

Mā tō tātou takiwā
For our District

Project and Monitoring Committee

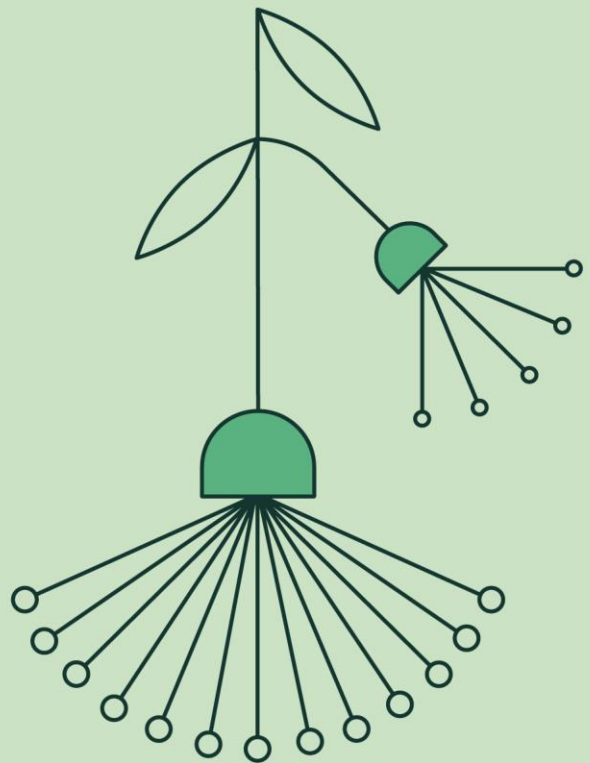
Kōmiti Whakakaupapa me Aroturuki

PMC23-1

Wednesday, 22 February 2023, 11.00am

Council Chambers, Barks Corner,

1484 Cameron Road, Tauranga



Projects and Monitoring Committee

Membership:

Chairperson	Cr Don Thwaites
Deputy Chairperson	Cr Allan Sole
Members	Cr Tracey Coxhead Cr Richard Crawford Cr Grant Dally Mayor James Denyer Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Andy Wichers
Quorum	Six (6)
Frequency	Quarterly

Role:

- To monitor and review the progress of the Council's activities, projects and services.

Scope:

- To monitor the effectiveness of Council and agency service agreements / contracts.
- To monitor the implementation of Council's strategies, plans and policies, and projects as contained in the Long Term Plan or Annual Plan.
- To monitor agreements between Tauranga City Council and Western Bay of Plenty District Council and recommend to the respective Councils any changes to agreements, as appropriate.
- To monitor the on-going effectiveness of implemented joint projects, plans, strategies and policies with Tauranga City Council.
- To monitor performance against any Council approved joint contracts with Tauranga City Council and/or other entities.

- To monitor Community Service Contract performance, set service delivery requirements and receive annual reports from service delivery contractors.
- Monitor performance against the Priority One approved contract.
- Subject to agreed budgets and approved levels of service, make decisions to enable delivery of the operational and capital programme of Council.

Power to Act:

- To make decisions to enable and enhance service delivery performance, in accordance with approved levels of service and subject to budgets set in the Long Term Plan or any subsequent Annual Plan.

Power to Recommend:

- To make recommendations to Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee 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 provided that any sub-delegation includes a statement of purpose and specification of task.

Notice is hereby given that an Project and Monitoring Meeting will be held in the Council Chambers, Barks Corner, 1484 Cameron Road, Tauranga on: Wednesday, 22 February 2023 at 11.00am

Order Of Business

1	Present	5
2	In Attendance	5
3	Apologies	5
4	Consideration of Late Items	5
5	Declarations of Interest	5
6	Public Excluded Items	5
7	Public Forum	5
8	Presentations	6
8.1	SCADA System Presentation	6
8.2	National Road Carriers Association – Roading Transport Presentation.....	7
9	Reports	8
9.1	Town Centre Development Fund Allocation.....	8
9.2	Proposal to Lease and Reclassification – Waihī Beach Plunket Reserve and Beach Road Recreation Reserve, Waihī Beach – Community Mara Kai (Food Garden)	13
9.3	Operational Risk and Scorecard Report Quarterly Update Ending December 2022.....	43
10	Information for Receipt	80
11	Resolution to Exclude the Public	80
11.1	Waka Kotahi (NZTA) Update on Western Bay Projects Presentation.....	80
11.2	Quayside – Rangiora Business Park (RBP) Infrastructure Presentation	80
11.3	Infrastructure Operational Risk Report 22 February 2023 – Confidential	80

1 PRESENT**2 IN ATTENDANCE****3 APOLOGIES****4 CONSIDERATION OF LATE ITEMS****5 DECLARATIONS OF INTEREST**

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

6 PUBLIC EXCLUDED ITEMS**7 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

8 PRESENTATIONS

8.1 SCADA SYSTEM PRESENTATION

File Number: A5020281

Author: Henrietta Willis, SCADA Systems Engineer

Authoriser: Gary Allis, Deputy Chief Executive & General Manager Infrastructure Group

EXECUTIVE SUMMARY

The SCADA Systems Engineer will present an overview of Western Bay's new SCADA system and how it provides improved data and operational security.

