

MEETING – AGENDA –

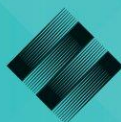
Ngā Take



COUNCIL

Te Kaunihera

C21-2
Thursday, 25 February 2021
Council Chambers
Barkes Corner, Tauranga
9.30am



***Western Bay of Plenty
District Council***

Council

Membership

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

Role:

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

Power to Act:

- To exercise all non-delegable functions and powers of the Council including, but not limited to:
 - The power to make a rate;
 - The power to make a bylaw;
 - The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
 - The power to adopt a Long Term Plan, Annual Plan or Annual Report;
 - The power to appoint a chief executive;
 - The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement;
 - The power to adopt a remuneration and employment policy;
 - The power to approve a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991;
 - The power to make a final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/Trustees and representatives of Council to external organisations;
- To consider and make decisions regarding any matters relating to Council Controlled Organisations, including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) recommended by the Policy Committee or any matters referred from the Performance and Monitoring Committee.

- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council or any other entity.
- To consider applications to the Community Matching Fund (including accumulated Ecological Financial Contributions).
- To consider applications to the Facilities in the Community Grant Fund.

Procedural matters:

- Approval of elected member training/conference attendance.

Mayor's Delegation:

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

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

Power to sub-delegate:

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

Notice is hereby given that a Meeting of Council will be held in the Council Chambers, Barks Corner, Tauranga on:
Thursday, 25 February 2021 at 9.30am

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

8 COMMUNITY BOARD MINUTES FOR RECEIPT

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 3 FEBRUARY 2021

File Number: A3991271

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Jan Pedersen, Group Manager People And Customer Services

RECOMMENDATION

1. That the Minutes of the Katikati Community Board Meeting held on 3 February 2021 be received.

ATTACHMENTS

1. Minutes of the Katikati Community Board Meeting held on 3 February 2021

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI COMMUNITY BOARD MEETING NO. K21-1
HELD IN THE CENTRE - PĀTUKI MANAWA, 21 MAIN ROAD, KATIKATI 3129
ON WEDNESDAY, 3 FEBRUARY 2021 AT 7.00PM**

1 PRESENT

Member B Warren, Member N Harray, Member K Sutherland, Cr J Denyer

2 IN ATTENDANCE

G Allis (Deputy CEO/Group Manager Infrastructure Services), A Hall (Roading Engineer – West) and P Osborne (Senior Governance Advisor)

7 members of the public

The Chairperson opened the meeting and welcomed those in attendance.

The Chairperson spoke to the resignation of Councillor Christina Humphreys effective 29 January 2021. On behalf of the Board, the Chairperson wished Ms Humphreys all the best and thanked her for her contribution to the Katikati Community Board over the past 15 months.

As a result of the resignation, Council will be holding a by-election for a Katikati-Waihi Beach Ward Councillor.

3 APOLOGIES

APOLOGY

RESOLUTION K21-1.1

Moved: Cr J Denyer

Seconded: Member K Sutherland

That the apology for absence from Member John Clements, be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

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

PUBLIC FORUM ADJOURN MEETING

RESOLUTION K21-1.2

Moved: Member B Warren

Seconded: Cr J Denyer

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

CARRIED

Norm Mayo – Various Items

Mr Mayo was in attendance to ask the following questions on behalf of the Katikati Residents and Ratepayers Association;

1. What are the projected rate raises that are currently being discussed?
2. What is the current net debt and the proposed net debt under the Long Term Plan (LTP)?
3. Having a local townsman, rather than big commercial organisations, referencing the new kerbside collection service.
4. Mr Mayo asked Council and the Community Board to resist the 3 Water Scheme.

Mr Mayo also asked that the Katikati Residents and Ratepayers Association are kept informed, noting that public meetings (non-formal) would be of preference.

Councillor Denyer clarified that the rate rises that are currently being discussed will come out as part of the LTP consultation document.

The Board was reminded that Council undertook a full public procurement tender process for the new kerbside rubbish collection. All options were evaluated before Council awarded the contract to EnviroWaste.

Information regarding the new kerbside rubbish service will be coming out next week.

Jacqui Knight – Katch Katikati Updates

Ms Knight was in attendance to provide the Board with the below updates:

- The New Zealand Mural and Arts festival is coming up and will take place over a month;
- There has been one submission for the Power Box Art project, however the panel required a further two submissions before a decision could be made;
- Katch Katikati is excited about the Waitekohekohe Reserve Plan, but is aware that it is awaiting adoption into the LTP; and
- There are two strong cycling groups in Katikati that would love the Community Board to look at some cycle/road safety signage in their future Roding Budget.

Thys Polstra – Health and Safety Issues

Mr Polstra was in attendance to inform the Board of some Health and Safety issues currently around Katikati.

1. Sloping footpath on the right-hand side of the Library and Service Centre, including a wall mounted silver box hazard awareness;
2. Lack of white lines on Binnie Road;
3. Tree on Wills Road needs to be trimmed in order to allow trucks to pass without crossing the centre line; and
4. Overgrown grass within Reserve areas throughout Katikati.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION K21-1.3

Moved: Member K Sutherland

Seconded: Member B Warren

That the meeting reconvene in formal session at 7.18pm.

CARRIED

8 MINUTES FOR CONFIRMATION**8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 25 NOVEMBER 2020**

RESOLUTION K21-1.4

Moved: Cr J Denyer

Seconded: Member K Sutherland

That the Minutes of the Katikati Community Board Meeting held on 25 November 2020, as circulated with the agenda, be confirmed as a true and accurate record.

CARRIED

9 REPORTS**9.1 COUNCIL DECISION ON KATIKATI COMMUNITY BOARD RECOMMENDATION - 33 MIDDLEBROOK DRIVE - COMMUNITY LEASING**

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

RESOLUTION K21-1.5

Moved: Cr J Denyer

Seconded: Member N Harray

That the Senior Governance Advisor's report dated 3 February 2021 titled 'Council Decision on Katikati Community Board Recommendation – 33 Middlebrook Drive – Community Leasing' be received.

CARRIED

9.2 CHAIRPERSONS REPORT - KATIKATI COMMUNITY BOARD - FEBRUARY 2021

The Board considered a report from the Chairperson, receiving a brief overview of each item.

RESOLUTION K21-1.6

Moved: Member N Harray
Seconded: Member K Sutherland

That the Chairpersons Report dated 3 February 2021, titled 'Chairpersons Report – Katikati Community Board – February 2021', be received.

CARRIED

9.3 COUNCILLORS REPORT - KATIKATI COMMUNITY BOARD - FEBRUARY 2021

The Board considered a report from Councillor Denyer. The report was taken as read with two additional points raised:

- Councillor Denyer thanked Councillor Christina Humphreys for the work that she had done as a Katikati-Waihi Beach Ward Councillor for the past 15 months and wished her well; and
 - That, in order to make the most of Crown Infrastructure Partners (CIP) Funding, the Performance and Monitoring Committee recommended to Council that no connection charge is to be applied to the Te Rereatukahia Wastewater Scheme.
-

RESOLUTION K21-1.7

Moved: Member B Warren
Seconded: Member K Sutherland

That the Councillor's report dated 3 February 2021 titled 'Councillors Report – Katikati Community Board – February 2021' be received.

CARRIED

9.4 KATIKATI COMMUNITY BOARD - ANZAC DAY COMMEMORATION 2021

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

RESOLUTION K21-1.8

Moved: Member K Sutherland
Seconded: Cr J Denyer

1. That the Senior Governance Advisor's report dated 3 February 2021 titled 'Katikati Community Board – ANZAC Day Commemoration 2021', be received.
2. That the Katikati Community Board provide a wreath for the ANZAC Day Service, to be paid from the Katikati Community Board Contingency Account (up to the value of \$200).
3. That Member Ben Warren represent the Katikati Community Board at the ANZAC Day Service at Katikati on 25 April 2021.

CARRIED

9.5 INFRASTRUCTURE SERVICES REPORT KATIKATI COMMUNITY BOARD FEBRUARY 2021

The Board considered a report from the Deputy Chief Executive. The report was taken as read with an update provided on the below items:

- The Yeoman Walkway consent came through yesterday, allowing that project to proceed; and
- Council met with Ngai Tamawhariua to talk through the process of a combined Urupa/Cemetery.

The Highfields Stormwater Pond project now sits with both the Deputy Chief Executive and the Utilities Manager. They are in the process of getting a pictorial drawing of the options. It was noted that the proposal to deepen part of the pond is not currently funded, however it is expected that there will be a submission to the Long Term Plan (LTP) for this funding.

Cr Denyer mentioned that the *Park Road, Beach Road, Katikati Reserve Upgrade* Project looked great, noting a loose cobble that needed looking at.

The Roothing Engineer (West) noted that the Community Board is coming out of deficit in their Roothing Account Budget, highlighting the opportunity for the Board to start thinking about how they wish to allocate next years budget.

The Deputy Chief Executive also noted that Council is working with Waka Kotahi (NZTA) to look at a potential opportunity to get some funding for footpaths/cycleways around Katikati.

RESOLUTION K21-1.9

Moved: Member B Warren

Seconded: Cr J Denyer

1. That the Deputy Chief Executive's report dated 3 February 2021 titled 'Infrastructure Services Report Katikati Community Board February 2021', be received.

CARRIED

9.6 FINANCIAL REPORT KATIKATI - DECEMBER 2020

The Board considered a report from the Management Accountant. The report was taken as read. Receipts from 3129 Graphic Design were received.

RESOLUTION K21-1.10

Moved: Member N Harray

Seconded: Cr J Denyer

That the Management Accountant's report dated 3 February 2021, titled 'Financial Report Katikati – December 2020', be received.

CARRIED

9.7 COUNCIL, STANDING COMMITTEES AND COMMUNITY BOARD MEETINGS

RESOLUTION K21-1.11

Moved: Member K Sutherland

Seconded: Cr J Denyer

That the schedule of meetings for February, March and April 2021, be received.

CARRIED

The Meeting closed at 7.32pm.

The minutes of this meeting were confirmed at the Katikati Community Board held on 31 March 2021.

.....
Member B Warren
CHAIRPERSON

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 24 AUGUST 2020

File Number: A3949818

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

1. That the Minutes of the District Plan Committee meeting held on 24 August 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

ATTACHMENTS

1. DP20-9 Minutes of District Plan Committee Meeting held 24 August 2020 [↓](#) 
2. DP20-9 Minute Attachment - Final Decision [↓](#) 

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT PLAN COMMITTEE MEETING NO. DP20-9 (HEARING)
HELD AT THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA (AND VIA
ZOOM VIDEO / AUDIO LINK) ON MONDAY, 24 AUGUST 2020 AT 9.30AM**

1 PRESENT

Commissioner A Withy (Chairperson), Deputy Mayor J Scrimgeour, Cr M Dean and Cr M Lints

2 IN ATTENDANCE

R Davie (Group Manager Policy Planning and Regulatory Services), C Watt (Environmental Consents Manager - via Zoom Link), R Foxley (Consents Planner), A Price (Senior Consents Planner), J Schuurman (Resource Management Technical Advisor), C Irvin (Senior Governance Advisor), and B Clarke (Senior Governance Advisor)

OTHERS

As listed in the minutes.

3 APOLOGIES

Nil.

4 DECLARATIONS OF INTEREST

Nil.

5 PUBLIC EXCLUDED ITEMS

Nil.

6 HEARING BEFORE COMMISSIONER / COUNCILLORS PANEL

- 6.1. RC11842(L) – G & T Family Trust - Resource Consent to Undertake Significant Alterations and Additions to a Building that Contains Two Existing Dwellings, Within the Primary Risk Control Erosion Area, with Daylighting Infringements at 707 Pukehina Parade, Pukehina**

Chairperson's Introduction

Independent Commissioner Withy, as Panel Chairperson, opened the hearing, welcomed those present and advised his background as a qualified Planner, his experience and his role as an Independent Chairperson of the Hearings Panel today.

At the invitation of the Chairperson, staff outlined housekeeping matters, break times and emergency evacuation procedures on his behalf.

The Chairperson introduced all the members of the Hearing Panel, and outlined the Hearing procedure for the day. He noted that no cross examinations would be permitted and all questions from parties were to be put through the Chair.

The Panel had undertaken a site visit on 19 August 2020, unaccompanied by any staff or other persons.

Introduction of Council Officer

At the request of the Chairperson, Mr. Roger Foxley, Consents Planner, gave an introductory overview of his qualifications, experience and role as an employee of Council and the author of the Section 42A report in the agenda.

In response to a question from the Chairperson, Mr. Foxley confirmed that he had not changed his opinion and that he wished to let his report and recommendation stand.

Appearances for the Applicant

1. Ms. Bronwyn Carruthers (Legal Counsel) (via Zoom Video Link);
2. Mr. Edward Goldsmith (Applicant).

The following persons attended in support of the Applicant but did not present evidence:

- Dame Noeline Taurua (Mr Goldsmith's Partner/Co-property owner) (Applicant);
- Mr. John Goldsmith (Applicant's Father);
- Ms. Marie Goldsmith (Applicant's Mother);
- Ms. Piatarahi Goldsmith (Applicant's Daughter);
- Mr. Matauri Goldsmith (Applicant's Son);
- Ms. Aniwaniwa Goldsmith (Applicant's Daughter);
- Ms. Amiria Goldsmith (Applicant's Daughter);
- Mr. Cairo Daisley (Partner of Applicant's Daughter).

Submitters in Opposition

1. Dr. Jeremy Rossaak (Owner, 709 Pukehina Parade, Pukehina);
2. Ms. Jan and Mr. Paul Fitzgerald (Owner, 705 Pukehina Parade, Pukehina).

Witness called for the Submitters, Mr. & Mrs. Fitzgerald:

3. Elizabeth Foster, 155 Pukehina Parade, Pukehina (addressing the Panel)

The following person attended in support of the Submitters but did not address the Panel:

- Ms. Judy Treloar.

6.1.1. EVIDENCE FOR THE APPLICANT

- a) **Ms. Bronwyn Carruthers**, Legal Counsel (Barrister, Shortland Chambers), appearing for the Applicant, who joined via Zoom Video link. Mr. Goldsmith **Tabled Item (1)** titled: 'Legal Submissions on behalf of G & T Family Trust' on behalf of Ms. Carruthers, and she addressed the hearing with her opening legal submissions.

Scope of Legal Submissions:

- Introduction
- Legal issues raised by Section 42A report;
 - Bunding;
 - Minor adverse effects;
 - Positive effects / other matters;
 - Not consistent with objectives and policies;
 - Part 2 matters;

- Matters raised by Submitters;
- Section 104 assessment;
 - Effects
 - Higher order planning documents;
 - District Plan;
 - Other matters;
 - Conditions;
 - Conclusion.

Ms. Carruthers requested that the hearing **strike through** paragraphs 4.22, 4.23, and 4.24 in her tabled item (1), as they had already been addressed earlier in the document.

Ms. Carruthers responded to question a of clarification noting that there was already a deck just above ground level, and the new deck would be smaller than the existing deck, but at the other level. It required consent within the coastal erosion zone. The relevant criteria were set out in Mr. Foxley's report in paragraph 40.

- b) **Mr. Edward Goldsmith**, Trustee of G & T Family Trust and Owner of 707 Pukehina Parade, (the Applicant), Tabled Item (2) 'Statement of Evidence of Edward Goldsmith' dated 7 August 2020.

At the request of the Commissioner Chairperson, Mr. Goldsmith advised of his qualifications in relation to business and finance. He was a businessman and had focused on property development since 1988.

Scope of Statement of Evidence

- Introduction
- Background to remedial work
 - Acquiring the property;
 - Code of Compliance under the original building consent;
 - New building plans.

10.20am The Hearing adjourned awaiting IT support (Network issue with Zoom link).
 10.55am The Hearing reconvened.

EVIDENCE FOR THE APPLICANT - CONTINUED

- b) **Edward Goldsmith**, Trustee of G & T Family Trust, Owner of 707 Pukehina Parade and the Applicant, tabled Item 2, 'Statement of Evidence of Edward Goldsmith' dated 7 August 2020. He addressed the Panel, outlining key points.

Scope of Statement of Evidence - continued

- Background to remedial work (new building consent);
- Frustrations with processing of New Resource Consent Application;
- Effects;
- Coastal erosion;
- Shading.

Mr. Goldsmith spoke to a **powerpoint showing 'Shading Diagrams'**, and responded to questions of clarification as follows:

- The 'Shading Diagrams' were based on resource plans that had been approved, but were different to the building that had been built. In summary, the building that was built was not consistent with the approved resource consent building plans.
- He could talk about the shading impacts of the resource consent pre-building, but did not provide any evidence on the shading impacts of the "current build" building.
- His proposal was based on how he was trying to model the property on what was approved via resource consent. What was being modelled here was the existing resource consent plan versus the proposal.

Mr. Goldsmith continued presenting his evidence.

Scope of Statement of Evidence - continued

- Bulk and dominance;
- Side image;
- Issues raised by the Submitter – 705 Pukehina Parade;
- Relevant planning provisions;
- Other matters;
- Conclusion.

Chairperson's Statement to Applicant

On behalf of the Panel and Council, the Chairperson expressed sincere condolences to Mr. Goldsmith and his family for their recent loss.

Mr. Goldsmith thanked the Chairperson. He then responded to questions of clarification as follows:

- In terms of the difference between the current consent allowance and the existing building, the left hand side of his property from the road had been built to two levels, and the shading impacts from that, on to 709 Pukehina Parade were the same as now, in relation to the existing building, as with the resource consent. On the right hand side, the developer did not build to the two levels, so he could not determine the shading impacts on that side.
- AZero had done the 'Shading Diagrams'. That company was a Rotorua Architectural firm. He understood that Mr. Hugh Douglas, who was also an Architect, and not Mr. Jason Douglas, had prepared the diagrams.
- His plan was to first deal with the building, and ensure it had a Code of Compliance, before working to sort out the Title and take it back to a Fee Simple Title.
- His Family Trust would still own the property, however, when the Title situation was dealt with, the property would end up being within a standard property ownership Title structure.
- The proposed decking material on the ground level deck was Pinus Radiata timber, and there was no plan to change that.

Through the Chairperson, Mr. Goldsmith responded to a question from Submitter Mr. Rossaak, noting that Council had surveyed the levels at the subject site before, and he had been advised that there was no need for him to engage a Surveyor.

Through the Chairperson, Mr. Foxley referred to his Section 42A report with regard to section levels, noting that this matter had been raised in a submission. He confirmed that he had accepted the plan evidence provided on height levels.

6.1.2. EVIDENCE OF SUBMITTERS IN OPPOSITION

a) **Dr. Jeremy Rossaak**, Owner, 709 Pukehina Parade, Pukehina, and a Submitter in Opposition, addressed the Panel **verbally** in support of his written evidence as follows:

- He understand that Mr. Goldsmith wished to redesign his home, but did have some concerns.
- There was a reason he had raised the issue of heights and levels. When they built they were required to prove all the levels. This was a changing environment and the levels were likely to have changed. He was unsure of the dates the levels had been taken.
- The subject site appeared to be well above the properties on either side. Since the picture taken in 2010, the levels appeared higher. He believed the house was currently outside the acceptable height levels, and the new build would be even more so. He was concerned that these had not been checked.
- Changing from a domed to a flat roof design would increase impermeable surfaces and easements. He questioned how Council was going to ensure that this did not cause damage to the fragile Pukehina Environment, due to increased run off or other impacts.
- The new deck on the first level would impact on his privacy and from that deck, a person could look directly into his lounge, living area and possibly a bedroom.
- They had planted along an area of the property and it had not 'taken well', but he did think that would impact on their privacy.
- In terms of daylighting, apart from during the summer, they would not get as much daylighting as the house on the other side.
- The septic tank had been addressed in terms of needing to be upgraded.

Dr. Rossaak responded to a question of clarification, noting that he was not an Engineer, so he could not appropriately interpret the daylighting plans. He was on the North Western side of the property, and considered that he may have less infringement than the property on the other side of the subject site. The issue with loss of privacy due to the front deck was his main issue.

Through the Chairperson, **Mr. Foxley** advised that, with regard to the concern about the additional permeable surface as a result of the build that was linked to storm water run-off and was not within the scope of this application, and therefore, could not be addressed in the Hearing. However, it would need to be dealt with as part of the building consent.

12.10pm The Hearing was adjourned.
12.45pm The Hearing was reconvened.

EVIDENCE OF SUBMITTERS IN OPPOSITION CONTINUED

- b) **Mr. and Mrs. Jan and Paul Fitzgerald**, Owners of 705 Pukehina Parade, Pukehina, and Submitters in Opposition **Tabled Item (3)** appeared, supported by their neighbours Elizabeth Foster and Judy Treloar.

Mr. Fitzgerald **verbally** addressed the Hearing and read tabled item 3 in full.

Mr. Fitzgerald responded to a question of clarification, noting that they had permanently lived in their property at 705 Pukehina Parade since 2007.

- c) **Ms. Elizabeth Foster**, appeared as a witness in support of the Fitzgeralds' Submission in Opposition, noting she was a neighbour and the Owner of 155 Pukehina Parade, Pukehina. She **Tabled Item (4)**, which she read in full.

Ms. Foster responded to questions of clarification as follows:

- Her property was a two story property.
- She had found out that a neighbour had complained to the Council about her guttering, and she suspected it was to one of the Inspectors. It was her builder that had advised her that there was an issue for the neighbour. Once she knew this, she had taken immediate steps to rectify it, and there had been no further issue.
- The alterations she had to make, to comply, were able to be done in the late stages of the build, while the builder was still on site. The remedy was to ensure the guttering, which was creating the problem, was reduced by half and met requirements. Once this was done, they had achieved a Certificate of Compliance.

1.00pm The Hearing was adjourned to allow the Reporting Planner to prepare his response to evidence heard.

1.09pm The Hearing was reconvened.

6.1.3 PLANNING OFFICER'S RESPONSES TO EVIDENCE HEARD

Mr. Roger Foxley, Council's Consents Planner and author of the Section 42A report, addressed the Hearing following the hearing of all evidence presented.

Mr. Foxley expressed his sincere condolences to the Applicant and his family for their loss. He then gave **verbal evidence** as follows:

- The Legal Counsel for the Applicant had made an assertion that his own assessment of the application had been incorrect. His report had been reviewed and Council did not concur with that position.
- It was clear from his notification report, and his Section 42A report, that with regards to the deck, which was assessed as a discretionary element of this proposal, he had concluded that its effects were less than minor. Ms. Carruthers had acknowledged this in paragraph 4.2 of her evidence.

- More particularly, it was nature and extent of the daylighting infringement that had driven the requirement for notification. Accordingly, he did not believe that anything “turned” on how he had assessed the application, or on his approach. His conclusion was that the effects of the daylighting infringement were “minor”, regardless of whether he had assessed the overall development as ‘Discretionary’ or ‘Restricted Discretionary’. Regardless of the Applicant’s evidence presented, his own conclusion on the effects stood. The Applicant had made no attempt to mitigate these effects, (such as dominance and shade) and as such, it was his conclusion that these effects could not be considered as less than minor.
- While he accepted that both the Legal Counsel and the Applicant had refuted his view that the effects of the daylighting were “minor”, and instead were “less than minor”, with all due respect, neither were Planners, and therefore, they were not qualified to make a planning assessment.
- In terms of positive effects, he acknowledged and agreed with Ms. Carruther’s comments that the proposed improvements to the existing building would represent a positive effect for the Applicant and his family with regards to health and well being, and a positive effect on the existing structure in terms of design. However, he had also noted in his Section 42A report, that he was of the belief that this did not mitigate potential effects on both 705 and 709 Pukehina Parade, and that it would result in the ‘building envelope’ being beyond that anticipated in the District Plan.
- In terms of ‘Discretion to invoke Part II of the Resource Management Act 1991’ (RMA); the Court of Appeal, in its decision in ‘RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316’, found that the High Court erred when it determined that the Environment Court was not able, or required to consider Part 11 of the RMA 1991 when undertaking its decision-making role in accordance with Section 104 of the RMA. This decision restored the importance of the words “subject to Part II, Section 104 of the RMA”. The outcome being that, Consent Authorities must have regard to the provisions of Part II when it was appropriate to do so. The Court of Appeal found that there may be situations where it would be appropriate and necessary to refer to Part II when considering consent applications. As a result of this decision, consent decision-makers would, again, need to have recourse to Part II of the RMA in situations where it was appropriate to do so. In this regard, Council considered that under Section 5, “avoiding, remedying and mitigating any adverse effects on the environment” was not adequately demonstrated.
- He did not intend to address the concerns outlined by Mr. Goldsmith with regard to process frustrations, on the basis that they were irrelevant to the Panel’s considerations of the matters before it, except to say that there were reasonable explanations for the process delay. These included a discussion with the Applicant and Ms. Carruthers to amend the design, so as to avoid notification. In the wider context of Mr. Goldsmith’s involvement with the site, dating back to 2004, these delays were considered marginal.
- With regard to use of term ‘marginal’, in his evidence, Mr. Goldsmith stated that he had been advised by the Architect, Mr. Jason Douglas, from AZero that the “daylight infringements of the proposed new building were “marginal” and there was nothing to be concerned with”. Mr. Goldsmith has not advised, or provided evidence on how Mr. Douglas had come to this conclusion. Mr. Goldsmith did not state that he had sought separate advice prior to lodging a building consent, or at the point when he was advised by Council that a resource consent was required through a Hearing process.
- Finally, he wished to make a brief comment in relation to both Mr. Goldsmith’s, and Ms. Carruthers’, assertions regarding his (apparent) incompetence. He considered that this

showed a lack of professionalism, particularly from a Legal Counsel, as Ms. Carruthers had resorted to 'personal' attacks, without substance, to advance their position.

- Should the Panel be of a mind to grant consent to the proposal, he had prepared a suite of draft Conditions of Consent for their consideration to assist.

Mr. Foxley responded to questions of clarification as follows:

- A building could be up to 1.5m from the boundary in a Residential Zone. The 2.5m 'incision plane' was from the boundary of the neighbour and into the subject property on a 45° angle. There was a diagram showing that angle. The existing building plan and information, as advised to Council at the time of consent, showed that angle as 45°. However, because the building had two levels, it may appear, from certain angles, that the building exceeded the building height, but that was not the case.
- In terms of building weather-tightness without eaves, he recommended that the matter could be discussed with Council's Building team, who had that expertise and could provide guidance.

Matter of Clarification

The Chairperson advised that, in response to Mr. Foxley's objection to the term "incompetence" as raised in evidence, the Panel would make its assessment of the evidence. However, it was noted that Mr. Foxley was a qualified Planner, and that any allegations in relation to his competence as a professional Planner would be unlikely to find favour with the Panel, nor would they be given any weight by the Panel. This was because the allegations had been made by persons who were not themselves qualified Planners, and who were in fact "laymen" in the area of planning expertise. It was noted that this was not a criticism of anyone else, because when people became emotionally involved in matters, they were sometimes inclined to use these sort of terms.

The Chairperson reiterated that the Panel's role was to weigh the evidence before it and come to a measured decision. In the assessment of that evidence, on behalf of the Panel, he assured Mr. Foxley that his professional competence and his evidence was accepted by the Panel, and that his evidence would be given weight accordingly.

The Chairperson noted that he would now call a brief adjournment in order to allow the Panel time to discuss directions on process, and then to issue these directions upon reconvening.

1.25pm The Hearing adjourned.
1.32pm The Hearing reconvened.

Panel Request

On behalf of the Panel, the Chairperson requested the start of a set of draft Conditions of Consent from Mr. Foxley, which he provided. Mr. Foxley advised that these were an initial start to a possible set of draft Conditions of Consent, and that there was potential to bring through some conditions, as appropriate, from the prior resource consent with regard to daylighting.

On behalf of the Applicant, and through the Chairperson, Ms. Carruthers requested a copy of the document by email, which Mr. Foxley provided.

1.34 pm The Hearing adjourned.
1.41pm The Hearing reconvened.

6.1.4 INSTRUCTIONS OF THE PANEL

Following Panel discussions during the adjournment, the Chairperson addressed the Hearing noting the following:

- A. The Panel had given serious consideration to the proposals and the position of Council Officers, and he was authorised, on behalf of the Panel, to advise that the Panel was sympathetic towards approval, subject to the following two things happening:
- Firstly, the Panel wished to see scope for more mitigation, in terms of improving privacy for neighbouring properties from the decks. This mitigation may need to be specified, or identified as a possibility, and;
 - Secondly, the Panel could see some possible mitigation by reducing the impact of the eaves on daylighting. Whilst the Panel was not in a position to be specific, it could see the potential for this.
- B. The Panel proposed that it would adjourn the Hearing at this point, subject to a further **15 Working Days**, within which time, the Panel:
- Expected a Right of Reply from the Applicant;
 - Invited the Applicant, Mr. Goldsmith to negotiate with Council Officers on what might be suitable mitigations on the two effects issues that appeared to be common ground with all parties, and paramount.

However, if there was no agreement between the parties within the 15 Working Days, communication was expected from the Applicant as to the status of those negotiations, along with his Right of Reply. The Panel would then proceed to issue a determination.

The Chairperson noted that one Panel Member, Councillor Dean, was also involved in dune protection. He advised that Councillor Dean wished it to be known that he saw potential for planting of the fore dune with Spinifex and / or Pingao. It was suggested that this may be something that could be viewed as 'in everyone's best interests'.

Finally, this should not be taken as an indication that the Panel would approve the consent, but was a stipulation that the Panel would like a Right of Reply within 15 Working Days. The challenge from the Panel was the invitation to negotiate. The Panel was of the view that negotiated settlements were almost always better than imposed ones and it was hoped that negotiating would result in a better solution at this point.

Agreement from Parties to Negotiate

- Ms. Carruthers would accept the offer of 15 Working Days, during which time she would prepare the Applicant's Right of Reply, but she indicated that she was sceptical with regard to the result of negotiations.
- On behalf of Council, Mr. Foxley was open to negotiations and direction in this way.

The Applicant, Mr. Goldsmith, requested an adjournment of 5 minutes to make a phone call to confer with another party.

1.50pm The hearing was adjourned.

1.55pm The hearing was reconvened.

Mr. Goldsmith confirmed that he would accept the offer of the 15 Working Days to negotiate. Ms. Carruthers reiterated that the Applicant's Right of Reply would be provided in writing within that time.

