

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PERFORMANCE AND MONITORING MEETING NO. PM21-5
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON TUESDAY, 20 JULY 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, Deputy Mayor J Scrimgeour and Cr A Sole.

2 IN ATTENDANCE

J Holyoake (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), M Dowd (Chief Information Officer), M Palmer (Acting - Finance Manager), B Williams (Strategic Property Manager), J Paterson (Transportation Manager), P Watson (Reserves and Facilities Manager), K Little (Operations Manager), K Buckley (Project Manager Kerbside Services), C McLean (Senior Transportation Engineer), B Hickman (Bay of Plenty West Maintenance Contract Manager), G Armstrong (Customer Service Representative Supervisor), and C Irvin (Senior Governance Advisor).

OTHERS IN ATTENDANCE

Media

K Gillespie

KM Planning

K McGuire

Land Owner/Developer - 11 Margaret Drive, Ōmokoroa

J Zhao

Broadlands Block Rejuvenation Group

R Parsons

L Parsons

L Caves

Waihi Beach Primary School

R Coll - Principal

EnviroWaste

B Monkley

3 APOLOGIES

APOLOGY

RESOLUTION PM21-5.1

Moved: Cr M Gray

Seconded: Cr M Murray-Benge

That the apology for absence from Cr K Marsh be accepted.

CARRIED

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 GROUP MANAGER FINANCE AND TECHNOLOGY SERVICES' REPORT**

The Committee considered a report dated 20 July 2021 from the Group Manager Finance and Technology Services. The report was taken as read.

RESOLUTION PM21-5.2

Moved: Cr M Dean

Seconded: Cr M Grainger

That the Group Manager Finance and Technology Services' report dated 20 July 2021 titled 'Group Manager Finance and Technology Services Report' be received.

CARRIED

9.2 SCHEDULE OF PAYMENTS FOR THE MONTH OF MAY 2021

The Committee considered a report dated 20 July 2021 from the Acting – Financial Controller. The report was taken as read.

RESOLUTION PM21-5.3

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

That the Acting – Financial Controller's report dated 20 July 2021 titled 'Schedule of Payments for the Month of May 2021' be received.

CARRIED

9.3 BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES (BOPLASS) STATEMENT OF INTENT 2021-2024 (FINAL)

The Committee considered a report dated 20 July 2021 from the Finance Manager. The report was taken as read.

RESOLUTION PM21-5.4

Moved: Cr M Grainger

Seconded: Cr J Denyer

That the Finance Manager's report dated 20 July 2021 titled 'Bay of Plenty Local Authority Shared Services (BOPLASS) Statement of Intent 2021-2024 (Final)' be received.

CARRIED

9.4 PROPOSAL TO OFFICIALLY NAME THE LAND CURRENTLY KNOWN AS BROADLANDS BLOCK, WAIHĪ BEACH

The Committee considered a report dated 20 July 2021 from the Reserves and Facilities Manager, who introduced Ruth Parsons, Lee Parsons and Lucia Caves of Broadlands Block Rejuvenation Group, and Rachael Coll, Principal Waihī Beach Primary School. The following points were noted:

Ruth Parsons

- Through Rachael Coll, and her communications with local Iwi, significant progress had been made over the last six months towards officially changing the name of the block of land.
- It was felt that the current name did not have any significance, but after research and help from an archaeologist, the history of the site was uncovered. It was found that it was originally a Pa Site, known as 'Te Mata'.
- On 25 June 2021, a 'first planting' was done in the area, the total being around five hundred native trees. Of significance, and very emotional, was the planting of a type of flax known as 'Harakeke', brought to Ōtāwhiwhi Marae many years ago by the last Kuia to reside on Tuhua (Mayor Island). Other flax varieties planted on this day were also from Tuhua.
- Mayor Webber advised that he felt the background story of the block of land was important, and should be made known to the public during the consultation process.

Staff and presenters responded to questions as follows:

- Anyone in New Zealand could pick up the consultation notice in the local papers and on the Western Bay of Plenty District Council (WBOPDC) website. After completion of public consultation, Council Committee, as a decision making body, would make the final decision on the new name of the block of land.