Please Note: This presentation will be provided following the confidential section of the meeting.

RECOMMENDATION

That the SCADA Systems Engineer's report dated 22 February 2023 titled 'SCADA System Presentation' be received.

8.2 NATIONAL ROAD CARRIERS ASSOCIATION – ROADING TRANSPORT PRESENTATION

File Number: A5022969

Author: Tracy Harris, Executive Assistant, Infrastructure Group

Authoriser: Gary Allis, Deputy Chief Executive & General Manager Infrastructure Group

EXECUTIVE SUMMARY

The National Road Carriers Association will present on current issues facing roading transport across New Zealand.

RECOMMENDATION

That the Executive Assistant – Infrastructure Group’s report, dated 22 February 2023, titled ‘National Road Carriers Association – Roding Transport Presentation’, be received.

BACKGROUND

The National Road Carriers Association wrote to Mayor Denyer congratulating him on being elected and seeking an opportunity to present to Council on road transport as set out below.

Road planning, construction, maintenance and management have always been key responsibilities for local bodies and roading issues including speed limit reviews, re-shaping streets and potholes continue to be top of mind for the public and news media.

Between National Road Carriers Association (NRC) and the New Zealand Trucking Association (NTA) we represent 3,300 member companies who collectively operate about 30,000 trucks, vans and courier vehicles throughout New Zealand.

The roads are our members’ everyday workplace. NRC and NTA engage with the many various stakeholders involved in the road transport sector to help make roads a safer, friendlier and more productive workplace for our member companies and their drivers.

We’re sure you will share our view that the efficient, safe and timely delivery of goods is at the heart of our modern economy and provides the standard of living we enjoy in this country. Our focus is to ensure freight corridors are protected so New Zealanders can maintain access to the goods and services they deserve. NRC and NTA are keen to work together with your Council to positively shape New Zealand’s roading infrastructure in a coordinated way, using an evidence-based approach.

9 REPORTS

9.1 TOWN CENTRE DEVELOPMENT FUND ALLOCATION

File Number: A5083821

Author: Tracy Harris, Executive Assistant, Infrastructure Group

Authoriser: Gary Allis, Deputy Chief Executive & General Manager Infrastructure Group

EXECUTIVE SUMMARY

The Committee is requested to recommend to Council the methodology of allocating the budget town centre development fund. The recommended option is to distribute on a proportional basis and review the fund and its allocation through the forth coming Economic Development Activity Review.

RECOMMENDATION TO COUNCIL

1. That the Executive Assistant, Infrastructure Group's report, dated 22 February 2023, titled 'Town Centre Development Fund Allocation' 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 Town Centre Development Fund be allocated on the following 4-year cycle:
 - Te Puke 2023 – 2026
 - Waihi Beach 2027 – 2030
 - Katikati 2031 – 2034
 - Ōmokoroa 2035 – 2038.

OR

4. That the Town Centre Development Rate be allocated on a proportional basis (number of properties in the community board area) each year to Te Puke, Katikati, Waihi Beach and Ōmokoroa).

BACKGROUND

The Town Centre Development Rate has been in place for 17 years from 2007 and is included in the LTP through to 2031. It is a \$10 per property component of the UAGC. The 2023 budget is \$226,160.

The rate or fund was established to provide a significant capital fund to each of the major towns to enable town centre development and upgrading. Each town received the rate the fund for a 4-year period. The order of the towns was based on the likely order of

development and the status of the town centre plans. It was allocated in the following order:

1. Te Puke
2. Waihī Beach
3. Katikati
4. Ōmokoroa

The Community Boards have delegation to determine the works undertaken by that budget with a final sign off on significant projects by Council. The funds can be accumulated and spent over time, equally a project could be undertaken in the first year and paid for over the next 3 with the allocation.

The types of improvements have included:

- Te Puke – Heritage walkway, Jubilee Park and associated town centre developments and the original main street upgrade. The town centre fund was a component.
- Waihī Beach – Town centre planning, Two Mile Creek walkway planning, Dillon Street land purchase and sale, future bridge over Two Mile Creek and future additional carpark.
- Katikati – Upgrade of ex fire station to museum, Cherry Court upgrade, \$200k contribution to Community hub, future implementation of the town centre plan.
- Ōmokoroa – Purchase of the old library as a community building, old pavilion relocation and upgrade.

DISCUSSION

The projects funded are varied but all have made a difference to the town centres and to the communities. At times the community roading budget and the Community Board Reserve and external funding is used on an individual project.

The decision making by the Boards with community input has been effective and gives local ownership.

The demand for town centre improvements has increased. For example the upgrade in Te Puke is now close to requiring refurbishment and refreshing.

BUDGET

The fund has been budgeted in the LTP and the amount for 2023 (\$226,160) has not yet been allocated to a town/towns. It is budgeted for the balance of the LTP. Since the \$10 per property was set in 2007 the actual value has reduced through inflation. The future LTP could consider whether the amount is still sufficient.

OPTIONS

The Committee is to determine how the fund should be allocated. It was initially discussed in June 2020 and parked for a future discussion with a direction that required

the allocation methodology may change. The status quo and a proportional model have analysed for consideration.