The Chairperson noted that the 15 Working Days [allowed for the purposes of negotiations between parties, and for the provision of the Applicant's written Right of Reply], from the date of this Hearing adjournment, ended on Monday, **14 September 2020** at close of business (5.00pm).

7 REPORTS

7.1 RC11842(L) – G & T FAMILY TRUST - RESOURCE CONSENT TO UNDERTAKE SIGNIFICANT ALTERATIONS AND ADDITIONS TO A BUILDING THAT CONTAINS TWO EXISTING DWELLINGS, WITHIN THE PRIMARY RISK CONTROL EROSION AREA, WITH DAYLIGHTING INFRINGEMENTS AT 707, PUKEHINA PARADE, PUKEHINA

The Panel considered the Consent Planner's report.

RESOLUTION DP20-9.1

Moved: Cr M Dean

Seconded: Cr J Scrimgeour

That the Consents Planner's report titled "RC11842(L) – G & T Family Trust - Resource Consent to undertake significant alterations and additions to a building that contains two existing dwellings, within the primary risk control erosion area, with daylighting infringements at 707 Pukehina Parade, Pukehina" be received.

CARRIED

The Chairperson declared that the Hearing stood adjourned at 2.05pm.

Minute Note 1: Following the adjournment of the Hearing, documentation was circulated to all parties as follows:

- A. Applicant's Right of Reply dated **11 September 2020** was circulated to all parties on 11 September 2020.

Minute Note 2: The Commissioners' Panel formally closed the Hearing on **21 September 2020** and all parties were notified on 21 September 2020.

Minutes Note 3: The DECISION to **DECLINE CONSENT** was dated **30 September 2020** and signed by the Independent Commissioner/Chairperson of the Hearings Panel, and was circulated to all parties on 30 September 2020.

ATTACHMENTS

- 1 RC11842(L) G & T Family Trust - Final Decision - 30 Sept 2020

The minutes of this meeting were received at the Council meeting held on 25 February 2021.



***Western Bay of Plenty
District Council***

MINUTES ATTACHMENTS

District Plan Committee Meeting

Monday, 24 August 2020

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WESTERN BAY OF PLENTY DISTRICT COUNCIL**DECISION ON AN APPLICATION FOR RESOURCE CONSENT****MADE BY THE G & T FAMILY TRUST, AT 707 PUKEHINA PARADE, PUKEHINA BEACH**

PROPOSAL: The application is to undertake significant alterations and additions to a building that contains two existing dwellings, with “daylighting infringements”.

LOCATION: The property is within the “residential zone” of the District Plan and within a “primary risk control erosion area” overlay.

LEGAL DESCRIPTION of the PROPERTY: Lot 573 DPS 11365.

FILE REFERENCE: A3816228 RC11842(L)

EXECUTIVE SUMMARY

¹**The application** was received by the Council on 21 January 2020 and was processed on a limited notified basis. Two submissions in opposition to the application were received from adjoining neighbours on both sides.

Key issues identified by the Reporting Officer in terms of s42A (RO) and accepted by the Panel, were

- a) Adverse effects on residential character and amenity resulting from the proposed Intrusion of the building beyond the 2m + 45degree daylighting plane.
- b) Increased level of shading and over dominance due to the proposed bulk of the building.
- c) Inconsistency with the objectives and policies of Chapter 13 (Residential) of the Council’s Operative District Plan
- d) Inconsistency with Section 5 of the Resource Management Act 1991.

The Panel determined to decline consent after considering the pre-circulated report from the Reporting Officer (RO) and the submissions and evidence presented at the Hearing; for the reasons more fully elaborated within this Report, and in spite of the admirable objective of resolving design failures and weather tight issues.

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- 3) Carruthers legal submissions
- 4) Goldsmith evidence
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- 7) Assessment of effects
- 8) Objectives and policies of plans and policy statements
- 9) Other matters
- 10) Part 2 of the Act
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- 12) Decision
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1) ATTENDANCES

Ms BS Carruthers represented the Applicant at the Hearing, and was present by audio-visual link.

Mr EJ Goldsmith presented evidence for the Applicant (the G&T Family Trust), and was supported by various whanau members.

Neighbour submitters J & P Fitzgerald, and J Rossaak

Mr R Foxley reported to the Hearing in terms of s42A of the Act, and was supported by various Council Staff, including Ms R Davie (Group Manager Policy Planning and Regulatory Services), and Mr C Watt (Environmental Consents Manager) present by audio-visual link.

Hearing administrator Ms B Clarke (Senior Governance Advisor).

The Hearing Panel comprised Deputy Mayor J Scrimgeour, Cr M Dean, Cr M Lints, and Independent Commissioner Alan Withy (Chair).

2) PROPOSAL DETAILS:

The RO described the proposal as follows, and this was not challenged by the Applicant nor Submitters.²

“... significant alterations and additions to an existing building that contains two dwelling units within the Primary Risk Coastal Erosion Area that does not comply with daylighting requirements in the Residential zone at 707 Pukehina Parade, ... The proposed works are to be undertaken primarily within the existing building footprint the proposed works will utilise the existing structure’s foundations. Internal and external works include reducing the number

² S42A Report, by Roger Foxley, paragraphs 6-11 - Foxley Report

of bedrooms from six to five and the addition of a swimming pool and spa above the existing attached garage. The proposed design of the building is box-shaped with a flat roofline. ...

North Elevations

- *Re-clad across entire north face;*
- *New windows and joinery;*
- *Bay windows deleted;*
- *New roofline;*
- *Existing shade sail on ground level attached to building (not shown in RC plans but BC was approved for and is existing) to be replaced by exterior deck access from upper level.*

South Elevation

- *Re-clad across entire south face;*
- *New windows and joinery;*
- *Bay windows deleted;*
- *Stair entry deleted;*
- *New roofline;*
- *New roof over the right side of the garage deck;*
- *A swimming pool plus spa pool to be installed on the garage deck.*

East Elevation

- *Re-clad across entire east face;*
- *New windows and joinery;*
- *Bay windows deleted;*
- *Stair entry deleted;*
- *New roofline;*
- *New roof over the right side of the garage deck;*
- *A swimming pool plus spa pool to be installed on the garage deck.*

West Elevation

- *Re-clad across entire west face;*
- *New windows and joinery;*
- *Bay windows deleted;*
- *New roofline.*

The proposed first-floor deck that is to be located on the north-eastern face of the building exceeds 1.5m above relative ground level and is therefore considered a "building/ structure" under the definitions of the district plan. The new deck will extend beyond the existing building's footprint towards the coastline. Earthworks are to be undertaken as part of the proposed building works. To provide for new internal access to the dwelling from the garage, the applicant states that an area of land comprising 4.755m x 2.190m (10.413m²) is to be dug by hand to provide for the construction of an internal concrete block wall. Minor earthworks are also required to be dug by hand for a steel deck frame that will support the new first-floor deck on the north-eastern face of the building. The earthworks will be limited to three foundation holes, two will be 0.600m (depth) 0.450m (diameter) and one will be 0.800m (depth) x 0.450m

(diameter). The earthworks will occur in an area that is currently occupied by the ground floor deck and will be undertaken within the Primary Risk Coastal Erosion Area

The Applicant subsequently provided various shading diagrams prepared by Azero, and an additional assessment of effects statement. Both were attached to the Report by the RO. However the Panel is not satisfied with the lack of design evidence as to what investigations were made into alternatives and why they were not pursued, in spite of issuing requests.

- 3) **Counsel for the Applicant** Ms BS Carruthers, presented legal submissions. She submitted that the Applicant has ... “ *considered all possible options for removing the extent of infringements but it is not possible to do so.*” ³ She objected to the “bundling’ by the RO ⁴, referred to case law and asserted that there were two applications to be separately assessed: ⁵

- 1) *The new deck is to be assessed as a discretionary activity; and*
- 2) *The remedial works are to be assessed as a restricted discretionary activity, with only the effects of the daylighting infringements of relevance.*

We accept the legal submission, and consider both aspects of the overall application below. We do consider the infringements into yards and daylighting provisions raise the issues of dominance and intrusion effects as argued by the RO. Furthermore the Panel considers the objectives, policies and rules for the residential zone (Chapter 13 of the District Plan) are also relevant to our deliberations. We accept that the Chapter 8 matters constitute no prohibition to the proposal.

- 4) **Mr EJ Goldsmith** presented evidence for the Applicant (the G&T Family Trust) in support of Ms Carruthers’ submissions. He described the proposed works and the history both of which aligned with the evidence of the RO. He explained that he had dealt with several architects and designers with the outcome that the proposal as applied for was the only one acceptable to him. We record our concerns as to the lack of any evidence from those designers, or explanation as to why the Applicant had found itself unable to present a complying design, or even one with less “infringement(s)”.

5) **PLAN PROVISIONS & ACTIVITY STATUS**

The RO advised that ... “ *the District Plan became operative on 8 June 2012 and all appeals have been resolved. The Council has notified several plan changes. Many of these plan changes have already been made operative. For those current plan changes which have not been made operative, including where provisions have not been appealed, or where appeals have been resolved, or where no submission has been received in opposition, they have been treated as if they were operative in accordance with Section 86F of the Resource Management Act 1991. Those current plan changes where a submission in opposition or appeal has been lodged, but*

³ Carruthers Legal Submissions, paragraph 1.3

⁴ Ibid, 2.4 - 2.7

⁵ Ibid, 2.8

*not determined or resolved, have been considered but are found to have no relevance to this application.”*⁶

He indicated that the ... “... **site has an underlying Residential zone**. The existing building was granted land use consent by the Western Bay of Plenty District Council under resource consent (RC30257L) on 7 March 2003 for a non-complying activity to erect two dwelling units within one building on the subject property. That aspect remains applicable to this application. A Section 127 ‘variation’ to RC30257L was granted by the Environment Court of New Zealand on 10 March 2004.”⁷

He said the **application requires** “ land use consent to construct a building that is not within an “Approved Building Site” within the Coastal Erosion Area – Primary Risk, which is provided for as a discretionary activity. It also seeks to infringe Rule 13.4.1(b) (Daylighting). ”⁸

Relevant matters to be considered included “provisions of Chapter 8 (Natural Hazards) and Chapter 13 (Residential) ..”⁹ [and] the ‘permitted baseline’ including the... “...built form as granted under resource consent (RC30257L) for a non-complying activity on 7 March 2003 to erect two dwelling units within one building on the subject property.”¹⁰

He confirmed that the “ existing building envelope complies with the applicable activity performance standards for the Residential zone, including the daylight rule’s 2m + 45° recession plane.”¹¹ However the proposal certainly does not.

He analysed the provisions of **Chapters 8 and 13** which deal with coastal and residential matters.

Chapter 8 - Buildings such as this within the Coastal Erosion Area – Primary Risk area and not within an Approved Building Site are provided for as a discretionary activity, and Rule 8.5.2(b) provides assessment criteria that are to be observed:¹²

- (i) *Extent to which the building/structure is relocatable, taking into account the design, location and materials of the building/structure, access to remove the building/structure, and the ability to rehabilitate the site including the removal of all parts of buildings/structures and services and the reinstatement of land to protect natural character and the ability of dunes to act as a buffer against erosion.*
- (ii) *Avoidance of the use of concrete and block wall foundations, walls and flooring, except that for sheds and garages (used for non-habitable purposes) all of these are allowed other than concrete and block walls.*
- (iii) *The degree to which the ability of buildings or structures to be relocated is affected.*

⁶ Foxley Report, paragraph 34

⁷ Ibid, paragraph 35 - 36

⁸ Ibid, paragraph 37

⁹ Ibid

¹⁰ Ibid, paragraph 38

¹¹ Ibid, paragraph 39

¹² Criteria in the District Plan quoted by the RO from the District Plan

- (iv) *The extent to which the proposal addresses any identified natural hazard and the degree to which the physical risk to buildings/structures from coastal erosion can be avoided or mitigated.*
- (v) *Additions and alterations to existing buildings/structures should be landward of the existing building/structure.*
- (vi) *New buildings/structures or significant redevelopment of existing buildings/structures should be situated as far back from the toe of the fore dunes as practicable. The most recent measurements of the toe of the fore dune are available from Council.*
- (vii) *Imposition of consent conditions requiring that where the toe of the fore dune comes within a distance of a building/structure which may put it at immediate risk (minimum of 8m), the building/structure is to be relocated a sufficient distance back from the toe of the fore dune to mitigate that risk. The distances specified in the conditions will depend on the latest scientific information available to Council.*
- (viii) *The impact that the proposal will have on the natural character of the coastal environment, recognising the ecological values of the dune area, and dune restoration.*
- (ix) *Registration of an encumbrance instrument on the title to address any of the matters above.*
- (x) *Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Coastal Erosion Area is not under any actual or potential risk from coastal erosion. For the purpose of meeting this rule any assessment of coastal hazards shall include those standards outlined in the Bay of Plenty Regional Coastal Environment Plan.*

The RO said by reference to the plans prepared by Millennium Architecture, dated 18 July 2019 and provided with the Application “ that the alterations and additions will largely be contained within the existing building footprint (“Approved Building Site”). However, the shade-sail that currently covers a portion of the deck is to be replaced by a new deck on the first-floor. ... It will be constructed on a steel frame, with three support posts located on the ground floor deck. The proposed first-floor deck is a new structure, within the Coastal Erosion Area - Primary Risk and will require resource consent as a discretionary activity.” ¹³

Chapter 13 - Rule 13.4.1(b) provides that ... “...All buildings/structures shall be within a building envelope of 2m height above ground level at all boundaries and an angle of 45 degrees into the site from that point...” ¹⁴

The RO described the daylighting infringements of the proposed alterations and additions to the existing building envelope (and the Applicant did not challenge), and concluded that: ¹⁵

¹³ Ibid, paragraph 41

¹⁴ Ibid, paragraph 42

¹⁵ Ibid, paragraph 44

- 1) On the North-western boundary, adjoining 709 Pukehina Parade the proposal... " ...
Infringes the daylighting plane on the north-western corner of the roof by a horizontal distance of 0.969m and a height of 0.991m. Over a distance of 16.20m it narrows to a horizontal infringement in the south-western corner of 0.470m and a height infringement of 0.477m.
- 2) On the South-eastern boundary, adjoining 705 Pukehina Parade the proposal ... " ...
Infringes the daylighting plane on the north-eastern corner of the roof by a horizontal distance of 1.709m and a height of 1.744m. Over a distance of 16.20m it narrows to a horizontal infringement in the south-eastern corner of 0.677m and a height infringement of 1.152m.

The above non-compliance means the proposal is to be assessed as a *restricted discretionary activity* and the assessment is explicitly restricted to those matters prescribed under Rule 13.6.1, which states... "*Council's discretion is restricted to the actual or potential adverse effects arising from the particular non-compliance, having regard to the extent and nature of the non-compliance*" ¹⁶

6) STATUTORY CONSIDERATION

Section 104(1) of the Act reads:

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

- (a) *Any actual and potential effects on the environment of allowing the activity; and*
- (b) *Any relevant provisions of—*
 - i. *a national environmental standard:*
 - ii. *other regulations:*
 - iii. *a national policy statement:*
 - iv. *a New Zealand coastal policy statement:*
 - v. *a regional policy statement or proposed regional policy statement:*
 - vi. *a plan or proposed plan; and*
- (c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104B of the Act reads:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority ... May grant or refuse the application ...

¹⁶ Ibid, paragraph 46

7) ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

It was common ground that the proposal is a *discretionary activity* as it relates to the deck, and a *limited discretionary activity* as it relates to the intrusions into the daylight requirement. He described the two activities as follows: ¹⁷

- 1) *Extend the building footprint through the addition of a first-floor deck on the north-eastern side of the building within the Primary Risk Coastal Erosion Area. [and]*
- 2) *Infringe on the 2m + 45° daylighting requirements, where written approval has not been provided by the adjoining owner(s).*

The RO then appeared to “bundle” the two matters and after detailed analysis concluded that *“... overall, I consider the proposed daylight non-compliances will have potential bulk and dominance effects on the adjoining properties at 705 and 709 Pukehina Parade.”* ¹⁸

However he accepted the deck as acceptable so the ‘bundling’ which Ms Carruthers objected to ceases to be relevant, and we turn to consideration of the infringements into the yard and daylighting provisions that are *limited discretionary activities*.

The RO identified the following matters to be relevant, and we agree: ¹⁹

- a) *Primary Risk Coastal Erosion Area;*
- b) *Shading;*
- c) *Bulk and Over Dominance.*

(a) Primary risk coastal erosion area

We are satisfied from the evidence that the proposal does not offend the provisions of the *Primary Risk Coastal Erosion Area*. That leaves “*shading*” and “*bulk and over-dominance*” to be addressed.

(b) and (c)

Shading and bulk and over-dominance are to some extent objective but also subjective. Shading can be modelled as done extensively by the Applicant, but bulk and over-dominance are more subjective and more difficult to measure. We consider the two together, starting from the position that the objectives and policies for the residential zone lead to rules regarding building envelopes that are to be built within. The Applicant seeks to go outside those normal envelopes because it has (in the words of legal counsel) “*considered all possible options for removing or reducing the extent of infringements but it is not possible to do so.*” ²⁰

At the Hearing, the Chair (after consulting with the other members of the Panel) indicated the Panel was sympathetic to granting consent for the reasons articulated by Ms Carruthers and Mr Goldsmith, but needed more evidence as to what complying options had been investigated. Counsel in Right-of-Reply asserted on the basis of an attached

¹⁷ Ibid, paragraph 51

¹⁸ Ibid, paragraph 81

¹⁹ Ibid, paragraph 52

²⁰ Carruthers Legal Submissions, paragraph 1.3

letter from an architect that it was “not possible” to reduce the degree of non-compliance.

²¹. The Panel frankly finds that response unconvincing.

We now turn to consideration of the effects on the neighbours.

Effects on 705 Pukehina Parade

The proposed alterations and additions exceed the permitted daylighting requirements on the south-eastern boundary, as described above. The RO said regarding effects on the southern neighbours at 705 Pukehina Parade: ²² “... The most significant intrusion into the daylight plane will be in the south-east corner of the building, closest to Pukehina Beach. The existing dwelling at 705 Pukehina Beach is orientated so as to maximise the beach vista and as such has an indoor/outdoor flow (including a large deck) in proximity to where the daylight infringement (1.709m) is greatest. ... submission received [from the affected owners Paul and Jan Fitzgerald]... raised concerns with scale of the activity and the potential for it to set a precedent in this locality....is not just for a family home trying to comply with a difficult site, but for a +600m2 floor area residence.

Effects on 709 Pukehina Parade

The proposals will intrude into the daylighting plane on the north western boundary, adjoining 709 Pukehina Parade. The infringements are set out above. The RO said in relation to those infringements: ... “... The maximum daylight infringement is on the north-western corner of the roof, where the intrusion will be by a horizontal distance of 0.969m and a height of 0.991m. While the encroachment is not to the degree of 705 Pukehina Parade ... it is significant, when assessed against the effects that are anticipated through the district plan. The submission ... noted that the new deck will reduce privacy to the dwelling ...[and]... queried whether the proposed floor levels for the development works were correct as the building appeared to be elevated above the neighbouring dwellings. I can confirm that the proposed plans have a finished floor level of RL 8.650m. The finished floor levels for the dwelling at 709 Pukehina Parade are included in the plans consented under building consent BC85701 and are RL 8.380. As the proposed development will utilise existing foundations, I consider that the elevations shown in the proposed plans and shading diagrams, relative to the adjoining properties, to be accurate.” ²³

The proposed deck

In relation to the deck the RO said it: “ complies with the applicable performance standards for the Residential zone [and] is considered acceptable and in accordance with the district plan.” ²⁴

Although use of the deck will affect the activities on the neighbouring properties, we agree with the RO that the deck is acceptable.

²¹ Right-of-Reply and accompanying letter from Jason Douglas of Azero

²² Foxley Report, paragraphs 82 - 83-----

²³ Ibid, paragraph 86 - 87

²⁴ Ibid, paragraph 88

Therefore in respect of 'effects' we are left with concerns about the infringements into the daylighting provisions, resulting in shading and over-dominance effects on the two neighbouring properties.

8) OBJECTIVES AND POLICIES OF THE PLANS AND POLICY STATEMENTS

Plans and Policy Statements of higher order than the District Plan

It was common ground that there are no higher order or other plans or policy statements that are relevant to our considerations. The District Plan and particularly Chapter 13 is the principal document to guide us.

Natural Hazards

The RO identified Objective 8.2.1 and Policies under 8.2.2 of the District Plan as relevant and concluded the application is "*consistent with them*".²⁵ We accept that analysis.

Residential character and amenities

The RO identified within Chapter 13 (Residential) Objective 13.2.1 and Policies 13.2.2, and particularly subsections 5 and 6, which require ... "*... preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.*" [and] *form of residential development ... consistent with recognised urban design principles ...*"²⁶

His assessment in relation to Subsection 5 was that ... "*... the proposed activity is of a scale for the size and location of the site that is not ... consistent with the outcomes sought in the Residential Zone.*"²⁷

In relation to Subsection 6, he said: ... "*... existing small coastal settlements are highlighted [in the District Plan] over and above other Residential areas as they are considered to have a character unique to each settlement that is to be preserved and enhanced. The District Plan provides for residential development within the parameters set by the performance standards for the zone. The submissions suggest that the proposed activity generates a level of shading and over-dominance as a result of bulk that is beyond what is acceptable within the Pukehina Beach settlement and what is anticipated in the district plan.*"²⁸

The overall assessment of the proposal by the RO in relation to the District Plan provisions for the Residential Zone was ... "*... the proposal is inconsistent with the objectives and policies of Chapter 13 of the District Plan.*"²⁹

²⁵ Ibid, paragraph 93

²⁶ Ibid, paragraph 94

²⁷ Ibid, paragraph 95

²⁸ Ibid, paragraphs 95 - 96

²⁹ Ibid, paragraph 97

9) OTHER MATTERS (SECTION 104(1)(C))

The RO asserted *“... there are no other matters considered to be relevant or reasonably necessary to determine.”*³⁰

However Counsel for the Applicant argued that the positive benefits in addressing a “problem building” were relevant to consideration of effects and other matters under s104(1)(c)

We agree and consider also, that under the heading of other matters, we need to have regard to the options that were considered, and options available to avoid or reduce the ‘infringements’.

On balance we find the positive benefits alluded to by Counsel for the Applicant do not outweigh the negative effects on adjoining properties. That is particularly so when we consider the lack of evidence that might demonstrate a need to infringe the normal rules in the District Plan designed to prevent or minimise over shading, and what the RO called over dominance.

10) PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

The RO considered the proposal in terms of Part 2 and asserted the applicant had *“... not demonstrated how the adverse effects of the proposal can be avoided, remedied or mitigated as required under Section 5(2)(c) of the Act.”*³¹

He also claimed the requirements of s7 had not been satisfied and cited *“... The efficient use and development of natural and physical resources; maintenance and enhancement of amenity values; maintenance and enhancement of the quality of the environment.”*³²

He highlighted that *“ the proposed encroachment of daylighting to the north-east and south-west boundaries, would result in adverse effects on the quality of the residential environment and associated amenity values of the locality...”*³³

Counsel for the Applicant submitted that *“... recourse to Part 2 adds nothing to the analysis of the Proposal.”*³⁴ We respectfully do not accept that argument as being conclusive.

The Panel considers it is relevant to consider Part 2 and it has done so. However with or without recourse to Part 2 and based on the evidence offered at the Hearing, the proposal does not satisfy the requirements of the Act for consent.

11) CONCLUSION

We have carefully weighed the submissions and evidence given at the Hearing and in the Right-of-Reply.

³⁰ Ibid, paragraph 98

³¹ Ibid, paragraph 100

³² Ibid, paragraph 102

³³ Ibid, paragraph 103

³⁴ Carruthers Legal Submissions, paragraph 4.27

The actual and potential effects of the proposal are considered on the basis of the evidence from Mr Foxley and the neighbours to be at least 'minor' overall and in some respects more so, and therefore unacceptable in the circumstances.

The proposal is not accepted as consistent with the objectives and policies of Chapter 13 of the Operative District Plan.

Furthermore, regardless of whether we resort to s5 and s7 of Part 2 of the Act, we consider the proposal to be inconsistent with the purpose and provisions of the Resource Management Act 1991.

12) DECISION:

Pursuant to Sections 104 and 104B of the Resource Management Act 1991, the Panel appointed by the Western Bay of Plenty District Council Panel **declines consent** to the application by G & T Family Trust to undertake significant alterations and additions to an existing building that contains two dwelling units within the Primary Risk Coastal Erosion Area that does not comply with daylighting requirements. It is located at 707 Pukehina Parade, Pukehina Parade, and is legally described as Lot 573 DPS 11365.



Independent Commissioner Chair Withy

On behalf of the Panel comprising Councillors Scrimgeour, Dean, Lints and IC Withy

NB: For clarification, the numbering in all attachments follows the paragraph numbers in the RO's report.

ATTACHMENT ONE - BACKGROUND:

The RO provided the following "*Background*" to the Application.³⁵³⁶

³⁶ S42A Report, by Roger Foxley, paragraphs 19-26

19. *On 7 March 2003 resource consent was granted under RC30257L to establish two dwelling units within one building on the subject site as a non-complying activity. The decision was granted by Council's "Hearings and Consents Committee" following a hearing held on the 26 February 2003.*

In granting consent, Condition 11 required that a Deed of Covenant (COV7111160.1) was registered on the title of the property, pursuant to Section 108(2)(d) of the Resource Management Act 1991. In summary, the covenant requires general compliance with the matters that are set out under Rule 8.5.2(b) of the District Plan. These matters are used as a guide for assessing Discretionary Activities within the Primary Risk Coastal Erosion Area.
20. *Under 'Reasons for Decision' for the resource consent approval RC30257L, the Hearings and Consents Committee stated the following; 'Whilst Council does have reservations in terms of the overall size of the proposed building structure, it is noted that there is little in the District Plan which limits the bulk of buildings within the CPA and the building does meet the bulk and location performance standards set out in the Operative District Plan'.*
21. *Further to the above, the plans conditioned under both RC30257L and RC30257V01L show the existing building complied with the following performance standards for a dwelling in the Residential Zone, that being Rule 13.4.1(a) Height of buildings/structures, Rule 13.4.1(b) Daylight, Rule 13.4.1(c) Yards and Rule 13.4.1(d) Maximum Building Coverage.*
22. *A large deck is located at the (beach) front of the building. The surface of the deck is below 1.5m in height above relative ground level and has a high glass with steel frame balustrade on the perimeter. A shade-sail covers a portion of the deck and is attached to the north-eastern face of the building.*
23. *The building has had a history of design failures and weather-tightness issues for a number of years. In September 2016, G & T Family Trust ('the applicant') sought a final inspection notice from the Council on the works required to gain a code of compliance for the building. Council staff advised that the building suffered from design, product and construction failures. In February 2018 the applicant met with Council staff where it was determined that the applicant would engage an architect to prepare a design that would address the identified issues with the existing building.*
24. *The applicant on 13 September 2019 (RC11665L) made an application pursuant to Section 127 of the Resource Management Act 1991 for a 'variation' application to change the conditions of the historical Consent Order RMA 0214/03 from the Environment Court. The application was returned pursuant to Section 88(3) of the Resource Management Act 1991 as the application did not include the correct information required by Council's consents team to process the application. In the return email, the applicant was advised that RMA No. 0214/03 was a Bay of Plenty Regional Council Consent Order.*
25. *An Objection under Section 357 of the Resource Management Act 1991 to the resource consent RC11665L being returned under Section 88(3) of the Resource Management Act 1991 was lodged with Council on 11 October 2019 (RC11665V01L). This application objected to Council not accepting the Section 127 Variation application. The applicant requested that the objection be considered by a hearings commissioner. Following communications with the applicant's legal counsel, this application was put on hold by request on 19 December 2019, prior to the*

nomination of a hearings commissioner or scheduling of a hearing. The application was formally withdrawn by the applicant on 22 December 2019, with the intention to lodge a new land use consent application for the proposed works.

