

Mā tō tātou takiwā
For our District

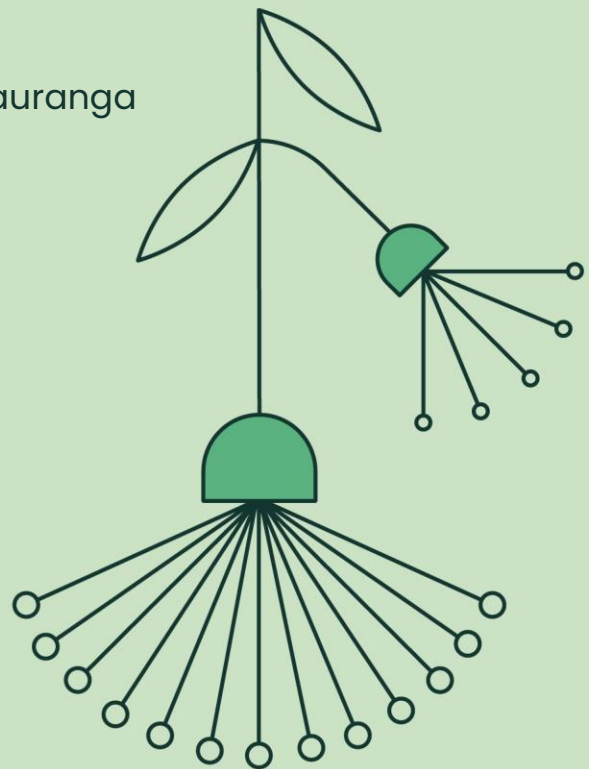
Council

Te Kaunihera

CL23-17

Thursday, 23 November 2023, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Council

Membership:

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

Role:

The Council is responsible for:

- Ensuring the effective and efficient governance and leadership of the District.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Power to Act:

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

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
- The power to adopt a Long Term Plan, a Long Term Plan Amendment, Annual Plan or Annual Report and to receive any related audit report;
- The power to appoint a chief executive;
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement;

- The power to adopt a remuneration and employment policy;
- The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991;
- The power to approve or amend the Council's Standing Orders;
- The power to approve or amend the Code of Conduct for Elected Members;
- The power to appoint and discharge members of committees;
- The power to establish a joint committee with another local authority or other public body;
- The power to make a final decision on a recommendation from the Parliamentary Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/ Trustees and representatives of Council to external organisations.
- To monitor the performance of and make decisions on any matters relating to Council Controlled Organisations (CCO), including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent), including as recommended by the Strategy and Policy Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council and/or any other local authority including the requirement to review the terms of any such agreements or contractual arrangements.
- To approve the triennial agreement.
- To approve the local governance statement required under the Local Government Act 2002.
- To approve a proposal to the Remuneration Authority for the remuneration of Elected Members.
- To approve any changes to the nature and delegations of Committees.

Procedural matters:

Approval of elected member training/conference attendance.

Mayor's Delegation:

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

Power to sub-delegate:

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

Notice is hereby given that a Meeting of Council will be held in the
Council Chambers, 1484 Cameron Road, Tauranga on:
Thursday, 23 November 2023 at 9.30am

Order Of Business

1	Karakia	7
2	Present	7
3	In Attendance	7
4	Apologies	7
5	Consideration of Late Items	7
6	Declarations of Interest	7
7	Public Excluded Items	7
8	Public Forum	7
9	Council and Committee Minutes for Confirmation	8
9.1	Minutes of the Community Committee Meeting held on 19 October 2023.....	8
9.2	Minutes of the District Plan Committee Meeting held on 26 October 2023	14
9.3	Minutes of the Council Meeting held on 26 October 2023	18
9.4	Minutes of the Projects and Monitoring Committee Meeting held on 31 October 2023	34
9.5	Minutes of the Audit, Risk and Finance Committee Meeting held on 7 November 2023.....	41
10	Reports	55
10.1	Proposal to Extend Lease Area - Katikati Rugby and Sports Incorporated - Moore Park - Submission Period Ended	55
10.2	Deferral of the Long Term Plan 2024-34 adoption.....	60
10.3	Annual Report 2022-2023.....	67
10.4	Removal of Flood Affected Pensioner Housing Units Waihi Beach	70
10.5	Mayor's Report to Council	74
11	Information for Receipt	76
12	Resolution to Exclude the Public	76

12.1 Confidential Minutes of the Council Meeting held on 26 October 2023..... 76

12.2 Confidential Minutes of the Audit, Risk and Finance Committee
Meeting held on 7 November 2023..... 76

1 KARAKIA

Whakatau mai te wairua
Whakawātea mai te hinengaro
Whakarite mai te tinana
Kia ea ai ngā mahi

Āe

Settle the spirit
Clear the mind
Prepare the body
To achieve what needs to be
achieved.
Yes

2 PRESENT

3 IN ATTENDANCE

4 APOLOGIES

5 CONSIDERATION OF LATE ITEMS

6 DECLARATIONS OF INTEREST

7 PUBLIC EXCLUDED ITEMS

8 PUBLIC FORUM

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE COMMUNITY COMMITTEE MEETING HELD ON 19 OCTOBER 2023

File Number: A5810356

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Community Committee Meeting held on 19 October 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Community Committee Meeting held on 19 October 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COMMUNITY COMMITTEE MEETING NO. CM23-2
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 19 OCTOBER 2023 AT 9.30AM**

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

Cr M Murray-Benge (Chairperson), Cr G Dally, Cr T Coxhead, Cr R Crawford, Mayor J Denyer, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr A Sole (via Zoom), Cr D Thwaites, Cr A Wichers, Katikati Community Board Chairperson J Clements, Maketu Community Board Chairperson L Rae, Ōmokoroa Community Board Chairperson P Presland, Te Puke Community Board Chairperson K Ellis and Waihi Beach Community Board Chairperson R Goudie.

3 IN ATTENDANCE

R Davie (Deputy CEO/General Manager Strategy and Community), J Rickard (Community and Strategic Relationships Manager), G Golding (Governance Manager), S Wilburn (Community Outcomes Advisor), R Chambers (Events Specialist), V Duncan (Customer Services Manager), H Wi Repa (Governance Systems Advisor), R Leahy (Governance Advisor), and J Osborne (Governance Advisor).

VIA ZOOM

S Cuers (Strategic Housing Programme Lead).

4 APOLOGIES

Leave of Absence – Cr M Grainger.

APOLOGY

RESOLUTION CM23-2.1

Moved: Maketu Community Board Chairperson L Rae

Seconded: Cr M Murray-Benge

That the apology for absence from Deputy Mayor Scrimgeour be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Nil

7 PUBLIC EXCLUDED ITEMS

Nil

8 PUBLIC FORUM

Nil

9 REPORTS**9.1 TAURANGA WESTERN BAY COMMUNITY EVENT FUND (TWBCEF) UPDATE**

The Committee considered a report dated 19 October 2023 from the Community and Strategic Relationships Manager. The report was taken as read, with further discussion on the below:

- The maximum funding available per applicant in Western Bay of Plenty was \$15,000, and \$50,000 in Tauranga City. This was determined by the amount contributed by each Council.
 - Round Three of the fund closed on 20 October 2023, and Round Four closed on 20 January 2024.
-

- The funding panel attempted to spread the annual funding over the year, however, allocation was primarily based on whether the applicant met the criteria and was rated highly against this criteria.

The fund was renewed every financial year.

- Applications could be submitted for different aspects of an event (e.g. social media or advertising), and funding was not tagged to specific items.
- If funding had been received by an applicant for an event, then other applicants that sought funding under the umbrella of the same event would not be eligible. However, this did not apply for separate events for the same overall celebration/event (e.g. Matariki Day or Anzac Day) if adequate evidence was provided that it was separate.

RESOLUTION CM23-2.2

Moved: Cr A Sole

Seconded: Cr R Crawford

1. That the Community and Strategic Relationships Manager's report dated 19 October 2023, titled 'Tauranga Western Bay Community Event Fund (TWBCEF) Update', be received.

CARRIED

9.2 MAYORS TASK FORCE FOR JOBS UPDATE

The Committee considered a report dated 19 October 2023 from the Community Outcomes Advisor. The report was taken as read, with further discussion on the below:

There were ten employment outcomes that were required to be achieved, and had been achieved, throughout the Mayor's Task Force for Jobs (MTFJ) for Western Bay of Plenty. Subsequently, the funding for this had been extended to 2025.

In nine months, 20 rangitahi had been placed into sustainable employment (90+ days of employment).

An issue for all youth employment programmes was transport options for youth to and from workplaces. Council was working towards a driver licensing programme to assist youth to move from a learners license to restricted license.

RESOLUTION CM23-2.3

Moved: Mayor J Denyer

Seconded: Cr A Henry

That the Community Outcomes Advisor's report dated 19 October 2023, titled 'Mayor's Task Force for Jobs Update', be received.

CARRIED

9.3 COMMUNITY FORUM OUTCOMES

The Committee considered a report dated 19 October 2023 from the Governance Manager. The report was taken as read, with further discussion on the below:

- The main purpose of the report was to close the loop on public concerns and queries, so that the Convenor's could report back to the Community Forums.
- Staff had been working alongside Council's contractors to ensure that the Service Request process, and reporting back of outcomes, was more efficient for customers.
- Process improvement had been planned and mapped, and it was now just a matter of implementing it.
- The Antenno app was a shared service with Tauranga City Council and multiple other Councils and was not just a Western Bay of Plenty District Council tool.
- There were different programs of infrastructure maintenance, including reactive, planned, and urgent maintenance.
- It was the responsibility of the Convenors to provide the feedback to Community Forum attendees, and any recommendations for the Community Committee needed to be put forward from Convenors.
- There were still ongoing concerns with responsiveness and the disconnect with the Service Request process, however, improvements were continuing in this space.
- Feedback and notes from each Community Forum were published on the Council website for public viewing.
- There needed to be thought put into other ways for the Community Forum feedback to reach the public, rather than just through the Committee, such as Community Board meetings.

RESOLUTION CM23-2.4

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Governance Manager's report dated 19 October 2023, titled 'Community Forum Outcomes', be received.
-

2. That the Community Committee request that the 70 metre paper road section of No 3 Road, as referenced on page 17 of the agenda, be assessed against Council's Policy for Council Maintenance of Previously Unmaintained Roads.

CARRIED

10 INFORMATION FOR RECEIPT

10.1 COMMUNITY FORUM NOTES FOR RECEIPT

The Committee considered a report dated 19 October 2023 from the Governance Advisor. The report was taken as read.

RESOLUTION CM23-2.5

Moved: Cr G Dally

Seconded: Cr M Murray-Benge

1. That the Governance Advisor's report dated 19 October 2023, titled 'Community Forum Notes for Receipt', be received.
2. That the Kaimai Ward Community Forum notes, held on 18 September 2023, be received.
3. That the Katikati-Waihi Beach Ward Community Forum notes, held on 15 August 2023, be received.
4. That the Maketu-Te Puke Ward Community Forum notes, held on 22 May 2023, be received.
5. That the Maketu-Te Puke Ward Community Forum notes, held on 21 August 2023, be received.

