76% across the ten modules and working on areas that need attention.	On track	Safe365 assessment
	i-SITE Qualmark status	Monitor the Qualmark status of Tauranga i-SITE.	Achieved Qualmark Sustainable Tourism Business Award with score of 85.	Maintain or improve the Qualmark Sustainable Tourism Business Award score.	Yet to be re-assessed since baseline score. This is due to lockdowns and Aucklanders being immobilised. Next assessment is due in July or August 2022.	N/A	Qualmark
Sustainability	Carbon footprint	Measure TBOP's carbon output.	Measured carbon footprint and identified opportunities for reduction.	Reduce carbon footprint across the organisation by 10% and offset or inset the rest.	Total TBOP carbon emissions in 2018/19 and 2020/21 were 24.2 tonnes and 10.2 tonnes respectively. Currently considering options to offset or inset the remainder.	On track	Carbon footprint calculator
	Waste management	Monitor TBOP's waste management.	TBOP has a worm farm and recycling bins.	Reduce waste to landfill by 10%.	Resource Wise programme audit took place in August 2021, which calculated baseline waste and recycling levels. This showed 91% diversion of total waste from landfill, earning TBOP Platinum status. Workstation rubbish bins have been removed and new recycling-waste stations system implemented to support our goal of reducing the landfill component by an extra 10% by June 2022.	On track	Resource Wise Business through Tauranga City Council



Focus Area	Performance Area	Performance Measure	Baseline	2021-2022 Goal (June 2022)	Six-month summary (July to December 2021)	Status	Source
Governance and finance	Governance	Statutory reporting requirements.	Met statutory reporting requirements for the 2020-2021 financial year.	Meet statutory reporting requirements.	On track to meet requirements for the 2021-2022 financial year.	On track	Audit
	Finance	Manage P&L budget and aim for best effort cost recovery through revenue growth opportunities and cost management strategies.	Achieved	Variance of profit to budget for year within 5% of total revenue.	Net result is ahead of budget to December and on track to be on budget at year end.	On track	TBOP Six Month and Annual Reports
		Code of Conduct compliance.	Achieved	Code of Conduct compliance.	On track	On track	TBOP Six Month and Annual Reports
		Compliance and regulatory obligations met.	Achieved	Compliance and regulatory obligations met.	The Annual Report 2020-2021 has not yet been audited due to Audit NZ staffing issues.	On track	Council's feedback
		Enterprise Risk Management Policy adherence.	Achieved	Enterprise Risk Management Policy adherence.	On track	On track	Board confirmation
		Maintain good working relationships with Council staff and elected members, observing the 'no surprises' principle.	Achieved	No surprises principle maintained.	On track	On track	Council's feedback
		Manage Strategic Tourism Assets Protection Programme (STAPP) and Tourism Support Recovery and Re-Set (TSRR) funding.	Achieved	Manage STAPP and TSRR funding to MBIE and TBOP Board expectations.	On track	On track	TBOP Six Month and Annual Reports
		Manage Regional Events Fund funding.	Achieved	Manage Regional Events Fund funding to MBIE and TBOP Board expectations.	On track	On track	TBOP Six Month and Annual Reports

11 INFORMATION FOR RECEIPT

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC**RECOMMENDATION**

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
12.1 - Confidential Minutes of the Performance and Monitoring Committee Meeting held on 10 February 2022	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
12.2 - Confidential Minutes of the Council Meeting held on 24 February 2022	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(b)(i) - the withholding of the information is necessary to protect information where the making available of the	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>information would disclose a trade secret</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)(i) - 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 to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or</p>	
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	<p>disadvantage, commercial activities</p> <p>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)</p>	
<p>12.3 - Appointment of Trustee to the Board of Tourism Bay of Plenty</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</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>