26. *This current (and third) land use consent application (RC11842L) was received on 21 January 2020 to undertake significant alterations and additions to an existing building that contains two dwelling units within the Primary Risk Coastal Erosion Area that does not comply with daylighting requirements.*

ATTACHMENT TWO – SITE AND LOCALITY

The RO provided the following description of the “site and locality”: ³⁷

12. *The subject site is located within the Residential zone, is rectangular in shape and comprises a land area of 814m². Approximately half of the property (seaward) is within the Primary Risk Coastal Erosion Area overlay in the District Plan, with the landward portion within the Secondary Risk Coastal Erosion Area. Figure 2 below shows the application site. The red and aqua lines on the image identify the Primary and Secondary Coastal Erosion Areas respectively. District Plan Committee Meeting Agenda 24 August 2020*
13. *This site is located to the east of Pukehina Parade from which it gains vehicle access over an existing concrete vehicle crossing. Pukehina Parade is identified under Council’s road hierarchy as a “local road”. The north-eastern boundary of the property adjoins Pukehina Beach.*
14. *The topography of the site is undulating. It gains elevation to the north-east away from Pukehina Parade, then slopes down to the frontal dune system of Pukehina Beach.*
15. *The dwelling is connected to Council’s reticulated potable water network. Storm water is discharged to land through on-site soakage. Wastewater is discharged into an On-site Effluent Treatment (OSET) system.*
16. *The abutting property at 709 Pukehina Parade adjoins the subject property on the north-western boundary. It contains an existing dwelling that was established under resource consent RC4750L, granted by Council on 17 February 2014 for a replacement dwelling within the Primary Risk Coastal Erosion Area. The dwelling is set back approximately 1.626m from the common boundary with 707 Pukehina Parade.*
17. *The property at 705 Pukehina Parade adjoins the subject property on the south-eastern boundary. It contains an existing dwelling that was constructed in 1972 and has had subsequent alterations and additions, including a deck that was granted a resource consent (RC2844L) by Council on 20 July 2009 for a ‘structure’ within the Primary Risk Coastal Erosion Area. The dwelling is setback approximately 3.480m from the common boundary with 707 Pukehina Parade.*

³⁷ Ibid, paragraphs 12-18

18. *Looking beyond the subject site, the surrounding built environment is predominantly low density residential. A Council reserve, public car park and boat ramp are located on western side of Pukehina Parade, opposite the subject property.*

ATTACHMENT THREE - APPROVALS AND SUBMISSIONS

The RO provided the following description of *Written Approvals Obtained/Submissions Lodged* ³⁸

27. *No written approvals were sought by the applicant from the adjoining landowners/occupiers. The application included an assessment of the proposal against Sections 95A (Public Notification) and 95B (Limited Notification) of the Resource Management Act 1991 to determine if there were any parties or persons potentially affected by the proposal. The applicant's assessment considered the effects of the infringement of the daylight standard to be "less than minor" on the property owners of 705 and 709 Pukehina Parade and that the application should proceed on a non-notified basis.*
28. *Further to the above, the applicant recommended that the application then be approved by Council.*
29. *Council determined that the proposal has the potential to generate adverse effects on the environment that are "minor".*
30. *Accordingly, the application was required to be processed on a limited notified basis pursuant to Section 95E of the Resource Management Act 1991. A copy of this notification decision is included as Attachment 2. Notice was served on the two identified affected persons on 8 May 2020 (property owners of 705 and 709 Pukehina Parade).*
31. *The period for making submissions on the application closed on 08 June 2020. Two submissions in opposition to the proposal were received within the statutory time period. These have been summarised in the table below.*
32. *The Table comprised a table indicating the submitters and their concerns.*

³⁸ Ibid, paragraphs 27-32

9.2 MINUTES OF THE KATIKATI - WAIHI BEACH WARD FORUM MEETING HELD ON 3 DECEMBER 2020

File Number: A3962745

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Katikati - Waihi Beach Ward Forum Meeting held on 3 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Katikati - Waihi Beach Ward Forum Meeting held on 3 December 2020**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI - WAIHI BEACH WARD FORUM MEETING NO. KWB20-4
HELD AT THE PAHOIA HALL, 29 ESDAILE ROAD, WHAKAMARAMA
ON THURSDAY, 3 DECEMBER 2020 AT 7.00PM**

1 PRESENT

Cr J Denyer (Chairperson), Mayor G Webber and Cr A Henry.

2 IN ATTENDANCE

M Taris (Chief Executive Officer), J Paterson (Transportation Manager), J Osborne (Governance Administrator) and C Irvin (Senior Governance Advisor).

OTHER ATTENDEES

K Smillie and Dr. P Maddison (both of Lund Road Care Group and Project Parore), R Goudie (Chairperson, Waihi Beach Community Board) and Cr N Bruning (Bay of Plenty Regional Council).

CHAIRPERSONS INTRODUCTION

The Chairperson opened the meeting, welcomed everyone present and noted apologies from Jacqui Knight (KatchKatikati) and Sheena Saunders (Principal, Pahoia School).

3 APOLOGY

APOLOGY

RESOLUTION KWB20-4.1

Moved: Cr J Denyer

Seconded: Mayor G Webber

That the apology for absence from Cr Humphreys be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 PRESENTATIONS

Nil

9 MINUTES FOR RECEIPT**9.1 MINUTES OF THE KATIKATI - WAIHI BEACH WARD FORUM MEETING HELD ON 22 SEPTEMBER 2020**

RESOLUTION KWB20-4.2

Moved: Cr A Henry

Seconded: Mayor G Webber

That the minutes of the Katikati - Waihi Beach Ward Forum meeting held on 22 September 2020 be received as a true and correct record and the recommendations therein are adopted.

CARRIED

10 REPORTS**10.1 KATIKATI - WAIHI BEACH WARD FORUM MINUTE ACTION SHEET**

The Committee considered a report dated 3 December 2020 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION KWB20-4.3

Moved: Cr J Denyer

Seconded: Mayor G Webber

That the report dated 3 December 2020 titled 'Katikati - Waihi Beach Ward Forum Minute Action Sheet' be received.

CARRIED

11 WORKSHOP

RESOLUTION KWB20-4.4

Moved: Cr A Henry

Seconded: Mayor G Webber

That Standing Orders be suspended for the purpose of holding a Workshop.

CARRIED

11.1 WORKSHOP ITEMS**A. Roading Update**

Western Bay of Plenty District Council's Transportation Manager provided an update on the following:

State Highway 2 - Waihi to Omokoroa Safety Improvements:

- \$101 million of safety improvements would be completed by early 2024.
- Additional funding was being requested to install setline barriers. If this was to go ahead, there would be a requirement to upgrade intersections to include roundabouts to accommodate aspects such as driveways, and to allow for turning movements that would be cut off in one direction.
- A Speed Management review was currently being implemented.
- Council was currently going through a Speed Limit Bylaw review that was a result of communities asking for change.

New Zealand Upgrade Programme: Takitimu North Link:

- This was to make travel from Omokoroa to Tauranga safer.
- It would be delivered in two stages:
 - From 15th Avenue in Tauranga to Loop Road in Te Puna (to be completed in 2026); and
 - From Te Puna to Omokoroa (to be completed in 2028).
- The plan for Omokoroa was for an 'interchange' and not a 'roundabout' or 'cross roads' with lights.

The Transportation Manager responded to questions as follows:

- The plan was to create a four-lane highway from Te Puna to Omokoroa and keep the current State Highway 2 as a local road to retain access to properties.
- Waka Kotahi (NZTA) confirmed that legislation required that new State Highways had to be considered for tolling.
- In relation to the safety improvements, fixed locations for new roundabouts had been considered in conjunction with the installation of the setline barriers.

B. Lund Road Care Group and Project Parore

Karen Smillie and Dr Peter Maddison of the Lund Road Care Group and Project Parore introduced themselves and spoke to the following:

Roadside Verge Rehabilitation and Restoration Proposal:

- There was an opportunity to use rural roadside space to provide a corridor from the forest to the foreshore, which would support the plants and smaller creatures that form a very important part of the endemic ecosystem.
- Dr Maddison conducted an extensive survey of the roadside flora and fauna in Te Mania catchment. Ten roadside locations were selected and he identified approximately 130 different species of plants growing adjacent to the road. As the sites or 'corridors of activity' moved from top to bottom of the catchment the amount of human modification of the landscape increased and the prevalence of native species of plants and animals dwindled.
- They would like to propose that these roadsides be considered candidates for restoration with the potential to create biologically useful and aesthetically pleasing wildlife corridors, leading to better biodiversity.
- To achieve this they would prepare a proposal that scoped out what was possible, but would also need Council's support. The proposal would include consultation with the community and landowners, less mowing along the roadside to allow native plants to become more established and consideration of health and safety concerns such as vegetation height and road user visibility.

The Presenters responded to questions as follows:

- Volunteers and local community engagement would play a very important part in the project. This would also include encouraging landowners to care for their own 'patches'.
- Corridors that ran down connecting hills to harbours should ideally be spaced no more than 5km apart as you travelled across the catchments.
- The Chief Executive Officer commented on a successful and ongoing project in Adelaide, Australia, where a 'ribbon' system from hill top to seashore had been created to protect and keep native species of flora and fauna alive.

The Transportation Manager clarified that the mowing of the roadside was done principally for safety and motorist visibility.

Waitekohekohe Reserve

- The Lund Road Care Group included 19 neighbours who were involved in a pest control programme. The group also actively controlled pests on their own properties. This was supported by Western Bay of Plenty District Council and Bay of Plenty Regional Council.
- Pests included feral cats, possums, stoats, ferrets and rats.
- Pest control for Waitekohekohe Reserve was underway. Volunteers went into blocks and targeted possums and rats in an attempt to protect their neighbouring land.

C. Waihi Beach Community Board Update

- Mr Ross Goudie, Chairperson of the Waihi Beach Community Board, spoke to the Committee noting the following:
- The Waihi Beach Community Board would like:
 - CCTV – one at Wilson Road roundabout and one out on the Highway – anything more would be community part or fully funded;
 - To be updated on the Two Mile Creek process; and
 - To be updated on the cycleway/walkway to Athenree.
- The Library upgrade couldn't be started yet as there was insufficient funding.

RESOLUTION KWB20-4.5

Moved: Cr J Denyer

Seconded: Mayor G Webber

That the meeting reconvene in formal session.

CARRIED

RESOLUTION KWB20-4.6

Moved: Cr A Henry

Seconded: Mayor G Webber

That the meeting be adjourned at 8.01pm until Wednesday, 16 December 2020 at 2pm.

CARRIED

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI - WAIHI BEACH WARD FORUM RECONVENED MEETING NO. KWB20-4
HELD AT THE WESTERN BAY OF PLENTY COUNCIL CHAMBERS
ON WEDNESDAY, 16 DECEMBER 2020 AT 2.00PM**

ATTENDEES:

In Person: Cr J Denyer, Mayor G Webber.

Via Zoom: Cr A Henry.

OTHER ATTENDEES:

P Osborne (Senior Governance Advisor) and C Irvin (Senior Governance Advisor).

APOLOGY

RESOLUTION KWB20-4.7

Moved: Cr J Denyer

Seconded: Mayor G Webber

That the apology for absence from Cr Humphreys be accepted.

CARRIED

WORKSHOP**1. Waka Kotahi (NZTA) Update**

The Western Bay of Plenty District Council's Transportation Manager provided a roading update to the Katikati – Waihi Beach Ward Forum.

RESOLUTION KWB20-4.8

Moved: Cr A Henry

Seconded: Mayor G Webber

That the update from the Transportation Manager be received.

CARRIED

2. Lund Road Care Group and Project Parore - Roadside Verge Rehabilitation and Restoration Proposal and Waitekohekohe Reserve

The Lund Road Care Group and Project Parore presented their draft Roadside Verge Rehabilitation and Restoration proposal to the Ward Forum, who look forward to receiving it in final. The Ward Forum also noted their gratitude for the update and work being done regarding the Waitekohekohe Reserve.

RESOLUTION KWB20-4.9

Moved: Mayor G Webber

Seconded: Cr A Henry

That the reports from the Lund Road Care Group and Project Parore be received.

CARRIED

3. Waihi Beach Community Board Update

Mr Ross Goudie, Chairperson of the Waihi Beach Community Board, provided an update to the Ward Forum.

RESOLUTION KWB20-4.10

Moved: Mayor G Webber

Seconded: Cr A Henry

1. That the update from the Chairperson of the Waihi Beach Community Board be received.
2. That the Chairperson of the Waihi Beach Community Board be provided with an update as to the funding for the Waihi Beach Library.

CARRIED

The meeting closed at 2.10pm.

9.3 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 10 DECEMBER 2020

File Number: A3962740

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Kaimai Ward Forum Meeting held on 10 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Kaimai Ward Forum Meeting held on 10 December 2020**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KAIMAI WARD FORUM MEETING NO. KWF20-4
HELD AT THE TE PUNA MEMORIAL HALL, 3 TE PUNA ROAD, TE PUNA
ON THURSDAY, 10 DECEMBER 2020 AT 7.00PM**

1 PRESENT

Cr M Dean (Chairperson), Mayor G Webber, Cr M Murray-Benge, Cr M Grainger, and Cr D Thwaites.

2 IN ATTENDANCE

M Taris (Chief Executive Officer), R Davie (Group Manager Policy Planning and Regulatory Services), G Golding (Team Leader Compliance Support), P Osborne (Senior Governance Advisor) and C Irvin (Senior Governance Advisor).

OTHER ATTENDEES

20 Members of the public including Cr J Nees (Bay of Plenty Regional Council), Cr J Scrimgeour (Western Bay of Plenty District Council) and Cr J Denyer (Western Bay of Plenty District Council).

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

PUBLIC FORUM ADJOURN MEETING

RESOLUTION KWF20-4.1

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the meeting adjourn for the purpose of holding a Public Forum.

CARRIED

The Chairperson outlined the protocols relating the Public Forum section of the meeting, as set out in the Standing Orders for the Kaimai Ward Forum. Attending members of the public were invited to take part in the Public Forum.

A. Whakamarama Community Incorporated (WCI)

Mr David Riley, of WCI addressed the Committee as follows:

- Whakamarama Community Incorporated had been asking for a single bus stop to service the 2,200 residents of Whakamarama and Plummers Point for several years.
- They would like a bus service to travel to work, for shopping and social engagements, as well as reducing congestion and the carbon footprint.
- Mr Riley acknowledged that State Highway 2 posed problems, but felt that not providing an extra bus stop for residents was not the answer.
- He asked that Council please consider this request.

B. Ward Forum Meetings Feedback

Mr Peter Lochhead, resident of Te Puna Station Road, addressed the Committee as follows:

- Could the Committee clarify the process of the Ward Forum meetings and make sure that the 'circle of feedback' was completed, as he was getting calls from local residents asking him for information that he was not able to give them.

Staff responded to questions as follows:

- The Chief Executive Officer (CEO) commented that the issues raised at meetings were noted in the minutes. From this 'Minute Actions' were created and these were provided to relevant staff members for follow-up or action, as appropriate. Depending on what stage a particular project, topic or process was at, and if relevant, feedback was added to the minutes and provided to meeting attendees who had registered to receive feedback. Council endeavoured to provide as much information and feedback, in the correct format and in the correct time frame, as possible.

C. Poripori Road

Mr Neil Hewitt, resident of Crawford Road, addressed the Committee as follows:

- He was a resident of Crawford Road and was very concerned about the notable increase in traffic flow along the road in recent times.
- The Poripori end of the road was becoming very dangerous. Whenever there was a serious accident in the Kaimai area or towards Tauriko, traffic got diverted and then congested on Poripori Road.
- It was also difficult for school buses in the winter as they were unable to pull off the road to pick up children, which made it awkward for cars to pass and dangerous for the school children.
- He suggested there needed to be an off-ramp from Wairoa Road onto the proposed new highway to stop people from continuing to travel on Crawford Road and then Poripori Road.

D. Te Puna Station Road Business Park

Ms Beverly Cain, resident of Snodgrass Road, addressed the Committee as follows:

- She had attended the Te Puna Station Road Business Park site meeting that took place that day, but was still confused around the 2005 Court decision paralleled with the 2005 District Plan.
- She had received an email today regarding the concrete dust being blown around the area. There had been talk of screening being put up around the site but this would not stop the concrete dust blowing everywhere. It was felt that this posed a real health issue.

The Group Manager Policy Planning and Regulatory Services responded as follows:

- There was a lot to take in, in relation to the site and Council's endeavours to get the site to a point of overall compliance.
- Some of the issues, such as water and sewage, would be addressed once a resource consent application was lodged and could then be dealt with accordingly. Ideally this consent was going to be lodged before Christmas 2020.
- In terms of the 2005 Environment Court judgement and the District Plan as it stood now, the Environment Court was the final arbiter of the Environment Plan change that was put before the Western Bay of Plenty District Council (WBOPDC) at that time, bearing in mind that this Council refused the private plan change. Council was also part of the appeal process.
- The Environment Court concluded that certain changes needed to be made to the WBOPDC's District Plan in 2005, and these changes were then incorporated into the plan.
- In terms of progressing the site toward overall compliance, the District Plan was the contemporary base line for determining compliance with the structure plan and the zone provisions. This was the 'tool' that needed to be used, which reflected the intent of the Environment Court judgement.
- It was important to note that the site was now a part of an industrial zone and not a rural zone, but that the intent was fundamentally the same.

E. Te Puna Station Road Business Park

Mr Bob Leef, of Ngati Taka, addressed the Committee as follows:

- Mr Leef was born and grew up in the district.
- Ngati Taka Hapu in Te Puna had been coming to Mr Leef with various concerns about the concrete crushing plant, and the dust that it created. The dust was settling in the creeks and being transported down to the waterways, possibly contaminating them.
- Putting a fence up around the plant would not do a lot. The only way to completely stop the dust from escaping was to cover the plant entirely.
- He had worked in other places/plants in the country in the 1980's where emissions were unacceptable and the plant owners had to rectify this. There had been many improvements since then.
- There needed to be regular sampling done of the water to ensure that the Wairoa River would not become contaminated, which could possibly lead to fish dying, amongst other things.
- The storage of tyres was also of concern. Earlier this year there was a big fire in Christchurch which sent contaminating smoke into the atmosphere. Mr Leef did not want to see this happening in his back yard. There was a need to preserve the land for everyone, and for future generations.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION KWF20-4.2

Moved: Cr M Murray-Benge

Seconded: Mayor G Webber

That the meeting reconvene in formal session.

CARRIED

8 PRESENTATIONS

Nil

9 MINUTES FOR RECEIPT

9.1 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 24 SEPTEMBER 2020

The Committee considered the minutes of the Kaimai Ward Forum meeting held on 24 September 2020. The minutes were taken as read.

RESOLUTION KWF20-4.3

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

That the minutes of the Kaimai Ward Forum meeting held on 24 September 2020 be received.

CARRIED

10 REPORTS

10.1 KAIMAI WARD FORUM MINUTE ACTION SHEET

The Committee considered a report from the Senior Governance Advisor. The Chairperson gave an overview of the Minute Action Feedback.

RESOLUTION KWF20-4.4

Moved: Cr M Dean

Seconded: Cr M Murray-Benge

That the report dated 10 December 2020 titled 'Kaimai Ward Forum Minute Action Sheet' be received.

CARRIED

11 WORKSHOP

SUSPENSION OF STANDING ORDERS

RESOLUTION KWF20-4.5

Moved: Mayor G Webber

Seconded: Cr D Thwaites

That standing orders be suspended for the purpose of holding a Workshop.

CARRIED

11.1 WORKSHOP ITEMS

A. Discussion around interactions between the Council and Kaimai Ward Committee's and Residents Organisations

The Ward Forum discussed this item with the meeting attendees and the following points were noted:

- The CEO and Mayor both confirmed that the Ward Forum Meetings were intended for groups that were not covered by the Community Boards, but who wished to have an input and/or a chance to speak to Council about their concerns/issues. This would allow for more 'district' type issues to be brought forward and would help to ensure that everyone received the same service across the district.
- The Ward Forum meetings had progressed towards accomplishing what was wanting to be achieved. They had provided an opportunity for people to speak and be heard.
- There was a suggestion that there could be an allocated/dedicated Councillor to a specific area to allow for more focus on that one particular area and its people. Council would look into this.
- The single lane bridge on Crawford Road was brought to the Ward Forum's attention, with a request to look into the provision for making it into a double-lane bridge. Cr Thwaites acknowledged the request, noting that it was one of many roading and other issues that needed to be considered.
- The Te Puna Heartland's Community Plan was now due for review. The CEO confirmed that the Committee should make submissions in the next round for the Long Term Plan to try to obtain assistance and/or funding.
- Attendees commented that they would like to see a less structured and more accessible format for the meetings that allowed for free debate.
- The CEO commented that it was important to receive feedback from the various groups that had been invited to the meetings, as to what they would like to discuss at the meetings. This could then be included in the Agenda as a topic for discussion. Generally the focus should be on the bigger 'group' issues. The CEO invited Ward Forum members to email her directly and she would then forward the request to the appropriate staff members.
- One of the suggestions for a Workshop topic was the 'Three Water Ways' – and to do this in conjunction with the Bay of Plenty Regional Council. This highlighted an example of a good way to look at bigger environmental issues as a community.
- The Group Manager Policy Planning and Regulatory Services commented that Council would not be relying on Schedule 1 of the Resource Management Act 2020 for the upcoming District Plan review. It would be an iterative process, and one that would include innovative Community engagement.

B. Further topics to include in the Long Term Plan (LTP)

The Ward Forum discussed this item with the meeting attendees and the following points were noted:

- People in Te Puna had been feeling overlooked as far as sewage and waste water issues were concerned, which they felt was an environmental issue. The CEO commented that, up until now, the Community (including Tangata Whenua) had conveyed to Council that they wanted to remain a rural area. Given this – Council had, to date, not allowed for any funding to be allocated to upgrade the Te Puna sewage and waste water systems.

- It was felt that the 'Three Water Ways' issue would be a good subject for the Ward Forum meetings.
-

RESUMPTION OF STANDING ORDERS

RESOLUTION KWF20-4.6

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

That the meeting reconvene in formal session.

CARRIED

MEETING BE ADJOURNED

RESOLUTION KWF20-4.7

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the meeting be adjourned at 8.29pm until Wednesday, 16 December 2020 at 2.30pm.

CARRIED

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KAIMAI WARD FORUM RECONVENED MEETING NO. KWF20-4
HELD AT THE WESTERN BAY OF PLENTY COUNCIL CHAMBERS
ON WEDNESDAY, 16 DECEMBER 2020 AT 2.30PM**

Attendees:

In Person: Cr M Dean, Cr M Grainger, Mayor G Webber.

Via Zoom: Cr M Murray Bengé

Other Attendees:

G Allis (Deputy CEO/Group Manager Infrastructure Services), P Osborne (Senior Governance Advisor), C Irvin (Senior Governance Advisor).

Apology

APOLOGY

RESOLUTION KWF20-4.8

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

That the apology for absence from Cr Thwaites be accepted.

CARRIED

Workshop

1. Whakamarama Community Incorporated

Mr David Riley, of WCI, had addressed the Committee regarding the request for a single bus stop to service residents of Whakamarama and Plummers Point.

RESOLUTION KWF20-4.9

Moved: Cr M Grainger

Seconded: Cr M Dean

That the Kaimai Ward Forum receives the request from Whakamarama Community Incorporated and refers it to the Bay of Plenty Regional Council Public Transport Committee for further consideration.

CARRIED

2. Crawford Road – Single Lane Bridge

The single lane bridge on Crawford Road was raised as being inadequate and a request was put forward to look into the provision for making it a double-lane bridge.

RESOLUTION KWF20-4.10

Moved: Mayor G Webber

Seconded: Cr M Grainger

That the Kaimai Ward Forum receives the request for a double-lane bridge on Crawford Road and that it be referred to the Regional Land Transport Committee for further consideration.

CARRIED

3. Allocating a Dedicated Councillor to a Specific Area

A suggestion was put forward that there could be an allocated/dedicated Councillor to a specific area to allow for more focus on that one particular area and its people.

RESOLUTION KWF20-4.11

Moved: Mayor G Webber

Seconded: Cr M Murray-Benge

That Council contacts recognised local Kaimai Ward Forum groups and advise them to inform Ward Forum Councillors of their upcoming meetings so that these Councillors could attend.

CARRIED

The meeting closed at 2.50pm.

9.4 MINUTES OF THE MAKETU - TE PUKE WARD FORUM MEETING HELD ON 15 DECEMBER 2020**File Number: A3962748****Author: Horowai Wi Repa, Governance Technical Support****Authoriser: Barbara Whitton, Customer Services and Governance Manager****RECOMMENDATION**

That the Minutes of the Maketu - Te Puke Ward Forum Meeting held on 15 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Maketu - Te Puke Ward Forum Meeting held on 15 December 2020**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU - TE PUKE WARD FORUM MEETING NO. MTP20-4
HELD AT THE TE PUKE WAR MEMORIAL HALL, 130 JELLCOE STREET, TE PUKE
ON TUESDAY, 15 DECEMBER 2020 AT 7.00PM**

1 PRESENT

Cr K Marsh (Chairperson), Cr M Lints, Cr G Dally and Cr J Scrimgeour, Mayor G Webber.

2 IN ATTENDANCE

G Allis (Deputy CEO/Group Manager Infrastructure Services), C Irvin (Senior Governance Advisor) and P Osborne (Senior Governance Advisor).

OTHER ATTENDEES

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

The Chairperson outlined the protocols relating the Public Forum section of the meeting as set out in the Standing Orders for the Maketu – Te Puke Ward Forum. Attending members of the public were invited to take part in the public forum.

PUBLIC FORUM ADJOURN MEETING

RESOLUTION MTP20-4.1

Moved: Cr J Scrimgeour

Seconded: Cr M Lints

That the meeting adjourn for the purpose of holding a Public Forum.

CARRIED

A. Martin Carey – Te Puke Traffic Issues

Mr Carey talked about a previous meeting chaired by Cr Marsh relating to traffic issues. He believed concerns raised at that meeting were yet to be addressed. Mr Carey also highlighted a particular area of concern regarding the amount of traffic coming into Te Puke from Waitangi, and asked Council to look into ways of addressing this issue.

Mr Carey talked about ideas that he had, including the removal of pedestrian crossings and the addition of a 'must turn left' lane.

B. Joan Dugmore – Maintenance Issues

Ms Dugmore spoke in support of the Mr Carey's concerns, noting that she had also attended the previous meeting referenced by Mr Carey.

Ms Dugmore also raised the following issues:

- She felt as though the town was in need of maintenance; and
- That the Welcome Bay round-about needed to be mowed and cleaned up, as she believed that there were visibility issues.

C. Bram Uljee – Health and Safety Issues at the Motor Home Dump Station on Commerce Lane

Mr Uljee advised the Board that homeless people had been seen filling their water bottles up with water from the on-site tap. It was noted that this water was not suitable for drinking, and Mr Uljee asked the Committee to consider installing a drinking water tap on the other side of the toilets.

D. Mike Maassen – Pongakawa Community Association

Mr Maassen thanked the Councillors and Council staff for looking favourably on the petition from the Pongakawa Community around the speed limits relating to the proposed change on Arawa Road to 40km/h. Mr Maassen also noted that the community was looking forward to having some constructive discussions with Council staff regarding potential improvements to Pongakawa Road.

E. Rex Smith – Prisoner Rehabilitation Housing

Mr Smith spoke on behalf of his neighbours who had expressed their concerns about the prisoner rehabilitation housing that was proposed at 240 Rangiuru Road.

F. Bruce Brown – Various Items

Mr Brown noted that there was an increase in traffic everywhere, not just in Te Puke.

The Mayor advised that there had been a 40% growth in traffic movement over the past four to five years, and that the Public Transport Committee was currently reviewing these issues.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION MTP20-4.2

Moved: Cr M Lints

Seconded: Cr J Scrimgeour

That the meeting reconvene in formal session at 7.23pm.

CARRIED

8 PRESENTATIONS

Nil

9 MINUTES FOR RECEIPT

9.1 MINUTES OF THE MAKETU - TE PUKE WARD FORUM MEETING HELD ON 1 OCTOBER 2020

The Committee considered the minutes of the Maketu – Te Puke Ward Forum meeting held on 1 October 2020.

The Committee noted that Resolution 9.12 should read *Pukehina Beach Road* not Pukehina Beach Parade, and that Cr Lints was not part of the donation of the furniture to the Maketu Coastguard.

RESOLUTION MTP20-4.3

Moved: Cr K Marsh

Seconded: Cr J Scrimgeour

That the minutes of the Maketu – Te Puke Ward Forum meeting held on 1 October 2020 be received; noting the below amendments.

- Resolution 9.12 should read *Pukehina Beach Road*.
- Page 10 should read *Thanks was given to the Te Puke Centre for the donation of furniture*.

CARRIED

10 REPORTS

10.1 MAKETU - TE PUKE WARD FORUM - MINUTE ACTION SHEET

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

RESOLUTION MTP20-4.4

Moved: Cr K Marsh

Seconded: Cr J Scrimgeour

That the report from the Senior Governance Advisor dated 15 December titled 'Maketu-Te Puke Ward Forum Minute Action Sheet' be received.

CARRIED

11 WORKSHOP

SUSPENSION OF STANDING ORDERS

RESOLUTION MTP20-4.5

Moved: Cr K Marsh

Seconded: Cr M Lints

A motion was moved that Council suspend Standing Orders.

CARRIED

11.1 WORKSHOP ITEMS

1. Shane Beech – Maketu Community Board Chairperson

Mr Beech provided the Committee with an update on what had been achieved and what was still in progress in and around Maketu, including the following;

- Master Chef New Zealand 2014 winners, the Bird sisters, continued their successful pop-up dining experience in mystery locations;
- The completion of the Arawa Avenue footpath;
- The parks and reserves were looking in great shape for the Summer months;
- Stage 1 of the Maketu Cycleway from Kaituna to the Maketu township would start next year;
- The project for steps down to the beach by the Surf Club continued; and
- 'Welcome to Maketu' signs were underway.

Mr Beech also noted the Maketu Community Board's support of the following:

- The Kaituna River re-diversion and the Maketu Estuary Enhancement, with 20 percent of the Kaituna River's freshwater flowing into the estuary; and
- The volunteer groups interested in the 83 Ford Road building, asking Council to support these groups, as they were the 'backbone' of the community.

Mr Beech completed his update by welcoming everyone to come and enjoy all that Maketu had to offer, highlighting the estuary, the public barbeque and the outside gym equipment.

2. Richard Crawford – Te Puke Community Board Chairperson

Mr Crawford was in attendance to speak to the Committee about what the Te Puke Community Board had worked on, and continued to work on, including:

- Their active involvement in the Community Response Group during the first lockdown;
- The Station Road footpath had now been completed; and
- The Te Puke/Te Ara Kahikatea Pathway had re-opened following Kiwirail works, which was a great asset for the community.

Mr Crawford noted that he had been very happy with the way that the Community Board was working together with the Councillors, informing the community of the work that the Board was trying to do around creating a safer community, including:

- Smarter planting around the town centre to help with visibility issues; and
- The installation and monitoring of CCTV cameras.

Mr Crawford acknowledged the support from Council and wished everyone a Merry Christmas.

3. Kirsty Garrett – Pukehina Hall

Ms Garrett spoke on behalf of the Pukehina Residents and Ratepayers Association (PRRA) to give an update on Pukehina Hall. As the result of an investigation, the PRRA Committee had managed to get the proposed \$600,000 refurbishment estimate down to \$200,000, of which the Committee believes they may only need half. The Committee had completed thermal imaging and had found that they did not have a cladding failure.

Ms Garrett thanked Council for the work that they had done with the PRRA Committee to help with the restoration of Pukehina Hall.

The Committee was advised that the next Annual General Meeting (AGM) will be held on 2 January 2021.