CARRIED

The Meeting closed at 10.43am.

Confirmed as a true and correct record by Council on 23 November 2023.

9.2 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 26 OCTOBER 2023

File Number: A5826024

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the District Plan Committee Meeting held on 26 October 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the District Plan Committee Meeting held on 26 October 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT PLAN COMMITTEE MEETING NO. DP23-1
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, GREERTON, TAURANGA
ON THURSDAY, 26 OCTOBER 2023 AT ON CONCLUSION OF THE COUNCIL MEETING
STARTING AT 9.30AM**

1 PRESENT

Deputy Mayor J Scrimgeour, Cr G Dally, Mayor J Denyer, Cr A Henry and Cr M Murray-Benge.

VIA ZOOM

Cr M Grainger

2 STAFF ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), G Golding (Governance Manager), N Rutland (Environmental Planning Manager), A Price (Senior Environmental Planner), H Wi Repa (Governance Systems Advisor) and R Leahy (Governance Advisor)

OTHERS PRESENT

5 members of the public

V Murphy (Momentum Planning and Design)

Cr Don Thwaites

Cr R Crawford

3 APOLOGIES

Nil.

4 DECLARATIONS OF INTEREST

Nil.

5 REPORTS

5.1 PRIVATE PLAN CHANGE 95 - PENCARROW ESTATE: DECISION TO ADOPT, ACCEPT OR REJECT THE PLAN CHANGE REQUEST OR DETERMINE IT AS A RESOURCE

CONSENT

The Applicant's representation, Mr Murphy, presented to the Committee, with the following points noted:

- Mr Murphy advised the Committee that the applicant wished to consolidate land around the State Highway 2 and Arawa Road for a housing development.
- There was a need to address a rising demand for housing and future needs for the area.
- The loss of highly productive rural land from this development would be less than 10 hectares.

The Senior Environmental Planner spoke to their report and made the following comments:

- Waka Kotahi and Bay of Plenty Regional Council have raised concerns about the land potentially being outside an area identified for urban growth.
- The Senior Environmental Planner recommended that the Committee accept the Plan Change to enable the public notification process and hear submissions.

The Committee made the following comments:

- The Plan Change faces challenges regarding developing highly productive land and in area that is not envisioned for growth. The Committee was not in a position to make a detailed assessment on the Plan Change.
- The Committee agreed that the Plan Change should go through the public notification process so the arguments 'for' and 'against' could be heard.

The Deputy Chief Executive/General Manager Strategy and Community noted that the only decision required by the Committee at this stage was to accept or reject the Plan Change proposal. If required, a decision on an Independent Hearings Panel would be made at a later date.

RESOLUTION DP23-1.1

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Senior Environmental Planner's report dated 26 October 2023 titled 'Private Plan Change 95 Pencarrow Estate: Decision to adopt, accept or reject the plan change request or determine it as a resource consent' 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 accepts the below option:
 - a. That Council accepts the private plan change request in accordance with clause 25(2)(b) of schedule 1 of the RMA.

- i. That the private plan change then be publicly notified and that notification commence as soon as practicable.

CARRIED

The Meeting closed at 1.25pm.

The minutes of this meeting were confirmed at the Council meeting held on 23 November 2023.

9.3 MINUTES OF THE COUNCIL MEETING HELD ON 26 OCTOBER 2023**File Number:** A5829483**Author:** Horowai Wi Repa, Governance Systems Advisor**Authoriser:** Greer Golding, Governance Manager**RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 26 October 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

ATTACHMENTS

1. Minutes of the Council Meeting held on 26 October 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL23-16
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 26 OCTOBER 2023 AT 9.30AM**

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr D Thwaites and Cr A Wichers.

VIA ZOOM

Cr M Grainger and Cr A Sole.

3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), C Crow (General Manager Infrastructure Group), A Curtis (General Manager Regulatory Services), A Henderson (General Manager Corporate Services), G Golding (Governance Manager), C Nepia (Strategic Kaupapa Māori Manager), J Rickard (Community and Strategic Relationships Manager), A Ali (Chief Financial Officer), C Gaunt (Kaimahere Matua - Senior Kaupapa Māori Planner), H Wi Repa (Governance Systems Advisor), P Osborne (Senior governance Advisor) and C Irvin (Senior Governance Advisor).

OTHERS IN ATTENDANCE

Tawhitinui Marae and Papakāinga

Merehine Waiari
Veronica Waiari (Marae Trustee)
Jasmine Waiari (Chair of Ahu whenua Trust)
Brian Nicholas (Chair of Marae Trust)
Nicolas Lee (Trustee of Ahu Whenua Trust)

Tourism Bay of Plenty (TBOP)

Oscar Nathan (General Manager)

Clare Swallow (Trustee)

Richard Faire (Head of Strategy and Insights)

One member of the press.

4 APOLOGIES

Nil

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Nil

7 PUBLIC EXCLUDED ITEMS

Nil

8 PUBLIC FORUM

Nil

9 COMMUNITY BOARD MINUTES FOR RECEIPT

9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 20 SEPTEMBER 2023

RESOLUTION CL23-16.1

Moved: Cr A Henry

Seconded: Cr R Joyce

That the Minutes of the Katikati Community Board Meeting held on 20 September 2023 be received.

CARRIED

9.2 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 26 SEPTEMBER 2023

RESOLUTION CL23-16.2

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

1. That the Minutes of the Ōmokoroā Community Board Meeting held on 26 September 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 28 SEPTEMBER 2023

RESOLUTION CL23-16.3

Moved: Cr A Wichers

Seconded: Cr G Dally

1. That the Minutes of the Te Puke Community Board Meeting held on 28 September 2023 be received.

CARRIED

9.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 3 OCTOBER 2023

RESOLUTION CL23-16.4

Moved: Cr R Crawford

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Maketu Community Board Meeting held on 3 October 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 9 OCTOBER 2023

RESOLUTION CL23-16.5

Moved: Cr T Coxhead

Seconded: Cr A Henry

1. That the Minutes of the Waihī Beach Community Board Meeting held on 9 October 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**10.1 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 28 SEPTEMBER 2023**

RESOLUTION CL23-16.6

Moved: Mayor J Denyer

Seconded: Cr R Crawford

1. That the Minutes of the Strategy and Policy Committee Meeting held on 28 September 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.2 MINUTES OF THE COUNCIL MEETING HELD ON 3 OCTOBER 2023

RESOLUTION CL23-16.7

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 3 October 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

11 REPORTS

11.1 RETURN OF UNFORMED ROAD TO TAWHITINUI MARAE AND PAPA KĀINGA

Council considered a report dated 26 October 2023 from the Kainarhere Matua. Merehine Waiari, Veronica Waiari (Marae Trustee), Jasmine Waiari (Chair of Ahu whenua Trust), Brian Nicholas (Chair of Marae Trust), Nicolas Lee (Trustee of Ahu Whenua Trust) from Tawhitinui Marae and Papakāinga were in attendance in support of this report.

“Ka tū te Kaiwhakahaere Kaupapa Māori a Chris Nepia te mihi atu ki ngā manuhiri kua tatu mai ki te Kaunihera i runga i te kaupapa whakahirahira. Ko tātā i kī atu, he roa te wā e hia nei te whānau o Tawhitinui kia hoki mai ngā whenua kua noho nei kei raro i te mana ā te Kaunihera. I whakaaro anō a Chris ki a rātou ngā mate o te wā, ā i whakaingoatia e ia te Rangatira a Wharekonehu (Horace) Te Moni, nānā he mema o ngā roopu Tangata Whenua ki roto i te Kaunihera, nānā anō i mate i ngā rangi tata ki te wā o te hui”

Chris Nepia (Strategic Kaupapa Māori Manager) welcomed the trustees of the land blocks at Tawhitinui acknowledging the significance of the decision before Council and the desire of the whānau at Tawhitinui to see the kaupapa through by having the paper rounds around them vested in their ownership. He also acknowledged those that had passed recently including Wharekonehu (Horace) Te Moni who was a long standing member of Council’s Tangata Whenua partnership forums.

The Kainarhere Matua took the report as read and acknowledged the guests attending today from Tawhitinui Marae and Papakāinga and the work they had done regarding this matter.

RESOLUTION CL23-16.8

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

1. That the Kaimahere Matua’s report dated 26 October 2023 titled ‘Return of Unformed Road to Tawhitinui Marae and Papakāinga’ 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 approve the commencement of the legislative process to stop and dispose of the sections of unformed road shown as A-D on **Attachment 1** of this report.
and
4. That, if the road stopping is successful, Council approves the transfer of the sections of unformed road in the manner set out below, noting that this will be at no cost to the respective trustees:

-
- i) Section A on **Attachment 1** (of this report) to the trustees of Tawhitinui Marae Reservation
 - ii) Section B on **Attachment 1** (of this report) to the trustees of Tawhitinui Papakāinga Reservation
 - iii) Sections C and D on **Attachment 1** (of this report) to the trustees of the Wiri (William) Nicholas Ahu Whenua Trust

CARRIED

9.42am The meeting adjourned.

10.02am The meeting reconvened.

11.2 ELECTED MEMBER'S CODE OF CONDUCT 2023-2025

Council considered a report dated 26 October 2023 from the Governance Manager who took the report as read.

Elected Members comments and questions:

- The wording around the complaints process was unclear and needed to be clarified.
- What would happen if the LGNZ link was updated/changed by Local Government New Zealand?
- Councillors expressing their personal views was a risk. What was the expectation and how should this be managed?
- Would a complainant be entitled to have an independent investigator if they wanted this?
- A substantive part of Elected Member's commitment (point 4 – 'Members Comittment') being the 'Principles of Te Tiriti o Waitangi', was not set out in the document, making it difficult to understand what principles Elected Members were supposed to recognise and operate under.
- Was the Local Government New Zealand's Code of Conduct a key template and should this document be the one Elected Members use?
- The 'Process for Determining and Investigating Complaints' flow chart and the appointing of an initial assessor needed to be clarified.
- The term 'authorised to speak' needed to be clarified so that Elected Members could understand what that really meant.
- The wording around 'Bullying, Harassment and Discrimination' needed to be reworded for more clarity.

The Governance Manager made the following comment:

- It was understood that the Code of Conduct template was updated every triennium and that if this changed, Local Government New Zealand would inform council's of this.

The Mayor made the following comments:

- When making public comments, Elected Members needed to be aware that their comments might be perceived as coming from Council. Therefore, it was important to maintain clarity if they were not, in particular if they were political.
- Elected Members had provided specific feedback at the Code of Conduct workshop that the Chief Executive Officer should be consulted first in the complaints process.
- The overall substance of Code of Conduct was for Elected Members to use 'proper judgement'.
- To clarify what 'authorised to speak' meant and gain a better understanding around this, Elected Members would need to have a further, separate discussion.