Option 1:

Repeat the previous allocation with 4 years of funding going to each town as per the previous order.

Option 2:

Allocate on a proportional basis to each town each year. The proportions would be based on the number of properties in each of the four community board areas.

Number of properties by Community Board Area - 2022			
	No. Properties	%	22/23 Budget
Waihi Beach	3199	22%	\$50,037
Katikati	4742	33%	\$74,172
Ōmokoroa	2374	16%	\$37,133
Te Puke	4144	29%	\$64,818
	14459	100%	\$226,160

This provides some funding each year to each town which can either accumulate for a larger planned project or be expended on less major projects and upgrading.

An option to include the smaller centres has not been included as that is a change to the original purpose. The smaller centres could include Maketu, Paengaroa, Te Puna etc.

The recommended methodology is to change to a proportional allocation for 2022/23 an 2023/24 and review the fund and allocation through the Economic Development Activity review that is scheduled.

SIGNIFICANCE AND ENGAGEMENT

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because the budget has been set through the LTP. This is an allocation of an existing budget.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

No engagement or communication on the allocation as it is a Council decision relating to an existing long established budget. The actual use of the budgets if a different matter and will be determined by Community Boards and Council (as necessary).

ISSUES AND OPTIONS ASSESSMENT

Option A	
That the Town Centre Development Fund be allocated on the following 4-year cycle.	
<ul style="list-style-type: none"> • Te Puke 2023 – 2026 • Waihi Beach 2027 – 2030 • Katikati 2031 – 2034 • Ōmokoroa 2035 – 2038 	
Assessment of advantages and disadvantages including impact on each of the four well-beings	Retains the established allocation model. May not reflect the current community and community board expectations and timing for each town. Provides funding for a significant project.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs as per the budget. Inflation reduces the value of the budget over time.
Option B	
That the Town Centre Development Rate be allocated on a proportional basis (number of properties in the community board area) each year to Te Puke, Katikati, Waihi Beach and Ōmokoroa.	
Assessment of advantages and disadvantages including impact on each of the four well-beings	Proportional allocation provides funding each year to allow implementation of town plans. Funds can accumulate for major projects as they would be insufficient in any one year. Allocates responsibility to each Board.
<ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	

STATUTORY COMPLIANCE

The recommendation(s) meets:

- Legislative requirements/legal requirements
- Current council plans/policies/bylaws
- Regional/national policies/plans.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	Budgeted in the LTP, funded by \$10 per property from the UAGC.

9.2 PROPOSAL TO LEASE AND RECLASSIFICATION – WAIHĪ BEACH PLUNKET RESERVE AND BEACH ROAD RECREATION RESERVE, WAIHĪ BEACH – COMMUNITY MĀRA KAI (FOOD GARDEN)

File Number: A4904559

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Gary Allis, Deputy Chief Executive & General Manager Infrastructure Group

EXECUTIVE SUMMARY

The Waihī Beach Community Led Development Society Incorporated have applied to Council to lease an area of approximately 1895m² in Beach Road Recreation Reserve, Waihī Beach, and 199m² of Waihī Beach Plunket Reserve to establish a community māra kai (food garden).

To locate part of the māra kai on the Waihī Beach Plunket Reserve, which is currently classified 'Local Purpose Reserve' (Plunket Rooms) the reserve will need to be reclassified to 'Local Purpose Reserve' (community use).

The Project and Monitoring Committee is required to pass a resolution of its intent to grant a lease to Waihī Beach Community Led Development Society Incorporated and to reclassify the Waihī Beach Plunket Reserve prior to undertaking public consultation.

RECOMMENDATION

1. That the Reserves and Facilities Manager's report, dated 22 February 2023, titled 'Proposal to Lease and Reclassification – Waihi Beach Plunket Reserve and Beach Road Recreation Reserve, Waihī Beach – Community Māra Kai (Food Garden) 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 Project and Monitoring Committee approves, in principle, the Waihī Beach Community Led Development Society Inc's proposal to lease areas totalling approximately 2094m², being Lots 9-11 and 22-24 DP 17197.

And

4. That if approved, the Project and Monitoring Committee agrees in principle to the reclassification of the Waihī Beach Plunket Reserve, as shown in this report, from 'Local Purpose Reserve (Plunket)' to 'Local Purpose Reserve' (Community Use).

Or

5. That the Project and Monitoring Committee **does not approve** in principle the Waihi Beach Community Led Development Society Incorporated's proposal to lease areas totalling approximately 2094m², being Lots 9-11 and 22-24 DP 17197.
6. Subject to item 3 and 4 above, if approval in principle is given, that staff be directed to publicly notify the proposal in accordance with Section 119 and 120 of the Reserves Act 1977 and that any submissions or objections following the submission period be reported back to Council.
7. If approval is given, such approval must not be construed by the applicant as a guarantee that all other consents required by policy, by law, regulation or statute, will be forthcoming.

BACKGROUND

Council has been approached by the Waihi Beach Community Led Development Society Incorporated who wish to establish a community māra kai (food garden) in Waihi Beach and have identified part of Beach Road's Recreation and Waihi Beach Plunket Reserves areas as a suitable site.