4. Mark Boyle – Te Puke Economic Development Group

Mr Boyle shared the following updates with the Committee:

- He noted the uncertainty around COVID-19 but, that coming through this, most sectors in the society had coped, noting however that it was sad to see the impact on the tourism businesses.
- After lockdown the Te Puke Economic Development Group had discussions about what would happen next, which led to the launch of the campaign - 'Let's keep it local Te Puke'.
- Mr Boyle noted the need for housing at the moment, with developers interested in constructing up to 600 houses around the Paengaroa and Pongakawa area. This showed signs of a healthy growing economy.
- The opening of the two kiwifruit slices at the entrance to Te Puke recognised Te Puke as the kiwifruit capital of the world.
- Mr Boyle was of the belief that the town centre was doing well, noting that Te Puke had a Post Office, multiple banks, a service centre and supermarkets, to name a few. For a rural town these were significant achievements.
- In September 2020 the Government granted \$18 Million towards the Rangiora Business Park Interchange, from the location of the business park to the Tauranga Eastern Link (TEL). This was a much needed step in starting the work for this project.

The Chairperson thanked Mr Boyle for his work with local businesses, noting that Te Puke Economic Development was a big part of the success of the town.

5. Stephen Bailey – Prisoner Rehabilitation Housing

Mr Bailey spoke on behalf of concerned neighbours about the prisoner rehabilitation housing that was proposed at 240 Rangiora Road. He acknowledged the need for these facilities in assisting to get people back into the Community, however noted that the surrounding neighbours had safety concerns.

Mr Bailey asked for Community, and the Councillors, support in opposing the prisoner rehabilitation housing.

6. Ian Hurlock – Maketu Coastguard Volunteer

Mr Hurlock presented the Committee and Community members with three videos that showcased the work that the Maketu Coastguard undertook, noting that they were all local volunteers. He advised that training was available to educate those that went out on the water, to avoid getting into dangerous and life threatening situations.

The Chairperson thanked Mr Hurlock and the other Maketu Coastguard volunteers for the hard work they did in the community.

MEETING BE ADJOURNED

RESOLUTION MTP20-4.6

Moved: Cr G Dally

Seconded: Cr M Lints

That the meeting be adjourned to Thursday 17 December 2020 at 4.15pm.

CARRIED

UNCONFIRMED

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU - TE PUKE WARD FORUM RECONVENED MEETING NO. MTP20-4
HELD AT WESTERN BAY OF PLENTY COUNCIL CHAMBERS,
ON THURSDAY, 17 DECEMBER 2020 AT 4.15PM**

PRESENT

Cr M Lints (Deputy Chairperson), Cr G Dally and Cr J Scrimgeour, Mayor G Webber

IN ATTENDANCE

P Osborne (Senior Governance Advisor)

Deputy Chairperson Lints assumed the Chair in the Chairpersons absence.

RESUMPTION OF STANDING ORDERS

RESOLUTION MTP20-4.7

Moved: Cr G Dally

Seconded: Cr J Scrimgeour

A motion was moved to resume Standing Orders.

CARRIED

APOLOGIES**APOLOGY**

RESOLUTION MTP20-4.8

Moved: Cr J Scrimgeour

Seconded: Mayor G Webber

That the apology for absence from Cr Marsh (Chairperson) be accepted.

CARRIED

12 RECOMMENDATIONS TO COUNCIL/COMMITTEE**SHANE BEECH – MAKETU COMMUNITY BOARD CHAIRPERSON**

RESOLUTION MTP20-4.9

Moved: Cr G Dally

Seconded: Mayor G Webber

That the Maketu – Te Puke Ward Forum receive the verbal report from Shane Beech – Maketu Community Board Chairperson.

CARRIED

RICHARD CRAWFORD – TE PUKE COMMUNITY BOARD CHAIRPERSON

RESOLUTION MTP20-4.10

Moved: Cr G Dally

Seconded: Mayor G Webber

That the Maketu – Te Puke Ward Forum receive the verbal report from Richard Crawford – Te Puke Community Board Chairperson.

CARRIED

KIRSTY GARRETT – PUKEHINA HALL

RESOLUTION MTP20-4.11

Moved: Cr G Dally

Seconded: Mayor G Webber

That the Maketu – Te Puke Ward Forum receive the verbal report from Kirsty Garrett on behalf of the Pukehina Residents and Ratepayers Association.

CARRIED

MARK BOYLE - TE PUKE ECONOMIC DEVELOPMENT GROUP

RESOLUTION MTP20-4.12

Moved: Cr G Dally

Seconded: Mayor G Webber

That the Maketu – Te Puke Ward Forum receive the verbal report from Mark Boyle on behalf of the Te Puke Economic Development Group.

CARRIED

IAN HURLOCK – MAKETU COASTGUARD VOLUNTEER

RESOLUTION MTP20-4.13

Moved: Cr G Dally

Seconded: Mayor G Webber

That the Maketu – Te Puke Ward Forum receive the presentation from Ian Hurlock on behalf of the Maketu Coastguard.

CARRIED

STEPHEN BAILEY – PRISONER REHABILITATION HOUSING

RESOLUTION MTP20-4.14

Moved: Cr M Lints

Seconded: Cr G Dally

That the Maketu – Te Puke Ward Forum request a copy of the Resource Consent for 240 Rangiora Road, including any variations/conditions.

CARRIED

The Meeting closed at 4.31pm.

UNCONFIRMED

9.5 MINUTES OF THE COUNCIL MEETING HELD ON 17 DECEMBER 2020**File Number: A3954401****Author: Barbara Clarke, Senior Governance Advisor****Authoriser: Jan Pedersen, Group Manager People And Customer Services****RECOMMENDATION**

That the Minutes of the Council Meeting held on 17 December 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

ATTACHMENTS

- 1. Minutes of the Council Meeting held on 17 December 2020**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C20-15
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON THURSDAY, 17 DECEMBER 2020 AT 9:30AM**

1 PRESENT

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

2 IN ATTENDANCE

M Taris (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), R Davie (Group Manager Policy Planning and Regulatory Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), E Watton (Policy and Planning Manager), J Paterson (Transportation Manager), D Pearce (Community Manager), C Steiner (Senior Policy Analyst), C Nepia (Māori Relationships and Engagement Advisor), G Payne (Strategic Advisor), and B Clarke (Senior Governance Advisor)

KARAKIA

At the invitation of the Mayor, the Māori Relationships and Engagement Advisor gave a Karakia to bless the last Council meeting of the year.

Mayor Webber thanked him in Te Reo Māori.

3 APOLOGIES

Nil.

4 CONSIDERATION OF LATE ITEMS

Nil.

5 DECLARATIONS OF INTEREST

Nil.

6 PUBLIC EXCLUDED ITEMS

Nil.

7 PUBLIC FORUM

Nil.

8 COMMUNITY BOARD MINUTES FOR RECEIPT

8.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 20 OCTOBER 2020

RESOLUTION C20-15.1

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Minutes of the Maketu Community Board Meeting held on 20 October 2020 be received.

CARRIED

8.2 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 22 OCTOBER 2020

RESOLUTION C20-15.2

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Minutes of the Te Puke Community Board Meeting held on 22 October 2020 be received.

CARRIED

8.3 MINUTES OF THE WAIHI BEACH COMMUNITY BOARD MEETING HELD ON 23 NOVEMBER 2020

RESOLUTION C20-15.3

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Minutes of the Waihi Beach Community Board Meeting held on 23 November 2020 be received.

CARRIED

8.4 MINUTES OF THE OMOKOROA COMMUNITY BOARD MEETING HELD ON 24 NOVEMBER 2020

RESOLUTION C20-15.4

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Minutes of the Omokoroa Community Board Meeting held on 24 November 2020 be received.

CARRIED

8.5 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 25 NOVEMBER 2020

RESOLUTION C20-15.5

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Minutes of the Katikati Community Board Meeting held on 25 November 2020 be received.

CARRIED

8.6 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 1 DECEMBER 2020

RESOLUTION C20-15.6

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Minutes of the Maketu Community Board Meeting held on 1 December 2020 be received.

CARRIED

8.7 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 3 DECEMBER 2020

RESOLUTION C20-15.7

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Minutes of the Te Puke Community Board Meeting held on 3 December 2020 be received.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 27 MAY 2020

RESOLUTION C20-15.8

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the Minutes of the District Plan Committee meeting held on 27 May 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.2 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 3 AUGUST 2020

RESOLUTION C20-15.9

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the Minutes of the District Plan Committee meeting held on 3 August 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.3 MINUTES OF THE MAKETU - TE PUKE WARD FORUM MEETING HELD ON 1 OCTOBER 2020

RESOLUTION C20-15.10

Moved: Cr K Marsh

Seconded: Cr M Lints

That the Minutes of the Maketu - Te Puke Ward Forum Meeting held on 1 October 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.4 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 29 OCTOBER 2020

RESOLUTION C20-15.11

Moved: Cr M Grainger

Seconded: Cr M Dean

That the Minutes of the Extraordinary Council Meeting held on 29 October 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.5 MINUTES OF THE COUNCIL MEETING HELD ON 5 NOVEMBER 2020

RESOLUTION C20-15.12

Moved: Cr D Thwaites

Seconded: Cr J Denyer

That the Minutes of the Council Meeting held on 5 November 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.6 MINUTES OF THE REGULATORY HEARINGS COMMITTEE MEETING HELD ON 16 NOVEMBER 2020

Councillor Grainger requested an amendment to the minutes for clarification. The amendment was accepted and included in the resolution below.

RESOLUTION C20-15.13

Moved: Cr M Grainger

Seconded: Cr J Denyer

That the Minutes of the Regulatory Hearings Committee Meeting held on 16 November 2020 are confirmed as a true and correct record and the recommendations therein are adopted, with the following amendment:

- That on page 6, the second bullet point sentence be amended to read: "The chicken coop was approximately 30m from Pats Lane, and approximately 100m from Plummers Point Road."

CARRIED

9.7 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 24 NOVEMBER 2020

RESOLUTION C20-15.14

Moved: Cr A Henry

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the District Plan Committee Meeting held on 24 November 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.8 MINUTES OF THE PERFORMANCE AND MONITORING MEETING HELD ON 24 NOVEMBER 2020

RESOLUTION C20-15.15

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

That the Minutes of the Performance and Monitoring Meeting held on 24 November 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.9 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 1 DECEMBER 2020

Councillor Grainger requested amendments to the minutes for correctness. The amendments were accepted and included in the resolution below.

RESOLUTION C20-15.16

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That the Minutes of the Policy Committee Meeting held on 1 December 2020 are confirmed as a true and correct record and the recommendations therein are adopted, with the following amendments:

- a) That on page 11 of the Policy Committee Minutes held on 1 December 2020, Substantive Motion PP20-7.33, Part 33 be amended to read:
 - bb. Omokoroa Road – 60km/hr from Prole Road to existing 80/60 change point near Kaimai Views roundabout. Reduce the existing 60km/hr from Kaimai views to Tralee Street to **50km/hr**. Retain existing 50km/hr from Tralee Street to Esplanade. Reduce Esplanade to 30km/hr.
- b) That 'Esplanade' be amended to "The Esplanade" for correctness where stated in the documentation; and
- c) That these two amendments be reflected, where required, in the Speed Limits Bylaw 2020 and the Decision Story.

CARRIED

10 REPORTS

10.1 LOCAL GOVERNMENT COMMISSION ON BOUNDARY CHANGE - BELK ROAD, KEENAN ROAD AND TARA ROAD AREAS

Council considered a report from the Strategic Advisor. Staff responded to questions as follows:

- The Local Government Commission had come to the decision to accept the proposed boundary location as the two Councils, (being Tauranga City Council, and Western Bay of Plenty District Council), had agreed. Effectively, the Tauranga Eastern Link (TEL) would become the boundary for alignment purposes.
 - The Local Government Commission had undertaken an investigation, consulted and made decisions about proceeding with these boundary changes. They were able to make further decisions in relation to the investigation (for example, on particular submissions), if circumstances and views on the issues changed in the near future.
 - The next and more formal stage was when the maps would be formed. Currently, the available maps were those provided as part of the submissions. The finalised maps would be provided to Elected Members when available.
-

RESOLUTION C20-15.17

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

That the Strategic Advisor's report dated 17 December 2020 titled 'Local Government Commission on Boundary Change – Belk Road, Keenan Road and Tara Road Areas' be received.

CARRIED

10.2 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - LEASE SITE FOR KATIKATI AVOCADO FOOD AND WINE FESTIVAL SHIPPING CONTAINERS ON URETARA DOMAIN

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

RESOLUTION C20-15.18

Moved: Cr D Thwaites

Seconded: Cr A Henry

1. That the report dated 17 December 2020 titled 'Recommendatory Report for the Performance and Monitoring Committee – Lease site for Katikati Avocado Food and Wine Festival Shipping Containers on Uretara Domain' 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 exercises the 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 Katikati Funfest Charitable Trust Board the right to lease, for up to 25 years, for 142m² of land being part of Lot 1 DP15488 to allow for a storage facility situated on Uretara Domain.
4. Subject to granting the right to lease, (in Part 3. above), 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.

CARRIED

10.3 RECOMMENDATORY REPORT FROM THE POLICY COMMITTEE - ADOPTION OF SPEED LIMITS BYLAW 2020

Council considered a report from the Senior Governance Advisor. Councillor Grainger requested amendments to the recommendatory report for correctness. The amendments were accepted and included in the resolution below.

RESOLUTION C20-15.19

Moved: Cr M Grainger

Seconded: Cr J Denyer

That the following amendments be made to the report dated 17 December 2020 titled 'Recommendatory Report from the Policy Committee – Adoption of Speed Limits Bylaw 2020':

- a) That Substantive Motion PP20-7.33, Part 33 be amended to read:
 - bb. Omokoroa Road – 60km/hr from Prole Road to existing 80/60 change point near Kaimai Views roundabout. Reduce the existing 60km/hr from Kaimai views to Tralee Street to **50km/hr**. Retain existing 50km/hr from Tralee Street to Esplanade. Reduce Esplanade to 30km/hr.
- b) That 'Esplanade' be amended to "The Esplanade" for correctness where stated in the report; and
- c) That these two amendments be reflected, where required, in the Speed Limits Bylaw 2020 and the Decision Story.

CARRIED

Introduction of Report

The Policy and Planning Manager provided clarification on the amendments included as Part 2. of the report's full recommendation to Council as follows;

- After the Policy Committee meeting, where Councillors made their decisions on the Speed Limits Bylaw for recommendation to Council, there had been further communications from Waka Kotahi / NZ Transport Agency about the decisions that were made on their submission in relation to rural schools.
 - Council's Statement of Proposal followed the Waka Kotahi 'Guidance Note' in relation to speed limits for schools. It generally stated that in urban environments 'Variable Speed Limits' should be used, and in rural environments 'Active Advisory Signs' (flashing signs) should be used.
 - In the Waka Kotahi's submission to the Bylaw, they encouraged Council to set permanent 60km/hr Speed Limits in five rural school environments. Through the decision-making at the Policy Committee, it was agreed to put a permanent 60km/hr Speed Limit approximately 300m each side of Rangiuru School, Pongakawa School, Omokoroa No.1 School, Whakamarama School and Pukehina School.
 - Waka Kotahi had come back to clarify that their intention was to have the 60km/hr Speed Limit applied to the full length of those roads the schools were located on. These rural roads were of reasonable length, for example, Old Coach Road was 22kms long.
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- Essentially, the report recommendation reverted to Council's Statement of Proposal, which was to install 'Active Advisory Signs', and this was a measure outside the Bylaw.
 - In relation to the temporary 30km/hr Speed Limit that had been used for the past two years at Waihi Beach, this was outside the Bylaw, as noted in the final report.
-

RESOLUTION C20-15.20

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

1. That the report dated 17 December 2020 titled 'Recommendatory Report from the Policy Committee – Adoption of Speed Limits Bylaw 2020' be received.
2. That the Policy Committee recommendations of 1 December 2020 be amended as follows:
 - (a) Recommendation (II) – Delete the following: An annual temporary 30km/h speed limit has been installed during the summer period.
 - (b) Recommendation (g) – Delete and replace with a new recommendation below.
 - (c) Recommendation (new) – Alongside this bylaw review, Council is installing advisory active warning signs during 2020/2021 at the following rural schools:
 - *Rangiuru School*
 - *Pongakawa School*
 - *Omokoroa No. 1 School*
 - *Whakamarama School*
 - *Pukehina School*
3. That pursuant to section 22AB of the Land Transport Act 1998, and effective from 29 March 2021, the Speed Limits Bylaw 2020 (attached) be adopted by Council inclusive of all amendments (as accepted and resolved by the Policy Committee on 1 December 2020), and the recommended amendments outlined above, on the basis that the Speed Limits Bylaw 2020 is the most appropriate way of managing speed limits on roads within the jurisdiction of Western Bay of Plenty District Council.
4. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
5. That Council adopts the decision document (attached in the agenda report) alongside the final bylaw, to be disseminated as soon as practicable as the formal response to submitters on the draft bylaw.

CARRIED

10.4 RECOMMENDATORY REPORT FROM KATIKATI COMMUNITY BOARD – 33 MIDDLEBROOK DRIVE - COMMUNITY LEASING - NOVEMBER 2020

Council considered a report from the Senior Governance Advisor. The Deputy Chief Executive gave a brief introduction to the report.

RESOLUTION C20-15.21

Moved: Cr J Denyer

Seconded: Cr A Henry

1. That the Senior Governance Advisor's report dated 17 December 2020 titled 'Recommendatory Report from Katikati Community Board – 33 Middlebrook Drive – Community Leasing – November 2020' 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 consults with the public in accordance with Section 138 and 82 of the Local Government Act 2002 on leasing the Property to community groups.
4. That Expressions of Interest be called for from community groups interested in co-locating on the Property.
5. That the call for Expressions of Interest identify the MenzShed Katikati, Western Bay Museum, Katikati Community Vans and Katikati Community Patrol as interested community groups.
6. That the users of the Property lease the land on Council's usual terms and in accordance with Council's leasing policy.

CARRIED

10.5 TOURISM BAY OF PLENTY LETTER OF EXPECTATION

Council considered a report from the Community Manager. The Chief Executive gave a brief introduction to the report.

RESOLUTION C20-15.22

Moved: Cr A Henry

Seconded: Cr M Dean

1. That the Community Manager's report dated 17 December 2020 titled 'Tourism Bay of Plenty Letter of Expectation' 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. Approves the Letter of Expectation (Attachment 1) from Tauranga City Council/Western Bay of Plenty District Council to Tourism Bay of Plenty, noting that approval of TCC, as joint shareholder, will be sought at their December Council meeting.

CARRIED

10.6 TOURISM BAY OF PLENTY TRUSTEE REMUNERATION

Council considered a report from the Community Manager. The report was taken as read.

RESOLUTION C20-15.23

Moved: Cr A Henry

Seconded: Cr J Denyer

1. That the Community Manager's report dated 17 December 2020 titled 'Tourism Bay of Plenty Trustee Remuneration' 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. Agrees to increase the remuneration for trustees of Tourism Bay of Plenty, with the new base fee set at \$12,000 per annum.
4. Agrees to increase the Tourism Bay of Plenty Chair fee to \$24,000 per annum.
5. Agrees to increase the Tourism Bay of Plenty Deputy Chair fee to \$15,000 per annum.
6. Agrees that the increased total cost of trustee remuneration will be funded out of Tourism Bay of Plenty's current operational funding, with immediate effect.

CARRIED

10.7 MAYOR'S REPORT TO COUNCIL - 3 DECEMBER 2020

Mayor Webber addressed the Council and provided the following verbal updates:

A. Update - Rural and Provincial

- A review of Freshwater was imminent, and the Government sought to address the issue of 'Three Waters' nationally. These needed to be considered in tandem and worked through.
- Most councils in NZ were facing challenges with the discharge of water. Stormwater could be complex, as it involved catchments.
- Councils would be required to operate in more sustainable ways.
- The cost for Stormwater would increase for all Councils, and impact on rates.
- There would be a timeframe to ensure that compliance of National Standards could be met.
- Freshwater and then 'Three Waters' would be the focus for Local Government and Central Government for some time.
- The Ministry of Health would provide further information in due course.

B. Update - SmartGrowth

- A SmartGrowth meeting was held yesterday.
- Status updates were provided in relation to timing of developments at Tumu Wairaki and Tauriko.

- Under the National Policy Statement, Councils must have land zoned for 20% growth. There were several opportunities for Council to consider.

At the invitation of the Mayor, the Deputy Chief Executive gave an update on the Rangiuru Business Park, in relation to the timing of development and the recovery of Financial Contributions.

RESOLUTION C20-15.24

Moved: Mayor G Webber

Seconded: Cr M Grainger

- That the Senior Executive Assistant's report dated 3 December 2020 titled "Mayor's report to Council" be received.
- That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

CARRIED

11 INFORMATION FOR RECEIPT

Nil.

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C20-15.25

Moved: Cr K Marsh

Seconded: Cr M Grainger

That the public be excluded from the following parts of the proceedings of this meeting at 10.30am.

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 5 November 2020	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	<p>making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	
12.2 - Confidential Minutes of the Performance and Monitoring Meeting held on 24 November 2020	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.3 - Chief Executive Information Report	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.4 - Chief Executive's Confidential Report - Execution of Documents Under Council Seal - December 2020	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the</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

	information would be likely otherwise to damage the public interest	
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CARRIED

Mayor's Closing Address

Mayor Webber thanked the Chief Executive Officer and her Staff for their diligent work and support of Elected Members. He noted it had been an interesting yet challenging year, and it was likely that the next year would be challenging on several fronts also. He encouraged everyone to enjoy their rest and recreation over the Christmas period, and expressed Best Wishes to all.

The Mayor declared the Council meeting closed at 10.33am.

The minutes of this meeting were confirmed at the Council Meeting held on 25 February 2021.

.....
Mayor G Webber
CHAIRPERSON / MAYOR

9.6 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 17 DECEMBER 2020**File Number: A3961477****Author: Horowai Wi Repa, Governance Technical Support****Authoriser: Barbara Whitton, Customer Services and Governance Manager****RECOMMENDATION**

That the Minutes of the Audit and Risk Committee Meeting held on 17 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Audit and Risk Committee Meeting held on 17 December 2020**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
AUDIT AND RISK COMMITTEE MEETING NO. AR20-4
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON THURSDAY, 17 DECEMBER 2020 AT 1.00PM**

1 PRESENT

Mayor G Webber (Chairperson), Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr A Henry, Cr C Humphreys, Cr M Lints, Cr K Marsh, Cr J Scrimgeour and Cr D Thwaites.

2 IN ATTENDANCE

M Taris (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), R Davie (Group Manager Policy Planning and Regulatory Services), D Jensen (Senior Financial Planner), G Payne (Strategic Advisor) M Palmer (Acting Finance Manager) D Crowe (Human Resources Manager), B Whitton (Customer Service and Governance Manager), O McVicker (Corporate Development/Business Improvement Advisor), M Wakefield (Sustainability and Energy Specialist), L Balneaves (Executive Assistant Finance and Technology Services) and C Irvin (Senior Governance Advisor).

OTHER ATTENDEES

J Draper (from Maven Consulting Group), C Susan (from Audit New Zealand), R Woodfield and S Ranchhod (from Bancorp Treasury) and G Naylor (from Naylor and Associates).

3 APOLOGIES

APOLOGY

RESOLUTION AR20-4.1

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the apology for absence from Cr Murray-Benge be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 PRESENTATIONS

Nil

9 REPORTS

Nil

10 REPORTS**10.1 HEALTH AND SAFETY REPORT**

The Committee considered a report dated 17 December 2020 from the Executive Assistant People and Customer Services. The report was taken as read.

RESOLUTION AR20-4.2

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the report dated 17 December 2020 titled 'Health and Safety Report' be received.

CARRIED

10.2 SUMMARY OF AUDIT AND RISK AGENDA TOPICS

The Committee considered a report dated 17 December 2020 from the Group Manager Finance and Technology Services. The report was taken as read.

RESOLUTION AR20-4.3

Moved: Cr M Grainger

Seconded: Cr J Denyer

1. That the report dated 17 December 2020 titled 'Summary of Audit and Risk Agenda Topics' be received.
2. That the Committee approve the Audit and Risk Committee Work Plan for 2021 (provided as Tabled-Item (1) separate from the Agenda report).

CARRIED

10.3 REPORT ON THE ASSESSMENT OF WESTERN BAY OF PLENTY DISTRICT COUNCIL AS A FUTURE READY ORGANISATION

The Committee considered a report dated 17 December 2020 from the Group Manager Finance and Technology Services.

The Chief Executive Officer (CEO) introduced the report and noted the following points:

- The Western Bay of Plenty District Council's (WBOPDC) 'Corporate Plan' was in need of an update in terms of people, plans and technology. This would require reviewing and rethinking the plan, as well as being agile and adaptive to change.

The CEO introduced John Draper of Maven Consulting Group who spoke to a power point presentation, providing an overview on the following:

- The purpose of the assessment was to make recommendations to Council on how it should invest to address its future needs which included:
 - Technology, people and processes to meet future challenges;
 - Ensuring customer centric service; and
 - Equipping the organisation with the tools and skills needed to respond to change and global and national risk.
- The recommendations included:
 - Frameworks and models;
 - A 'Programme of Work' which included enabling change, building capability and capacity, improving efficiency and effectiveness and modernising technology; and
 - 'Making it Real' – using existing pilot initiatives to implement recommendations and deliver early benefits.
- Piloting Future Ready Services:
 - The four current WBOPDC initiatives: Kerbside Rubbish Contract, Water Services Contract, CRM Pilot and the Resource Consent Process, would provide an opportunity to start building the future operating environment. These would lay the groundwork for the overall programme of work.
- The Future Ready Assessment Process involved a number of steps, which included focusing on people, processes and systems.
- The 'Target Operating Model' was for a flexible, adaptive organisation, focused on improving the wellbeing of Western Bay of Plenty people by delivering customised services through a range of channels and partners.

The presenter responded to questions as follows:

- It was important that WBOPDC embarked on a 'Future Ready' journey. This included adopting modern frameworks and models for Customer Service, becoming more responsive to change, managing the risks associated with it, but building on that change at the same time.
- A key focus had to be the operating model of how the organisation related to the customer (keeping in mind that some services were delivered in conjunction with outside organisations).
- This was about an organisation operating in the future – not just about delivery, but a consolidated service organisation. The most successful organisations in the world were customer centric/orientated.
- It would be important for staff involved to put themselves 'in the customers shoes' to fully understand what was needed and accept that change was necessary.
- The impact of future technology on all aspects of being 'Future Ready' was not to be underestimated.
- It was important to think 'where to from here', and to start piece by piece with a few small key projects. Most importantly, it was about the people (staff) and starting them on a journey to begin thinking differently, and to support them in their journey.

RESOLUTION AR20-4.4

Moved: Cr M Grainger

Seconded: Cr A Henry

1. That the report dated 17 December 2020 titled 'Report on the Assessment of Western Bay of Plenty District Council As A Future Ready Organisation' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the Committee endorses the report and recommends the Chief Executive consider the 'Report on the Assessment of Western Bay of Plenty District Council' and propose implementation budgets for consideration by the Annual Plan and Long Term Plan Committee in the development of the forthcoming draft Long Term Plan 2021-31.

CARRIED

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that agenda item 10.6 be the next item of business due to the scheduled presenters not being in attendance at that time.

RESOLUTION AR20-4.5

Moved: Mayor G Webber

Seconded: Cr J Denyer

That the agenda item 10.6 be the next item of business due to the scheduled presenters not being in attendance at that time.

CARRIED

10.4 UPDATE ON OUTSTANDING AUDIT ITEMS (INTERNAL/EXTERNAL) NOVEMBER 2020

The Committee considered a report dated 17 December 2020 from the Group Manager Finance and Technology Services who gave a summary noting the following:

- The report was an update on outstanding internal and external audit items that covered two key elements:
 - External audit findings – carried out by Audit New Zealand: and
 - Internal audit findings – carried out by KPMG.
- The two key summary points were:
 - External Audit items – four were confirmed as closed by Audit New Zealand as part of the most recent audit process; and
 - The other outstanding/external audit items were in progress as staff continued work on addressing these items.

2pm Cr Murray-Benge entered the meeting.

Staff responded to questions as follows:

- **Enterprise Resource Planning (ERP) and 'Super-Users'**
The number of Super-Users (also known as 'Master Users' who have full administrative control to all areas of the ERP System) within Council's ERP system had reduced over the years through reviews of the number of Super-User profiles. The ERP system required Super-User profiles to be in place for system maintenance by Vendor staff. The number of Vendor and staff Super-User profiles was under constant review.
- There were audit trails in place to ensure that users were monitored for each user profile. Monitoring was carried out on a regular basis to ensure there was no inappropriate access.

RESOLUTION AR20-4.6

Moved: Cr J Denyer

Seconded: Cr J Scrimgeour

That the report dated 17 December 2020 titled 'Update on Outstanding Audit Items (Internal/External) November 2020' be received.

CARRIED

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next items of business be in the following order to allow the guest presenters attending for these items to be released from the meeting:

1. 10.9: Review of Governance in Context of Global Practice;
2. 10.5: Review of Treasury Policy; and
3. 10.4: Presentation of the 2019/2020 Final Audit Management Report.

RESOLUTION AR20-4.7

Moved: Mayor G Webber

Seconded: Cr J Denyer

That agenda items 10.9, 10.5, 10.4 be the next items of business, in that order, to allow the guest presenters attending for that item to be released from the meeting.

CARRIED

10.5 REVIEW OF GOVERNANCE IN CONTEXT OF GLOBAL BEST PRACTICE

The Committee considered a report dated 17 December 2020 from the Group Manager Finance and Technology Services.

The Group Manager Finance and Technology Services introduced Graham Naylor from Naylor and Associates who spoke to a presentation and provided an overview on the following:

- What 'Global Best Practice' looked like under the headings of Committee Membership, Meeting Structure and Purpose.
- How WBOPDC's Audit and Risk Committee compared with the Global Standard.
- The reviewer's findings and next steps.

2.10pm Cr Marsh withdrew from meeting

The presenter responded to questions as follows:

- It was preferable to have a smaller Committee with 'industry' specific knowledge, as well as an independent Chairperson. Allowing other Councillors to attend the meetings to gain a greater understanding of the industry was also important.
- Free and frank discussion that allowed Committee members to become fully engaged in the meetings was highly recommended.
- The key word was 'delegation'. Committees could only recommend that Council 'adopt' recommendations and should therefore involve experts to ensure an appropriate level of enquiry and questioning. The full Council needed to be satisfied that this had occurred to fully discharge any responsibilities.