The General Manager Strategy and Community made the following comments:

- There had been a number of queries from Elected Members that highlighted the broadness of some references in the Code of Conduct, however, if every 'nuance' was addressed it would result in a much longer document.
- Overall, this document was about using common sense, and the responsibility of Elected Members to objectively hold themselves and each other to the standards of behaviour that would naturally be expected from someone in the office that they held.
- In the ordinary course of a complaint process, if an investigator was required, an independent entity would be engaged .
- Te Tiriti principles were a creature of common law, subject to change over time and challenging to articulate. However, overall, this was about using common sense.

The Chief Executive Officer made the following comments:

- The updated Code of Conduct was very similar to the current Code of Conduct in terms of process, responsibilities and risks around processes, which had not been an issue.
- The values in the document reflected that at the heart of this was the process of natural justice about applying the right processes, doing the right thing and treating people fairly. In essence, nothing had changed about relationships and behaviours and how we should treat each other.

- There were some minor editing changes that could be worked through but at heart of this was natural trust amongst each other and natural justice.
- It was good practice to have a list of independent investigators to remove bias. During a process, the most appropriate person would be sought and clarity from all parties obtained that they were happy with this appointment. The inclination was always to appoint an independent assessor.

Given the discussion and uneasiness some Elected Members felt towards the updated Code of Conduct, it was suggested it 'lie on the table' at this point in time.

RESOLUTION CL23-16.9

Moved: Cr G Dally

Seconded: Cr R Joyce

1. That the report and its recommendations lie on the table.

CARRIED

A division was called and recorded as follows:

In Favour: Crs T Coxhead, G Dally, M Grainger, A Henry, R Joyce, M Murray-Benge, A Sole and A Wichers

Against: Crs J Denyer, J Scrimgeour, R Crawford and D Thwaites

CARRIED 8/4

11.3 TOURISM BAY OF PLENTY ANNUAL REPORT 2022-2023 AND LETTER OF EXPECTATION 2024-2025

Council considered a report dated 26 October 2023 from the Community and Strategic Relationships Manager who took the report as read.

Guest presenter Clare Swallow (TBOP Trustee) thanked Council for its relationship building and ongoing work and, along with Oscar Nathan (General Manager TBOP) and Richard Faire (Head of Strategy and Insights TBOP) responded to questions as follows:

- TBOP had \$600,000 reduced from its bottom line since the beginning of the financial year. The reserve operated like a buffer and was very much a 'sinking lid'.
- TBOP had ideas and plans for Maketu that included the cultural importance of Maketu from a Te Arawa, waka landing position and community activities that visitors could be informed about. A network of digital kiosks were being established

around the area. This needed to be workshopped further to establish what the community wanted.

- The Green Room had been delivering very good outcomes in terms of helping people to understand sustainability and the benefits of this socially and financially on their businesses.
- It was important to see 'Flavours of Plenty' as a platform rather than an event to ensure ongoing community support throughout the year.
- TBOP was working on a satisfaction survey and looking at the methodology in terms of design. Tourism meant different things to different people. It included aspects such as sentimentality and was important to get right in terms of what people wanted. More funding was needed to be able to extend the survey right across the Western Bay district.
- TBOP had had its first round on the revised strategy for TECT park. It was made very clear that it needed to also become a visitor park and not just a users park, or at the very least have visitor park element added to it. It was felt that a centralised café and 'outfitters store' would be a good starting point as this would draw visitors into the space in the first instance.
- TBOP had an ongoing working relationship with Waihi Promotions. A clear proposition needed to be established to work together regarding Auckland in terms of the domestic market.
- Tarnished Frocks and Divas was a great event. TBOP could reach out to people about getting it up and running again.
- TBOP's understanding was that 50% of cruise ship passengers stayed in and around Mount Maunganui area. Mount Maunganui main street shops were boutique shops which worked well with cruise ship passengers. There were quite a few day-time tourist operators at the Mount port dock who took visitors out and about around the Bay of Plenty as well.
- The ferry would not be operating this season because it was up on the dry dock. Several entities, including Bay of Plenty Regional Council, were looking into proper ferry services which would also help in getting people off the roads.

RESOLUTION CL23-16.10

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Community and Strategic Relationships Manager's report dated 26 October 2023 titled 'Tourism Bay of Plenty Annual Report 2022-2023 and Letter of Expectation 2024-2025' be received.
 2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
 3. That Council receives the Tourism Bay of Plenty Annual Report 2022-2023, included as **Attachment 1** to this report, to be published on Council's website.
-

-
4. That Council directs staff to prepare a Letter of Expectation for Tourism Bay of Plenty for the 2024–2025 year which covers the following areas of focus:
- a. Regenerative tourism: a focus on tourism that has net benefits for the environment and local communities, in accordance with Tourism Bay of Plenty’s Destination Management Plan;
 - b. Walkways and cycleways promotion as a key visitor attraction;
 - c. Support with implementation of the TECT Park Strategic Plan;
 - d. Growing the ‘Flavours of Plenty’ festival within Western Bay of Plenty communities.
 - e. Support for the development of local tourism opportunities in Maketu, Waihi Beach, Katikati and Te Puke.

CARRIED

11.4 WAIKATO LOCAL AUTHORITY SHARED SERVICES LTD (CO-LAB) ANNUAL REPORT FY2023

Council considered a report dated 26 October 2023 from the Financial Analyst who took the report as read.

RESOLUTION CL23-16.11

Moved: Cr A Henry

Seconded: Cr A Sole

1. That the Financial Analyst’s report dated 26 October 2023 titled ‘Waikato Local Authority Shared Services Ltd (Co-Lab) Annual Report FY2023’ be received.
2. That Council receives the Waikato Local Authority Shared Services Ltd (Co-Lab) Annual Report FY2023, included as **Attachment 1** to this report, to be published on Council’s website.

CARRIED

11.5 NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY LIMITED ANNUAL REPORT 2022-2023

Council considered a report dated 26 October 2023 from the Financial Analyst who took the report as read.

Staff responded to questions as follows:

- Council was surrounded in covenants in terms of what it could and could not do as a member of the Local Government Funding Agency.
- If Council was not a member of this organisation, it would be conventionally borrowing or looking at other ways to get funding. This agency was set up to provide the most cost effective way of getting funds to councils.

RESOLUTION CL23-16.12

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

1. That the Financial Analyst's report dated 26 October 2023 titled 'New Zealand Local Government Funding Agency Limited Annual Report 2022-2023' be received.
2. That Council receives the New Zealand Local Government Funding Agency Limited Annual Report 2022-2023, included as **Attachment 1** of this report, to be published on Council's website.

CARRIED

11.6 BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES LIMITED (BOPLASS) ANNUAL REPORT 30 JUNE 2023

Council considered a report dated 26 October 2023 from the Financial Business Partner who took the report as read.

RESOLUTION CL23-16.13

Moved: Mayor J Denyer

Seconded: Cr R Crawford

1. That the Financial Business Partner's report dated 26 October 2023 titled 'Bay of Plenty Local Authority Shared Services Limited (BOPLASS) Annual Report' be received.
2. That Council receives Bay of Plenty Local Authority Shared Services Limited's (BOPLASS) Annual Report for the year ended 30 June 2023, included as **Attachment 1** of this report.

CARRIED

11.7 MAYOR'S REPORT TO COUNCIL

Council considered a report dated 26 October 2023 from the Senior Executive Assistant to Mayor/CEO. The report was taken as read.

The Mayor responded to questions as follows:

- The meeting with New Zealand Rail was primarily for relationship building, however some of the Western Bays aspirations were expressed.

The Deputy Mayor responded to a question as follows:

Bay of Plenty Agricultural Advisory Committee, Te Puke:

- Production had been down massively last season. So far this season production had been much better, in particular for kiwifruit. There was a lot more labour around and generally speaking there was much overall improvement over the last twelve months.

RESOLUTION CL23-16.14

Moved: Mayor J Denyer

Seconded: Cr A Henry

That the Senior Executive Assistant to Mayor/CEO's report dated 26 October 2023 titled 'Mayor's Report to Council' be received.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC**RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION CL23-16.15**

Moved: Cr A Henry

Seconded: Cr R Joyce

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
13.1 - Confidential Minutes of the Council Meeting held on 3 October 2023	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege 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
13.2 - Tourism Bay of Plenty Appointment of Trustees	s7(2)(a) - the withholding of the information is necessary	s48(1)(a)(i) - the public conduct of the relevant part

	to protect the privacy of natural persons, including that of deceased natural persons	of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
CARRIED		

ITEM TRANSFERRED INTO OPEN SECTION

13.2 TOURISM BAY OF PLENTY APPOINTMENT OF TRUSTEES

RESOLUTION CL23-16.31

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Community and Strategic Relationship Manager's report dated 26 October 2023 titled 'Tourism Bay of Plenty Appointment of Trustees' 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:
 - a) Approves the reappointment of Jason Hill as Trustee to the Tourism Bay of Plenty Board, effective 1 May 2024 for one year until 30 April 2025.
 - b) Approves the appointment of Andrea Webster as the Mana Whenua representative to the Tourism Bay of Plenty Board for a three-year term, effective 7 November 2023 to 30 November 2025, subject to approval by Tauranga City Council as joint shareholder.
 - c) Notes (in consideration of Section 80 of the Local Government Act 2002) that while the process for appointing Jason Hill and Andrea Webster is inconsistent with Council's Appointment of Directors onto Council Organisations Policy, the circumstances outlined in the report provide sufficient rationale for this inconsistency. There is no intention to amend the policy to accommodate this particular decision.
4. That Council approves the appointment of Clare Swallow as Deputy Chair to the Tourism Bay of Plenty board, effective immediately, for 19 months to 30 April 2025.
5. That Council notes the reappointment of Jason Hill and appointment of Clare Swallow as deputy chair were approved by Tauranga City Council as joint

shareholder of Tourism Bay of Plenty at its Council meeting on 25th September 2023.

6. That the appointment of Clare Swallow as Deputy Chair and the reappointment of Jason Hill as trustee be transferred to the open section of the meeting once the applicants have been notified.
7. That the appointment of Andrea Webster as mana whenua representative be transferred to the open section of the meeting once TCC has made their decision on her appointment.

CARRIED

The Meeting closed at 11.43.

Confirmed as a true and correct record at the Council meeting on 23 November 2023.

.....

Mayor J Denyer

CHAIRPERSON / MAYOR

9.4 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 31 OCTOBER 2023

File Number: A5841546

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Projects and Monitoring Committee Meeting held on 31 October 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Projects and Monitoring Committee Meeting held on 31 October 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PROJECTS AND MONITORING MEETING NO. PMC23-4
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 31 OCTOBER 2023 AT 9.30AM**

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

Cr D Thwaites (Chairperson), Cr T Coxhead, Cr R Crawford, Cr G Dally, Mayor J Denyer, Crabsent?, Cr M Murray-Benge, Deputy Mayor J Scrimgeour and Cr A Wichers

VIA ZOOM

Cr A Sole and Cr R Joyce

3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), C Crow (General Manager Infrastructure Group), P Watson (Reserves and Facilities Manager), S Parker (Cycleways Manager), J Paterson (Transportation Manager), C McLean (Senior Transportation Engineer) H Wi Repa (Governance Systems Advisor), C Irvin (Senior Governance Advisor) and R Leahy (Governance Advisor).