Part of Waihi Beach Community Led Development Society Incorporated's purpose is to develop initiatives and facilities at Waihi Beach. The society is at this time seeking to gain charitable status and have applied to become a Charitable Trust. The lease would be entered into with the Trust once formed.

The initiative that the society wishes to establish is a garden that includes:

- A sensory garden.
- A garden suitable for and accessible to the disabled and elderly.
- A kai garden to feed the community, that includes indigenous plants.
- With all the garden areas to be formed artistically, based on the Matariki and a "time for reflection".

The māra kai is being proposed under the criteria of Council's Community Garden's Policy – refer Attachment 1.

In addition to using a part of the Beach Road Reserve, the rear portion of the Waihi Beach Plunket Reserve has also been requested to be utilised for the māra kai. This space is currently fenced off and is providing green space alongside the Beach Road Recreation Reserve. Plunket holds a lease over 180m² at the front of the site. When Plunket's lease came up for renewal in 2015 Plunket had requested three, 3-year terms from 2015 to 2024. Given that falling birth rates were trending at the time Plunket wanted to be able to assess their delivery of services at each lease renewal which in turn would allow them to decide whether they still required use of the Plunket building.

Given the uncertainty of Plunket's future tenure and to allow a more diverse community use of the reserve it prudent at this time to reclassify the reserve from the current classification of local purpose (Plunket) to local purpose (Community Use). This will then allow the māra kai to utilise the back portion of the reserve, the Plunket lease to continue if they so require, but if not, opens up the opportunity to allow use of the building/space by other community groups.

Aerial plan of the proposed lease area and location – refer Attachment 2.

Waihī Beach Community Led Development Society Incorporated have outlined the proposal – refer Attachment 3.

Beach Road Recreation Reserve and Waihī Beach Plunket Reserve's Reserve Management Plans – refer Attachment 4.

Prior to the implementation phase a requirement for leases under the Reserves Act 1977 needs to be established.

The Project and Monitoring Committee needs to consider the proposal and pass a resolution to initiate the required public consultation process.

The final decision on entering a lease lies with full Council once it has considered and submissions or objections.

SIGNIFICANCE AND ENGAGEMENT

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because Council's Community Gardens policy allows Council to make public open space available for community gardens as a form of community development and recreation. The public consultation process that will provide the opportunity for interested parties to be involved.

CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Tangata Whenua	A copy of the proposal will be sent to local Tangata Whenua for comment. Otawhiwhi Marae have been involved with the concept of the mara kai.	Planned	
Neighbouring properties	A number of the reserve's neighbours have already been consulted with, including the neighbouring Plunket. These parties will be contacted formally.		
General Public	If the Committee approves in principle to the proposal, then there would be a requirement to undertake a one month statutory period of public consultation as required		

	<p>under section 119 and 120 of the Reserves Act 1977 before reporting back to the Council.</p> <p>The group are scheduled to do a presentation to the Waihi Beach Community Board at their meeting on 27 February 2023.</p>		
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ISSUES AND OPTIONS ASSESSMENT

Option A	
<p>That the Project and Monitoring Committee approve in principle the Waihi Beach Community Led Development Society Incorporated's proposal to lease areas totalling approximately 2094m² being Lots 9-11 and 22-24 DP 17197.</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>The garden design will be based around Matariki's nine whetū, and discussions have been held with Te Whānau a Tauwhao in order to add further cultural additions later. This concept will allow educational opportunities for the local children. Social benefits are that the kai from the garden will be shared and distributed among gardening whanau and the wider community that includes those in need. Environmental sustainability within the gardens includes composting, permaculture, and onsite rainwater storage.</p> <p>Aligns with the Waihi Beach Community Plan.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Waihi Beach Community Led Development Society Incorporated will be covering the costs of establishing and maintaining the gardens, as per the Community Gardens Policy.</p>
Option B	
<p>That the Project and Monitoring Committee does not approve in principle the Waihi Beach Community Led Development Society Incorporated's proposal to lease areas totalling approximately 2094m² being Lots 9-11 and 22-24 DP 17197.</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>The Community would miss out on an opportunity to work together. The land would remain unutilised. The objectives of Council's policy would not be met.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>N/A as the proposal would not proceed.</p>

STATUTORY COMPLIANCE

In order to have a lease to enable the māra kai to be established, Council will need to comply with the provisions of the Reserves Act 1977, in particular undertake the required public consultation as per Section 119 of the Act.

The proposed lease will be in accordance with sections 54 and 73 of the Reserves Act 1977.

Address	Parcel	Legal	Lease Area	Classification	Proposed
Beach Road Recreation Reserve					
19 Marine Ave	1808/75	Lot 23 DPI7197	379m ²	Recreation	Lease under s54 Reserves Act
21 Marine Ave	1808/63	Lot 22 DPI7197	379m ²	Recreation	Lease under s54 Reserves Act
46 Beach Road	1883/35	Lot 9 DPI7197	379m ²	Recreation	Lease under s54 Reserves Act
48 Beach Road	1883/36	Lot 10 DPI7197	379m ²	Recreation	Lease under s54 Reserves Act
50 Beach Road	1883/37	Lot 11 DPI7197	379m ²	Recreation	Lease under s54 Reserves Act
Waihi Beach Plunket Reserve					
17 Marine Ave	1808/87	Lot 24 DPI7197	199m ² (part of 379m ²)	Local Purpose (Plunket) Reserve	1. Reclassify the whole reserve from Local Purpose (Plunket) to Local Purpose (community use) 2. Lease part of Lot 24 under s74 Reserves Act.
Total Lease Area			2094		

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	Waihi Beach Community Led Development Society Incorporated will be responsible for the cost of establishing the māra kai. This will be achieved through community grants and fund raising. Some assistance can be provided through the reserve maintenance budget, as Council would no longer need to mow the area.