RESOLUTION AR20-4.8

Moved: Cr J Denyer

Seconded: Cr M Grainger

1. That the Group Manager Finance and Technology Services report dated 17 December 2020 titled 'Review of Governance in Context of Global Best Practice' be received.
2. That the Committee considers the recommendations from the review and advises which of the recommendations they would like to implement, and which they would like to see further developed for a later decision.
3. That the Audit and Risk Committee recommends to Council that they appoint a Chair of the Audit and Risk Committee other than the Mayor.
4. That the Audit and Risk Committee recommends to Council that they appoint an independent Subject Matter Expert to the Audit and Risk Committee.
5. That staff identify an appropriate qualification that will become a requirement to be a member of the Audit and Risk Committee.

CARRIED

10.6 REVIEW OF TREASURY POLICY

The Committee considered a report dated 17 December 2020 from the Senior Financial Planner.

The Group Manager Finance and Technology Services introduced Ross Woodfield and Suresh Ranchhod from Bancorp Treasury who spoke provided an overview on the following:

- They had been appointed advisors to WBOPDC and had been working with the Senior Financial Planner, reviewing Council's Treasury Policy in line with the current economic climate and 'good practice'.
- The Group Manager Finance and Technology Services advised that the fundamental change to the Policy was a shift from taking a long term view to hedging borrowings to a medium term. The existing Policy took hedging arrangements that fixed interest rates for a longer period of time, which meant an extended commitment to hedging arrangements. However, shortening the hedging arrangements term offered Council greater agility to respond to business changes, while still achieving savings on borrowing costs over the long term. This approach was considered more suitable in the current low interest rate environment.

RESOLUTION AR20-4.9

Moved: Cr M Grainger

Seconded: Cr J Denyer

1. That the report dated 17 December 2020 titled 'Review of Treasury Policy' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Committee recommend to Council that the revised Treasury Policy be **adopted**.

CARRIED

3.20pm The meeting adjourned.3.30pm The meeting reconvened.**10.7 FINAL AUDIT MANAGEMENT REPORT 2019-20**

The Committee considered a report dated 17 December 2020 from the Senior Financial Planner.

The Group Manager Finance and Technology Services introduced Clarence Susan from Audit New Zealand who spoke to a presentation providing an overview on the following:

- The report raised seven new recommendations, six of which were necessary and one beneficial.
- Of four 'issues' raised in the Audit Plan, the most significant was the 'Fair Value Assessment' which was also linked to the 'Impairment Assessment'. Both these assessments affected the 'Fair Value' of assets.
- Overall, taking into consideration Covid-19, the report was positive. Council had done very well adhering to agreed dates of the pre-Covid-19 Audit Plan.

RESOLUTION AR20-4.10

Moved: Cr M Dean

Seconded: Cr M Murray-Benge

That the report dated 17 December 2020 titled 'Final Audit Management Report 2019-20' be received.

CARRIED

10.8 QUARTERLY REVIEW OF RISK PROFILE

The Committee considered a report dated 17 December 2020 from the Risk Specialist who gave a summary noting the following:

- This was an update on the current status of WBOPDC's top 11 strategic risks. It provided an overview of some recent developments in the country that had an effect on this and the impacts of Covid-19 on some projects that Council was looking to embark on.

Staff responded to questions as follows:

- The report characterised more of a prospective impact on risk as opposed to a retrospective impact on risk.
 - The IT Business Continuity Plan was tested, in phases, annually.
-

RESOLUTION AR20-4.11

Moved: Cr J Scrimgeour

Seconded: Cr D Thwaites

That the report dated 17 December 2020 titled 'Quarterly Review of Risk Profile' be received.

CARRIED

10.9 TREASURY UPDATE

The Committee considered a report dated 17 December 2020 from the Senior Financial Planner who gave a summary noting the following:

- Results coming in from the economy were a lot better than had been forecast when Covid-19 scenarios were initially envisaged by Treasury.
- Economic activity had rebounded well and unemployment was a lot lower than had been forecast.
- Interest rates were expected to remain very low for a long period of time, but would not be as low as forecast earlier on in the year.

RESOLUTION AR20-4.12

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

That the report dated 17 December 2020 and titled 'Treasury Update' be received.

CARRIED

11 INFORMATION FOR RECEIPT

Nil

12 RESOLUTION TO EXCLUDE THE PUBLIC**RESOLUTION AR20-4.13**

Moved: Cr M Dean

Seconded: Cr J Scrimgeour

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 - Litigation Updates	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely	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

	unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	which good reason for withholding would exist under section 6 or section 7
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CARRIED

The Meeting closed at 4.02pm.

Confirmed as a true and correct record by Council on 25 February 2021.

Unconfirmed

9.7 MINUTES OF THE PERFORMANCE AND MONITORING MEETING HELD ON 2 FEBRUARY 2021

File Number: A3990305

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Jan Pedersen, Group Manager People And Customer Services

RECOMMENDATION

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

ATTACHMENTS

- 1. Minutes of the Performance and Monitoring Meeting held on 2 February 2021**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PERFORMANCE AND MONITORING MEETING NO. PM21-1
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON TUESDAY, 2 FEBRUARY 2021 AT 9.30AM**

1 PRESENT

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

2 IN ATTENDANCE

M Taris (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), R Davie (Group Manager Policy Planning and Regulatory Services), D Pearce (Community Manager), G Payne (Strategic Advisor), M Dowd (Chief Information Officer), B Williams (Strategic Property Manager), J Paterson (Transportation Manager), P Watson (Reserves and Facilities Manager), K Hill (Utilities Manager), R Sumeran (Engineering and Special Projects Manager), C McLean (Senior Transportation Engineer), K Buckley (Project Manager Kerbside Services), B Whitton (Customer Service and Governance Manager), C Ertel (Asset and Capital Manager), W Henderson (3 Waters Engineer), M Leighton (Senior Policy Analyst), C Lim (Engagement Specialist), R Woodward (Communications Specialist), T Coupe (Project Co-ordinator Infrastructure Asset and Capital) and C Irvin (Senior Governance Advisor).

OTHERS IN ATTENDANCE

Western Bay Museum:

Paula Gaelic (Western Bay Museum Manager), Allan Sole, David Askew, Francis Young, Peter Mackay, Mike Williams, Joyce Taylor (all Trustees of Western Bay Museum).

Ivan Tottle (Waihi Beach resident), Andy Kennedy (Flat White Café Owner/Waihi Beach resident), Paul Anderson (WestLink representative for Western Bay of Plenty District Council (WBOPDC)).

3 APOLOGY

APOLOGY

RESOLUTION PM21-1.1

Moved: Cr M Grainger

Seconded: Cr J Denyer

That the apology for lateness from Cr Grey be accepted.

CARRIED

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 PRESENTATIONS

Nil

9 REPORTS

9.1 GROUP MANAGER FINANCE AND TECHNOLOGY SERVICES REPORT

The Committee considered a report dated 2 February 2021 from the Group Manager Finance and Technology Services who noted the following:

- The Key Financial Indicators and Key Financial Issues reports for the December 2020 quarter would be presented at the March 2021 Performance and Monitoring Committee due to the Finance Team being fully committed in preparing the financial information for the draft 2021/2031 Long Term Plan (LTP).
- Updated Ward and development trends statistics (as outlined in the attachment provided with the report).
- The Chief Information Officer provided an update of the project work the Information Technology and Business Solutions Team were working on;
 - Kerbside Waste Collection;
 - Technical input to the Three Waters Joint Maintenance Contract;
 - E District Plan Implementation;
 - LTP Submission Process;
 - Online Payments;
 - Insight Reporting; and
 - ERP Replacement Project.

Staff responded to questions as follows:

- There was nothing that had come to the attention of staff that warranted revision for Waihi Beach as far as the LTP and growth projections were concerned, based on information to hand that supported assumptions around growth.

RESOLUTION PM21-1.2

Moved: Mayor G Webber

Seconded: Cr A Henry

That the Group Manager's Finance and Technology Services report dated 2 February 2021 titled 'Group Manager Finance and Technology Services Report' be received.

CARRIED

9:40am Cr Gray entered the meeting.

9.2 CIVIC FINANCIAL SERVICES STATEMENT OF INTENT FOR YEAR ENDED 31 DECEMBER 2021

The Committee considered a report dated 2 February 2021 from the Group Manager Finance and Technology Services. The report was taken as read, with the following being noted:

- Civic Financial Services was a 'Council Controlled Trading Organisation' and as such were not compelled by legislation to report to Council. However, as a courtesy to the sector, they did so as a matter of course.

RESOLUTION PM21-1.3

Moved: Mayor G Webber

Seconded: Cr J Denyer

That the Group Manager Finance and Technology Services' report dated 2 February 2021 titled 'Civic Financial Services Statement of Intent for Year Ended 31 December 2021' be received.

CARRIED

9.3 BOPLASS LIMITED ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2020

The Committee considered a report dated 2 February 2021 from the Group Manager Finance and Technology Services who noted the following:

- Bay of Plenty Local Authority Shared Services Limited (BOPLASS) had continued to develop collaboration between councils in the delivery of services, and had been able to remain on target despite COVID-19.
- Highlights included the appointment of a provider for insurance brokerage and risk management service, achieving a number of targets in accordance with the BOPLASS Statement of Intent, investigation of new joint procurement initiatives for goods and services for BOPLASS councils and an extended level of support to councils that are managing or investigating shared service projects.

RESOLUTION PM21-1.4

Moved: Cr K Marsh

Seconded: Cr J Denyer

That the Group Manager Finance and Technology Services' report dated 2 February 2021 titled 'BOPLASS Limited Annual Report For The Year Ended 30 June 2020' be received.

CARRIED

9.4 RAPID NUMBERING - OHAUITI ROAD

The Committee considered a report dated 2 February 2021 from the Chief Information Officer who noted the following:

- At the Performance and Monitoring Committee meeting held on 24 November 2020, a resident of Ohauti Road spoke in Public Forum, requesting confirmation that the house numbering on Ohauti Road had been applied correctly.
 - The report illustrated how the Rural Address Property Identification (RAPID) numbering system was implemented.
-

- Staff had met with the Ohauti Road resident and the method of measuring and the RAPID numbering system was discussed and resolved.

RESOLUTION PM21-1.5

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

That the Chief Information Officer's report dated 2 February 2021 titled 'RAPID Numbering – Ohauti Road' be received.

CARRIED

9.5 WESTERN BAY MUSEUM

The Committee considered a report dated 2 February 2021 from the Community Manager.

Paula Gaelic, Western Bay Museum Manager, introduced herself and the attending Western Bay Museum Trustees, spoke to a power point presentation and provided an overview of the following:

- An introduction to the Museum, advising that extra funding was being sought for the next level of development in the Museum's ten-year development plan.
- Initiatives and deliveries which included, amongst other things:
 - Providing three successful education programmes;
 - Investment in long term branding;
 - Free permanent entry for WBOPDC residents; and
 - Secured sponsorship from Seeka for school children to attend the 1900's school experience.
- Sources of Finance.
- The Museum's ten year development plan which included:
 - The employment of a Museum qualified Collections Curator;
 - The creation of a strong focus on Te Puke School Visits;
 - The construction of a museum-compliant storage and workspace facility;
 - The return of locally significant Taonga;
 - A partnership with Whenua to construct a Cultural Centre; and
 - A secure, 'facility compliant', exhibition space in Te Puke.
- The benefits of a Museum Collections Curator and a compliant storage and workspace facility which included:
 - Acquiring the scientific knowledge and expertise needed for the preservation and safeguarding of objects that included software to suit requirements, safe handling techniques and security in emergencies; and
 - Management of a much needed space for storing objects (hundreds of objects were safeguarded/stored in other museums and could not be returned until appropriate storage was established).

The Presenter responded to questions as follows:

- It was perhaps more convenient for people to have a museum situated in the Central Business District (CBD), but there was no evidence to support that a location in the CBD was better than a sub-regional facility.
- The Museum was hoping to obtain funding and land approval from Council within the next two to three years. The land would be shared with three other stand-alone organisations.

RESOLUTION PM21-1.6

Moved: Cr J Denyer

Seconded: Cr A Henry

RECOMMENDATION TO COUNCIL

1. That the Community Manager's report dated 2 February 2021, titled 'Western Bay Museum' 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 Western Bay Museum Strategic Plan, as attached, be referred as a submission to the Long Term Plan.

CARRIED

10.10am The meeting was adjourned.10.30am The meeting reconvened.**9.6 WAIHI BEACH ROCK REVETMENT - COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS**

The Committee considered a report dated 2 February 2021 from the Utilities Manager who introduced Ivan Tottle and Andy Kennedy from Waihi Beach and spoke to the report noting the following:

- The Bay of Plenty Regional Council (BOPRC) were the final authority on the Resource Consent that would be needed for the wall construction.
- The property owners wished to protect their assets and do something of their own accord in the form of a structure that would be on both their land and the Council esplanade. To do this, they needed Council permission.
- Mr Andy Kennedy advised that, as property owners had observed, they felt a rock (revetment) wall was an effective method of a coastal erosion protection system. The property owners wished to take on the burden of these works, but with Council's support.

Staff responded to questions as follows:

- Council would not be seen as an 'interested party' as the Resource Consent application would be from the land owners only.
 - If the Consent was successful, Council would pay for the rock revetment wall section only on the Elizabeth Street Reserve area (which they own), but not for the Resource Consent application or the other works.
 - BOPRC were very clear on their policy of 'letting nature taking its course' and the need to go through due process to protect assets. In this case, BOPRC needed to review the benefits for the property owners involved.
 - Even though Council had a 'Coastal Inundation Policy' which supported 'letting nature take its course', the Elizabeth Street Reserve area was one of the main entries to the beach and because of this the Waihi Beach Community wanted it protected and access to the beach maintained.
-

RESOLUTION PM 21-1.7

Moved: Mayor G Webber

Seconded: Cr D Thwaites

RECOMMENDATION TO COUNCIL

1. That the Utilities Manager's report dated 2 February 2021 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 Elizabeth Street Reserve asset with a hard structure.
4. That Council, as administering authority and landowner, approves the private construction of consented coastal works on Council reserve, Lot 125 DP35465 Waihi Beach, subject to the conditions, including:
 - A resource consent being granted by Bay of Plenty Regional Council;
 - Consent and construction fully funded by owners;
 - Agreement with council on operational cost and responsibilities; and
 - Council funding Construction, but not design, and consenting costs for the Elizabeth Street Reserve section.

CARRIED

Cr Dean voted against motions 1, 2, 3 and 4.

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be open Agenda item 9.7: 'Omokoroa to Tauranga Cycle Trail – User Survey' due to a presenter not being in attendance at that time.

RESOLUTION PM21-1.8

Moved: Cr M Grainger

Seconded: Cr G Dally

That open Agenda item 9.7: being 'Omokoroa to Tauranga Cycle Trail – User Survey' be the next item of business due to a presenter not being in attendance at that time.

CARRIED

9.7 OMOKOROA TO TAURANGA CYCLE TRAIL - USER SURVEY

The Committee considered a report dated 2 February 2021 from the Reserves and Facilities Projects Assets Manager.

The Reserves and Facilities Manager spoke to a power point presentation summarising the survey results and noted the following:

- The survey was commissioned to capture data and feedback from cycle trail users to inform future decisions and Council's corporate reporting performance measures.
 - One of the main complaints to come out of the survey was that there were too many cyclists going too fast.
-

Staff responded to questions as follows:

- Although the survey was carried out during a school holiday period, from 14 December 2020 to 5 January 2021, it reflected more feedback from Senior Citizens.
- It was thought that people with new electric bikes may not be aware of how fast they were going and this contributed to safety issues along the trail.
- A safety audit had been undertaken for Borell Road to identify areas of concern.
- It was felt that people needed to be better educated around cycling etiquette and travelling at safe speeds.
- There was mounting evidence that toilets needed to be installed around the Cooney Reserve area.

RESOLUTION PM21-1.9

Moved: Cr M Grainger

Seconded: Cr M Dean

That the Reserves and Facilities Projects Assets Manager's report dated 2 February 2021 titled 'Omokoroa to Tauranga Cycleway – User Survey' be received.

CARRIED

9.8 TE REREATUKAHIA WASTEWATER SCHEME CONNECTION COSTS

The Committee considered a report dated 2 February 2021 from the Asset and Capital Manager who, along with the Three Waters Engineer and the Senior Policy Analyst, spoke to a power point presentation noting the following:

- Funding had been received through the Three Waters Crown Infrastructure Partners (CIP) to reticulate Te Rereatukahia Marae, which also included reticulating the properties surrounding the Marae.
 - After earlier negotiations between Council and Te Rereatukahia Marae were unsuccessful, Iwi requested in 2009 that Council reconsider the wastewater scheme for the Marae.
 - The wastewater scheme would be a pressure system. Each individual property would have their own pump, which would be owned by Council.
 - The wastewater scheme would be one hundred percent funded by the CIP (this would not cover connection charges). Properties would be required to pay the ongoing Uniform Targeted Rate (UTR). Landowners who did not connect to the system would pay an annual availability charge until they connected to the scheme.
 - The Three Waters Engineer met with Iwi at the Te Rereatukahia Marae in December 2020, who expressed their concerns, mainly around connection costs. A number of questions were put forward for Council's consideration (as referred to in the report). Repayments and requests for interest free payment plans, as well as possible subsidies or reduced Financial Contribution (FINCO) fees were queried.
 - Three possible options for connection charges were highlighted in the report, from the least to most positive outcomes.
 - Wastewater reticulation was considered the best long-term solution for this community, both environmentally and for public health.
 - The CIP funding had to be spent by March 2022. If property owners did not connect now and use the available funding, the connection costs for the properties would increase significantly for any work undertaken in the future.
-

Staff responded to questions as follows:

- There was insufficient time available to put this proposal out for full consultation for this years Long Term Plan (LTP).
- There was no specific direct funding expected for this project from the BOPRC. However, if they were to provide a Resource Consent it would be expected that this would be free of charge.
- The wastewater project for Te Rereatukahia Marae had been added to the CIP list for funding because Council had been deliberating about it for a number of years with the knowledge that the scheme would greatly assist the Community and provide social and environmental outcomes.

RESOLUTION PM21-1.10

Moved: Cr M Dean

Seconded: Cr D Thwaites

RECOMMENDATION TO COUNCIL

1. That the Asset and Capital Manger's report dated 2 February 2021 titled 'Te Rereatukahia Wastewater Scheme Connection Costs' 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 it is recommended to Council that no connection charge is to be applied to the Te Rereatukahia wastewater scheme.
4. That Council staff look at a simple policy/statement to recognise the unique circumstances for this situation.

CARRIED

9.9 THREE MONTH REVIEW - OPENING HOURS WAIHI BEACH LIBRARY AND SERVICE CENTRE.

The Committee considered a report dated 2 February 2021 from the Customer Services and Governance Manager who noted the following:

- Information was gathered from the Waihi Beach Community through feedback forms, email communications, and a survey of the Waihi Beach School Parent Community over a three month period.
 - From the data gathered, an increase in opening hours on Friday from 10am to 5pm (three extra hours) was preferred.
-

RESOLUTION PM21-1.11

Moved: Cr A Henry

Seconded: Cr J Denyer

RECOMMENDATION TO COUNCIL

1. That the Customer Services and Governance Manager's report dated 2 February 2021 titled 'Three Month Review – Opening Hours Waihi Beach Library and Service Centre' 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 opening hours of the Waihi Beach Library and Service Centre be extended by 3 hours to 10am to 5pm on Fridays.
4. That the opening hours of the Waihi Beach Library and Service Centre be reviewed in three months' time.

CARRIED

9.10 OPERATIONAL RISK REPORT FEBRUARY 2021

The Committee considered a report dated 2 February 2021 from Deputy Chief Executive/Group Manager Infrastructure Services.

The Asset and Capital Manager and the Three Waters Engineer gave an overview on the following:

- 'Three Waters' CIP project;
- Omokoroa Storm Water Bund;
- Western Water – State Highway 2 Water Main Replacement;
- Treatment Plant Monitoring Equipment;
- Infrastructure Capital Works – Te Puke WWTP upgrade;
- Water Bores; and
- Youngson Reservoir.

The Utilities Manager and the Project Manager Kerbside Services gave an overview on the following:

Kerbside Collection Project

- Staff have been working with EnviroWaste on phases of the implementation plan which was progressing well.
- A full advertising campaign called 'Welcome to the Kerbside Collective' was due to start on 9 February 2021, with various other activities planned to raise awareness around the project.
- Key milestones include an agreed masterplan, established pick-up routes, a Question and Answer Website, 'Pay As You Throw' tags, an IT/service request process, a pickup day roster and an interactive Website map.

Two Mile Creek

- The outcome of the tender process resulted in construction costs being significantly higher than budgeted for, so other design options within Council's budget were being looked at.
 - Two options that have been canvassed were a 'timber retaining' option and a 'concrete panel' option. The concrete panel option was seen as the best outcome option.
-

- Limitations within the Resource Consent dictated that work in the stream could not be carried out from July to November. Because of this, construction was not likely to be completed until the end of 2022.

Staff responded to questions as follows:

- Council was still waiting on site consent approval from the two landowners involved in the process.

Western Bay of Plenty District Council Water Supply

- There were no major water supply issues during the months of December 2020 and January 2021.

The Engineering and Special Projects Manager and the Project Manager Kerbside Services gave an overview on the following:

Omokoroa CIP Roding Projects

- Public engagement meetings were held on 12 November 2020 and 2 December 2020.
- A preliminary design had been completed which included roading layout, water, wastewater and stormwater.
- Adjacent landowners had been consulted and land negotiations for the roundabout areas were continuing.
- There had been preliminary discussions on the location of the wastewater pump station, wetland and the Prole Road extension to the Waipapa River.
- Future works for Prole Road included completing land negotiations and the design and tender documents, followed by a contract for construction, with a project completion date of June 2022.

The Reserves and Facilities Manager gave an overview on the following:

Hot Springs Road – Cemetery/Urupa

- A Hui had been held with Ngai Tamawhariua on 15 January 2021, where an indicative boundary for the Urupa had been proposed. Connection to the Te Rereatukahia stream was important for the Urupa area.
- The proposed boundary provided sufficient land to meet future demands for public cemetery areas.
- Staff needed to prepare a report on the required statutory process to revoke the reserve status in order to make the land available for use as a public cemetery/Urupa.

Moore Park Shed Fire – 20 December 2020

- Staff would follow up on the insurance claim and continue to support the Katikati Cricket Club.

The Strategic Property Manager gave an overview on the following:

Kaimai Views- Housing Affordability Forum (HAF) Area

- The agreement was signed by Council on 22 January 2021, with Council continuing to work with the HAF working group.
- The agreement was conditional for at least six months on a number of things which included the parties reaching agreement on the development plans. It was anticipated that the agreement would go unconditional before the end of the six month conditional period.

RESOLUTION PM21-1.12

Moved: Mayor G Webber
Seconded: Cr M Murray-Benge

That the Deputy Chief Executive's Report dated 2 February 2021 titled 'Operational Risk Report February 2021' be received.

CARRIED

10 INFORMATION FOR RECEIPT

Nil

11 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION PM21-1.13

Moved: Cr M Grainger
Seconded: Cr M Dean

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
11.1 - Operational Risk Report February 2021 Confidential	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

The Meeting closed at 1:12pm.

Confirmed as a true and correct record by Council on 25 February 2021.

9.8 MINUTES OF THE COUNCIL MEETING HELD ON 9 FEBRUARY 2021

File Number: A3996198

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Carolyn Bennett-Ouellet, Team Leader Customer Service Central

RECOMMENDATION

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

ATTACHMENTS

- 1. Minutes of the Council Meeting held on 9 February 2021**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C21-1
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON TUESDAY, 9 FEBRUARY 2021 AT 1.00PM**

1 PRESENT

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

2 IN ATTENDANCE

G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), G Payne (Strategic Advisor), K Hill (Utilities Manager), J Stewart (Network Engineer Water), L Jackett (Contracts and Procurement Team Leader) and C Irvin (Senior Governance Advisor).

OTHERS IN ATTENDANCE

Tauranga City Council

S Burton (Director City Waters) and C Davidson (Project Manager Three Waters Collaborative Project)

D Hubbard (Independent Probity Advisor - Three Waters Project).

COMMUNITY BOARDS

Nil

3 APOLOGIES

Nil

RESIGNATION OF COUNCILLOR

On behalf of Council, Mayor Webber acknowledged the Resignation of Councillor Christina Humphreys as a Katikati-Waihi Beach Ward Councillor, effective from 29 January 2021. He noted "We wish Christina all the very best for the future".

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 INFORMATION FOR RECEIPT

8.1 PROCESS REQUIREMENT

The additional Council meeting had been scheduled to consider one item of business, being a confidential report. The Council meeting was required to be convened in 'Open Session' and for the motion to enter into 'Public Excluded' session to be put in public. In the absence of any other open report on the agenda, this report served to create the Open Agenda in Council's Info-council system.

PROCESS REQUIREMENT

RESOLUTION C21-1.1

Moved: Cr M Grainger

Seconded: Cr M Gray

That the Senior Governance Advisor's information report dated 9 February 2021 titled 'Process Requirement' be received.

CARRIED

9 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C21-1.2

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
0.0 - Contract Number 19/1074 - Three Waters Operations and Maintenance Contract	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

The Mayor declared the Council meeting closed at 1.14pm.

The minutes of this meeting were confirmed at the Council Meeting held on 25 February 2021.

.....
Mayor G Webber
CHAIRPERSON / MAYOR

Unconfirmed

10 REPORTS

10.1 RECOMMENDATORY REPORT FROM AUDIT AND RISK COMMITTEE - REVIEW OF TREASURY POLICY

File Number: A3964424

Author: David Jensen, Senior Financial Planner

Authoriser: Kumaren Perumal, Group Manager Finance and Technology Services

EXECUTIVE SUMMARY

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

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

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

RECOMMENDATION

1. That Council adopt the revised 'Treasury Policy' as presented at the Audit and Risk Committee meeting on 17 December 2020 (**attached**).
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.

RECOMMENDATION FROM THE AUDIT AND RISK COMMITTEE ON 17 DECEMBER 2020

Remit No. AR20-4.9: REVIEW OF TREASURY POLICY

Moved: Cr M Grainger

Seconded: Cr J Denyer

1. That the report dated 17 December 2020 titled 'Review of Treasury Policy' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Committee recommend to Council that the revised Treasury Policy be adopted.

STAFF COMMENTS

Council's treasury advisor, Bancorp New Zealand Limited, presented the revised draft Treasury Policy for the Audit and Risk Committee's (the Committee) consideration at its meeting held on 17 December 2020. Staff support the recommendation in accordance with the report titled 'Review of Treasury Policy' as considered by the Committee at its December 2020 meeting.

ATTACHMENTS

1. **Western Bay of Plenty District Council's Treasury Policy - December 2020**  

WESTERN BAY OF PLENTY DISTRICT COUNCIL

Treasury Policy

**Incorporating the
Liability Management
and Investment Policies
as required by
sections 104 and 105
of the
Local Government Act 2002**

**Audit & Risk Committee Approved: 17
December 2020**

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1.0 INTRODUCTION

1.1. Policy purpose

The purpose of the Treasury Policy is to outline approved policies and procedures in respect of all treasury activity to be undertaken by Western Bay of Plenty District Council ("WBOPDC" or "Council"). The formalisation of such policies and procedures will enable treasury risks within WBOPDC to be prudently managed.

As circumstances change, the policies and procedures outlined in this policy will be modified to ensure that treasury risks within WBOPDC continue to be well managed. In addition, regular reviews will be conducted to test the existing policy against the following criteria:

- Industry "best practices" for a Council the size and type of WBOPDC.
- The risk bearing ability and tolerance levels of the underlying planning, revenue and cost drivers.
- The effectiveness and efficiency of the Treasury Policy and treasury management function to recognise, measure, control, manage and report on WBOPDC's financial exposure to market interest rate risks, funding risk, liquidity, investment risks, counterparty credit risks and other associated risks.
- The operation of a proactive treasury function in an environment of control and compliance.
- The robustness of the policy's risk control limits and risk spreading mechanisms against normal and abnormal interest rate market movements and conditions.
- Assistance to WBOPDC in achieving strategic objectives relating to ratepayers.

It is intended that the policy be distributed to all personnel involved in any aspect of the WBOPDC's financial management. In this respect, all staff must be completely familiar with their responsibilities under the policy at all times.

2.0 SCOPE AND OBJECTIVES

2.1. Scope

- This document identifies the policies of WBOPDC in respect of treasury management activities.
- The policy has not been prepared to cover other aspects of WBOPDC's operations, particularly, systems of internal control and financial management. Other policies and procedures of WBOPDC cover these matters.
- Planning tools and mechanisms are also outside of the scope of this policy.

2.2. Objectives

The objective of this Treasury Policy is to control and manage costs and investment returns that can influence operational budgets and public equity. Specifically:-

Statutory objectives

- All borrowing, investments and incidental financial arrangements (e.g. use of interest rate hedging financial instruments) will meet requirements of the Local Government Act 2002 and incorporate the Liability Management Policy and the Investment Policy.
- WBOPDC is governed by the following relevant legislation:
 - Local Government Act 2002, in particular Part 6 including sections 101, 101A, 102, 104, 105 and 113.
 - Local Government (Financial Reporting and Prudence) Regulations 2014, in particular Schedule 4.
 - Trustee Act 1956. When acting as a trustee or investing money on behalf of others, the Trustee Act highlights that trustees have a duty to invest prudently and that they shall exercise care, diligence and skill that a prudent person of business would exercise in managing the affairs of others. All projected external borrowings are to be approved by Council as part of the Annual Plan (AP) or the Long Term Plan (LTP) process, or resolution of Council before the borrowing is affected.
- All projected borrowings are to be approved by Council as part of the AP process or the LTP process or resolution of Council before the borrowing is affected.
- All new legal documentation in respect to borrowing and financial instruments will be approved by Council's solicitors prior to the transaction being executed.
- Council will not enter into any borrowings denominated in a foreign currency.
- Council will not transact with any Council Controlled Trading Organisation (CCTO) on terms more favourable than those achievable by Council itself.
- A resolution of Council is not required for hire purchase, credit or deferred purchase of goods if:
 - The period of indebtedness is less than 91 days (including rollovers); or
 - The goods or services are obtained in the ordinary course of operations on normal terms for amounts not exceeding in aggregate \$500,000.
- Other - Instruments not specifically referred to in this policy may only be used with specific Council approval.