OTHERS IN ATTENDANCE

5 members of the public including:

Alan Fraser (Waihī Beach Landowner)

Andrew Fraser (Waihī Beach Landowner)

4 APOLOGIES

APOLOGY

RESOLUTION PMC23-4.1

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

That the apologies for absence from Cr A Henry and Cr M Grainger be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil.

6 DECLARATIONS OF INTEREST

Nil.

7 PUBLIC EXCLUDED ITEMS

Nil.

8 PUBLIC FORUM

8.1 ROBBIE FREW - TE PUKE CYCLEWAY

Te Puke Resident, Robbie Frew was in attendance to speak in objection to the proposed Te Puke Cycleway. The following comments were provided:

- Mr Frew was supportive of a cycleway but not on Cameron Road and Boucher Avenue.
 - Schools in the area were not supportive of the cycleway as it did not address their safety concerns.
 - A more appropriate route for the cycleway would be to link the existing Te Puke Te Ara Kahikatea Pathway to Maketu.
-

8.2 ADELE ALEXANDER – TE PUKE CYCLEWAY

Te Puke resident, Adele Alexander was in attendance to speak in objection to the proposed Te Puke Cycleway. The following comments were provided:

- Ms Alexander had conducted her own resident survey on the Te Puke Cycleway.
 - The Council-led survey focussed on the design options for the cycleway rather than if the cycleway was wanted.
 - There were some cyclist groups in Te Puke that would support the cycleway, however the majority of residents surveyed were opposed.
 - There was limited parking available for school pick up and drop offs. The cycleway would worsen this problem.
 - There was a broad demographic that responded to the survey.
 - Most residents who responded to the survey felt that Council had not provided them with enough information about the cycleway.
 - The survey showed that 74 percent of people who participated in the survey used bikes. Residents were not opposed to cycleways but preferred a destination cycleway rather than one that went through the main streets of Te Puke.
-

9 PRESENTATIONS

Nil.

10 REPORTS**10.1 WAIHĪ BEACH ROCK REVETMENT – COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS**

The Committee considered a report dated 31 October 2023 from the Reserves and Facilities Manager who took the report as read.

Mr Alan Fraser and Mr Andrew Fraser (both Waihi Beach Landowners) spoke to the report and, along with the Reserves and Facilities manager provided the following comments:

- The Environment Court had previously rejected a rock revetment wall in the area.
 - Mr Fraser stated that there was clear erosion on the affected properties as a result of Three Mile Creek. The affected landowners were willing to pay for a
-

rock revetment wall to mitigate the erosion, however this should be on Council land.

- A Resource Consent for the sand dune enhancement highlighted the need for the proposed rock revetment wall to have a five metre setback from the private property boundaries.
- The existing rock revetment has served its purpose and function, it was not designed to stop overtopping. Council was pleased with how it repelled the effects of Cyclone Gabrielle.
- If the rock revetment wall went ahead, it would be vested into Council assets. Consideration as to whether the asset would be replaced in the future would form some of the discussions prior to final approval of the project.
- The New Zealand Coastal Policy Statement objected to hard engineering in dynamic coastal environments. Bay of Plenty Regional Council was legislatively required to give effect to this Policy Statement when issuing Resource Consents.
- Research on the affects on Island View Reserve South would be undertaken through the design process.
- Council supported the project despite it being inconsistent with Council's Erosion Responses Policy 2017.

RESOLUTION PMC23-4.2

Moved: Cr M Murray-Benge

Seconded: Mayor J Denyer

1. That the Reserves & Facilities Manager's Report dated 31 October 2023 titled 'Waihi Beach Rock Revetment - Council Landowner Consented Coastal Protection Works' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That Council notes that assessment against its Coastal Erosion Response Policy indicates no need to protect Council's reserve with a hard structure.
4. That Council, as administering body and landowner of the reserve, approves in principle to the private construction of consented coastal works on Council reserve, Lot 18 and 19 DPS 22035 Waihi Beach, subject to the conditions, including:
 - A resource consent being granted by Bay of Plenty Regional Council (BOPRC);
 - Consent and construction fully funded by the property owners;
 - Agreement with Council on operational cost and responsibilities.

5. That Council notes this decision is not totally consistent with Council's Erosion Responses Policy 2017. Council is not intending to alter its policy as a result. This recommendation is in acknowledgement of s80 of the Local Government Act 2002.

CARRIED

10.2 TE PUKE TRANSPORT CHOICES

The Committee considered a report dated 31 October 2023 from the Senior Transportation Engineer who took the report as read, and made following comments:

- The Cycleways Manager advised the Committee that Waka Kotahi had put the funding on hold for the implementation and construction of the project.
- Waka Kotahi are awaiting the direction of the incoming Government before making a decision on the funding.
- Redesigning the cycleway to minimise the amount of carparks that required removal would increase the costs considerably and involve the removal of street trees in the area.
- A shift to multi-modal transport options was necessary as Council was unable to upgrade roads to accommodate more cars.

The Committee made the following comments:

- Community consultation showed that the community did not support the cycleway. There was public perception that this was a pre-determined decision by Council.
 - Community Consultation from Council should consider including the option to keep the status quo.
 - There were other areas in Te Puke for a cycleway that would have been more appropriate and amenable to the community.
-

RESOLUTION PMC23-4.3

Moved: Cr A Wichers

Seconded: Cr G Dally

1. That the Senior Transportation Engineer's report dated 31 October 2023 titled 'Te Puke Transport Choices' 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 Projects and Monitoring Committee does not approve the implementation of the Transport Choices project on Cameron Road and Boucher Avenue.
-

CARRIED

10.50am The meeting adjourned.

11.08am The meeting reconvened.

11 INFORMATION FOR RECEIPT

11.1 OPERATIONAL RISK AND SCORECARD REPORT QUARTERLY UPDATE ENDING 30 SEPTEMBER 2023

The Committee considered a report dated 31 October 2023 from the Executive Assistant Infrastructure Services. The report was taken as read, with the following comments made:

- The orange alerts signaled there was a lot of work going on in the risk areas and contingencies were being worked through.
- Site clearing on the Ōmokoroa roundabout may commence construction this summer, but was not expected to begin this calendar year. Council was working through issues relating to landowner consent and property procurement.
- A draft design for access to Youngson Road was being worked through with affected landowners.

RESOLUTION PMC23-4.4

Moved: Cr T Coxhead

Seconded: Cr R Crawford

That the Executive Assistant, Infrastructure Group's report, dated 31 October 2023 titled 'Operational Risk and Scorecard Report Quarterly Update Ending 30 September 2023' be received.

CARRIED

The Meeting closed at 11:17am.

Confirmed as a true and correct record by Council on 23 November 2023.

9.5 MINUTES OF THE AUDIT, RISK AND FINANCE COMMITTEE MEETING HELD ON 7 NOVEMBER 2023

File Number: A5846327

Author: Pernille Osborne, Senior Governance Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

That the Minutes of the Audit, Risk and Finance Committee Meeting held on 7 November 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. **Minutes of the Audit, Risk and Finance Committee Meeting held on 7 November 2023**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
AUDIT, RISK AND FINANCE COMMITTEE MEETING NO. ARF23-4
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 7 NOVEMBER 2023 AT 9.30AM**

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

Cr M Grainger (Chairperson), Cr T Coxhead, Cr R Crawford, Cr G Dally, Mayor J Denyer, Cr R Joyce, Cr M Murray-Benge, Deputy Mayor J Scrimgeour, Cr D Thwaites, Cr A Wichers and Independent Member S Henderson.

VIA ZOOM

Cr A Sole

3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deput CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), C Crow (General Manager Infrastructure Group), G Golding (Governance Manager), S Bedford (Finance Manager), A Ali (Chief Financial Officer), J Jury (Financial Analyst), C Boyle (Health, Safety and Wellbeing Lead), H Wi Repa (Governance Systems Advisor), R Leahy (Governance Advisor) and P Osborne (Senior Governance Advisor).

OTHERS IN ATTENDANCE

Ross Woodfield – Client Advisor (Bancorp)

Suresh Ranchhod – Executive Director, Head of Treasury Advisor (Bancorp)

Deanna MacDonald – National Client Relationship Manager (AON Insurance)

Bree Salvatierra – AON Insurance

Anton Labuschagne – Audit Manager (Audit New Zealand) (Via Zoom)

4 APOLOGIES

APOLOGY

RESOLUTION ARF23-4.1

Moved: Cr M Murray-Benge

Seconded: Cr R Joyce

That the apology for absence from Cr Henry be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Nil

7 PUBLIC EXCLUDED ITEMS

Nil

8 PUBLIC FORUM

Nil

9 PRESENTATIONS

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be 'AON Insurance Renewal Update', to allow additional time for presenters from Bancorp to arrive.

RESOLUTION ARF23-4.2

Moved: Cr D Thwaites

Seconded: Cr T Coxhead

That, in accordance with Standing Orders, the order of business be changed and that item 'AON Insurance Renewal Update' be dealt with as the next item of business.

CARRIED

9.36am Cr Dally entered the meeting.

9.38am Deputy Mayor Scrimgeour entered the meeting.

9.1 AON INSURANCE RENEWAL UPDATE

The National Client Relationship Manager, for Local Government Risk Practice, was in attendance on behalf of AON Insurance to provide the Committee with a renewal update. She spoke to a PowerPoint presentation which outlined the below topics:

- Agenda;
- Markets;
- Global Property Market Drivers;
- Cyclone Gabrielle and 27 January Weather Events;
- Renewal Premium Summary;
- Liability Insurance Overview;
- Opportunities;
- Council Opportunities;
- Insurable Risk Profiling Workshop; and
- Emerging Risks.

The presenter responded to pātai as follows:

- The claims received under the 'Professional Indemnity' Policy were usually in relation to building consents.
- Due to the changes within the Construction Contracts Act 2002, it was important for Council to understand where their retentions were, and whether they held contracts in this space. For this reason an overall business case would have to be undertaken to understand where Western Bay of Plenty District Council (WBOPDC) sat in relation to their coverage.
- State Highway bridges had a percentage of insurance covered by New Zealand Transportation Agency (NZTA/Waka Kotahi), however, other bridges could be included under Councils material damage, including lifeline bridges.
- NZTA had their own insurance programme in place, which included an internal contract with WBOPDC.
- In regard to self-insurance, it was important for councils to have the funds available from the beginning allow for attritional loss. For this reason, it was noted that District Council's did not usually have the funds to self insure.
- AON Insurance did not have the information yet regarding non-insurable regions in New Zealand, however acknowledged there had been an increase.

