

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PERFORMANCE AND MONITORING MEETING NO. PM21-2
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON TUESDAY, 16 MARCH 2021 AT 9.30AM**

1 PRESENT

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

2 IN ATTENDANCE

M Taris (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), R Davie (Group Manager Policy Planning and Regulatory Services), D Jensen (Senior Financial Planner), D Pearce (Community Manager), G Payne (Strategic Advisor), L Balvert (Senior Communications Specialist), E Watton (Policy and Planning Manager), J Rickard (Senior Policy Analyst), P Watson (Reserves and Facilities Manager), J Paterson (Transportation Manager), K Little (Operations Manager), K Hill (Utilities Manager), T Rutherford (Policy Analyst), Ilze Kruis (Resource Recovery and Waste Team Leader), K Buckley (Project Manager Kerbside Services) and C Irvin (Senior Governance Advisor).

OTHER ATTENDEES

Tauranga City Council (TCC)

G Wallis (General Manager Community Services)
P Dunphy (Director Spaces and Places)
C Ellis (Manager: Strategic Māori Engagement)
W Aitken (Team Leader: Parks and Environment)

Representatives Ngati Hanarau Hapu

T O'Brien
K Nicholas

Tourism Bay of Plenty (TBOP)

L Cooney (Chairperson Tourism Bay of Plenty)
S Phillips (Kaihautū, Maori Economy)

Omanawa Falls Residents

S Turner
S Cornelius
M Evans
M Campbell
H Campbell
V Peatrie

Beca

A Belz (Senior Planner)
A Hutchison (Civil Engineering Senior Associate)
A McCaw (Principal – Asset Management)

Waka Kotahi (NZTA)

C Farnsworth (Senior Project Manager)

3 APOLOGIES

APOLOGY

RESOLUTION PM21-2.1

Moved: Cr M Murray-Benge

Seconded: Cr M Dean

That the apology for lateness from Cr M Grainger and for absence from Cr K Marsh be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

LATE ITEM

The Chairperson advised there was a confidential late item for the Committee to consider for inclusion in the Public Excluded section of the agenda, being 'Property Acquisition – 109 Clarke Road'.

RESOLUTION PM21-2.2

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

That, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the report titled 'Property Acquisition – 109 Clarke Road' be accepted as a late item of business and be included as an item on the public excluded section of the agenda.

CARRIED

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

PUBLIC FORUM ADJOURN MEETING

RESOLUTION PM21-2.3

Moved: Cr A Henry

Seconded: Cr M Gray

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

CARRIED

A. Wayne Lowry – Chairperson Kaimai Omanawa Rural Ratepayers Association (KORRA)Wayne Lowry

- Mr Lowry introduced Denise Kilgar (Committee Member KORRA) and Lance Brough (Manager Poripori Farm Trust).
- He thanked Western Bay of Plenty District Council (WBOPDC) for the way they had received KORRA, and for engaging in dialogue with them.
- KORRA's purpose was to bring people and their ideas together to create a sensible community plan and vision for the area.
- Two key aspects of the community plan were the safety and well being (mental health) of the residents, and the safety of tourists.
- KORRA wanted to foster and advocate the idea that the Kaimai area was seen as a 'gateway' to Tauranga for tourists, and felt WBOPDC could play more of an active role in this.
- Making the area safe, promoting commercial activity and connecting tourist attractions would be a way to promote the area as a complete 'tourist destination' package.
- It was also important to look at the wider picture that included roading and funding. KORRA felt that more funding could be allocated to create and maintain the area as a tourist attraction.

Lance Brough

- Mr Brough managed Poripori Farm Trust, a four thousand acre station, consisting of the Trust Board and fifteen hundred shareholders. He advised that the Trust Board and its shareholders would like Kumikumi Road tar sealed as it was felt that there were health issues arising from road dust. There were also issues with crop dusting.

Denise Kilgar

- Ms Kilgar presented an updated submission on the sealing criteria of Kumikumi Road, which included an article on a trial being done by New Plymouth District Council using a new product (called 'Plas Mix', which utilized plastics) to seal roads.

Presenters responded to questions as follows:

- Mr Brough confirmed that he felt that Kumikumi Road, unsealed, was not fit for purpose any more as there was now a lot of traffic on the road, including heavy trucks.