General objectives

- To manage investments to optimise returns in the long term whilst balancing risk and return considerations.
- Minimise Council's costs and risks in the management of its borrowings.
- Minimise Council's exposure to adverse interest rate movements.
- Monitor, evaluate and report on treasury performance.
- Borrow funds and transact risk management instruments within an environment of control and compliance under the Council approved Treasury Policy so as to protect Council's financial assets and costs.
- Arrange and structure long term funding for Council at the lowest achievable interest margin from debt lenders but at all times operating within the parameters of the Treasury Policy. Optimise flexibility and spread of debt maturity within the funding risk limits established by this policy statement.
- Monitor and report on financing/borrowing covenants and ratios under the obligations of Council's lending/security arrangements.
- Comply with financial ratios and limits stated within this policy.
- Monitor Council's return on investments.
- Ensure the Council, management and relevant staff are kept abreast of the latest treasury products, methodologies, and accounting treatments through training and in-house presentations.
- Maintain appropriate liquidity levels and manage cash flows within Council to meet known and reasonable unforeseen funding requirements.
- To minimise exposure to credit risk by dealing with and investing in credit worthy counterparties.
- Ensure that all statutory requirements of a financial nature are adhered to.
- To ensure adequate internal controls exist to protect Council's financial assets and to prevent unauthorised transactions.
- Develop and maintain relationships with financial institutions, the Local Government Funding Agency Limited (LGFA), credit rating agencies, investors and investment counterparties.

In meeting the above objectives Council is, above all, a risk averse entity and does not seek risk in its treasury activities. Interest rate risk, liquidity risk, funding risk, default or credit risk, and operational risks are all risks which the Council seeks to manage, not capitalise on. Accordingly activity which may be construed as speculative in nature is expressly forbidden.

2.3. Policy setting and management

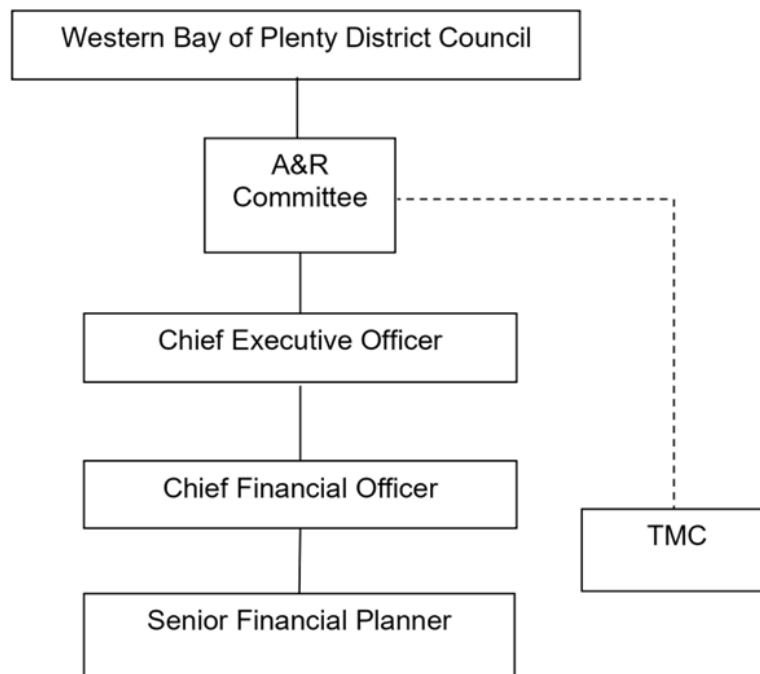
Council approves Policy parameters in relation to its treasury activities. The Chief Executive Officer (CEO) has overall financial management responsibility for the Council's borrowing and investments, and related activities.

The Council exercises ongoing governance over its subsidiary companies (CCO/CCTO), through the process of approving the Constitutions, Statements of Intent, and the appointment of Directors/Trustees of these organisations.

3.0 MANAGEMENT RESPONSIBILITIES

3.1. Overview of management structure

The following diagram illustrates those positions or functions that have treasury responsibilities.



3.2. Council

The Council has ultimate responsibility for ensuring that there is an effective policy for the management of its risks. In this respect the Council decides the level and nature of risks that are acceptable, given the underlying objectives of WBOPDC.

The Council is responsible for approving the Treasury Policy in accordance with public consultation obligations. While the policy can be reviewed and changes recommended by other persons, the authority to make or change policy cannot be delegated.

In this respect, the Council has responsibility for:

- Approving the long-term financial position of WBOPDC through the 10 year LTP and the adopted AP.
- Approving new debt through the adoption of the AP, specific Council resolution and approval of this policy.
- Approving the Treasury Policy incorporating the following delegated authorities:
- Approving budgets and high level performance reporting
- Delegate authority to the Audit & Risk Committee, CEO and other officers.

The Audit & Risk Committee should also ensure that:-

Responsibilities include:

- receives regular information from management on funding and interest rate risk exposures and the utilisation of financial instruments.
- Issues raised by auditors (both internal and external) in respect of any significant weaknesses in the treasury function are resolved in a timely manner.
- Submissions are received from management requesting approval for one-off transactions falling outside policy guidelines.
- Receive and review the monthly treasury report.
- Recommending treasury policy (or changes to existing policy) to the Council.
- Receive recommendations from the CFO and making submissions to the Council on all treasury matters requiring Council approval.
- Approve facilities and instruments as delegated by Council
- The Audit & Risk Committee will take recommendations from the Treasury Management Committee (TMC), which is formed by the CFO, the SFP, and an independent treasury advisor. The TMC will meet monthly and discuss the management of treasury related risks the council faces.

3.3. **Council consideration of Treasury matters**

Council will consider treasury matters as part of its six weekly meeting cycle (and informally as required).

Structure:

- Full Council
- Chief Financial Officer (CFO) or alternative, Senior Financial Planner (SFP)

The Quorum is 6.

Either one of the CEO or CFO must be present, i.e. the Acting CEO and the alternative for CFO cannot act together).

3.4. **Chief Executive Officer**

While the Council has final responsibility for the policy governing the management of Council's risks, it delegates overall responsibility for the day-to-day management of such risks to the CEO.

In respect of treasury management activities, the CEO's responsibilities include:-

- Ensuring the Treasury policies comply with existing and new legislation.
- Approving the opening and closing of Council bank accounts.
- Approving the register of cheque and electronic banking signatories.
- Approve new counterparties and counterparty limits.
- Approve new borrowing undertaken in line with Council resolution and approved borrowing strategy.
- Receive advice of breaches of Treasury Policy and significant treasury events from the CFO or Senior Financial Planner.
- Approve treasury transactions in accordance with delegated authority.

- Approve all amendments to Council records arising from checks to counterparty confirmations.
- Delegate treasury operation responsibilities to management through the Treasury Management Operations Schedule.

3.5. CFO

- Management responsibility for borrowing, investment and cash management activities.
- Recommend Policy changes to the Risk and Audit Subcommittee for evaluation.
- Ongoing risk assessment of borrowing and investment activity including procedures and controls.
- Liaise with S&P Global Ratings ("S&P") in regards to obtaining/maintaining the Councils external credit rating.
- Oversee relationships with financial institutions.
- Approve new borrowing undertaken in line with Council resolution and approved borrowing strategy.
- Approve re-financing of existing debt.
- Approve treasury transactions in accordance with policy parameters outside of the Finance Operations Manager's delegated authority.
- Authorise the use of Audit and Risk Committee approved interest rate risk management instruments within discretionary authority.
- Negotiate new and maturing borrowing facilities.
- Approve all amendments to the Council's records arising from checks to counterparty confirmations.
- Authorise all interest rate hedging transactions with bank counterparties to change the fixed: floating mix to re-profile the Council's interest rate risk.
- Propose new funding requirements to the Audit and Risk Committee for consideration and submission to the Council.
- Review and make recommendations on all aspects of the Treasury Policy to the Audit and Risk Committee.
- Oversee the annual review of the Treasury Policy, treasury procedures and all dealing and counterparty limits.
- Ensure that all borrowing and financing covenants to lenders are adhered to.
- Analyse the most cost effective financing options to minimise borrowing costs.
- Negotiate all new or rollover funding facilities.
- Monitor and review the overall performance of the treasury function.
- Monitor treasury exposure on a regular basis, including current and forecast cash position, interest rate exposures and borrowings.
- Approve deal tickets for treasury transactions.
- Review Treasury reports to Audit and Risk Committee.

3.6. Senior Financial Planner

- Provide regular short term and long-term cash flow and debt projections to the CFO.
- Execute treasury transactions in accordance with set limits and CFO authority.

- Manage the operation of all bank accounts and other account features.
- Monitor all treasury exposures daily.
- Manage daily cash management.
- Update treasury spreadsheets for all new, re-negotiated and maturing transactions.
- Monitor borrowing and investment settlements and arrange for approval by authorised signatories.
- Prepare short term cash flow forecasts.
- Reconcile monthly summaries of outstanding financial contracts from banking counterparties to internal records.
- Check compliance against limits and prepare report on an exceptions basis.
- Monitor credit rating of approved counterparties.
- Ensure all financial instruments are valued and accounted for correctly in accordance with current best practice standards.
- Manage all administrative aspects of bank counterparty agreements and documentation such as loan agreements and ISDA swap documents.
- Check all treasury deal confirmations against deal documentation and report any irregularities immediately to the CEO. Account for all treasury transactions in accordance with legislation and generally accepted accounting principles and the Council's accounting policy.
- Review month end variance analysis to ensure reasonableness of borrowing and investment accounts.
- Review and approve borrowing and investment system/spreadsheet reconciliation to general ledger.
- Deliver daily and weekly reports to the CFO covering cash/liquidity, interest rate risk position, transaction activity and performance.

3.7. Delegation of authority and authority limits

Treasury transactions entered into without the proper authority are difficult to cancel given the legal doctrine of "apparent authority". Also, insufficient authorities for a given bank account or facility may prevent the execution of certain transactions (or at least cause unnecessary delays).

To prevent these types of situations, the following procedures must be complied with:-

- All delegated authorities and signatories must be reviewed at least annually to ensure that they are still appropriate and current.
- A comprehensive letter must be sent to all bank counterparties at least annually to confirm details of all relevant current delegated authorities empowered to bind Council.

Whenever a person with delegated authority on any account or facility leaves Council, all relevant banks and other counterparties must be advised in writing in a timely manner to ensure that no unauthorised instructions are to be accepted from such persons.

Council has the following responsibilities, either directly itself, or via the delegated authorities detailed in appendix 1.

4.0 LIABILITY MANAGEMENT POLICY

Council's liabilities comprise borrowings and various other liabilities. Council maintains borrowings in order to:

- Fund the balance sheet as a whole, including working capital requirements.
- Raise specific debt associated with projects and capital expenditures.
- Fund assets whose useful lives extend over several generations of ratepayers.

4.1. Debt ratios and limits

Debt will be managed within the following macro limits.

Ratio	WBOPDC Preferred Policy Limits	WBOPDC Max Policy Limits	LGFA Max Policy Limits
Net Debt as a percentage of Total Revenue	<180%	<200%	<300%
Net Interest as a percentage of Total Revenue	<15%	<20%	<20%
Net Interest as a percentage of Annual Rates Income (debt secured under debenture)	<20%	<25%	<30%
Liquidity (external term debt + committed loan facilities + available liquid short-term financial investments to existing external debt)	>110%	>110%	>110%

- Total Revenue is defined as cash earnings from rates, government grants and subsidies, user charges, interest, dividends, financial and other revenue and excludes non-government capital contributions (e.g. developer contributions and vested assets).
- Net Debt is defined as total debt less liquid short-term financial assets and investments.
- Liquidity is defined as external term debt plus committed loan facilities plus available liquid short-term financial investments divided by existing external debt. Liquid investments are financial assets defined as being:
 - Overnight bank cash deposits
 - Wholesale/retail bank term deposits no greater than 30 days
 - Bank issued RCD's less than 181 days.
 - Wholesale/ retail bank term deposits linked to pre-funding of maturing term debt exposures
- Net Interest is defined as the amount equal to all interest and financing costs less interest income for the relevant period.
- Annual Rates Income is defined as the amount equal to the total revenue from any funding mechanism authorised by the Local Government (Rating) Act 2002 together with any revenue received from other local authorities for services provided (and for which the other local authorities rate).

Debt will be repaid as it falls due in accordance with the applicable loan agreement. Subject to the debt limits, a loan may be rolled over or re-negotiated as and when appropriate.

Disaster recovery requirements are to be met through the liquidity ratio.

4.2. Asset management plans

In approving new debt the Council considers the impact on its borrowing limits as well as the economic life of the asset that is being funded and its overall consistency with Council's LTP.

4.3. **Borrowing mechanisms**

WBOPDC is able to borrow through a variety of market mechanisms including issuing bonds, Commercial Paper (CP) and debentures, direct bank borrowing, accessing the short and long-term wholesale and retail capital markets, and the Local Government Funding Agency Limited directly or internal borrowing of reserve and special funds. In evaluating strategies for new borrowing (in relation to source, term, size and pricing) the CFO takes into account the following:-

- Available terms from banks, LGFA, debt capital markets and bond issuance.
- Council's overall debt maturity profile, to ensure concentration of debt is avoided at reissue/rollover time.
- Prevailing interest rates and margins relative to term for bond issuance, LGFA, debt capital markets and bank borrowing.
- The market's outlook on future credit margin and interest rate movements as well as WBOPDC's own outlook.
- Ensuring that the implied finance terms and conditions within the specific debt (e.g. project finance) are evaluated in terms such as cost/tax/risk limitation compared to the terms and conditions WBOPDC could achieve in its own right.
- Legal documentation and financial covenants together with security and credit rating considerations.
- For internally funded projects, to ensure that finance terms for those projects are at similar terms to those from external borrowing.
- Alternative funding mechanisms such as leasing should be evaluated with financial analysis in conjunction with traditional on-balance sheet funding. The evaluation should take into consideration, ownership, redemption value and effective cost of funds.

Council's ability to readily attract cost effective borrowing is largely driven by its ability to rate, maintain a strong financial standing and manage its relationships with its investors, LGFA, financial institutions/brokers and maintain a strong credit rating.

Council has the ability to pre-fund up to 18 months of forecast debt requirements including re-financings.

4.4. **Security**

Council's borrowings and interest-rate risk management instruments will generally be secured by way of a charge over rates and rates revenue offered through a Debenture Trust Deed. The utilisation of special funds and reserve funds and internal borrowing of special funds/reserve funds and other funds will be on an unsecured basis.

Under the Debenture Trust Deed, Council's borrowing is secured by a floating charge over all Council rates levied under the Local Government (Rating) Act 2002, excluding any rates collected by Council on behalf of any other local authority. The security offered by Council ranks equally or 'Pari Passu' with other lenders.

Council offers deemed rates as security for general borrowing programs. From time to time, with prior Council approval, security may be offered by providing a charge over one or more of Council's assets.

Physical assets will be charged only where:-

- There is a direct relationship between the debt and the purchase or construction of the asset, which it funds (e.g. an operating lease, or project finance).
- Council considers a charge over physical assets to be appropriate.

- Any pledging of physical assets must comply with the terms and conditions contained within the Debenture Trust Deed.

4.5. Debt repayment

The funds from all asset sales and operating surpluses will be applied to the reduction of debt and/or a reduction in borrowing requirements, unless the Council specifically directs that the funds will be put to another use.

Debt will be repaid as it falls due in accordance with the applicable loan agreement. Subject to the appropriate approval and debt limits, a loan may be rolled over or re-negotiated as and when appropriate.

The Council will manage debt on a net portfolio basis and will only externally borrow when it is commercially prudent to do so.

4.6. Guarantees/contingent liabilities and other financial arrangements

Council may act as guarantor to financial institutions on loans or enter into incidental arrangements for organisations, clubs, Trusts, or Business Units, when the purposes of the loan are in line with Council's strategic objectives.

Council is not allowed to guarantee loans to CCTO's under Section 62 of the Local Government Act.

Financial arrangements include advances to community organisations.

Council will ensure that sufficient funds or lines of credit exist to meet amounts guaranteed. Guarantees given will not exceed an amount agreed by Council or an appropriate Council Committee in aggregate. The CFO monitors outstanding guarantees and reports to the Council quarterly.

4.7. Internal borrowing

Council uses its reserves to internally fund new capital projects. The CFO is responsible for administering the Council's internal loan portfolio. Loans are set up within the portfolio based on planned loan funded capital projects or operational expenditure as approved by Council resolution as part of the AP and LTP.

The primary objective in funding internally is to use reserves and external borrowing effectively, by establishing a portfolio that provides funding to internal activity centres. This creates operational efficiencies through not paying fees/margins and other costs associated with raising external borrowing.

In addition to external borrowing the following specific reserves are used for internal borrowing purposes:

- Special Fund Reserves
- General Accumulated Reserves

All internal borrowing activities are consistent with the principles and parameters outlined throughout the Liability Management and Investment Policies:

- Council firstly seeks to utilise internal reserve funds and if insufficient reserves are available utilises external borrowing.
- A notional internal loan is set up for all new capital or operational expenditure purposes and allocated in the internal loan portfolio to the activity centre incurring the obligation.
- Interest received is allocated into the general account and offset against general rate requirements.

For operational lending the following specific parameters apply:

- The term of the loan is limited to a maximum of one year with the loan to be fully repaid by the second anniversary of the loan.
- Interest is set based on a margin above the 90-day floating BKBM mid interest rate at the beginning of the calendar quarter. If external debt is used the weighted average cost of external borrowing plus a margin. The margin can include a credit margin and other treasury related costs.
- Interest is paid quarterly in arrears.

For capital lending the following specific parameters apply:

- The Council approves lending for capital purposes through the AP/LTP. These are ratified by the Council subsequent to the Annual Plan being approved.
- Interest on internally-funded loans is charged annually in arrears, on year-end loan balances at the agreed three-year fixed interest rate. Except where a specific rate has been approved for particular circumstances, the three-year rate is set annually at the start of the financial year, based on the three-year swap rate plus the credit margin on three-year bonds and other related treasury costs. The margin is determined by that of the LGFA three-year credit curve for a non-credit rated non-guaranteeing Council borrower.
- If external debt is used the weighted average cost of external borrowing (including credit margin and other related costs).

4.8. **New Zealand Local Government Funding Agency Limited**

Despite anything earlier in this Policy, the Council may borrow from the New Zealand Local Government Funding Agency Limited (LGFA) and, in connection with that borrowing, may enter into the following related transactions to the extent it considers necessary or desirable:-

- Contribute a portion of its borrowing back to the LGFA as an equity contribution to the LGFA. For example, Borrower Notes.
- Provide guarantees of the indebtedness of other local authorities to the LGFA and of the indebtedness of the LGFA itself.
- Commit to contributing additional equity (or subordinated debt) to the LGFA if required.
- Secure its borrowing from the LGFA and the performance of other obligations to the LGFA or its creditors with a charge over the Council's rates and rates revenue.
- Subscribe for shares and uncalled capital in the LGFA.

5.0 INVESTMENT POLICY AND LIMITS

5.1. Investment policy objectives

Council is currently a net borrower and is likely to remain so for the foreseeable future. Council should internally borrow from special reserve funds in the first instance to meet future capital expenditure requirements, unless there is a compelling reason for establishing external debt. Investments are maintained to meet specified business reasons.

Such reasons can be:-

- For strategic purposes consistent with Council's LTP.
- To reduce the current ratepayer burden.
- The retention of vested land.
- Holding short term investments for working capital and liquidity requirements.
- Holding investments that are necessary to carry out Council operations consistent with Annual Plans, to implement strategic initiatives, or to support inter-generational allocations.
- Provide funding through the provision of committed bank facilities in the event of a natural disaster, the use of which is intended to bridge the gap between the disaster and the reinstatement of normal income streams and assets.
- Invest amounts allocated to accumulated surplus, Council created restricted reserves and general reserves.
- Invest proceeds from the sale of assets.

Council recognises that as a responsible public authority all investments held should be low risk. Council also recognises that low risk investments generally mean lower returns.

Council should internally borrow from reserve funds in the first instance to meet future capital expenditure requirements, unless there is a compelling reason for establishing external debt.

In its financial investment activity, Council's primary objective is the protection of its investment capital and that a prudent approach to risk/return is always applied within the confines of this policy. Accordingly, only approved creditworthy counterparties are acceptable.

5.2. General investment policy

The Council's general policy on investments is that:

- The Council may hold financial, property, forestry, and equity investments if there are strategic, commercial, economic or other valid reasons (e.g. where it is the most appropriate way to administer a Council function).
- The Council will keep under review its approach to all major investments and the credit rating of approved financial institutions.
- The Council will review its policies on holding investments at least once every three years.

5.3. Acquisition of new investments

With the exception of financial investments, acquisition and management of medium to long-term investments are managed in accordance with goals, objectives and provisions of the LTP and AP's. However, the Council may from time to time deem it appropriate, in terms of prudent financial management, to modify its investment mix such a change would be entered into only through specific Council resolution and in compliance with the provisions of the Local

Government Act 2002. The authority to acquire financial investments is delegated to the CFO and reported to Council on a monthly basis.

5.4. Investment mix and related policies

Council may maintain investments in the following assets from time to time:-

- Equity investments, including investments held in CCO (Council Controlled Organisation) /CCTO (Council Controlled Trading Organisation) and other shareholdings.
- Property investments incorporating land, buildings, a portfolio of ground leases and land held for development.
- Forestry investments
- Financial investments
- LGFA investments
- Community loans and advances

5.4.1 Equity investments

It may be appropriate to have limited investment(s) in equity (shares) when Council wishes to invest for strategic, economic development or social reasons. Council will approve equity investments on a case-by-case basis, if and when they arise.

Generally such investments will be in (but not limited to) infrastructural companies and/or local government joint ventures (including CCTO's to further District or regional economic development. Council does not invest in overseas companies.

Council reviews performance of these investments as part of the annual planning process to ensure that their stated objectives are being achieved.

Any disposition of these investments if the market value exceeds \$50,000 requires approval by Council. For investments equal to or less than \$50,000, the decision is made by the CEO. Acquisition of new equity investments requires Council approval. The Council decides on the allocation of proceeds from the disposition of equity investments on a case-by-case basis.

All income, including dividends, from the Council's equity investments is included in general revenues in the Statement of Financial Performance.

Equity investments exclude those investments that are not held for strategic or economic development or social reasons.

Equity investments are reported to Council on a quarterly basis.

5.4.2 Property investments

Council's overall objective is to only own property that is necessary to achieve its strategic objectives. As a general rule, Council will not maintain a property investment where it is not essential to the delivery of relevant services, and property is only retained where it relates to a primary output of Council. Council reviews property ownership through assessing the benefits of continued ownership in comparison to other arrangements which could deliver the same results. This assessment is based on the most financially viable method of achieving the delivery of Council services. Council generally follows similar assessment criteria in relation to new property investments.

Council reviews the performance of its property investments on a regular basis.

All income, including rentals and ground rent from property investments is included in the consolidated revenue account.

5.4.3 Forestry

Forestry assets are held as long term investments on the basis of net positive discounted cashflows, factoring in projected market prices and annual maintenance and cutting costs.

All income from forestry is included in the consolidated revenue account.

Any disposition of these investments requires Council approval. The proceeds from forestry disposition are used firstly to repay related borrowings and then included in the relevant consolidated capital account.

5.4.4 Financial investments

Financial investment objectives

- Council's primary objectives when investing is the protection of its investment capital. Accordingly, Council may only invest in approved creditworthy counterparties. Creditworthy counterparties and investment restrictions are covered in section 6.5. Credit ratings are monitored and reported quarterly to Council.
- Council may invest in approved financial instruments as set out in section 6.4. These investments are aligned with Council's objective of investing in high credit quality and highly liquid assets.
- Council's investment portfolio will be arranged to provide sufficient funds for planned expenditures and allow for the payment of obligations as they fall due. Council prudently manages liquid financial investments as follows:
 - Any liquid investments must be restricted to a term that meets future cash flow and capital expenditure projections.
 - Interest income from financial investments is credited to general funds, except for income from investments for special funds, reserve funds and other funds where interest may be credited to the particular fund.
 - Internal borrowing will be used wherever possible to avoid external borrowing.

Special funds, sinking funds, reserve and endowment funds

Liquid assets are not required to be held against special funds and reserve funds. Instead Council will internally borrow or utilise these funds wherever possible.

Trust funds

Where Council hold funds as a trustee, or manages funds for a Trust then such funds must be invested on the terms provided within the trust. If the Trusts investment policy is not specified then this policy should apply.

5.4.5 New Zealand Local Government Funding Agency Limited investment

Despite anything earlier in this Policy, the Council may invest in shares and other financial instruments of the New Zealand Local Government Funding Agency Limited (LGFA), and may borrow to fund that investment.

The Council's objective in making any such investment will be to:-

- Obtain a return on the investment.
- Ensure that the LGFA has sufficient capital to become and remain viable, meaning that it continues as a source of debt funding for the Council.

Because of these dual objectives, the Council may invest in LGFA shares in circumstances in which the return on that investment is potentially lower than the return it could achieve with alternative investments. Notwithstanding the Counterparty Credit Risk Limits (set out in Section 6.3 of this policy), Council may invest in financial instruments issued by the LGFA up to a maximum of \$15 million (i.e. borrower notes). If required in connection with the investment, the Council may also subscribe for uncalled capital in the LGFA and be a Guarantor.

Proceeds from share sales will go to repay existing debt, unless Council specifically directs that the funds be put to another use.

5.4.6 Loans, Advances and Investments in Community Projects

From time to time, the Council makes loans to other parties. All loans are secured and all loan advances are reviewed as part of the annual planning process to ensure that interest and principal repayments are made in accordance with the loan agreement.

Council does not lend to CCTO's on more favourable terms than what it can achieve itself, without charging any rate or rate revenue as security.

At various times groups within the community request loans, advances or guarantees for projects that will be of benefit to a significant proportion of the community. As these investments are with groups that the Council would not normally invest with Council needs to debate the suitability of any loan application. During this process Councillors pay particular regard to the ability of the applicant to service the debt and repay principal. Council will be responsible for authorising any such loans, advances or guarantees.

Advances to charitable trusts, and community organisations do not have to be on a fully commercial basis. Where advances are made to charitable trusts and community organisations at below Council's cost of borrowing the additional cost is treated as an annual grant to the organisation.

Council reviews performance of its loan advances on a regular basis to ensure strategic and economic objectives are being achieved. The CFO monitors loan advances and reports to Council quarterly.

6.0 RISK MANAGEMENT

The definition and recognition of interest rate, liquidity, funding, investment, counterparty credit, market, operational and legal risk of Council will be as detailed below and applies to both the Liability Management Policy and Investment Policy.

6.1. Interest rate risk

6.1.1 Risk recognition

Interest rate risk is the risk that investment returns or financing costs will materially fall short of or exceed projections included in the LTP and A P due to adverse movements in market interest rates, thus adversely impacting revenue projections, cost control and capital investment decisions/returns/and feasibilities.

The primary objective of interest rate risk management is to reduce uncertainty relating to interest rate movements through fixing of investment returns or financing costs. Certainty around financing costs is to be achieved through the active management of underlying interest rate exposures.

6.1.2 Interest rate risk control limits

Exposure to interest rate risk is managed and mitigated through the risk control limits below. Council's forecast core external debt should be within the following fixed/floating interest rate risk control limit.

Core external debt is defined as gross external debt. When approved forecasts are changed, the amount of fixed rate cover in place may have to be adjusted to ensure compliance with the Policy minimums and maximums.

Debt Interest Rate Policy Parameters (calculated on a rolling monthly basis)		
Period	Minimum Fixed	Maximum Fixed
0 – 2 Years	40%	100%
2 – 5 Years	20%	80%
5 -10 Years	0%	60%

"Fixed Rate" is defined as an interest rate repricing date beyond 3 months forward on a continuous rolling basis.

"Floating Rate" is defined as an interest rate repricing within 3 months.

The percentages are calculated on the rolling projected core debt level calculated by management (signed off by the CFO).

A fixed rate maturity profile that is outside the above limits, however self corrects within 90-days is not in breach of this Policy

- Any interest rate derivatives or fixed interest rate borrowing with a maturity beyond 10 years must be approved by Council..
- Hedging outside the above risk parameters must be approved by Council.
- Interest rate options must not be sold outright. However, one for one collar option structures are allowable, whereby the sold option is matched precisely by amount and maturity to the simultaneously purchased option. During the term of the option, only the sold side of the collar can be closed out (i.e. repurchased) otherwise, both sides must be closed simultaneously. The sold option leg of the collar structure must not have a strike rate "in-the-money".

- Interest rate options with a maturity date beyond 3 months that have a strike rate (exercise rate) higher than 1.00% above the appropriate swap rate, cannot be counted as part of the fixed rate hedge percentage calculation.
- The forward start period on swap/collar strategies is to be no more than 24 months, unless the forward start swap/collar starts on the expiry date of an existing fixed interest rate instrument (i.e. either derivative or fixed rate borrowings) and has a notional amount which is no more than that of the existing fixed interest rate instrument.

6.2. Liquidity and funding risk

6.2.1 Risk recognition

Cash flow deficits in various future periods based on long term financial forecasts are reliant on the maturity structure of cash, financial investments, loans and bank facilities. Liquidity risk management focuses on the ability to access committed funding at that future time to fund the gaps. Funding risk management centres on the ability to re-finance or raise new debt at a future time at the same or more favourable pricing (fees and borrowing margins) and maturity terms of existing loans and facilities.

The management of Council's funding risks is important as several risk factors can arise to cause an adverse movement in borrowing margins, term availability and general flexibility including:-

- Local Government risk is priced to a higher fee and margin level.
- Council's own credit standing or financial strength as a borrower deteriorates due to financial, regulatory or other reasons.
- A large individual lender to Council experiences financial/exposure difficulties resulting in Council not being able to manage their debt portfolio as optimally as desired.
- New Zealand investment community experiences a substantial "over supply" of Council investment assets.
- Financial market shocks from domestic or global events.