- The slope identification work within Tauranga meant that there needed to be mitigation put in place by the owner and Council to protect the land through appropriate Council processes.
- When AON circulate its Renewal Report to Council, the deductibles on each policy could also be provided.
- The pluvial (rainfall flooding) and fluvial (river flooding) excesses had been applied as a sub-limit through the relevant policy under general liability.
- The decrease in numbers for cyber liability insurance had a direct relation to the work councils' were doing to mitigate risk in this area.
- There was no talk in New Zealand regarding the struggle to insure electric vehicles. It was noted that New Zealand Insurance (NZI) (who undertook the current Council Programme) had opened their own repair shops across the country.
- At this stage it was difficult to raise excesses to achieve a premium saving, as it was mitigating the increase in the premium saving overall.
- AON Insurance could undertake risk modelling if requested by Council.
- Collective purchasing (in relation to WBOPDC being part of Bay of Plenty Local Authority Shared Services (BOPLASS)) spread the risk amongst all Councils, as well as being able to market them as a group. This provided Council with a higher cost savings.
- There was an opportunity to review the current arrangements relating to disaster insurance, which was proposed to be considered through the Long Term Plan (LTP). Discussions had taken place relating to insuring bridges, noting that this happened on a case by case basis and was often at a higher cost. This meant that conversations around self-insurance in relation to bridges may be more cost effective for WBOPDC.
- Council had a \$30 million floating arrangement with the bank; that could be accessed if they needed to respond to an emergency.

RESOLUTION ARF23-4.3

Moved: Cr R Joyce

Seconded: Cr M Murray-Benge

That the presentation provided by AON Insurance on 7 November 2023, be received.

CARRIED

9.2 BANCORP TREASURY UPDATE AND PRESENTATION

The Client Advisor and Head of Treasury Advisory were in attendance on behalf of Bancorp to provide a Treasury update to the Committee. They spoke to a PowerPoint presentation which outlined the below topics:

- Risks – What we are being told;
- International Monetary Fund (IMF) expects subdued growth;
- The developed economies are slowing in 'real' terms;
- Rising oil price complicates the inflation outlook;
- Consumer Price Index (CPI) – past peak inflation;
- Resilient Non-Tradable Inflation to remain;
- New Zealand Government consumption as a percentage of Gross Domestic Product (GDP);
- Current Account Deficit;
- How households plan to spend their money;
- Drop in Swap Rates;
- Projected floating curve movements;
- New Zealand Official Cash Rate (OCR), Bank Bill Reference Rates (BKBM) and swap rates;
- Forward Swaps Grid – 19 October 2023;
- Forward Swaps Grid – 6 November 2023;
- Debt and Cover;
- Debt and Cover – Excluding Waters;
- Maturity Profile;
- New Zealand; and
- New Zealand – Interest Rates.

Presenters responded to pātai as follows:

- There had not been any feedback from the Bancorp client base that the issues in relation to the Panama Canal were affecting the current market.
- Banks were driving business behaviour and culture, relating to Environmental, Social and Governance (ESG), which would be included in future audits undertaken.
- Japan had low inflation and was still experiencing some growth, which was reflected in the graph that showed the effect of financial conditions on real Gross Domestic Product (GDP) growth.
- Bancorp was not aware of any recommendations to Central Government regarding the re-opening of Marsden Point Oil Refinery, as the cost of doing so was too high, noting that it would have to be modernised and brought up to standard.
- It was felt as though the Global Financial Crisis (GFC) was a "water shed" moment, that shifted the paradigm in relation to how economies operated.
- The affects experienced from the large amount of debt incurred throughout the pandemic would become apparent in the years to come.
- The Chief Executive Officer agreed that debt to revenue ratio was a constraint, but believed the biggest constraint was the cost of capital and pushing this out to the community.

RESOLUTION ARF23-4.4

Moved: Cr R Joyce

Seconded: Cr M Murray-Benge

That the presentation provided by Bancorp Treasury on 7 November 2023, be received.

CARRIED

11.22am The meeting adjourned.

11.42am The meeting reconvened.

10 REPORTS**10.1 WESTERN BAY OF PLENTY DISTRICT COUNCIL'S RATING FROM STANDARD AND POOR'S - SEPTEMBER 2023**

The Committee considered a report dated 7 November 2023 from the Financial Analyst. The report was taken as read, and the Chief Financial Officer highlighted the latest statistics as below:

- Council was pleased to have maintained its 'AA' long-term and 'A-1+' short-term issuer credit ratings;
- Out of the 25 councils that Standard and Poor rated, two had been downgraded;
- The 7% increase in general property rates helped offset some of the inflationary pressures; and
- Council maintained a strong liquidity position, with a debt-service coverage ratio of 172% for the next 12 months.

Staff responded to pātai as follows:

- All Councils were graded differently across the board, as they all had individual assessments undertaken, noting that not all councils were rated by Standard and Poor.
- Whether the rating received was from Standard and Poor or Fitch Rating, it was recognised the same by the New Zealand Local Government Funding Agency (LGFA). It was believed that the Fitch Rating was slightly cheaper than Standard and Poor.

RESOLUTION ARF23-4.5Moved: Mayor J Denyer

Seconded: Cr R Joyce

That the Financial Analyst's report dated 7 November 2023, titled 'Western Bay of Plenty District Council's Rating from Standard and Poor's for 2023', be received.

CARRIED

10.2 PROCUREMENT PRINCIPLES

The Committee considered a report dated 7 November 2023 from the Chief Financial Officer. The report was taken as read, noting that there was an amendment to recommendation 3 with the below rationale:

- It was important that these principles were put through the 'lens' of the Audit, Risk and Finance Committee, acknowledging that they were workshopped through the Strategy and Policy Committee; and
- At this stage, the Procurement Principles did not need to be approved or adopted, as they would eventually be forming the framework for the Procurement Policy.

Another amendment was proposed, as an outcome of the feedback from the workshop. Under principle three 'Get the right supplier', the third point that read "choose suppliers that align with Council's values" should be removed. The removal of this was agreed to.

Staff responded to pātai as follows:

- The principle 'Play by the rules' was regarding Council maintaining accountability and transparency, as well as ensuring that it followed through on what it said it would do. The wording aligned with the New Zealand Procurement rules.
- The principles presented, aligned with the Governments Progressive Procurement Policy.

The Chairperson noted that recommendation 3 would be amended to read:

- 'That the Audit, Risk and Finance Committee consider the updated Procurement Principles contained in this report, noting that these will be included in any future review of the Procurement Policy.'
-

RESOLUTION ARF23-4.6

Moved: Cr M Grainger

Seconded: Mayor J Denyer

1. That the Chief Financial Officer's report dated 7 November 2023 titled 'Procurement Principles' 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 Audit, Risk and Finance Committee consider the updated Procurement Principles contained in this report, noting that these will be included in any future review of the Procurement Policy.

CARRIED

10.3 HEALTH AND SAFETY REPORT – SEPTEMBER 2023

The Committee considered a report dated 7 November 2023 from the Health, Safety and Wellbeing Lead. The report was taken as read, with a brief overview provided. The General Manager Corporate Services noted that as part of the psychosocial report, engagement with staff had been undertaken and would continue to progress.

Staff responded to pātai as follows:

- TRIFR referred to the 'Total Recordable Incident Frequency Rate' which was the rate of recordable injuries that occurred per million hours worked, and considered fatalities, lost-time medical treatment injuries and restricted work injuries.
- LTIFR referred to the 'Lost Time Injury Frequency Rate' which measured the number of lost-time injuries per million hours worked during a single financial year.
- It was noted that informal vehicle checks were happening frequently, however the graph presented on page 27 of the agenda, reflected the number of checks that were entered into Councils vault system. This was a behaviour change that the Health, Safety and Wellbeing Lead was trying to encourage.
- When a 'Near Miss' was entered into the system, it was investigated to determine what controls could be put in place to mitigate the risk going forward. It was noted that staff were encouraged to enter in 'Near Misses' so that the controls could be put in place prior to an accident occurring. To help with this, the importance, understanding and awareness of Health and Safety in the workplace was being highlighted across the organisation.
- The Health, Safety and Wellbeing Lead felt as though there was an improvement in the number of staff using vault to report 'Near Misses'.

12.01pm Cr Joyce withdrew from the meeting.

RESOLUTION ARF23-4.7

Moved: Cr M Murray-Benge

Seconded: Cr R Crawford

That the Health, Safety and Wellbeing Lead's report dated 7 November 2023 titled 'Health and Safety Report – September 2023' be received.

CARRIED

10.4 RISK AND ASSURANCE REPORT NOVEMBER 2023

The Committee considered a report dated 7 November 2023 from the Chief Financial Officer, who provided a brief overview of the key points and the rationale behind each of the emerging risks presented in the report.

The Chairperson noted that the Fraud Policy and Sensitive Expenditure Policy would be presented at an upcoming Strategy and Policy Committee workshop.

12.06pm Cr Joyce entered the meeting.

Staff responded to pātai as follows:

- The rationale behind the additional strategic risk 'Technology Enablement and Resilience' was a reflection of the Artificial Intelligence (AI) influence, as well as work being undertaken in relation to predictive forecasting, and making sure that Council was able to keep up with this progress.
- In relation to risks associated with people, capability and capacity, some areas of the Council had lost some key staff over the last couple of years. It was also noted that future trends predicted the life of an employee to be two-three years going forward.
- There was a lot of uncertainty when it came to the reforms, however, Council was preparing themselves as much as they could given the circumstances.
- The Long Term Plan (LTP) and the complexities that sat along side it were the main concerns for the Chief Executive Officer at this point in time. The increases in costs and cost of capital meant that staff were trying to resolve priorities within the LTP. It was important that this was done correctly.
- Both the General Election and Local Government Elections brought a sense of uncertainty, especially in relation to policy, strategy, priorities and personalities.

The following tākupu were made by Committee Members:

- The Mayor noted that although the status of the reforms was yet to be determined, the ability to stay agile as a Council sat with Elected Members.

RESOLUTION ARF23-4.8

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

That the Chief Financial Officer's report dated 7 November 2023 titled 'Risk and Assurance Report November 2023' be received.

CARRIED

10.5 FINANCIAL PERFORMANCE UPDATE QUARTERLY REPORT 30 SEPTEMBER 2023

The Committee considered a report dated 7 November 2023 from the Finance Manager. The Chief Financial Officer and Finance Manager gave a brief overview of the report and the rationale behind some of the figures presented. The Chief Financial Officer noted that this was one twelfth of the budget, and that a re-forecast would be undertaken prior to the next quarterly report, which would show an updated phased budget.