ATTACHMENTS

1. **Community Gardens Policy** 
2. **Aerial Plan of Proposed Lease Area** 
3. **Mara Kai Proposed Management Plan** 
4. **Beach Road and Waihi Beach Plunket Reserve Management Plans** 

Council Policy



Community Gardens

Relevant Legislation

Reserves Act 1977

Local Government Act 2002

1. Policy Objective

- 1.1 To provide options for members of the community who lack sufficient private open space to have their own vegetable gardens or fruit and nuts and to assist communities to become more sustainable by growing their own produce.
- 1.2 To make public open space available for community gardens and for the planting of fruit and nut trees as a form of community development and recreation.
- 1.3 To provide an opportunity for social networking, teaching and learning about gardening, waste management approaches and the planting of fruit and nut trees.
- 1.4 To establish opportunities for local pride in public open spaces.
- 1.5 To clarify Council's role as an enabler and supporter of this policy.
- 1.6 To outline the criteria for assessing proposals for community gardens and planting of fruit and nut trees on council-owned or administered land.

2. General Approach

- 2.1 Where a community group can establish a management entity to run a community garden or where individuals wish to plant fruit and nut trees and where a suitable site can be found, the Council will make public land available for community gardens or fruit or nut trees, subject to the criteria and process outlined in this policy.
- 2.2 Each proposal will be addressed on its merits.
- 2.3 Council's role in community gardens and the planting of fruit and nut trees is as an enabler and supporter of the initiatives, rather than a provider or funder.

Council Policy



Community Gardens

- 2.4 Tenure for community gardens will be via a licence under relevant legislation and under the terms and conditions stipulated in the Council's Generic Policies for Council Administered Reserves.
- 2.5 The community gardens licence or lease will be for a fixed term with the Council retaining the right to terminate the licence or lease with sufficient notice, if the land is required for another purpose or not maintained to an acceptable standard.

3. Community Gardens

3.1. Assessment of Proposals

- 3.1.1. Proposals received will be assessed by an assessment panel to ensure consistency with the policy.
- 3.1.2. A proposal must be submitted by an organisation or entity who will assume responsibility for the on-going management of the garden.
- 3.1.3. Proposals will be assessed as soon as possible upon receiving the request.
- 3.1.4. It is expected that a management group will submit a proposal based on the requirements outlined below.

3.2. Criteria for Community Gardens

- 3.2.1. A proposal to establish a community garden on Council-owned or administered land will be assessed based on the provision of the following information:
- Purpose of proposal including how local community members will benefit.
 - Evidence that there is a community need for a garden e.g. community meetings, support from local community organisations and groups.
 - Identification of links and synergies with other community organisations such as schools, church groups or volunteers.
 - Benefit to the local area and community, including who benefits from the produce i.e. identify participants who will be involved.
 - Once a site is identified, consider how the community garden will complement the values of the surrounding public open space.
 - A map or aerial photograph showing the proposed extent of the garden and any proposed locations for structures, storage and vehicle access requirements.

Council Policy



Community Gardens

- Establish effects on reserve users and neighbours and how adverse affects will be mitigated.
- Proximity of the proposed community garden to significant natural, cultural or heritage sites.
- Water supply requirements and in particular whether the CGMG proposes to be self-sufficient in providing or collecting water on site to sustain the garden.
- In the event the CGMG requests Council to provide a water supply, the proposal will be assessed on the basis of:
 - The proximity of the community garden to existing water mains
 - Whether other reserve facilities would benefit from a water supply
 - The availability of vehicle access
 - The ability of the CGMG to contribute financially
 - The use of bark mulch and other moisture retention measures

3.3. Community Garden Management Group (CGMG)

3.3.1. A CGMG shall be established with the following requirements;

- The Group will be a legal entity (or formally affiliated with a legal entity) with approved objectives and organisational structure.
- Evidence that the Group can be sustainable including processes for decision making, problem solving, conflict resolution, ability to raise funds, recruitment, training, delegation of tasks and induction of new members.
- Details of all gardening and associated techniques proposed for the community gardens that demonstrate environmental sustainability i.e. water conservation.
- The proposed methodology for the distribution and disposal of produce.
- Proposed membership and who may participate.
- Provide explanations of how Council's requirements and conditions will be met.