A key factor of funding risk management is to spread and control the risk to reduce the concentration of risk at one point in time so that if any of the above events occur, the overall borrowing cost is not unnecessarily increased and desired maturity profile compromised due to market conditions.

6.2.2 Liquidity and funding risk control limits

- External term loans and committed debt facilities together with available short-term liquid investments must be maintained at an amount exceeding 110% of projected peak debt over the ensuing 12 month period.
- Alternative funding mechanisms such as Public Private Partnerships or leasing should be evaluated with financial analysis in conjunction with traditional on-balance sheet funding. The evaluation should take into consideration, ownership, redemption value and effective cost of funds.
- Council has the ability to pre-fund up to 18 months forecast debt requirements including re-financings. Debt refinancing that have been prefunded, will remain included within the funding maturity profile until their maturity date.
- The CEO has the discretionary authority to re-finance existing debt on more acceptable terms. Such action is to be reported and ratified by the Council at the earliest opportunity.
- Council will not have greater than 40% of total borrowings subject to refinancing within any 12 month period (including forecast borrowings).

6.3. Foreign exchange rate risks

WBOPDC has minor foreign exchange exposure through the occasional purchase of foreign exchange denominated services, plant and equipment.

All commitments for foreign exchange greater than \$100,000 are hedged using foreign exchange contracts, once expenditure is approved. Both spot and forward foreign exchange contracts can be used by WBOPDC.

Council shall not borrow or enter into incidental arrangements, within or outside New Zealand, in currency other than New Zealand currency.

Council does not hold investments denominated in foreign currency.

All foreign currency hedging must be approved by the CFO.

6.4. Approved financial instruments

Dealing in interest rate products must be limited to financial instruments approved by the Council. Approved financial instruments are as follows:

Category	Instrument
Cash management and borrowing	Bank overdraft Committed cash advance and bank accepted bill facilities (short term and long term loan facilities) Uncommitted money market facilities Bond issuance <ul style="list-style-type: none"> ▪ Floating Rate Note (FRN) ▪ Medium Term Note (MTN) (CP /Bills / Promissory notes Finance Leases
Investments	Term bank deposits Bank certificates of deposit (RCDs) NZ Government, LGFA, Local Authority bonds or State Owned Enterprise (SOE) bonds and FRNs (senior) Corporate bonds (senior) Corporate Floating Rate Notes (senior) Promissory notes/CPaper (senior) Corporate/SOE/Other Local Authority Bonds LGFA Borrower Notes Bank term deposits linked to pre funding maturing debt
Interest rate risk management	Forward rate agreements ("FRAs") on: <ul style="list-style-type: none"> ▪ Bank bills ▪ Government bonds Interest rate swaps including: <ul style="list-style-type: none"> ▪ Forward start swaps and collars ▪ Amortising swaps (whereby notional principal amount reduces) ▪ Swap extensions and shortenings Interest rate options on: <ul style="list-style-type: none"> ▪ Purchased caps and one for one collars Fixed rate bank debt, Capital markets debt including the LGFA.

Any other financial instrument must be specifically approved by the Council on a case-by-case basis and only be applied to the one singular transaction being approved.

All investment securities must be senior in ranking. The following types of investment instruments are expressly excluded:-

- Structured debt where issuing entities are not a primary borrower/ issuer.

- Subordinated debt (other than Borrower Notes subscribed from the LGFA), junior debt, perpetual notes and hybrid notes such as convertibles.

6.5. Counterparty credit risk

Counterparty credit risk is the risk of losses (realised or unrealised) arising from a counterparty defaulting on a financial instrument where the Council is a party. The credit risk to the Council in a default event will be weighted differently depending on the type of instrument entered into.

Credit risk will be regularly reviewed by the Council. Treasury related transactions would only be entered into with organisations specifically approved by the Council.

Counterparties and limits can only be approved on the basis of long-term credit ratings (Standard & Poor's, Fitch or Moody's) being A and above or short term rating of A-1 or above.

Limits should be spread amongst a number of counterparties to avoid concentrations of credit exposure.

Refer to Appendix 2

In determining the usage of the above gross limits, the following product weightings will be used:

- Investments (e.g. Bank Deposits) – Transaction Notional ´ Weighting 100%. (Unless a legal right of set-off over corresponding borrowings exist whereupon a 0% weighting may apply).
- Interest Rate Risk Management (e.g. swaps, FRAs) – Transaction Notional ´ Maturity (years) ´ 3%.
- Foreign Exchange – Transactional principal amount x the square root of the Maturity (years) x 15%

Each transaction should be entered into a treasury spreadsheet or treasury system and a quarterly report prepared to show assessed counterparty actual exposure versus limits.

Individual counterparty limits are kept in a spread sheet by management and updated on a day to day basis. Credit ratings should be reviewed by the SFP on an on-going basis and in the event of material credit downgrades; this should be immediately reported to the CFO and assessed against exposure limits. Counterparties exceeding limits should be reported to the Council.

Investments are normally held to maturity date. Where investments are liquidated before legal maturity date, approval is obtained from the CEO, who also approves guidelines for a minimum acceptable sale price. The CFO evaluates quotes based on these instructions and proceeds with the transaction.

6.6. Legal risk

Legal and regulatory risks relate to the unenforceability of a transaction due to an organisation not having the legal capacity or power to enter into the transaction usually because of prohibitions contained in legislation. While legal risks are more relevant for banks, WBOPDC may be exposed to such risks with Council unable to enforce its rights due to deficient or inaccurate documentation.

WBOPDC will seek to minimise this risk by adopting policy regarding:-

- The use of standing dealing and settlement instructions (including bank accounts, authorised persons, standard deal confirmations, contacts for disputed transactions) to be sent to counterparties.
- The matching of third party confirmations and the immediate follow-up of anomalies.

- The use of expert advice.

6.7.1 Agreements

Financial instruments can only be entered into with banks that have in place an executed ISDA Master Agreement with Council.

Council's internal/appointed legal counsel must sign off on all documentation for new loan borrowings, re-financings and investment structures.

6.7.2 Financial covenants and other obligations

Council must not enter into any transactions where it would cause a breach of financial covenants under existing contractual arrangements.

Council must comply with all obligations and reporting requirements under existing funding facilities and legislative requirements.

7.0 Reporting

7.1. Quarterly Funding and Debt Profile Report

This report forms the basis for the reporting of the Council's funding and associated interest rate risk management activity and provides the elected members and management with details about the Council's borrowing activities. The report shall contain the following:

- Total debt facility utilisation, including any debt sourced from a bank, the capital markets and the LGFA.
- Interest rate maturity profile against percentage hedging limits.
- New hedging transactions completed - interest rate risk management.
- Weighted average cost of funds.
- Funding profile against the policy limits.
- Liquidity profile against the policy limits.
- Exception reporting as required.
- Summary of any unresolved exception reports.
- Statement of policy compliance.

7.2. Quarterly Investment Report

This report forms the basis for the reporting of the Council's financial market investment activities and provides the elected members and management with details about the Council's financial market investment activities. The report shall contain the following:

- Total nominal value of the investment portfolio.
- Details of individual investments.
- Asset class percentages.
- Credit rating profile.
- Maturity profile.
- Weighted average yield of the portfolio.
- Statement of policy compliance.

7.3. Benchmarking

In order to determine the success of the Council's treasury management function, the following benchmark has been prescribed.

The actual funding cost for the Council taking into consideration the entering into of interest rate risk management transactions should be below the budgeted interest cost. When budgeting forecast interest costs, the actual physical position of existing loans and swaps must be incorporated together with all fees.

Management is granted discretion by the Council to manage debt and interest rate risk within specified limits of this policy, the actual funding rate achieved must be compared against an appropriate external benchmark interest rate that assumes a risk neutral position within existing policy. In this respect, a risk neutral position is always precisely at the mid-point of the minimum and maximum percentage control limits specified within the policy.

Given current fixed/floating risk control limits and fixed rate maturity profile limits as defined in this policy, the market benchmark (composite) indicator rate will be calculated as follows:

- 30% Average 90 day bill rate for reporting month.
- 10% 2 year swap rate at end of reporting month.
- 10% 2 year swap rate, 2 year ago.
- 10% 5 year swap rate at end of reporting month.
- 10% 5 year swap rate, 5 years ago.
- 15% 10 year swap rate at end of reporting month.
- 15% 10 year swap rate, 10 years ago.

The actual reporting benchmark is the 12 month rolling average of the monthly calculated benchmarks using the above parameters. This is compared to actual cost of funds, excluding all credit margins and fees.

8.0 POLICY REVIEW

This Treasury Policy is to be formally reviewed on a triennial basis.

The CEO and CFO has the responsibility to prepare a review report that is presented to the Council or Council sub-committee. The report will include:-

- Recommendation as to changes, deletions and additions to the policy.
- Overview of the treasury management function in achieving the stated treasury objectives, including performance trends in actual interest cost against budget (multi-year comparisons).
- Summary of breaches of policy and one-off approvals outside policy to highlight areas of policy tension.
- Analysis of bank and lender service provision, share of financial instrument transactions etc.
- Comments and recommendations from Council's external auditors on the treasury function, particularly internal controls, accounting treatment and reporting.
- An annual audit of the treasury spreadsheets and procedures should be undertaken.
- Total net debt servicing costs and debt should not exceed limits specified in the covenants of lenders to Council.

The Council receives the report, approves policy changes and/or reject recommendations for policy changes.

Appendix 1 - Delegated Authorities

Activity	Delegated Authority	Limit
Approving and changing Policy	The Council	Unlimited
Borrowing new debt	The Council	Unlimited (subject to legislative and other regulatory limitations)
Acquisition and disposition of investments other than financial investments	The Council	Unlimited
Approval for charging assets as security over borrowing	The Council	Unlimited
Approving transactions outside policy	The Council	Unlimited
Appoint Debenture Trustee	The Council	N/A
Approving new debt and/or new facilities as set out in Council-approved AP / LTP	CEO (delegated by Council)	Per Council-approved AP / LTP
Arranging new debt as set out in Council-approved AP / LTP	CFO (delegated by CEO)	Per Council-approved AP / LTP
Authorising lists of signatories	CEO (delegated by Council)	Unlimited
Opening/closing bank accounts	CEO (delegated by Council)	Unlimited
Overall day-to-day risk management	CEO (delegated by Council) CFO (delegated by CEO) MF (delegated by CEO)	Overall day-to-day risk management
Re-financing existing debt	CEO (delegated by Council) CFO (delegated by CEO)	Re-financing existing debt
Adjust net debt or net investment interest rate risk profile	CEO (delegated by Council) CFO (delegated by CEO) MF (delegated by CEO)	Per risk control limits
Managing funding and investment maturities in accordance with Council approved risk control limits	CEO (delegated by Council) CFO (delegated by CEO) FM (delegated by CEO)	Per risk control limits
Maximum daily transaction amount (borrowing, investing, interest rate risk management and cash management) excludes roll-overs on floating rate investments and interest rate roll-overs on swaps	The Council CEO (delegated by Council) CFO (delegated by CEO) FM (delegated by CEO) Finance Accountants Team (delegated by CEO)	Unlimited \$25 million \$10 million \$5 million
Triennial review of policy	CFO FM	N/A
Ensuring compliance with policy	CEO CFO FM	N/A

All management delegated limits are authorised by the CEO.

Appendix 2

Authorised Asset Classes	Overall Portfolio Limit as a Percentage of the Total Portfolio	Approved Financial Market Investment Instruments (must be denominated in NZ dollars)	Credit Rating Criteria – Standard and Poor's (or Moody's or Fitch equivalents)	Limit for each issuer
New Zealand Government	100%	Government Stock/ Treasury Bills	Not Applicable	Unlimited
Supranationals	50%	Bonds/MTNs/FRNs	AAA	Maximum of \$10 million
New Zealand Registered Banks	100%	Call/Deposits/Bank Bills/Commercial Paper Bonds/MTNs/FRNs	Short term S&P rating of A-1+ Short term S&P rating of A-1 Long term rating of A+ or better	Maximum of \$30 million Maximum of \$10 million Maximum of \$10 million
Rated Local Authorities ("RLA")	50%	Commercial Paper/ Bonds/MTNs/FRNs	Minimum short term S&P rating of A-1 or minimum long term S&P rating of A+	Maximum of \$10 million
State Owned Enterprises ("SoE")	50%	Commercial Paper/ Bonds/MTNs/FRNs	Short term S&P rating of A-1+ or long term rating of A+ or better Short term S&P rating of A-1 or long term rating of BBB to A	Maximum of \$10 million Maximum of \$5 million
Corporates	30%	Commercial Paper/ Bonds/MTNs/FRNs	Short term S&P rating of A-1+ or long term rating of A+ or better Short term S&P rating of A-1 or long term rating of BBB to A	Maximum of \$7 million Maximum of \$3 million
Financials	30%	Commercial Paper/ Bonds/MTNs/FRNs	Short term S&P rating of A-1+ or long term rating of A+ or better Short term S&P rating of A-1 or long term rating of BBB to A	Maximum of \$5 million Maximum of \$2 million

The combined holdings of entities rated BBB to A shall not exceed \$10 million
The combined holdings of corporates and financials shall not exceed \$10 million

10.2 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - WAIHI BEACH ROCK REVETMENT - COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS

File Number: A3990355

Author: Kelvin Hill, Utilities Manager

Authoriser: Gary Allis, Deputy Chief Executive

EXECUTIVE SUMMARY

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

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

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

RECOMMENDATION

1. That Council approves the private construction of consented coastal works on Council reserve, Lot 125 DP35465 Waihi Beach, subject to the conditions, including:
 - A resource consent being granted by Bay of Plenty Regional Council;
 - Consent and construction fully funded by owners;
 - Agreement with Council on operational cost and responsibilities; and
 - Council funding construction, but not design, and consenting costs for the Elizabeth Street Reserve section.
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.

RECOMMENDATION FROM THE PERFORMANCE AND MONITORING COMMITTEE ON 17 DECEMBER 2020

Remit No. PM21-01-9.6 WAIHI BEACH ROCK REVETMENT – COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS

Moved: Mayor G Webber

Seconded: Cr D Thwaites

1. That the Utilities Manager's report dated 2 February 2021 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 Elizabeth Street Reserve asset with a hard structure.
4. That Council, as administering authority and landowner, approves the private construction of consented coastal works on Council reserve, Lot 125 DP35465 Waihi Beach, subject to the conditions, including:

- A resource consent being granted by Bay of Plenty Regional Council;
- Consent and construction fully funded by owners;
- Agreement with council on operational cost and responsibilities; and
- Council funding Construction, but not design, and consenting costs for the Elizabeth Street Reserve section.

STAFF COMMENTS

Staff support the recommendation in accordance with the report titled 'Waihi Beach Rock Revetment - Council Landowner Consented Coastal Protection Works' as considered by the Performance and Monitoring Committee on 2 February 2021.

10.3 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - TE REREATUKAHIA WASTEWATER SCHEME CONNECTION COSTS**File Number:** A3990368**Author:** Coral-Lee Ertel, Asset and Capital Manager**Authoriser:** Gary Allis, Deputy Chief Executive**EXECUTIVE SUMMARY**

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

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

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

RECOMMENDATION

1. That Council approve that no connection charge is to be applied to the Te Rereatukahia wastewater scheme.
2. That Council notes the cost of connection is not being sought from individual property owners in this instance. Forgoing this revenue is recognised as Council's financial contribution to the project, given that the capital costs are met from external funding (Three Water's review CIP funding in this instance). The scale and proportion of the external funding has been a determining factor for this decision. Connection for Marae and Community Halls (whare kai, whare paku etc) do not incur a connection fee, as this recognises the value of these facilities to community wellbeing.
3. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

RECOMMENDATION FROM THE PERFORMANCE AND MONITORING COMMITTEE ON 17 DECEMBER 2020**Remit No. PM21-01-9.8: TE REREATUKAHIA WASTEWATER SCHEME CONNECTION COSTS**

Moved: Cr M Dean

Seconded: Cr D Thwaites

1. That the Asset and Capital Manager's report dated 2 February 2021 titled 'Te Rereatukahia Wastewater Scheme Connection Costs' 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 it is recommended to Council that no connection charge is to be applied to the Te Rereatukahia wastewater scheme.
4. That Council staff look at a simple policy/statement to recognise the unique circumstances for this situation.

STAFF COMMENTS

Staff support the recommendation in accordance with the report titled 'Te Rereatukahia Wastewater Scheme Connection Costs' as considered by the Performance and Monitoring Committee on 2 February 2021.

Recommendation 4 provides the statement relating to the charging of wastewater connection fees for the Te Rereatukahia wastewater scheme defined as the Marae and housing, as shown in the report to the Performance and Monitoring Committee.

That Council notes the cost of connection is not being sought from individual property owners in this instance. Forgoing this revenue is recognised as Council's financial contribution to the project, given that the capital costs are met from external funding (Three Water's review CIP funding in this instance). The scale and proportion of the external funding has been a determining factor for this decision. Connection for Marae and Community Halls (whare kai, whare paku etc) do not incur a connection fee, as this recognises the value of these facilities to community wellbeing.

The statement includes Marae and Community Halls, which recognises the value of these facilities to community well-being. The facilities serve a valuable function as Welfare Centres in emergency management events.

10.4 LOCAL GOVERNMENT FUNDING AGENCY LIMITED'S 2020 ANNUAL GENERAL MEETING OUTCOME

File Number: A3975341

Author: Kumaren Perumal, Group Manager Finance and Technology Services

Authoriser: Kumaren Perumal, Group Manager Finance and Technology Services

EXECUTIVE SUMMARY

The Local Government Funding Agency Ltd (LGFA), is a Council Controlled Organisation owned 20% by the Government and 80% by 30 local authorities. Western Bay of Plenty District Council has an ownership stake of 8.3%. Council oversight is provided through a Shareholders' Council. The LGFA held its Annual General Meeting (AGM) on 19 November 2020. The purpose of this report is to update Elected Members on the outcome of resolutions passed at the AGM.

RECOMMENDATION

That the Group Manager Finance and Technology Services' report dated 25 February 2021 titled 'Local Government Funding Agency Limited's 2020 Annual General Meeting Outcome' be received.

BACKGROUND

1. The LGFA held its Annual General Meeting in Wellington on 19 November 2020. The Group Manager Finance and Technology Services was in attendance as Council's representative. Shareholder councils were asked to vote on the election of directors and nominating local authorities as well as changes to LGFA Foundation policies.
2. Council considered the proposed recommendations made by the LGFA Shareholders' Council at the 5 November 2020 Council meeting and passed the following resolutions:
 - a. *Approves the re-election of Philip Cory-Wright to the LGFA Board as an Independent Director;*
 - b. *Approves the re-election of Michael Timmer as a Non-Independent Director;*
 - c. *Approves changes to the foundation policies as recommended by the Shareholders Council;*
 - d. *Nominates the following two Local Authorities from the three Councils available for nomination:*
 1. Tasman District Council [for re-election as a Nominating Local Authority]; and
 2. Wellington City Council [for re-election as a Nominating Local Authority].
3. The LGFA Shareholders voted in favour of the above resolution as follows:
 - e. *To re-elect Philip Cory-Wright as an Independent Director;*
 - f. *To re-elect Michael Timmer as an Independent Director;*
 - g. *Approved the amendments to the foundation policies as explained in Note 4 of the Notice of Annual Meeting; and*
 - h. *To re-elect both Tasman District Council and Wellington City Council to the Shareholders Council.*

10.5 MAYOR'S REPORT TO COUNCIL 25 FEB 2021**File Number:** A3978650**Author:** Charlene Page, Executive Assistant Mayor/CEO**Authoriser:** Garry Webber, Mayor**EXECUTIVE SUMMARY**

This report provides the Mayor's update to Council.

RECOMMENDATION

That the Senior Executive Assistant - Mayor/CEO report dated 25 February 2021 titled 'Mayor's Report to Council 25 Feb 2021', be received.

TOPICS

1. Tauranga City Council update;
2. SmartGrowth update;
3. Three Waters update; and
4. Boundary Change in Belk Road, Keenan Road and Tara Road areas.

(Attachment 1, 2 and 3)

ATTACHMENTS

1. Reorganisation Plan Including Maps  
2. Boundary Change - Order in Council  
3. Reorganisation Implementation Scheme  



Local Government Commission
Mana Kāwanatanga ā Rohe

**REORGANISATION PLAN
FOR TRANSFER OF BELK ROAD, KEENAN ROAD AND TARA ROAD AREAS
FROM WESTERN BAY OF PLENTY DISTRICT TO TAURANGA CITY**

INTRODUCTION

In November 2018, the Local Government Commission received an application from the Western Bay of Plenty District Council for the transfer of an area at Tauriko West from Western Bay of Plenty District to Tauranga City. The Commission agreed to assess the application and in March 2019 publicly notified it and called for alternative applications.

Seven responses were received by the Commission in response to the call for alternative applications. These included suggestions that the boundaries of Tauranga City be further extended to include:

- an area at Belk Road (to facilitate the future extension of the Tauriko Business Estate)
- the area around Keenan Road
- an area at Tara Road in Papamoa.

In May 2019, the Commission agreed to consider these additional options for boundary alterations, as they related to the need for the Western Bay of Plenty sub-region to provide an adequate supply of land for residential and industrial development and for the areas to be developed to be entirely in Tauranga City.

During 2019, in relation to the alternative applications, the Commission met at various times with the Tauranga City Council, Western Bay of Plenty District Council, Bay of Plenty Regional Council, tangata whenua, the alternative applicants, and, through two public meetings, more than 80 landowners in the affected areas. We also engaged with Waka Kotahi NZ Transport Agency and the Ministry of Housing and Urban Development.

Before making a final decision the Commission, in line with the process outlined in its reorganisation process document, issued statements of its intentions and called for submissions. Twenty two submissions were received.

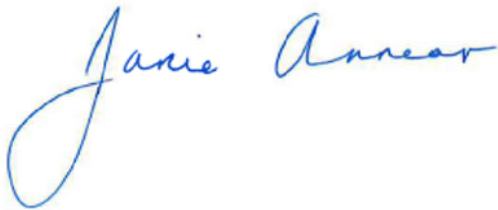
After considering the submissions the Commission decided to proceed with the proposed boundary alterations and develop and adopt a reorganisation plan to give effect to them, along with an additional boundary alteration relating to an anomaly affecting a small area south of the Eastern Link Toll Road. In doing so the Commission considered the requirements of clauses 10 and 12, Schedule 3 of the Local Government Act 2002. The specific matters considered by the Commission are outlined in the report at this [link](#) while an explanation of how the plan will meet the objectives listed in clause 10 is attached to this plan.

The Commission also confirms that:

- As required by clause 17(c) the altered boundary will conform with the boundaries of statistical meshblocks determined by Statistics New Zealand
- In altering the boundaries of wards, constituencies and the Te Puke Community, it has considered the matters listed in clause 18.

A handwritten signature in black ink, appearing to read 'B. J. Duffy'.

Brendan Duffy
Chairperson

A handwritten signature in blue ink, appearing to read 'Janie Annear'.

Janie Annear
Commissioner

A handwritten signature in blue ink, appearing to read 'Sue Piper'.

Sue Piper
Commissioner

3 December 2020

REORGANISATION PLAN FOR BOUNDARY ALTERATIONS BETWEEN WESTERN BAY OF PLENTY DISTRICT AND TAURANGA CITY

Pursuant to clause 12 of Schedule 3 of the Local Government Act 2002, the Local Government Commission has adopted a reorganisation plan as follows:

Preliminary provisions

1. Purpose

The purpose of this plan is:

- (a) to transfer areas at Belk Road, Keenan Road and Tara Road from Western Bay of Plenty District to Tauranga City; and
- (b) to transfer an area south of the Tauranga Eastern Link Toll Road from Tauranga City to Western Bay of Plenty District.

2. Commencement

It is proposed that this plan comes into force as follows:

- (a) Clauses 4 to 10 come into force on 1 March 2021.
- (b) Clauses 1 to 3, 11 to 14 come into force on the day after the date of its notification in the *New Zealand Gazette*.

3. Interpretation

The following terms have their meaning in this plan as follows:

Act means the Local Government Act 2002.

Area B means the area defined on map LG-022/023-2020-Boundary-2 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area C means the area defined on map LG-022/023-2020-Boundary-3 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area D means the area defined on map LG-022/023-2020-Boundary-4 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area E means the area defined on map LG-022/023-2020-Boundary-5 deposited with the Local Government Commission, available on the Local Government Commission's website.

Transition body means one or both of the transition bodies established by clauses 11 and 12 of this plan.

Boundary alterations

4. Boundary alterations

The boundaries of Western Bay of Plenty District and Tauranga City are altered by:

- (a) excluding Areas B, C and D from Western Bay of Plenty District and including them in Tauranga City; and
- (b) excluding Area E from Tauranga City and including it in Western Bay of Plenty District.

Representation

5. Territorial authority wards

(1) Areas B and C are excluded from the Kaimai Ward of Western Bay of Plenty District and included in the Otumoetai-Pyes Pa Ward of Tauranga City .

(2) Area D is excluded from the Maketu-Te Puke Ward of Western Bay of Plenty District and included in the Mount Maunganui-Papamoa Ward of Tauranga City.

(3) Area E is excluded from the Mount Maunganui-Papamoa Ward of Tauranga City and included in the Maketu-Te Puke Ward of Western Bay of Plenty District.

6. Te Puke Community

(1) Area D is excluded from the Te Puke Community.

(2) Area E is included in the Te Puke Community.

7. Regional constituencies

(1) Areas B, C and D are excluded from the Western Bay of Plenty Constituency of Bay of Plenty Region and included in the Tauranga Constituency of Bay of Plenty Region.

(2) Area E is excluded from the Tauranga Constituency of Bay of Plenty Region and included in the Western Bay of Plenty Constituency of Bay of Plenty Region.

8. Representation reviews

Clauses 5, 6 and 7 are subject to any review of representation arrangements undertaken under Part 1A of the Local Electoral Act 2001 prior to the triennial elections of local authorities to be held on 8 October 2022.

Effect on other matters

9. Affected local authorities continue in existence

(1) The Western Bay of Plenty District Council and the Tauranga City Council, being territorial authorities, continue in existence.

(2) The districts for those local authorities are the Western Bay of Plenty District and Tauranga City.

10. Affected iwi and hapū

For the purposes of clause 14(2) of the Schedule 3 of the Act it is noted that:

- (a) Areas B and C fall within the areas of interest of hapu Ngāti Kahu, Ngāti Rangī, Ngāti Pango, Pirirakau, Ngāti Hangarau, and Ngāi Tamarawaho, which whakapapa to Ngāti Ranginui iwi of Tauranga Moana.
- (b) Areas D and E fall with the area of interest of Ngā Pōtiki, which whakapapa to Ngāi Te Rangī iwi of Tauranga Moana.

Transition bodies

11. Belk Road, Keenan Road and Tara Road Transition Body

(1) The Belk Road, Keenan Road and Tara Road Transition Body will be established to make arrangements for the exclusion of Areas B, C and D from Western Bay of Plenty District and their inclusion in Tauranga City.

(2) The transition body:

- (a) will comprise an implementation team; and
- (b) will not include a transition board.

(3) The role of transition body will be to:

- (a) generally, make such arrangements as are necessary for the exclusion of Areas B, C and D from Western Bay of Plenty District and their inclusion in Tauranga City;
- (b) meet the purposes of a transition body provided for by clause 34(2) of Schedule 3 of the Act; and
- (c) undertake the responsibilities of a transition body provided for by clause 36 of Schedule 3 of the Act.

12. Hurst Property Transition Body

(1) The Hurst Transition Body will be established to make arrangements for the exclusion of Area E from Tauranga City and its inclusion in Western Bay of Plenty District.

(2) The transition body:

- (a) will comprise an implementation team; and
- (b) will not include a transition board.

(3) The role of transition body will be to:

- (a) generally, make such arrangements as are necessary for the exclusion of Area E from Tauranga City and its inclusion in Western Bay of Plenty District;
- (b) meet the purposes of a transition body provided for by clause 34(2) of Schedule 3 of the Act; and
- (c) undertake the responsibilities of a transition body provided for by clause 36 of Schedule 3 of the Act.

13. Membership

The Local Government Commission will appoint the members of the transition bodies, including a manager of each implementation team, from nominations from the Western Bay of Plenty District Council and the Tauranga City Council.

14. Miscellaneous

Nothing in this plan requires the appointment of an interim chief executive under clause 38 of Schedule 3 of the Act.

SUPPLEMENTARY INFORMATION

ADVANTAGES AND DISADVANTAGES

The advantage of these boundary changes, particularly those at Belk and Keenan roads, is that it will allow the Western Bay of Plenty sub-region's councils to move ahead in implementing their strategy for providing sufficient land for urban development in the Tauranga urban area. There is currently a significant shortfall in land suitable for residential development and this is projected to grow in the future. This has been identified as resulting in significant foregone economic activity and driving inflation of residential property values. This is a significant limiting factor on the aspiration to improve the social and economic wellbeing of the sub-region's communities.

Making the boundary changes will allow for development of these areas to be planned and delivered in an integrated manner by Tauranga City over the coming years. This will contribute towards addressing the current and projected shortfalls in available land. There would be significant negative consequences across the community if the supply of land for residential development in the sub-region is not able to meet demand.

The more specific advantages of the boundary changes at Tara Road and the Hurst property are that they rectify anomalies in the current boundaries, and ensure that these areas are included in the territorial authority district best placed to deal with any impacts related to them.

A potential disadvantage for some of the current residents of the area may result from the broader process of development, rather than the boundary change as such; the usage of the area may change once other planning processes have concluded. For some current residents this could present an opportunity rather than a disadvantage.

MEETING THE OBJECTIVES SET OUT IN CLAUSE 10 OF SCHEDULE 3, LOCAL GOVERNMENT ACT AND PROMOTING GOOD LOCAL GOVERNMENT

The following commentary outlines how the plan will meet the objectives set out in clause 10 of Schedule 3 of the Local Government Act 2002. In doing so it also describes how it will promote good local government.

Better fulfilment of the purpose of local government as specified in section 10

The purposes of local government in section 10 are:

- a. to enable democratic local decision-making and action by, and on behalf of, communities; and
- b. to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

Democratic decision-making

The proposed changes do not alter the structure of democratic community governance affecting either the district or the city. They are merely concerned with the movement of several defined areas from one jurisdiction to another.