B. Keith Hay – Secretary, Katikati - Waihi Beach Residents and Ratepayers Association (KKWBRRA)

- Also in attendance with Keith Hay were Norm Mayo (Chairperson KKWBRRA) Ewen Luskaie (Committee KKWBRRA) Chris Reed (Committee KKWBRRA), and Phillip Foster (supporter KKWBRRA).
- Mr Hay presented a petition which requested that WBOPDC hold consent hearings before allowing any dispensation from District Plan rules for developers who wish to build in the Waihi Beach Commercial and Commercial Transition Zones.
- He advised that there had been several blocks of apartments built, and some to be built, that did not seem to have complied with District Plan rules. This included buildings being over-height, not complying with front yard requirements and not providing parking spaces.
- There was an area where a developer had built a block of apartments that had reduced visibility lines at an intersection, making it a serious traffic hazard.
- KKWBRRA asked that Council staff stop making pre-application agreements, and would like applications for projects in the Commercial and Commercial Transition Zone to be publicly notified.
- Cr D Thwaites received the petition from Keith Hay in Public Forum.

C. Anthony Thompson (resident Waihi Beach)

- Mr Thompson said he felt that the methodology of the bin system was fine but the payment system was problematic for some people.
- Council had set up a double payment system – the Kerbside Collection 'Pay As You Throw' system and an annual charge rate.

- He had been given feedback that some people preferred a 'one stream' payment of 'Pay As You Throw'.

D. Mike Hickey – Waihi Beach

- Mr Hickey was very concerned about the preservation of the environment at Waihi Beach, especially the wildlife.
- The residents cared greatly about the area and did not want it to become a place full of high-rise buildings, which would spoil the nature of the area.
- Both Mr Hickey and the residents were asking Council to consider this before allowing any more high rise developments. They wanted Waihi Beach to remain much the same as it was now.

10:05am Cr M Grainger entered the meeting.

The Chairperson thanked everyone for their contribution to Public Forum.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION PM21-2.4

Moved: Cr M Grainger
Seconded: Cr M Dean

That the meeting reconvene in formal session.

CARRIED

8 PRESENTATIONS

Nil

9 REPORTS

9.1 GROUP MANAGER FINANCE AND TECHNOLOGY SERVICES REPORT

The Committee considered a report dated 16 March 2021 from the Group Manager Finance and Technology. The report was taken as read.

RESOLUTION PM21-2.5

Moved: Cr J Denyer
Seconded: Cr M Dean

That the Group Manager Finance and Technology Services report dated 16 March 2021 titled 'Group Manager Finance and Technology Services Report' be received.

CARRIED

9.2 SCHEDULE OF PAYMENTS FOR THE MONTH OF JANUARY 2021

The Committee considered a report dated 16 March 2021 from the Group Manager Finance and Technology Services. The report was taken as read.

RESOLUTION PM21-2.6

Moved: Cr M Murray-Benge
Seconded: Cr A Henry

That the Acting - Finance Manager's report dated 16 March 2021 titled 'Schedule of Payments for the Month of January 2021' be received.

CARRIED

9.3 OMANAWA FALLS & MCLAREN FALLS BRIEFING - TAURANGA CITY COUNCIL

The Committee considered a report dated 16 March 2021 from the Executive Assistant Senior Team Administrator Infrastructure Services.

The Chairperson welcomed the representatives from TCC, TBOP and the Omanawa Falls residents. Mr Koro Nicholas (representative Ngati Hangarau Hapu) opened the presentation with a welcome in Te Reo, and the TCC Director Spaces and Places spoke to a power point presentation providing a summary under the following headings:

- Omanawa Background;
- Omanawa Principles (developed by Ngāti Hangarau Hapu to guide decision making on the project);
- Omanawa Falls Project (including Council direction, partnership and active collaboration, and cultural significance);
- Omanawa Access programme (a timeline);
- Omanawa Falls – Summer 2020/2021 (Ngātai Hangarau Kaitiaki programme: 22 December 2020 – April 2021 and outcomes);
- Communication (informing neighbours, active consultation, Project Leo);
- The Omanawa Experience; and
- Omanawa ownership.