Staff responded to pātai as follows:

- Within the next couple of weeks the finance team would be meeting with the capital managers to determine the seasonality of their spends, to better reflect the projected spends within their work programmes.
- Through the LTP, staff had taken into consideration the affects of the variance between capital values and land values, noting that this had also been captured through the Annual Report.
- The General Manager Regulatory Services noted that the timing of the financial contributions was dependant on when the developers gave affect to their consent. With the current market there was an opportunity for developers to defer their projects. Council was working with the developers to gain a better understanding of their timelines, in order to forecast when the financial contributions were likely to come in. The Committee was advised that the value of the financial contributions changed ever year through the Annual Plan, and therefore did not factor into the developments commencing.
- Council could not determine whether or not a developer delayed their project due to funds. Council was doing what they could to enable projects to go ahead, by providing surety around their consenting process and what the financial contributions were going to be.
- The penalty date for the rates was pushed out to allow sufficient time for staff to process the rates without customers being charged a penalty unnecessarily in relation to their rates timing.
- Council received re-valuation objections through a file from Quotable Value (QV) every couple of weeks, which informed staff on the outcome of the objections. In some instances, staff were able to put a financial suppression on the rates to avoid additional charges during the re-valuation process.
- Due to the current environment, if there was a policy breach, this would be reported on through the quarterly report.

The following tākupu were made by Committee Members:

- Council had breached two timeline policies in relation to the fixing of future interest rates on its debt. It was proposed that this continue, based on advice from Bancorp and best outcomes for Council. The Deputy Mayor noted that due to the cost of complying with the Treasury Policy, it was hoped that Council was not considering this as a practicable option.

RESOLUTION ARF23-4.9

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Grainger

That the Finance Manager's report dated 7 November 2023 titled 'Financial Performance Update Quarterly Report 30 September 2023' be received.

CARRIED

10.6 EMERGENCY WORKS PROCEDURAL AUDIT OF WESTERN BAY OF PLENTY DISTRICT COUNCIL

The Committee considered a report dated 7 November 2023 from the General Manager Corporate Services. The report was taken as read with a brief overview provided.

The following tākupu were made by Committee Members:

- Staff were congratulated for their work in this area, noting that the audit assessed Western Bay of Plenty as being "effective" in its financial processes, procurement, and asset management controls, being the highest rating available.
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11 INFORMATION FOR RECEIPT

11.1 AUDIT, RISK AND FINANCE COMMITTEE WORK PROGRAMME

The Committee considered a report dated 7 November 2023 from the Chief Financial Officer. The report was taken as read.

RESOLUTION ARF23-4.10

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

That the Chief Financial Officer's report dated 7 November 2023 titled 'Audit, Risk and Finance Committee Work Programme' be received.

CARRIED

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION ARF23-4.11

Moved: Cr R Joyce

Seconded: Mayor J Denyer

That the public be excluded from the following parts of the proceedings of this meeting. That, pursuant to Standing Orders 18.2 (s48(6)LGOIMA), Anton Labuschagne, Audit Manager, Audit New Zealand, be permitted to remain after the public have been excluded, because of his knowledge of item 12.1: Audit New Zealand Update. This was relevant because it could be of benefit to Council in assisting with responses to questions.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
12.1 - Audit New Zealand Update	s48(1)(b)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would be contrary to the provisions of a specified enactment	s48(1)(b)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would be contrary to the provisions of a specified enactment
12.2 - Outstanding Recommendations Register November 2023	s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.3 - Litigation and Issues Watch Register Update November 2023	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.4 - 2022-23 DRAFT Annual Report	s48(1)(b)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of	s48(1)(b)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of

	information the public disclosure of which would be contrary to the provisions of a specified enactment	information the public disclosure of which would be contrary to the provisions of a specified enactment
CARRIED		

The Meeting closed at 1.48pm.

Confirmed as a true and correct record by Council on 23 November 2023.

10 REPORTS

10.1 PROPOSAL TO EXTEND LEASE AREA - KATIKATI RUGBY AND SPORTS INCORPORATED - MOORE PARK - SUBMISSION PERIOD ENDED

File Number: A5643477

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

The Katikati Rugby and Sports Club Incorporated have applied to Council for an extension to their lease area by 24m² (from 1212m² to 1236m²) to allow for the placement of a storage cabin on behalf of Katikati Netball.

On 8 August 2023 the Projects and Monitoring Committee approved, in principle, the extended lease area subject to public consultation.

The public consultation period has closed, no submissions or objections were received.

This report recommends that Council grants the extension of the lease area over Section 6 SO 453028.

RECOMMENDATION

1. That the Reserves and Facilities Manager's report dated 23 November 2023 and titled 'Proposal to Extend Lease Area - Katikati Rugby and Sports Incorporated - Moore Park - Submission Period Ended' 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 exercise its powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 and **grants** the extension of the lease area over Section 6 SO 453028, being part of Moore Park, by approximately 24m².
4. If approval 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 its own cost.

BACKGROUND

Katikati Netball, now affiliated with the Katikati Rugby & Sports Club Incorporated, wish to situate a cabin on skids alongside the existing clubrooms at Moore Park. The intended

use for the cabin is for storage of gear, uniforms, and for use on active club days as a point of sale for club merchandise (**Attachment 1**).

Resolution PMC23-3.9 of the Projects and Monitoring Committee approved, in principle, the extension to the lease area over Section 6 SO453028, being part of Moore Park, by approximately 24m subject to publicly notifying the proposal in terms of section 119 of the Reserves Act 1977.

A public notice was placed in the Katikati Advertiser newspaper and Council's website on 18 August 2023 and closed on 25 September 2023. No submissions or objections were received.

SIGNIFICANCE AND ENGAGEMENT

The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy in order to guide decisions on approaches of engagement and degree of options analysis.

In making this formal assessment it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

In terms of the Significance and Engagement Policy, this decision is considered to be of low significance because the public has had the opportunity to make submissions or objections to the proposal through the prescribed public consultation process required under the provisions of the Reserves Act 1977. There are also no costs for ratepayers as the applicant will pay for outgoings and maintenance, which will be required as a condition of the lease.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication
Tangata Whenua	Ngāi Tamawhariua ki Te Rereatukahia had not responded as at the date of this report.
General Public	No submissions or objections were received.

ISSUES AND OPTIONS ASSESSMENT

Option A
That Council exercise its powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 and grants the extension of the lease area over Section 6 SO 453028, being part of Moore Park, by approximately 24m ² .

Assessment of advantages and disadvantages including impact on each of the four well-beings: <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	Advantages: Supports Katikati Netball to provide for the netball activity. Disadvantages: None.
Costs (including present and future costs, direct, indirect and contingent costs).	All costs relating to the processing of the proposal are to be borne by the Katikati Rugby and Sports Club Inc.
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	
Option B That Council does not approve the extension to the lease area.	
Assessment of advantages and disadvantages including impact on each of the four well-beings: <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	Does not support a community sporting activity
Costs (including present and future costs, direct, indirect and contingent costs).	
Other implications and any assumptions that relate to this option	

STATUTORY COMPLIANCE

Reserves Act 1977 – One month of public consultation was required under Section 119 of the Reserves Act 1977. Council to give full consideration in accordance with section 120 to all objections against and submissions in relation to the proposal received pursuant to the said section 120.

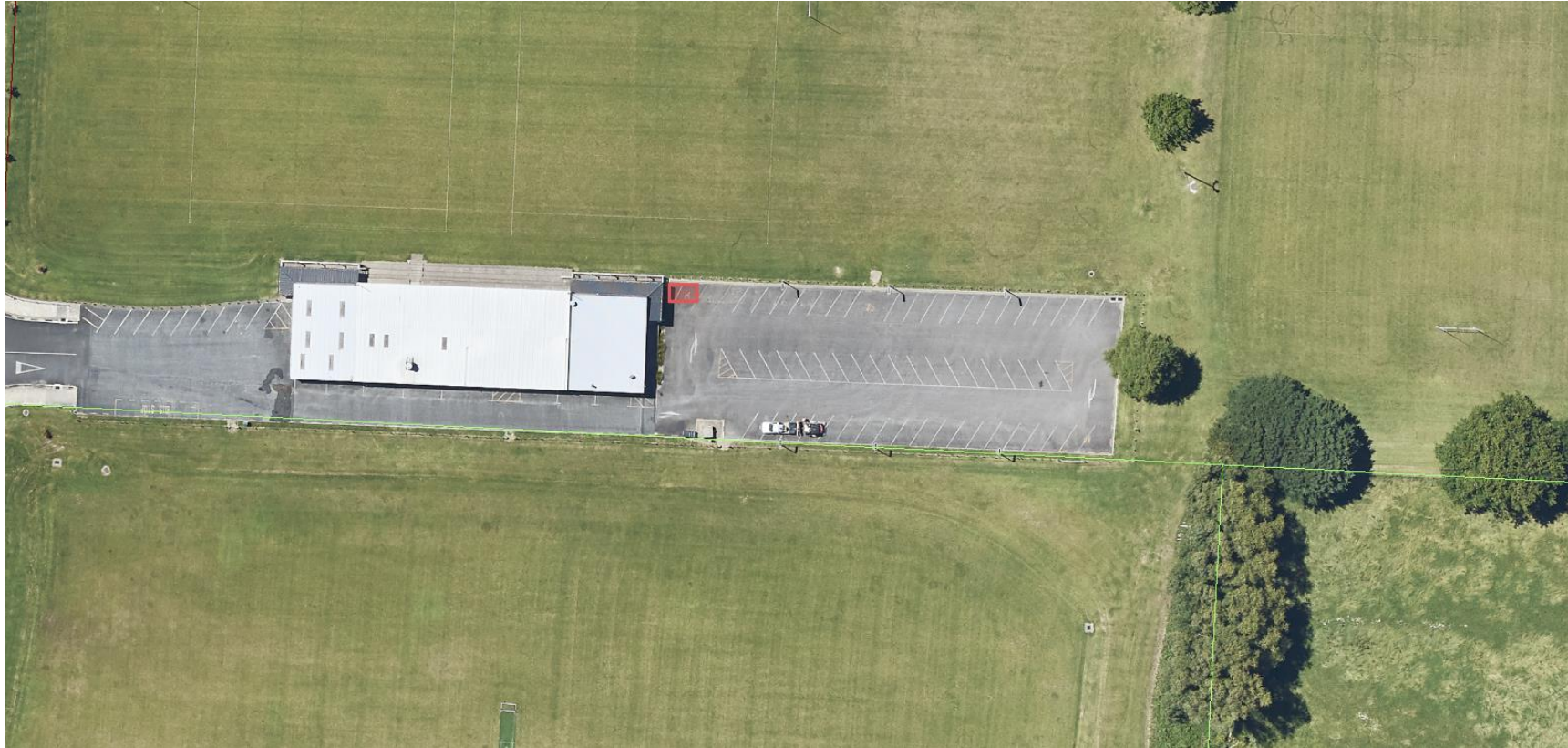
FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	All costs relating to the processing of the proposal are to be borne by the Katikati Rugby and Sports Club Inc.