Rachael Coll

- Due diligence, of consulting with Iwi, had been done in the early stages of this process.
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RESOLUTION PM21-5.5

Moved: Cr A Sole

Seconded: Mayor G Webber

1. That the Reserves and Facilities Manager's report dated 20 July 2021 titled 'Proposal to Officially Name the Land Currently Known as Broadlands Block, Waihī 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.
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3. That the Performance and Monitoring Committee approves that staff initiate the process to officially name an area of land currently identified as 'Broadlands Block'.
 4. That if, in Item 3 above, the Committee approves the proposal to rename the Broadlands Block, staff be instructed to initiate a one-month public consultation process before making a recommendation to Council for a formal resolution.

CARRIED

9.5 REQUEST TO OFFICIALLY NAME THE MAIN STORMWATER POND WITHIN THE KAIMAI VIEWS SUBDIVISION, ŌMOKOROA

The Committee considered a report dated 20 July 2021 from the Strategic Property Manager who spoke to the report noting the following:

- After consultation with Pirirākau, the Developer of the subdivision (Classic Developments) within Kaimai Views approached Council with the suggested name of 'Puna Rua', meaning 'Two Springs'.

Staff responded to questions as follows:

- The pond was expected to become an attraction/point of interest for locals, which is part of the reason why the Developer suggested giving it an official name.
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RESOLUTION PM21-5.6

Moved: Mayor G Webber

Seconded: Cr M Murray-Benge

1. That the Strategic Property Manager's report dated 20 July 2021 titled 'Request to Officially Name the Main Stormwater Pond Within the Kaimai Views Subdivision, 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 the Performance and Monitoring Committee approve in principle the proposal to name the main stormwater pond within the Kaimai Views subdivision 'Puna Rua'.
4. That if in Item 3 above, the Performance and Monitoring Committee approves the proposal to rename the stormwater pond, staff be instructed to initiate a one-month public consultation process before making a recommendation to Council for a formal resolution.

CARRIED

9.6 RIGHT OF WAY AND STORMWATER EASEMENT OVER COONEY RECREATION RESERVE, ŌMOKOROA IN FAVOUR OF LOT 43 DPS 26919 (11 MARGARET DRIVE DRIVE)

The Committee considered a report dated 20 July 2021 from the Reserves and Facilities Manager, who introduced Kathryn McGuire, of KM Planning and Joe Zhao, landowner and developer of 11 Margaret Drive, Ōmokoroa. The report was taken as read.

Staff and Kathryn McGuire responded to questions as follows:

- The reserve area had a low-volume, internal park road, and as such was a 'slow vehicle' area. This would help to enhance safety in the event that the easement was granted.
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- It would be necessary to uplift the Reserve's 'Reserve Status' and go through a public consultation process, in order to extend the street in the Reserve.
- A traffic impact assessment was being done and was in the preliminary stages at the moment. This would determine the topography with which the driveway would be situated.
- The Applicant would be happy to work with Council staff to potentially come up with retaining walls/bunting/fencing where needed.
- Through the Easement Instrument, any maintenance required at the site would be the responsibility of the easement holder.
- When assessing whether or not an easement should be granted, one of the things Council took into consideration was the value of the land without the easement in place, as opposed to its value with the easement in place.
- In order to help mitigate the potential loss of grass area in the Reserve, the Applicant had offered to undertake landscaping in that area.

RESOLUTION PM21-5.7

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

1. That the Reserves and Facilities Manager's report dated 20 July 2021 titled 'Right of Way and Stormwater Easement over Cooney Recreation Reserve, Ōmokoroa in favour of Lot 43 DPS 26919 (11 Margaret Drive Drive)' 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 having considered the provisions of Section 48 (3) of the Reserves Act 1977, the Performance and Monitoring Committee approves in principle to its intention to grant a right of way and storm water easement for the reasons contained in Section 2 of this report.
4. That If approval in principle is given, such approval must not be construed by the applicant, as a guarantee that all other consents required by any policy, by-law, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at it's own cost.

AND
5. If approval in principle is given, that staff be directed to publicly notify the proposal in terms of Section 119 of the Reserves Act 1977.

CARRIED

Cr Henry voted against the recommendations.

9.7 OPERATIONAL RISK REPORT JULY 2021

The Committee considered a report dated 20 July 2021 from the Deputy CEO.

Kerbside Update

The Operations Manager introduced Brett Monkley from EnviroWaste, the Customer Service Representative Supervisor, and the Project Manager Kerbside Services.

The Operations Manager and Brett Monkley spoke to a power point presentation summarising the following items:

- Tonnage through to week two; and
- Implementation Issues.