The General Manager Community Services thanked WBOPDC for the opportunity and said that Tauranga City Council's door was always open for questions.

Presenters responded to questions as follows:

- The flying fox located on the site was used by workers only, to get to the power station to carry out any works needed – it was not for public use.
 - Currently there were three stages to the programme – green, amber and red. TCC were still completing the design process and wheelchair accessibility was still to be considered.
 - There was no thought, at this stage, to charge people to access the Falls. However, there had been suggestions around charging for guided tours.
 - There had been a number of signs put up around the area to divert traffic to McLaren Falls.
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RESOLUTION PM21-2.7

Moved: Cr A Henry
Seconded: Cr M Gray

That the presentation by the General Manager Community Services, Tauranga City Council, dated 16 March 2021 titled 'Omanawa Falls & McLaren Falls Briefing – Tauranga City Council' be received.

CARRIED

10:46am The meeting adjourned.
11:00am The meeting reconvened.

9.4 WAKA KOTAHİ - SH2 SAFETY WORKS

The Committee considered a report dated 16 March 2021 from the Executive Assistant Senior Team Administrator Infrastructure Services.

The Chairperson welcomed Chris Farnsworth and Alister McCaw of Waka Kotahi who spoke to a power point presentation regarding Options 3 and 4a for State Highway 2 – Waihi to Omokoroa, noting the following:

- All in all the project was progressing well, ahead of time and budget.
- Traffic flows had been relatively good, with some problems in some areas that were being worked on.
- There had been delays due to difficulties in getting earthworks and storm water consents, but work was continuing on this.
- Crash statistics had dropped significantly since 2020. This was possibly due to all the data not being collected at this stage and the traffic management in place in many areas.
- Waka Kotahi now had approval to start the design process for a median barrier between Katikati and Omokoroa. The focus was to try to build two roundabouts this coming summer.
- A median barrier could only be installed if there was 'safe turning' at regular frequencies (about every three kilometres). When putting in a roundabout, technical issues, consents and land availability had to be taken into consideration.
- There were eight locations being considered for roundabouts, although only five or possibly six were needed.
- Upon completion of two roundabouts, in a very short time frame a median barrier would be built between them.
- When looking at options available for State Highway 2, 'Option 3' was to widen the road, and 'Option 4a' was to put a median barrier from Waihi to Omokoroa. Option 4a was estimated to provide an eighty percent reduction in 'serious death and injury'.

11:14am Cr Henry entered the meeting.

Presenters responded to questions as follows:

- The speed limit, after the installation of the roundabouts, was still to be determined and would have to take into consideration the extra journeys people would have to make because of the roundabouts .
- The site of the two roundabouts due to be built this summer would be the ones that would be easiest to build, taking into consideration site, consents and technical issues.

RESOLUTION PM21-2.8

Moved: Cr J Denyer
Seconded: Cr A Henry

That the presentation by Waka Kotahi (NZTA) dated 16 March 2021 titled 'Waka Kotahi – SH2 Safety Works' be received.

CARRIED

9.5 TIROHANGA ROAD SEALING

The Committee considered a report dated 16 March 2021 from the Transportation Manager who spoke to the report noting the following:

- Mr R Rolleston came to the Performance and Monitoring Committee meeting on 13 October 2020 asking Council to reconsider their Seal Extension Policy for Matakana Island.
- As a result of a decision relating to the Tirohanga Road seal extension at the Performance and Monitoring Committee Meeting on 2 February 2021, Mr R Rolleston was informed that the extension would be progressed. In response, residents of the area had submitted a petition suggesting options and alternatives in delivering the seal extension on Matakana Island.
- The main request was for Council to re-consider the criteria and potentially move some of the Tirohanga Road investment down on to Matakana Point Road, effectively swapping/taking off 800 metres off the end of Tirohanga Road and putting it down on Matakana Point Road. Doing this would mean that other pieces of the unsealed road would sit uncompleted.
- The recommendation, at this time, was to place the project on hold and arrange to meet with the residents of the two Roads in question, to inform them of Council's Policy and why it was planned to fully seal Tirohanga Road as opposed to Matakana Point Road. It would also be an opportunity to discuss the options of whether or not there was support for delaying or changing the delivery and obtaining feedback from the residents.