ATTACHMENTS

1. Plan of proposed cabin location next to clubrooms  

Location of proposed storage shed outlined in red



10.2 DEFERRAL OF THE LONG TERM PLAN 2024-34 ADOPTION

File Number: A5826412

Author: Emily Watton, Strategic Policy and Planning Programme Director

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

The purpose of this report is to seek a decision from Council as to whether it proactively defers the adoption of the Long Term Plan 2024-34 to no later than 30 September 2024.

RECOMMENDATION

1. That the Strategic Policy and Planning Programme Director's report dated 23 November 2023 titled 'Deferral of the Long Term Plan 2024-34 adoption' be received.
2. That the report relates to an issue that is considered to be of **medium** significance in terms of Council's Significance and Engagement Policy.
3. That Council directs the Chief Executive to:
 - (a) Continue with the current programme for Long Term Plan 2024-34 adoption by 30 June 2024
 - OR
 - (b) Adjust the programme to enable the adoption of the Long Term Plan 2024-34 to no later than 30 September 2024, noting that the Schedule of Fees and Charges 2024/25 relating to dog control and registered health premises will require earlier consultation in March 2024 to meet legislative timeframes.

BACKGROUND

1. Council is legislatively required to review its Long Term Plan (LTP) every three years, and has been in the process of reviewing its current LTP 2021-31 with a view to developing the LTP 2024-34, and undertaking formal consultation (indicatively in March 2024). This requires development of a consultation document and supporting information to identify the significant issues for the coming 10 years and proposing options to address these issues. Key components of the supporting information include the 30-year Infrastructure Strategy (which sets out our approach to looking after existing assets to ensure they continue to meet community needs and providing infrastructure for the future) and Financial Strategy (which sets out our approach to managing our finances over the next 10 years).

2. Significant legislative reform has been progressed since the LTP 2021-31 was adopted in June 2021. In particular, the Affordable Waters reform requires transfer of water assets from Council to a regional entity, with an indicative transfer date for Bay of Plenty of October 2025.
3. However, the National Party has signalled that it intends to repeal and replace Three Waters reforms with its own plan, called "Local Water Done Well", that will effectively put water services back in the hands of local councils. National has indicated that it will start repealing the legislation in its first 100 days in government. Advice to the sector is that it is unlikely any significant legislative change will be enacted until late February 2024 given the parliamentary processes that are required following an election.
4. The Waka Kotahi NZ Transport Agency board made a decision in September to delay adopting the 2024-27 National Land Transport Programme by two months to the end of August 2024. This was in response to the delay in the release of the draft Government Policy Statement (GPS) on land transport. Feedback from Waka Kotahi staff is that we are unlikely to know the funding assistance rate (FAR) and apportionment for the FAR until February 2024. The FAR is also unconfirmed until the new GPS is finalised.
5. This lack of clarity, particularly in relation to three waters and transportation, has significant implications for Council's financial and infrastructure strategies, including debt levels and rates affordability. The current environment is also challenging due to significant inflation and increased debt servicing costs.
6. Council typically adopts its consultation document and supporting information (following completion of audit requirements) in February, with consultation generally taking place in March preceding LTP adoption. In light of the uncertainty noted above, the risk for this LTP is that we complete the audit and adopt a consultation document with information that is then incorrect and based on the wrong legislative assumptions.
7. Undertaking community consultation on a Long-Term Plan with incorrect information on water management and transport will not enable Council to have the right conversation with the community. We don't want to ask the community for its views when things are likely to change.
8. These factors combined lead to significant uncertainty, which undermines elected members' ability to make good trade-off decisions. Council also needs to ensure that it is not compromising core services and projects with intergenerational benefits for short term rates reductions.
9. It is also worth noting that approximately 50 percent of councils nationally have informally indicated that they are unlikely to meet 30 June 2024 adoption if three waters are required to be retained in the LTP (noting that current legislation requires them to be removed from transfer date). Taituarā and LGNZ are working with the

sector to provide advice to the incoming government on options to address uncertainty for Long Term Plans that are due for adoption in June 2024.

RELATED PROCESSES AND DECISION-MAKING

10. Council usually undertakes consultation on its proposed fees and charges for the upcoming financial year concurrently with consultation on its LTP. There are specific legislative requirements in health regulations¹ and the Dog Control Act 1996² which mean that the fees and charges relating to dog control and health premises registration must be set prior to 30 June annually, and complete required notification and invoicing steps. This means that if a deferred programme is agreed for the LTP 2024-34, consultation on the proposed fees and charges for dog control and health premises registration should proceed in March 2024. The balance of the proposed fees and charges for 2024/25 should be consulted on alongside the LTP 2024/34.
11. Council also usually consults on its proposed financial contributions for the upcoming financial year concurrently with consultation on its LTP. It is recommended that consultation remains aligned with LTP timeframes. This means that the financial contributions for 2024/25 will not be adopted until late September 2024 in the event that a deferred programme is agreed.
12. Council will also not be setting rates until late September 2024 in a deferred programme. This is similar to the approach taken for the Annual Plan 2023/24. Dates for payment and penalty deadlines can be adjusted to align with a deferred programme.
13. A range of service delivery contracts will expire their three year terms on 30 June 2024. An extension on the current terms will be required as an interim measure before the LTP is adopted and budgets for service delivery contracts are finalised.

SIGNIFICANCE AND ENGAGEMENT

14. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

¹ Section 4 of the Health (Registration of Premises) Regulations 1966 – Council is required to set Health Registration Fees and Charges in advance of the Council registration expiry period, being 30 June annually.

² Section 37(6) of the Dog Control Act 1996 – Council is required to set Dog Control Fees and Charges in advance of the registration expiry period. Dog fees and charges must be publicly notified at least once in the month immediately preceding the registration period on an annual basis.

15. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
16. In terms of the Significance and Engagement Policy this decision is considered to be of **medium** significance because of the level of community interest in the Long Term Plan, as the primary tool to consider Council’s levels of service, infrastructure provision, financial strategy and rating approach for the next ten years, in particular the first three years. Council must use the special consultative procedure to seek community views on this LTP (noting that this will still be carried out as part of the rephased programme).

ENGAGEMENT, CONSULTATION AND COMMUNICATION

17. Council has already completed substantive pre-engagement from 20 May to 30 June 2023, and received over 30,000 pieces of feedback to help shape the LTP. This was through a community-led engagement process across 12 neighbourhoods in the district.
18. Council is required to use the special consultative procedure³ in adopting LTP. Under a deferred programme, formal consultation would indicatively occur in May/June 2024. More detail on dates and planned consultation approach will be considered when the consultation document and supporting information is adopted (indicatively in May 2024).

ISSUES AND OPTIONS ASSESSMENT

19. There are two options for Council to consider, set out below.

<p>Option A Continue with the current programme for Long Term Plan 2024-34 adoption by 30 June 2024</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><u>Advantages</u></p> <ul style="list-style-type: none"> • Continues with the intended programme as expected by current legislation and the community. <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Significant reform is signalled by the incoming government, which is unlikely to be enacted earlier than February 2024. This includes waters reform, resource management reform and other programmes.

³ Section 93(2) of the Local Government Act 2002

	<ul style="list-style-type: none"> • Lack of clarity on transportation funding arrangements from Waka Kotahi in time to feed into consultation document and supporting information. • System challenges compromise delivery by 30 June. • Increased complexity and uncertainty is expected to lead to longer audit timeframes and potential additional costs as a result. • Difficulty in programming audit requirements if our programme is uncertain. • Potentially provides a poor basis of information for community consultation, and may lead to further consultation being necessary on a revised LTP as a result of legislative change. • Legislative timeframe to adopt by 30 June is unlikely to be met, so better outcomes are anticipated by re-phasing the LTP project.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Additional costs may be incurred for re-work, further auditing and further consultation if significant legislative reform is enacted after Council has adopted its consultation document and supporting information.</p>
<p>Other implications and any assumptions that relate to this option</p>	<p>Community confusion may arise from the level of uncertainty on likely scenarios for consultation. It may be challenging to keep the community engaged in a further consultation.</p>
<p>Option B Proactively decide to defer the adoption of the Long Term Plan 2024-34 to no later than 30 September 2024, noting that the Schedule of Fees and Charges 2024/25 relating to dog control and registered health premises will require earlier consultation in March 2024 to meet legislative timeframes.</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><u>Advantages</u></p> <ul style="list-style-type: none"> • Likely to have further clarity on legislative changes to inform consultation document and supporting information. • Expected decisions by Waka Kotahi to provide clarity on transportation funding arrangements. • Enables system corrections to be made and tested. • Proactive planning of audit resourcing, and efficient use of their time (reducing the risk of audit fee cost escalation). Informal engagement with auditors indicates support for the deferred programme. • More certainty for community in terms of information and timeframe. Will enable Council to have the right conversation with the community on the key proposals for the LTP and their implications. • Proposed programme enables dog control and health premises fees and charges can proceed and meet related legislative requirements. • Council can still set rates before the first instalment is due, and can adjust payment and penalty dates to align with the deferred programme. <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Does not enable Council to adopt its LTP by the current 30 June 2024 deadline. • May have implications for other processes, such as the Annual Report 2023/24.
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	<ul style="list-style-type: none"> • May continue to be a level of uncertainty due to legislative reform.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>A delay in adopting the Schedule of Fees and Charges 2024/25 will mean that new fees and charges cannot be used until the time of adoption. A delay in adopting the financial contributions for 2024/25 will mean that they cannot be used until the time of adoption.</p>
<p>Other implications and any assumptions that relate to this option</p>	<p>Formal consultation on the LTP 2024-34 would indicatively take place mid-May to mid-June, but this may change depending on when further clarity can be gained on key uncertainties.</p>

STATUTORY COMPLIANCE

20. The recommendations of this report enable Council to meet its decision-making requirements under the Local Government Act 2002.
21. A deferred programme will mean that Council does not meet its legislative requirement to adopt the LTP by 30 June 2024. It is unclear whether legislative provision for this will be forthcoming.

FUNDING/BUDGET IMPLICATIONS

<p>Budget Funding Information</p>	<p>Relevant Detail</p>
<p>Long Term Plan project budget and audit costs</p>	<p>Deferral of the Long Term Plan process to no later than 30 September does not give rise to any significant cost implications for plan development.</p>

10.3 ANNUAL REPORT 2022-2023

File Number: A5794543

Author: Azoora Ali, Chief Financial Officer

Authoriser: Adele Henderson, General Manager Corporate Services

EXECUTIVE SUMMARY

The purpose of this report is to adopt the audited Annual Report for the year ended 30 June 2023.

This report is a statutory requirement under sections 98 and 99 of the Local Government Act 2002. For each financial year, Council is required to prepare and adopt, by resolution, an annual report. The Annual Report 2022-2023 will be tabled at the meeting.