3.4. Role of Community Garden Management Group

3.4.1. A group wishing to establish a garden and/or to plant fruit and nut trees on Council-owned or administered land, will be responsible for the establishment and day to day management of the garden, including the following:

Council Policy



Community Gardens

- Agree the layout and site access with Council.
- Undertake consultation with neighbours to determine how the community garden and the neighbourhood can benefit and support each other.
- Meet the requirements of the licence-to-occupy including financial obligations and compliance with Council regulations including the District Plan, Use of Toxic Agri Chemicals for Vegetation Management Policy, all policies, bylaws and other regulations including Health and Safety and Hazardous Substances legislation. Council will provide policies and regulations and provide advice.
- Manage and operate the garden according to a user agreement with members.
- If a plot style garden is applicable ensure that plots are allocated to members of the local community through a fair and transparent application process.
- Ensure gardens are maintained to a minimum standard and utilised all year round.
- Ensure a comprehensive pest management programme is implemented.
- That the local community should be given priority for produce distribution. While proceeds from the sale of produce may be used to cover gardening expenses, produce cannot otherwise be sold for a profit. Surplus produce or the proceeds from sale of that produce may be donated to a charitable organisation that benefits the western Bay of Plenty.
- Promote education and learning opportunities for plot holders and the wider community.
- Ensure the site is returned to its original condition on disestablishment of the community garden or termination of the lease.
- Explore opportunities to work in partnership with other organisations and stakeholders in the community.
- Budget and timeline for establishment and maintenance, including identified sources of funding.

3.5. Management Plan

- 3.5.1. A CGMG shall prepare a management plan that covers:
- Gardening techniques proposed including any proposal for self-sufficiency in terms of water supply to sustain the community garden.
 - Hours of operation.

Council Policy



Community Gardens

- Identify the dedicated liaison person.
- Mowing and maintenance details.
- Weed and pest control principles.
- Management of vandalism, security and safety.
- Methods of sustainable rubbish disposal and composting.
- Health and safety, and public liability.
- Details of signage in accordance with Council requirements.
- How noise and odour issues will be managed and contained.
- Storage provisions

3.6. Terms of Licence-to-Occupy

3.6.1. A Licence-to occupy (LTO) will be developed and agreed between Council and the CGMG. The LTO will outline all conditions of use of the area including:

- Term of the LTO (usually 3 years);
- Opportunities for renewing the LTO and how many renewals may be granted;
- Public access through community gardens;
- If there is a maximum tenure;
- An obligation on the Management Group to return the land to its original state at the termination of the LTO.

3.6.2. The CGMG shall be liable for the payment of a lease or licence fee for a community garden site, where applicable. Lease fees will be subject to Council's concessional lease policy.

3.7. Termination of Licence-to-Occupy

3.7.1. A Licence-to-occupy may be terminated where any of the conditions of the licence are not met, provided however that the Council must first give the CGMG a reasonable period of time within which to meet any such conditions.

3.7.2. A Licence-to-Occupy may be terminated after reasonable notice has been given by the Council to the CGMG if the land on which the garden is situated is required for a strategic or operational purpose identified by Council.

3.7.3. Where a Licence-to-Occupy is terminated in accordance with section 3.7.1 Council will not compensate the CGMG for improvements to the land.

Council Policy



Community Gardens

- 3.7.4. Where a Licence-to-Occupy is terminated in accordance with section 3.7.2, Council will support the CGMG to identify and re-establish its community garden at another suitable site.

4. Planting of Fruit and Nut Trees

4.1. Assessment of Proposals

- 4.1.1. Proposals received will be assessed by the Reserves and Facilities Manager.
- 4.1.2. A proposal must be submitted by groups or individuals who will assume responsibility for the supply, establishment and future health of the trees.
- 4.1.3. Proposals will be assessed as soon as possible upon receiving the request.

4.2. Criteria for Planting of Fruit and Nut Trees

- 4.2.1. A proposal to establish fruit and nut trees on Council-owned or administered land will be assessed based on the provision of the following information;
- Benefit to the local area and community, including who benefits from the produce i.e. identify participants who will be involved;
 - A map or aerial photograph showing the proposed extent of the trees;
 - An assessment of how adverse affects to reserve users and neighbours will be mitigated;
 - The species, numbers of trees to be planted and the proposed planting techniques;
 - The size and proposed placement of trees taking into account the proximity of neighbours and/or proximity to significant natural, cultural or heritage sites.
 - Specific maintenance requirements such as pruning or spraying;
 - Pest control programmes including processes to ensure the removal of ripened and windfall fruit and nuts to mitigate the risk of vermin (particularly rats) being attracted to the site
 - An assessment of public access through fruit and nut trees.

4.3. Termination/Tree Removal

- 4.3.1. Trees may be removed at any time if any of the conditions of the licence are not met or if the land on which the trees are planted is required for a strategic or operational purpose identified by Council.
- 4.3.2. If, in the opinion of staff, the trees are not maintained adequately then Council has the right to remove or manage them accordingly.

Council Policy



Community Gardens

- 4.3.3. The Proposer must seek approval from Council before any trees (proposed by them) are removed and assumes responsibility for returning the site to its original condition on removal of trees.
- 4.3.4. Council will not pay any compensation for improvements to the land.