Staff responded to questions as follows:

- The Deputy CEO clarified that, in terms of rankings, if the two roads were split, the part that was left out at the top of Tirohanga Road would be at the top of Council's next program.
- Council had a 'Stock Policy' where farmers were required to maintain their entranceways and stock crossings. Some adhered to this, but others did not, which created extra work for Council.
- Council did a count of the unsealed roads every year. The last three counts were taken as an average, which was a 'floating average' over time. Anything that was outside the standard deviation was not used, for example, Kiwifruit picking season where there was a lot more traffic.

RESOLUTION PM21-2.9

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

1. That the Transportation Manager's report dated 16 March 2021 titled 'Tirohanga Road Sealing' 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 Committee notes the Tirohanga Road Sealing Project is on hold.
4. That a meeting is held with the residents of Matakana Island to discuss the issues raised in the petition dated 11 February 2021.

CARRIED

9.6 ROAD CONTROLLING AUTHORITIES (RCA) REPORT - 2019/2020 WESTERN BAY OF PLENTY DISTRICT COUNCIL

The Committee considered a report dated 16 March 2021 from the Transportation Manager. The report was taken as read.

RESOLUTION PM21-2.10

Moved: Cr M Grainger
Seconded: Cr M Murray-Benge

That the Transportation Manager's report dated 16 March 2021 titled 'Road Controlling Authorities (RCA) Report - 2019/2020 Western Bay of Plenty District Council' be received.

CARRIED

9.7 ŌMOKOROA CYCLEWAY SAFETY REPORT

The Committee considered a report dated 16 March 2021 from the Transportation Manager. The report was taken as read.

Staff responded to questions as follows:

- The Deputy CEO advised that Council was going through the process of fixing minor issues along the cycleway. However, there were issues with Te Puna Road, Borell Road and Snodgrass Road that they were addressing. Placing cones around entranceways was a more economical option for some of the issues.
 - The project section from the Bridge into Bethlehem had been transferred to TCC.
 - Council would implement improvements at certain places, monitor and then assess the area. The more minor issues would be attended to first. The Committee supported this approach.
 - Creating visibility around driveways was the responsibility of the driveway owners.
 - The 'shared path' standard width was now three metres. Not all areas had pathways this width.
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RESOLUTION PM21-2.11

Moved: Cr M Murray-Benge
Seconded: Cr A Henry

1. That the Transportation Manager's report dated 16 March 2021 titled 'Ōmokoroa Cycleway Safety Report' 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 staff investigate the options and costs required to address the variable path width along Borell Road.
4. That Council addresses the key entranceways along the cycle path and advise the owners what they are able to do as far as signage is concerned.
5. That staff monitor the Ōmokoroa to Tauranga Cycleway safety concerns raised by the safety audit team concerning the path along Borell Road.

CARRIED

9.8 TWO MILE CREEK BANK PROTECTION WORKS

The Committee considered a report dated 16 March 2021 from the Utilities Manager. The report was taken as read.

Staff responded to questions as follows:

- The new proposed contract had reduced the cost of the works by \$1 million.

- Council needed to inform the property owners of the new design and finalise getting the remaining owners to sign off on the works. A meeting would be scheduled with owners at Waihi Beach.
- Bay of Plenty Regional Council (BOPRC) was being consulted around the new design.
- The Contract needed to be finalised with Brian Perry Civil (Engineering).
- Under their current Resource Consent, Council could not enter the stream from June through to November. As a result of this, the works process would be spread over two years.

RESOLUTION PM21-2.12

Moved: Cr J Denyer

Seconded: Cr A Henry

1. That the Utilities Manager's report dated 16 March 2021 titled 'Two Mile Creek Bank Protection Works' 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 increase the budget for Two Mike Creek Bank Protection Works from \$4,000,000 to \$5,975,000, funded from a transfer from other stormwater projects, in accordance with the attached schedule.
4. That it be noted the construction period for the Two Mile Creek works will be over the 2020/21/22/23 financial years, subject to resolving land entry agreements.

CARRIED

Cr Thwaites voted against the recommendations.