RECOMMENDATION

1. That the Chief Financial Officers report dated 23 November 2023 titled 'Annual Report 2022-2023' be received.
2. That the report relates to an issue that is considered to be of **medium** significance in terms of Council's Significance and Engagement Policy.
3. That Council receive the Audit Opinion from Audit New Zealand for Western Bay of Plenty District Council's financial statements and performance information for the year ended 30 June 2023.
4. That Council receive the Annual Report 2022-2023 (**Tabled Item 1**).
5. That pursuant to section 98 of the Local Government Act 2002, Council adopt Western Bay of Plenty District Council's Annual Report 2022-2023 (**Tabled item 1**).
6. That the Chief Executive Officer be delegated authority to make such minor editorial changes to the Annual Report 2022-2023, as may be required prior to printing.

BACKGROUND

The Annual Report for the year ended 30 June 2023 (to be tabled), including Financial Statements, and Non-Financial Performance Reports for each of Council's activities, are presented for adoption.

Under section 98 of the Local Government Act 2002 for each financial year, Council is required, within four months of the end of the financial year to which it relates, to prepare and adopt, by resolution, an annual report. Due to staff availability and audit availability to complete the audit, the Annual Report is being presented for adoption after the statutory deadline.

The Annual Report is currently being audited and finalised by Audit New Zealand in accordance with Section 99 of the Local Government Act 2002 and will be tabled at the Council meeting (23 November 2023).

The Annual Report includes explanations of major variances under Note 46 to the Financial Statements, to assist readers in their review of the information.

PREPARATION OF SUMMARY ANNUAL REPORT

The summary report is a condensed view of the two major areas of the Annual Report namely, the Group of Activities reports and Financial Statements. It also includes an extract from the prudential reporting section of the Annual Report.

- Under section 98 of the Local Government Act 2002, Council is required to make its annual report, and summary of the information contained in its annual report, publicly available within one month of its adoption. The summary annual report will be made available within this timeframe and will be signed off by Audit New Zealand following the adoption of the Annual Report 2022–2023.

SIGNIFICANCE AND ENGAGEMENT

The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy in order to guide decisions on approaches of engagement and degree of options analysis. In making this formal assessment it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because:

- This 2022–2023 Annual Report is provided to compare Western Bay of Plenty District Council's actual performance for the year, against what was forecasted in the Long-Term Plan or Annual Plan. Council's performance could be of interest to some ratepayers and residents in the District but should not affect them significantly. Overall, there would be no impact on the future interest of the community.
- There are no identifiable cultural impacts relating to the preparation of the end of year financial accounts, other than general interest.
- The subject does not affect the level of service of a significant activity.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
General Public	The public are to be notified of the adoption of the Annual Report 2022–2023 by advertisement in the local papers and via Councils website.	Planned	Complete

	As per the Local Government Act 2002, copies of the adopted Annual Report and summary are required to be sent within one month of adoption to several government departments, i.e. a) The Secretary of Local Government; b) The Auditor-General; and c) The Parliamentary Library.		
Internal Staff	All staff to be notified accordingly.		

ISSUES AND OPTIONS ASSESSMENT

Option 1	
That the Annual Report for the year ending 30 June 2022 be received and adopted by Council.	
Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002	Legislative or other reference
Every local authority must prepare and adopt in respect of each financial year an annual report. Each annual report must be completed and adopted, by resolution, within four months after the end of the financial year to which it relates.	Section 98 of the Local Government Act 2002. Section 99 of the Local Government Act 2002.

STATUTORY COMPLIANCE

The recommendation in this report is consistent with legislative requirements as per section 98 and 99 of the Local Government Act 2002.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	The Annual Report provides a comparison to the budget of the previous year.

10.4 REMOVAL OF FLOOD AFFECTED PENSIONER HOUSING UNITS WAIHĪ BEACH

File Number: A5771853

Author: Kerrie Little, Operations Manager

Authoriser: Cedric Crow, General Manager Infrastructure Services

EXECUTIVE SUMMARY

The purpose of this report is to seek a decision from Council to demolish seven Elder Housing units that were flood effected in the 29 May 2023 floods at Waihī Beach and remain empty.

RECOMMENDATION

1. That the Operations Manager's report dated 23 November 2023 titled 'Removal of Flood Affected Pensioner Housing Units 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.
3. That Council approve the demolition of the seven empty flood affected Elder Housing units in Waihī Beach.

OR
4. That Council approve the seven empty flood affected Elder Housing units in Waihī Beach be repaired and tenanted.

BACKGROUND

On 29 May 2023, a significant flood event swept through Waihī Beach. The worst affected areas included three blocks of Elder Housing Units at Beach Road. 11 units were damaged, and the residents evacuated by emergency services. These tenants were being housed in the Waihī Beach area in local private rental accommodation and had their remaining belongings stored. Tenants continued to pay their rent and Council (via insurance payments) covered the excess rental payments.

All the tenants that were displaced have now either moved back into the four repaired units or have permanent rental accommodation.

Council sought modelling from Tonkin and Taylor on the property to determine which units were deemed safe to reinhabit.

Of the 11 units that were affected, the Tonkin and Taylor report, dated 15 August 2023, stated the seven units in question are exposed to flood hazard as high as H3 (unsafe for elderly, children and vehicles) and the north-eastern corner of the property is exposed to a flood hazard as high as H4 (unsafe for all people and vehicles).

The four units that have been repaired and re-inhabited were classified as H2 (unsafe for small vehicles).

SIGNIFICANCE AND ENGAGEMENT

The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance as it does not affect a large part of the community. All the tenants that were in the units have now either moved back into the four repaired units or have permanent rental accommodation.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Waihi Beach Community Board	The Waihi Beach Community Board has been kept up to date.	Planned	Completed
General Public	All tenants have been kept informed by staff at weekly catchups at the Waihi Beach RSA.		

ISSUES AND OPTIONS ASSESSMENT

Option A	
That Council approve the demolition of the seven empty flood affected Elder Housing units in Waihi Beach.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • Less rental income. • Seven less units at Waihi Beach. There is some discussion whether Waihi Beach is the best place for Elder Housing units due to lack of services currently available. • Following an event like this the residents and their community have experienced distress. Council staff have worked with the tenants to manage it as much

	<p>as possible, noting that external support has been offered.</p> <ul style="list-style-type: none"> The flood risk of these properties remains high.
Costs (including present and future costs, direct, indirect, and contingent costs).	Council is waiting to hear from the insurers as to whether they will pay out a cash settlement on these units. Insurers are currently preparing indemnity value calculations.
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	If these units were demolished it would allow for a carparking area to be established for the remaining 12 tenants. Currently tenants have to park on the road, however this has recently become more difficult due to yellow no parking lines being installed either side of a new crossing.
Option B	
That Council approve the seven empty flood affected Elderly Housing units in Waihi Beach be repaired and tenanted.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> Economic Social Cultural Environmental 	<ul style="list-style-type: none"> Tenancies would be reinstated, and rent collected. There would be considerable stress on the tenants living in the units regarding the likelihood of future flooding. It could also create questions around the appropriateness of Council placing tenants into housing that was prone to flooding. The land has been assessed as unsafe for elderly, children and vehicles and therefore should not be used for this purpose.
Costs (including present and future costs, direct, indirect, and contingent costs).	All costs to reinstate the buildings would be covered by insurance.

STATUTORY COMPLIANCE

The recommendation(s) meets:

- Residential Tenancies Amendment Act 2020;
- Elder Housing Operational Policy 2021; and
- Local Government Act 2002.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Loss of income of seven units.	There would be less rental income. Council is waiting to hear from the insurers as to whether they will pay out a cash settlement on these units. Insurers are currently preparing indemnity value calculations. Further discussions on the financial implications will be take place in due course. This includes a newly developed financial model from PwC New Zealand.

10.5 MAYOR'S REPORT TO COUNCIL**File Number:** A5780146**Author:** Charlene Page, Senior Executive Assistant Mayor/CEO**Authoriser:** James Denyer, Mayor**EXECUTIVE SUMMARY**

The purpose of this report is for the Mayor to provide an update to Council on the below subjects.

RECOMMENDATION

That the Senior Executive Assistant to Mayor/CEO's report dated 23 November 2023 titled 'Mayors Report to Council' be received.

BACKGROUND**Future for Local Government**

LGNZ is seeking to build consensus on the Future for Local Government recommendations. A second hui took place in Wellington on 2 November. The focus of the meeting was to reach consensus on some of the recommendations where the first hui indicated more work was needed. Good progress was made, and a consensus was achieved on each topic.

LGNZ will circulate further information ahead of a proposed Special General Meeting to adopt all consensus positions in December.

Rural & Provincial Sector Meeting

Attendees enjoyed a variety of presentations on topics affecting the sector, including challenges with councils' Long-Term Plans (LTPs) and the fiscal and risk environment; an update on political priorities subsequent to the general election; telecommunication issues during Cyclone Gabrielle and the lessons learned; issues and aspirations in the farming sector from Federated Farmers.

Meetings

External functions and meetings attended by me between 7 October and 3 November include:

Waihi Beach Farmers Market opening, Waihi Beach	7 October
Ōmokoroa Volunteer Fire Brigade honours night, Ōmokoroa	7 October
Government Inquiry into North Island severe weather events, Teams	9 October
Mayors Len Salt, Toby Adams, Adrienne Wilcock, Zoom	9 October
Te Puna Quarry Park volunteers lunch, Te Puna	10 October
Sarah Baddeley, Sam Ponniah (Martin Jenkins),	

Mayoral Forum 3W business case	12 October
Mayor Adrienne Wilcock, Matthew Cooper	12 October
Tauranga Green Drinks	12 October
No.4 Road bridge reinstatement options public engagement, Te Puke	13 October
Opening of Lawrence Oliver Dog Park, Te Puke	14 October
Lori Luke (Acorn)	18 October
Scott Campbell	18 October
Stock Route Cow Art exhibition & celebration, Te Puke	18 October
Brendon Pooley Art exhibition, Katikati	20 October
Art Expo, Ōmokoroa	20 October
Te Puke High School Centenary reunion, Te Puke	21 October
Dashain event, Nepalese Association of Bay of Plenty, Paengaroa	21 October
Te Putake o te riri commemoration, Gate Pa	23 October
Tūhourangi ki Ōtūkawa reawakening, Te Puke	28 October
Pasifika Festival in the Bay, Tauranga	28 October
Katikati Volunteer Fire Brigade honours night, Katikati	28 October
BOPRC Annual Plan and general update	1 November
NZKGI presentation, Colin Bond et al	1 November
Te Whatu Ora presentation, Endine Dixon-Harris	1 November
LGNZ Future for Local Government hui part 2, Wellington	2 November
LGNZ Rural & Provincial sector meeting, Wellington	3 November

11 INFORMATION FOR RECEIPT**12 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
12.1 - Confidential Minutes of the Council Meeting held on 26 October 2023	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.2 - Confidential Minutes of the Audit, Risk and Finance	s7(2)(f)(ii) - the withholding of the information is necessary to maintain the	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the

<p>Committee Meeting held on 7 November 2023</p>	<p>effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
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