5. Council's Role

- 5.1. Council will make Council-owned or administered land available for community gardens and the planting of fruit and nut trees subject to the terms of a licence-to-occupy and subject to meeting requirements of this policy and Council Generic Reserve Management Policies.
- 5.2. Council will act as an enabler and supporter of community gardens and planting fruit and nut trees initiatives, where possible and may also undertake the following roles:
 - Encourage partnerships with other community organisations including schools.
 - Promote and raise the awareness of community gardening and planting of fruit and nut trees.
 - Maintain the public use and open space value of Council-owned or administered land by encouraging continued public access and seeking to maintain the public use and open space values of community gardens and planting of fruit trees.
 - Assess proposals to establish community gardens and fruit and nut trees on Council-owned or administered land according to the criteria and process outlined below.
 - Make available any policies and regulations required to be complied with.
 - Support/advise in the development of the individual proposals.

6. Relevant Delegations

- 6.1. The implementation of this policy is delegated to the Chief Executive or his/her sub-delegate.
- 6.2. The assessment of proposals to establish community gardens will be undertaken by a panel of staff appointed by the Chief Executive, and one elected member.
- 6.3. The assessment of proposals to establish fruit and nut trees will be undertaken by the Reserves and Facilities Manager.

Council Policy



Community Gardens

7. References and Relevant Legislation

- Use of Toxic Agrichemicals for Vegetation Management Policy;
- Reserves Act 1977;
- Reserve Management Plans;
- Western Bay of Plenty District Council District Plan.

Group	Policy and Planning	Contact (3rd Tier Manager)	Policy, Planning and Community Manager
Supersedes			
Creation Date	April 2013	Resolution Reference	Link to minutes
Last Review Date		Resolution Reference	
Review Cycle	Three yearly/legislative revisions, not later than	Date	September 2016
Authorised by	Management Team/Council	Date	

9.3 OPERATIONAL RISK AND SCORECARD REPORT QUARTERLY UPDATE ENDING DECEMBER 2022

File Number: A5083966

Author: Tracy Harris, Executive Assistant, Infrastructure Group

Authoriser: Gary Allis, Deputy Chief Executive & General Manager Infrastructure Group

EXECUTIVE SUMMARY

The purpose of this report is to present the Scorecard report for the 2nd quarter ending 31 December 2022.

To advise on current capital projects, operational issues, property proposals, and trending across the Council activities.

RECOMMENDATION

That the Executive Assistant, Infrastructure Group's report, dated 22 February 2023, titled 'Operational Risk and Scorecard Report Quarterly Update Ending December 2022' be received.

BACKGROUND

SCORECARD REPORT

The Scorecard report for the 3 months to 31 December 2022 is attached. The executive summary of that report notes a number of issues, and the graph provides a single view of the performance to date. Note this Scorecard Report does not include financial information as that is being reported to the Audit and Risk Committee.

We are interested in feedback on the format of the Scorecard report and the information that it contains in order to make changes to provide the level and type of performance reporting that the Committee requires.

OPERATIONAL RISK AND STATUS TABLE

The operational risk table has been developed to show:

- Project or activity
- Brief description of the risk and why it has arisen
- Type of risk (e.g., timing, financial, service delivery)
- Project or topic status update
- Items that the Committee needs to be aware of
- Traffic light system:

Green: Operational item, for information

Orange: Potential to escalate, Council needs to be aware

Red: High risk, Council direction may be required.

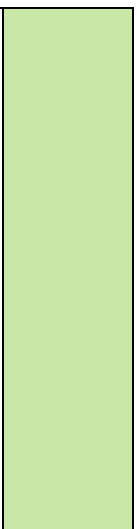
This is an up to date status and forward looking and may supersede the comments in the Scorecard Report.

Additional information and topics may be provided at the meeting. There will be a power point relating to the topics in the report.

TOPIC AND DESCRIPTION	RISK TYPE	RISK LEVEL
<p>Storm Damage</p> <p>The North Island experienced a serious weather event over Anniversary Weekend, which had a significant impact on the roading network. There were over 50 slips, several road closures and the No.4 Road Bridge was destroyed. The Washer Rd bridge is closed pending repairs. The financial implications and estimate of total response and repair costs are still being assessed. There will be a presentation at the meeting showing some of the damage and providing a current estimate of the response and reinstatement costs.</p> <p>The immediate response, clean up and bailey bridge is in the vicinity of \$1.5m with the full storm damage repair cost and bridge replacement indicatively \$10m but could be significantly more. An enhanced Waka Kotahi subsidy occurs over a certain value of damage each financial year.</p> <p>The continuous rainfall was an issue for Katikati and Waihi Beach Wastewater Treatment Plants as the inflow exceeded the capacity of the plants. The biggest impact was at Katikati where treated wastewater had to be discharged into the harbour once all storage in the plant was full. Further details will be provided at the meeting.</p>	<p>Financial Reputational</p>	
<p>Incident Response</p> <p>The Anniversary Weekend storm event was handled at an operational level by the Incident Management Team (IMT). This was followed by a partial setup of the Emergency Operating Centre (EOC) following the weekend, where more resources were required to respond. There was a high focus on sourcing accurate and timely information in an event that was still occurring. This translated into the updated information that was provided to the public and the elected members.</p> <p>The EOC was activated for Cyclone Gabrielle and Mayor Denyer Declared a State of Emergency for the district on Monday evening. The damage from this event is less than from the previous event.</p> <p>There will be a brief presentation on how the IMT and EOC are activated and operate.</p>	<p>Reputational Health & Safety</p>	