Staff and Brett Monkley responded to questions as follows:

- The Kerbside Team had a weekly operational meeting that would be happening that afternoon and they would be addressing the issues that had arisen so far. It was recognised that there were significant challenges that needed to be worked through. The team acknowledged that they needed to gain ratepayers confidence and work through solving the issues.
- The types of (pay as you throw) tags that were being used would be reviewed for the next production run, as the current ones could look as if they had not been used, when in fact they had been.
- At their meeting in the afternoon, the Kerbside Team would be addressing the matter of extending the service to side roads for residents who had been using green bags.
- There had been one applicant for the 'Put Back Service' to date. People were advised of this service when they rang the Customer Service Centre.
- EnivroWaste had contracts for Kerbside services with nine other councils. The teething problems WBOPDC faced were similar with other councils and some were unique. It was important to keep reviewing and critiquing the processes to make improvements going forward.
- It was also important that people were aware that the pick-up collection 'window' was from 7am until 6pm, and that this time frame would remain in place.
- There was consideration being given to doing a Saturday pick-up sweep for those bins not put out early enough, but it was important to reinforce the early time for bins to be put out.

The Operations Manager spoke to a power point presentation, providing a summary of the following items:

- Kerbside Coaches;
- Kerbside Connections; and
- Kerbside Additional services.

10:50 The meeting adjourned

11:10 The meeting reconvened

The Transportation Manager spoke to a power point presentation summarising the following items:

- Dudley Vercoe No. 2 Road Footpath;
- Pio Road Rehabilitation;
- Maniatutu Road - Bay Gold Rehabilitation and Widening;
- Athenree and Steele Road Intersection Rehabilitation; and
- Rehabilitation Rework; and
- Ōmokoroa to Tauranga Cycle Trail.

Staff responded to questions as follows:

- In terms of the three sections of Borell Road (Te Puna), a 320-meter section was committed from the stream to Treholme Lane. Staff would be happy to meet with residents to understand their concerns. The second section from Snodgrass Road to the stream at 114 Borell Road was under investigation and design. A path from Te Puna Road to Treholme Lane on the other side of Borell Road was being investigated.

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

- CIP Update;
- Tawhitinui Marae;
- Te Rangihouhiri Marae;
- State Highway 2 Pongakawa;
- Busby Road Trunk Water Main Renewal;
- Athenree Reservoir Cliff Protection; and

- Kutaroa Marae.

Staff responded to questions as follows:

- WestLink provided a detailed report to staff on a monthly basis. This was not regularly included in the Operational Risk Report, but was included in the July 2021 agenda by way of update.

RESOLUTION PM21-5.8

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

That the Deputy Chief Executive's Report dated 20 July 2021 titled 'Operational Risk Report July 2021' be received.

CARRIED

10 INFORMATION FOR RECEIPT

10.1 RENTALS FOR ENCROACHMENT ON COUNCIL LAND - PROGRESS REPORT

The Committee considered a report from the Strategic Property Manager who spoke to the report noting the following points:

- The Encroachment Policy was introduced in 2017. It had proved quite difficult, from that time, to get people who would have historically used a piece of land, knowing in the background that it was Council land, to pay for the use of it.
- In the New Year, Council would implement a change in the way they approached people, to get them to pay what was due to Council.
- It was expected that this would result in an increase in queries and complaints.

Staff responded to questions as follows:

- As far as legal measures were concerned, these properties could not be rated because they were commercial/lease rentals. Council was looking at alternative measures.
- The Encroachment Policy allowed for Council to look at 'Pro-Rata' as a means to alter rental levels to reflect landowner contribution.
- Council had received notification from the Ombudsman that they were investigating a complaint from a property owner.

RESOLUTION PM21-5.9

Moved: Mayor G Webber

Seconded: Cr M Grainger

That the Strategic Property Manager's report dated 20 July 2021 titled 'Rentals For Encroachment on Council Land - Progress Report' be received.

CARRIED

11 RESOLUTION TO EXCLUDE THE PUBLIC**RESOLUTION PM21-5.10**

Moved: Cr M Gray
 Seconded: Cr A Henry

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 May 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>	<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>
11.2 - Operational Risk Report July 2021 Confidential	<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>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>

CARRIED

The Meeting closed at 11:48am.

Confirmed as a true and correct record by Council on 12 August 2021.