9.9 KERBSIDE COLLECTION IMPLEMENTATION

The Committee considered a report dated 16 March 2021 from the Utilities Manager who spoke to a power point presentation summarising the following points:

- Service Connections;
- Cost for Recycling Kerbside Collection Service;
- Other Customers;
- Private Roads;
- Map of Outlets – Eastern/Western;
- Top six customer questions;
- Communication;
- Website;
- Collection Day Map (Provisional);
- Roads that had been added either by public demand or missed on database;
- Collection area future draft policy to extend collection;
- Multi-dwelling properties;
- WBOPDC municipal truck build programme update and fleet profile;
- Implementation plan;
- What the team were working on;
- Next Steps;
- Calendar Year (continue with collections as scheduled on public holidays);
- Central Government announcement; and
- No. 5 Plastics – in or out?

Staff responded to questions as follows:

- Residents needed to be informed about 'No. 5 plastics' and a decision needed to be made whether or not to include this type of plastic in the recycling process.
 - Council staff were continuously working on refining the processes being set for the pick up of rubbish/waste, especially regarding disadvantaged residents.
 - Council was considering the use of smaller Contractors to cover private roads.
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RESOLUTION PM21-2.13

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

That the Utilities Manager's report dated 16 March 2021 titled 'Kerbside Collection Implementation' be received.

CARRIED

12:45pm The meeting adjourned.

1:10pm The meeting reconvened.

9.10 OPERATIONAL RISK REPORT MARCH 2021

The Committee considered a report dated 16 March 2021 from the Deputy Chief Executive Officer/ Group Manager Infrastructure Services (Deputy CEO), who along with the Transportation Manager, spoke to a power point presentation noting the following:

- Possible options for Beach Road;
- No. 1 Road Traffic Management;
- Waiari Water Main – No. 1 Road;
- Seal Extension prioritisation (to note was that the new priority list being developed in accordance with Policy was due for the 27 April 2020 meeting);
- Mountain Road update; and

1:20pm Cr Gray entered the meeting.

- Maketu Road Cycleway.
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CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be confidential item 11.4: 'Property Acquisition – 109 Clarke Road' in order to allow four Committee members to be released from the meeting.

RESOLUTION PM21-2.14

Moved: Cr M Grainger

Seconded: Cr M Dean

That confidential agenda item 11.4 'Property Acquisition – 109 Clarke Road' be the next item of business in order to allow four Committee members to be released from the meeting.

CARRIED

RESOLUTION PM21-2.15

Moved: Cr G Dally
 Seconded: Cr J Denyer

1:25pm

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 - 'Property Acquisition – 109 Clarke Road'	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
11.2 - Council Contracts Awarded Or Renegotiated For The Months Of November 2020 - January 2021	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
11.3 - Operational Risk Report March 2021 Confidential	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
11.4 - Te Puna - Proposed Reserve Acquisition	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	(including commercial and industrial negotiations)	
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CARRIED

MINUTES RESUMED IN OPEN SESSION AT 1:51PM

PRESENT

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

IN ATTENDANCE

M Taris (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), R Davie (Group Manager Policy Planning and Regulatory Services), G Payne (Strategic Advisor), J Paterson (Transportation Manager), K Hill (Utilities Manager), P Watson (Reserves and Facilities Manager), and C Irvin (Senior Governance Advisor).

9.10 Operational Risk Report March 2021 continued:

The Deputy CEO spoke to a power point presentation noting the following:

- Eastern Comprehensive Water Take Consent;
- 3 Waters CIP – Key Updates;
- Omokoroa Road Urbanisation

1:55pm Mayor Webber, Cr Scrimgeour, Cr Gray and Cr Henry withdrew from the meeting.

- Precious Reserve Golf Course Stormwater Bund;
- Waihi Beach Trig Lookout to Dam Loop Trail;
- Te Puke to Rangiuru Business Park shared path; and
- Omokoroa to Pahoia cycleway connection.

RESOLUTION PM21-2.16

Moved: Cr M Grainger

Seconded: Cr G Dally

That the Deputy Chief Executive's Report dated 16 March 2021 titled 'Operational Risk Report March 2021' be received.

CARRIED

The Meeting closed at 2.05pm.

Confirmed as a true and correct record by Council on 8 April 2021.