<p>2 Mile Creek Bank Protection</p> <p>The project is in the retendering stage with an award expected in March 2023.</p>	<p>Financial Timing</p>	
<p>No.4 Road Bridge</p> <p>While part of the storm event, the reinstatement of full access to the residents of No. 4 Road is a priority.</p> <p>A briefing was provided to Councillors on 8 Feb 2023 and a residents' site meeting was held on 10 Feb 2023.</p> <p>The current status is that the Bailey Bridge installation is 4-6 weeks, but subject to the finalised pile design and no serious weather impact.</p> <p>An update will be provided at the meeting.</p>	<p>Impact on Kiwifruit and avocado harvest and transport Financial Timing</p>	
<p>Te Puna Station Road Closure</p> <p>Te Puna Station Rd has been closed due to both over and under slips occurring in the Anniversary Weekend storm event. The under-slips occurred in an event last year and slipped further this event. An assessment is being made of the options to either reinstate a one lane section or to close the road to vehicular traffic while retaining the cycleway. There are different financial, community and traffic implications for each option.</p>	<p>Traffic flows Financial Community implications</p>	
<p>Capital Expenditure</p> <p>A review of all the capital projects has been undertaken to assess the likely performance for the year. At this stage the assessment is that the capex will be between 80% and 90% of the full year target. The expenditure includes budgeted items, additional expenditure approved by Council and projects with unbudgeted external funding.</p> <p>The wet weather to date in the construction season is having an impact on the roading programme. Road pavements cannot be constructed in the wet, and they need several fine days to dry before sealing. To date, over 25% of the construction season has been lost. The storm event and clear up has diverted design and construction resources.</p> <p>The construction sector is fully committed and getting additional resources to undertake projects is difficult.</p>	<p>Weather Construction resources being required in other parts of the country</p>	
<p>Roading Maintenance</p> <p>The storm event has required the routine maintenance roading crews to be used on event response and clean up. This means that the routine road maintenance is behind, and the Operational Performance measures won't be met for February. The priority for the crews is safety items and the busiest roads.</p>	<p>Reputation Customer satisfaction</p>	

<p>Grass Mowing and Vegetation</p> <p>The favourable seasonal growing conditions have meant that the mowing crews are unable to keep up with the grass growth and maintain the agreed levels of service. This affects both roading and reserves.</p> <p>The priority sites are agreed with the contractors. Priorities are active reserves and higher use sites. Accordingly, some sites will have long grass and look untidy.</p>	<p>Customer satisfaction Reputational</p>	
<p>Elder Housing</p> <p>The 7 Beach Road housing units have been completed and the tenants relocated from Heron Court. There were a number of favourable comments around the new units.</p> <p>Heron Court units are now vacant ready for the demolition/removal and the site works in preparation for the new units. The demolition contractor has commenced work on the site. An alternative house removal contractor is being sourced however this is likely the end of March. The civils contract is let but unlikely to be able to establish on site until April.</p>	<p>Timing Financial</p>	
<p>Building Services - Customer Portal</p> <p>User testing is underway for a new (replacement) building consent lodgment portal, with go live date projected for 20 March. The adoption of the new portal will improve the customer experience and will also ensure that consenting information is able to be more effectively collected, collated and responded to in a consistent and timely manner.</p>	<p>Customer satisfaction Reputational Legal/Legislative</p>	
<p>Te Puna Business Park – Te Puna Station Road</p> <p>Recent flooding of rural properties in Te Puna has highlighted the stormwater management required in the development of the business park area.</p> <p>Council staff and BOPRC are working together to address stormwater/flooding issues raised by residents.</p> <p>All property owners within the designated Te Puna Business Park area have submitted resource consent applications which are progressing with Council. The applications are required to fully satisfy Council roading and stormwater requirements for the developments, and requests for additional information are progressing. Decisions on notification of the consents will be made once all information is received and assessed by staff.</p> <p>The properties are subject to Council compliance action, with development abated until all consenting requirements are met. An appeal by a landowner to Council's abatement notice is progressing through the Environment Court mediation process.</p>	<p>Customer Satisfaction Reputational Legal/Legislative</p>	

<p>Development Activities</p> <p>Resource consent applications are currently in processing with Council for large scale development at Ōmokoroa.</p> <p>The applications received to date are by Classics and Ōmokoroa Country Club, both of these applications are part of the Ōmokoroa stage 3 urban development area.</p> <p>At Te Puke, another large scale resource consent application for land development at Dunlop Road is in progress.</p> <p>These large scale developments are significant housing projects with the Te Puke development supplying housing for low- moderate income families.</p>	<p>Customer Satisfaction</p> <p>Reputational</p>	
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ATTACHMENTS

- 1. Scorecard Report Quarterly Update Period Ending December 2022**  

10 INFORMATION FOR RECEIPT**11 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
11.1 - Waka Kotahi (NZTA) Update on Western Bay Projects Presentation	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	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 - Quayside - Rangioru Business Park (RBP) Infrastructure Presentation	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 - Infrastructure Operational Risk Report 22 February 2023 - Confidential	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

	(including commercial and industrial negotiations)	reason for withholding would exist under section 6 or section 7
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