The future urban population of areas envisaged for residential development, and most of those likely to find employment in the proposed new industrial area, will for practical purposes comprise part of the urban Tauranga community. It is most appropriate that the areas should be part of the city for governance, representation and accountability purposes.

None of these changes require immediate change to the structure of governance and representation in either district. The numbers of current residents in these areas are modest. The impacts of the larger changes in population that may follow urban development in these areas can be addressed through future council representation reviews.

Promotion of wellbeing

The availability of adequate land for residential and commercial development provides places for people to live and work. This is basic to promoting the social, economic, environmental, and cultural well-being of communities. The Western Bay of Plenty sub-region is one of the fastest growing areas in New Zealand.¹

A shortfall in land supply available in both the short and medium term for residential development has been identified. Similarly, the need has been identified for additional industrial land supply for the period out to 2027.

The two larger boundary changes (Keenan Road – residential, and Belk Road - industrial) are both in areas that have long been signalled in sub-regional growth planning carried out by the Smartgrowth partners as areas for future urban development as part of a western growth corridor. This is reflected in the urban growth limits set out in the Bay of Plenty Regional Council's regional policy statement. The proposed change at Tara Road falls outside these agreed sub-regional plans but also reflects an aspiration by some for residential development on the land.

The agreed approach of the two affected territorial authorities is that urban development should be undertaken under the jurisdiction of Tauranga City Council. This would allow it to be planned and developed in an integrated manner as part of the broader urban area. It also reflects the practical necessity for infrastructure to be provided by the city as there are no adjacent district networks.

¹ A Stats NZ news release, 22 October 2020, stated that "Bay of Plenty provisionally had the highest percentage population growth of all regions in the year end June 2020 ... This was driven by the high growth in Tauranga City and Western Bay of Plenty District."

The proposed boundary alterations at Belk and Keenan roads better fulfil the purpose of local government relating to community wellbeing by facilitating the chosen pathway of the affected local authorities for making provision for population and employment growth in the sub-region and supporting their aspiration to ensure that sufficient land is available for residential and industrial development.

The proposed change at Tara Road has not been previously planned and signalled in this way. The fact that the Tara Road land remains in the Western Bay of Plenty District when it is effectively “landlocked” by the S.H 2 expressway is, however, clearly anomalous. If the area is to be developed it will require connection to Tauranga City infrastructure and will for practical purposes be part of the Tauranga urban area. If it is not developed it is still more logically placed in Tauranga City.

The Hurst property is not proposed to be developed and the same issues do not apply. However its location in Tauranga City is now anomalous and it should logically be located in Western Bay of Plenty District.

Productivity improvements within the affected local authorities and efficiencies and cost savings

In the most direct sense a boundary adjustment is unlikely to make a material difference to the productivity or efficiency of council operations. Each council will continue to provide services at similar scale, and institutional arrangements around service provision, beyond the areas of the three proposed boundary changes, will not be affected.

Boundary alterations moving these areas into the city are clearly far more efficient, however, than the alternatives of either Western Bay of Plenty District undertaking the provision of the necessary urban infrastructure, or the city providing it under some form of cross boundary arrangement. This takes advantages of the scale of urban infrastructure already in place in adjoining areas of the city, and will facilitate integrated urban planning, and the application of standard regulatory settings across the urban area.

Assurance that any local authority established or changed has the resources necessary to enable it to effectively perform or exercise its responsibilities, duties, and powers

The scale of change being considered is not sufficient to have a material impact on the adequacy of the resources of either of the two affected councils. Both councils will continue to have their existing powers, and both will continue to have the necessary resources to undertake their responsibilities, duties and powers.

Effective responses to the opportunities, needs, and circumstances of the affected areas

As discussed above, the Western Bay of Plenty sub-region is one of the fastest growing areas in New Zealand. Meeting demand for land for housing and business arising from this is arguably the greatest challenge facing the sub-region. The sub-region has an immediate shortfall in land available for residential development, and the need for additional industrial land for the period beyond 2020 has previously been identified. The Western Bay of Plenty has a well-established sub-regional growth planning approach through the Smartgrowth partnership which has recognised these challenges.

The planned sub-regional response involves facilitating most growth as part of the Tauranga City Council's jurisdiction where new areas can be connected to existing urban infrastructure (either through intensification or extension of the city boundaries to include green field areas).

Enhanced effectiveness, efficiency, and sustainability of local government services

The alteration in the boundaries to allow the Tauranga City Council to provide services as part of its city-wide networks represents the most effective option for providing these services to the future populations and workforces of the areas in question. Having the area under the jurisdiction of a single territorial authority for planning and other regulatory purposes can be expected to be more efficient and effective than it being divided between districts.

Better support for the ability of local and regional economies to develop and prosper; and Enhanced ability of local government to meet the changing needs of communities for governance and services into the future

While the proposed boundary changes do not in themselves solve the issue of land availability, they help clear the way for councils to take steps towards addressing them. The potential economic impacts are highly significant.

After reviewing Tauranga City's projections of land available for housing, the New Zealand Institute of Economic Research estimated that the city was at risk of significant housing cost appreciation as a result.² It concluded:

- Its impact on growth would lead to foregone GDP of \$272.7 million over the next 3 years, growing to \$725.5 million by year 10; and
- Its impact on the median house price would be \$40,119 per annum in the short term (1 – 3 years), increasing over the medium term (10 years) to \$702,082.

The proposed changes, especially those at Belk and Keenan roads, will facilitate the councils implementing agreed strategies for meeting the challenges of growth and, at least partly, addressing the impacts of a shortage in land supply.

Effective provision for any co-governance and co-management arrangements that are established by legislation (including Treaty of Waitangi claim settlement legislation) and that are between local authorities and iwi or Māori organisations

The proposed boundary alterations do not affect any co-governance and co-management arrangements that are established by legislation.

NEXT STEPS

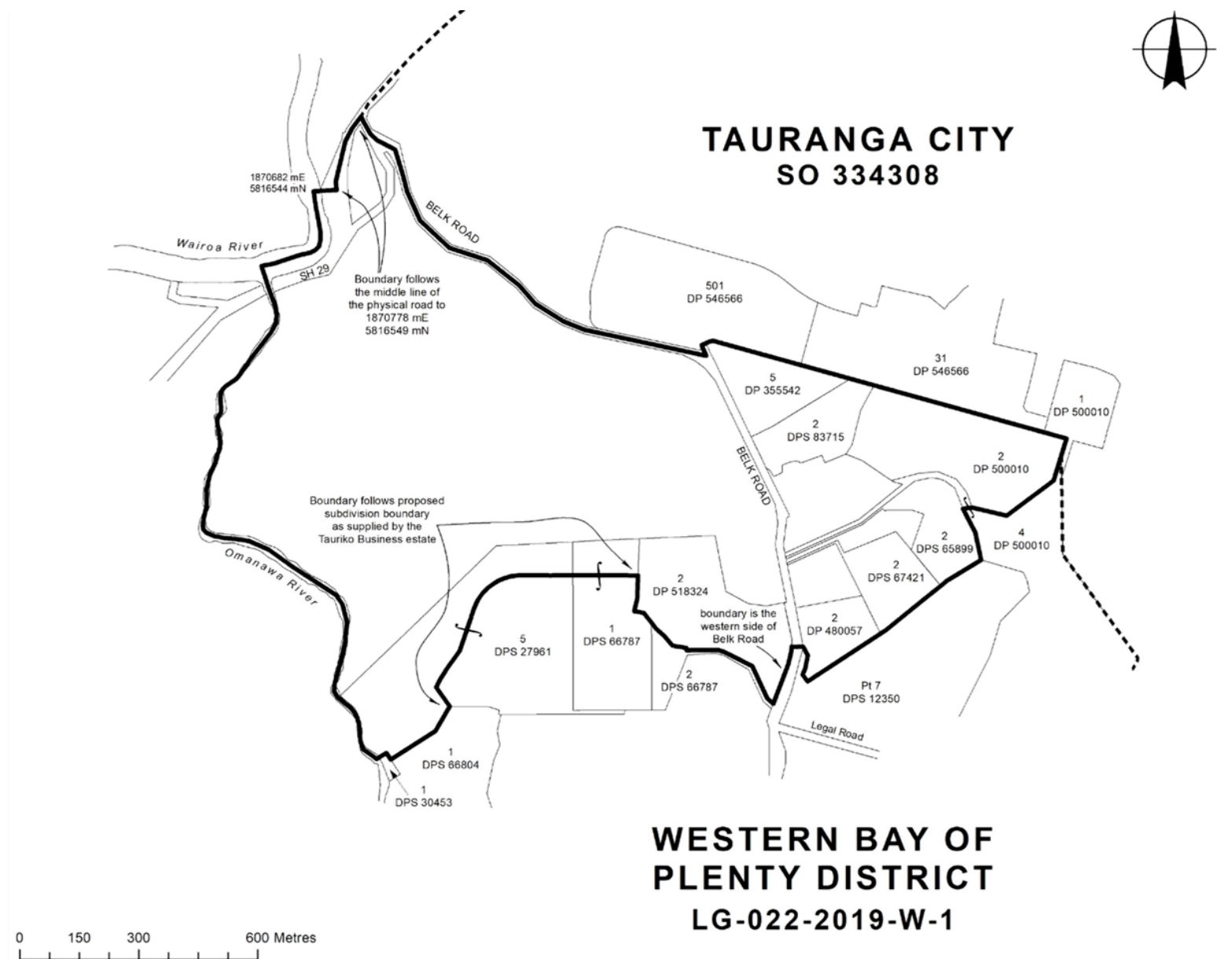
In accordance with section 25 of the Local Government Act 2002, an Order in Council is now being prepared to give effect to this reorganisation plan.

² NZIER, Impact of Housing Shortages: Assessing the Effect for Tauranga City, February 2020

With assistance from the affected councils and the implementation teams the Commission will prepare a reorganisation implementation scheme. This scheme will set out arrangements required to assist a smooth transition. This could include for example identifying whether Western Bay of Plenty District bylaws continue to apply to the areas being transferred to Tauranga City for an interim period, or whether Tauranga City bylaws apply immediately the boundary change takes effect.

The reorganisation implementation plan will also need to be given effect to by Order in Council.

The Commission and the local authorities have agreed that the boundary change should take effect on 1 March 2021.



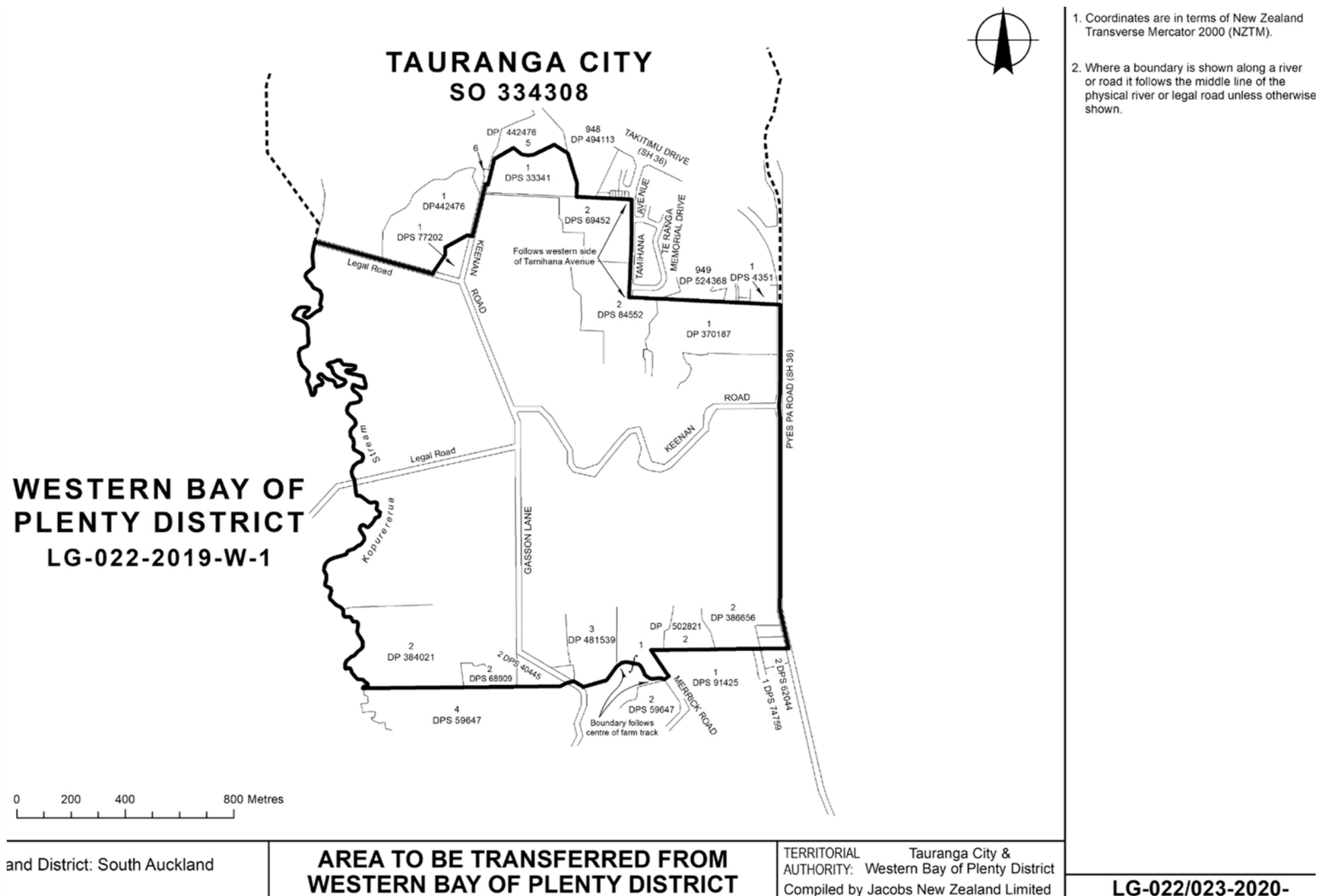
1. Coordinates are in terms of New Zealand Transverse Mercator 2000 (NZTM).
2. Where a boundary is shown along a river or road it follows the middle line of the physical river or legal road unless otherwise shown.

and District: South Auckland

**AREA TO BE TRANSFERRED FROM
WESTERN BAY OF PLENTY DISTRICT**

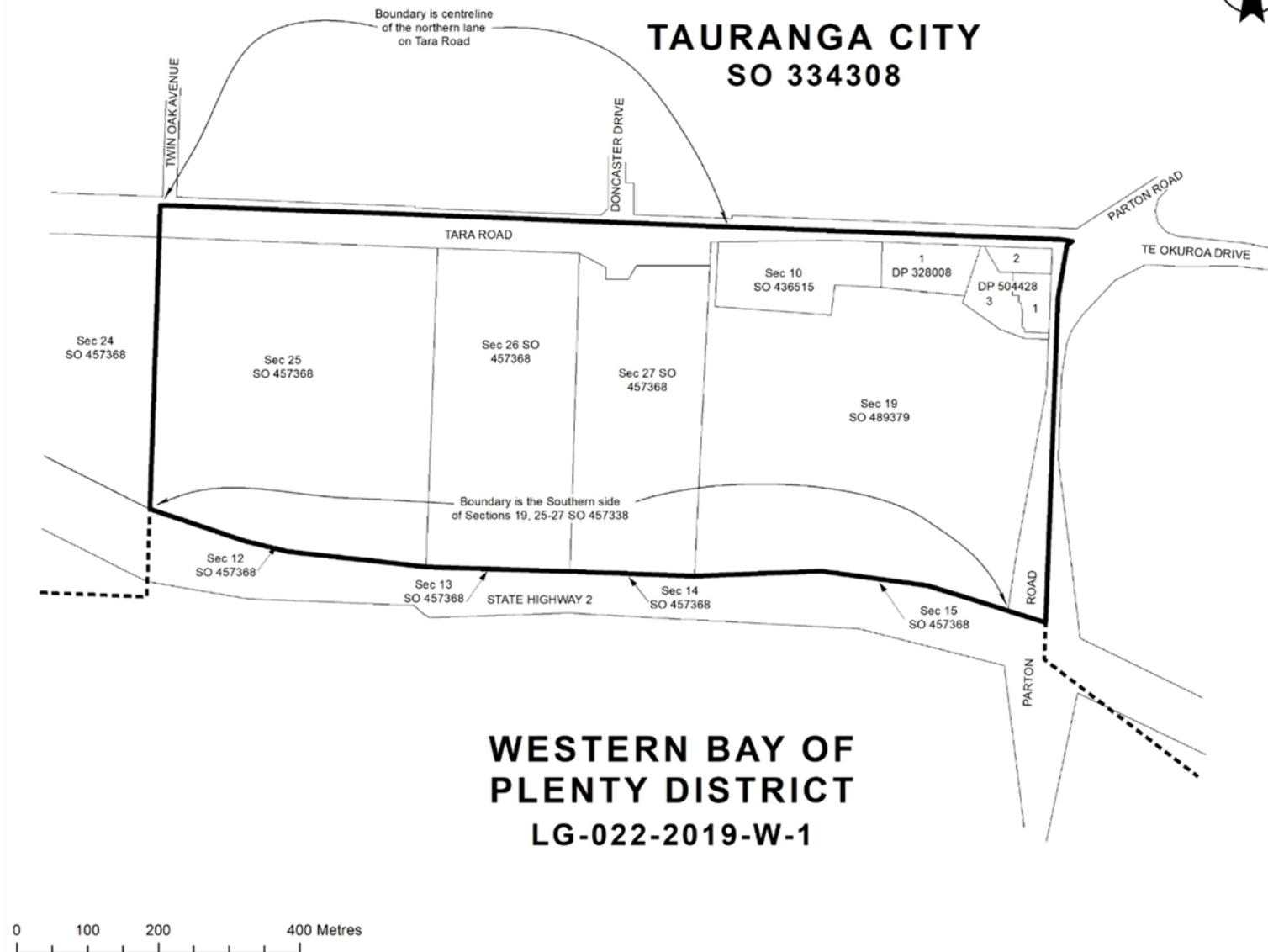
TERRITORIAL Tauranga City &
AUTHORITY: Western Bay of Plenty District
Compiled by Jacobs New Zealand Limited

LG-022/023-2020-





1. Coordinates are in terms of New Zealand Transverse Mercator 2000 (NZTM).
2. Where a boundary is shown along a river or road it follows the middle line of the physical river or legal road unless otherwise shown.

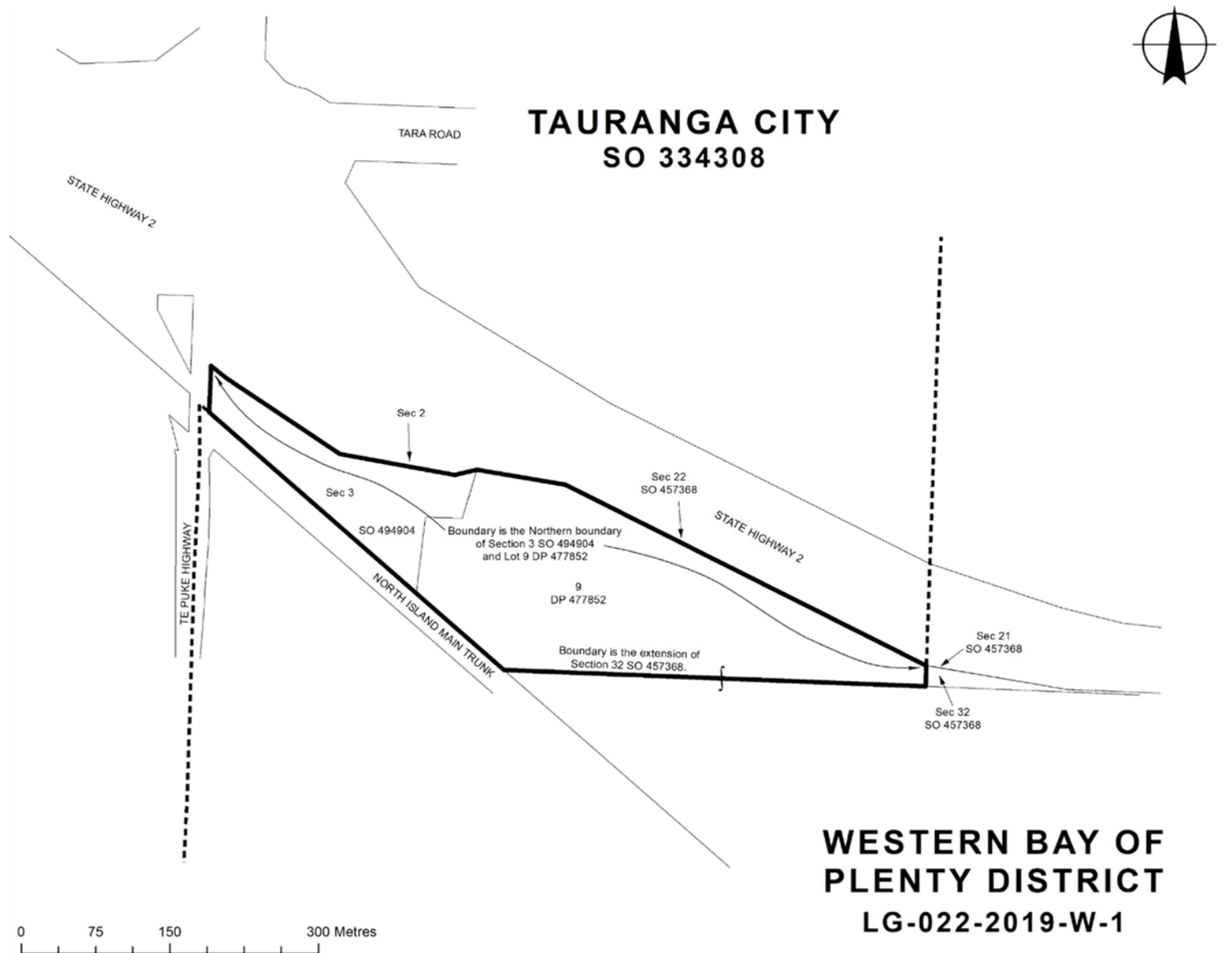


and District: South Auckland

**AREA TO BE TRANSFERRED FROM
WESTERN BAY OF PLENTY DISTRICT**

TERRITORIAL Tauranga City &
AUTHORITY: Western Bay of Plenty District
Compiled by Jacobs New Zealand Limited

LG-022/023-2020-



1. Coordinates are in terms of New Zealand Transverse Mercator 2000 (NZTM).

and District: South Auckland

**AREA TO BE TRANSFERRED FROM
TAURANGA CITY TO**

TERRITORIAL Tauranga City &
AUTHORITY: Western Bay of Plenty District
Compiled by Jacobs New Zealand Limited

LG-022/023-2020-



In Executive Council

*Her Excellency the Governor-General is recommended to sign
the attached Order in Council making the
**Local Government Reorganisation (Belk, Keenan and Tara
Roads) Order 2021***

A handwritten signature in black ink, appearing to read 'A. C. M. ...'.

Minister of Local Government

Approved in Council

A handwritten signature in blue ink, appearing to read 'Patsy Reddy', written over a horizontal line.

A handwritten signature in blue ink, appearing to read 'M. H. Wells', written over a horizontal line.

Clerk of the Executive Council

Memorandum of Solicitor

I, Michelle Irene de Villiers, Senior Solicitor, Department of Internal Affairs certify that:

- The Order in Council is ready to be submitted directly to the Executive Council;
- The Order in Council is ready for signature;
- The Order in Council is in compliance with the empowering provision, section 25 of the Local Government Act 2002 (the Act) and contains all matters necessary to give legal effect to the reorganisation scheme issued by the Local Government Commission;
- There are no preconditions set out in the empowering provisions that need to be met;
- The waiver of the 28-day rule requirements do not affect this Order in Council as they apply only to regulations. However, the Order in Council is not regulatory in nature and does not impact on rights or duties other than those already set out in the Act;
- Consultation with other government agencies is not required before an order in council is signed as agencies have previously been consulted in preparing the final proposal.

Local Government Reorganisation (Belk, Keenan and Tara Roads) Order 2021

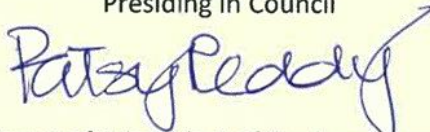
Order in Council

At Wellington this ^{15th} day of ^{February} 2021

PRESENT:

THE RT HON PATSY REDDY, GNZM, QSO, Governor-General

Presiding in Council



Pursuant to section 25 and Part 4 of Schedule 3 of the Local Government Act 2002, the Governor-General, acting by and with the advice of the Executive Council and at the request of the Local Government Commission, makes the following Order.

Order**1. Title and purpose**

(1) This Order is the Local Government Reorganisation (Belk, Keenan and Tara Roads) Order 2021.

(2) This order:

- a. Gives effect to the reorganisation plan approved by the Local Government Commission on 3 December 2020 under clause 22C of Schedule 3 of the Local Government Act 2002;
- b. is prepared under Schedule 3 of the Local Government Act 2002; and
- c. is prepared to promote good local government in a way that meets the needs and preferences of affected communities.

2. Commencement

(1) Clauses 4 to 10 come into force on **1 March 2021**.

(2) Clauses 1 to 3, and 11 to 14 come into force on the day after the date of the notification of this Order in the *New Zealand Gazette*.

3. Interpretation

The following terms have their meaning in this Order as follows:

Area B means the area defined on map LG-022/023-2020-Boundary-2 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area C means the area defined on map LG-022/023-2020-Boundary-3 deposited with the Local Government Commission, available on the Local Government Commission's website.

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Area D means the area defined on map LG-022/023-2020-Boundary-4 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area E means the area defined on map LG-022/023-2020-Boundary-5 deposited with the Local Government Commission, available on the Local Government Commission's website.

Transition body means one or both of the transition bodies established by clauses 11 and 12 of this Order.

Boundary alterations

4. Boundary alterations

The boundaries of Western Bay of Plenty District and Tauranga City are altered by:

- a. excluding Areas B, C and D from Western Bay of Plenty District and including them in Tauranga City; and
- b. excluding Area E from Tauranga City and including it in Western Bay of Plenty District.

Representation

5. Territorial authority wards

- (1) Areas B and C are excluded from the Kaimai Ward of Western Bay of Plenty District and included in the Otumoetai-Pyes Pa Ward of Tauranga City.
- (2) Area D is excluded from the Maketu-Te Puke Ward of Western Bay of Plenty District and included in the Mount Maunganui-Papamoa Ward of Tauranga City.
- (3) Area E is excluded from the Mount Maunganui-Papamoa Ward of Tauranga City and included in the Maketu-Te Puke Ward of Western Bay of Plenty District.

6. Te Puke Community

- (1) Area D is excluded from the Te Puke Community, constituted by the Local Government (Bay of Plenty Region) Reorganisation Order 1989.
- (2) Area E is included in the Te Puke Community, constituted by the Local Government (Bay of Plenty Region) Reorganisation Order 1989.

7. Regional constituencies

- (1) Areas B, C and D are excluded from the Western Bay of Plenty Constituency of Bay of Plenty Region and included in the Tauranga Constituency of Bay of Plenty Region.
- (2) Area E is excluded from the Tauranga Constituency of Bay of Plenty Region and included in the Western Bay of Plenty Constituency of Bay of Plenty Region.

8. Representation reviews

Clauses 5, 6 and 7 are subject to any review of representation arrangements undertaken under Part 1A of the Local Electoral Act 2001 prior to the triennial elections of local authorities to be held on 8 October 2022.

Effect on other matters

9. Affected local authorities continue in existence

(1) The Western Bay of Plenty District Council and the Tauranga City Council, as presently constituted, continue in existence.

(2) The councils referred to in subclause (1) continue to have all their current roles, powers and responsibilities by or under law.

10. Affected iwi and hapū

For the purposes of clause 14(2) of the Schedule 3 of the Act it is noted that:

- a. Areas B and C fall within the areas of interest of hapu Ngāti Kahu, Ngāti Rangī, Ngāti Pango, Pirirakau, Ngāti Hangarau, and Ngāi Tamarawaho, which whakapapa to Ngāti Ranginui iwi of Tauranga Moana.
- b. Areas D and E fall with the area of interest of Ngā Pōtiki, which whakapapa to Ngāi Te Rangī iwi of Tauranga Moana.

Transition bodies

11. Belk Road, Keenan Road and Tara Road Transition Body

(1) The Belk Road, Keenan Road and Tara Road Transition Body is established to make arrangements for the exclusion of Areas B, C and D from Western Bay of Plenty District and their inclusion in Tauranga City.

(2) The transition body:

- a. will comprise an implementation team; and
- b. will not include a transition board.

(3) The role of transition body will be to:

- a. generally, make such arrangements as are necessary for the exclusion of Areas B, C and D from Western Bay of Plenty District and their inclusion in Tauranga City;
- b. meet the purposes of a transition body provided for by clause 34(2) of Schedule 3 of the Act; and
- c. undertake the responsibilities of a transition body provide for by clause 36 of Schedule 3 of the Act.

12. Hurst Property Transition Body

(1) The Hurst Property Transition Body will be established to make arrangements for the exclusion of Area E from Tauranga City and its inclusion in Western Bay of Plenty District.

Page 3 of 4

(2) The transition body:

- a. will comprise an implementation team; and
- b. will not include a transition board.

(3) The role of transition body will be to:

- a. generally, make such arrangements as are necessary for the exclusion of Area E from Tauranga City and its inclusion in Western Bay of Plenty District.;
- b. meet the purposes of a transition body provided for by clause 34(2) of Schedule 3 of the Act; and
- c. undertake the responsibilities of a transition body provide for by clause 36 of Schedule 3 of the Act.

13. Membership

The Local Government Commission will appoint the members of the transition bodies, including a manager of each implementation team, from nominations from the Western Bay of Plenty District Council and the Tauranga City Council.

14. Miscellaneous

Nothing in this plan requires the appointment of an interim chief executive under clause 38 of Schedule 3 of the Act.

Dated this day of February 2021



Clerk of the Executive Council



Local Government Commission
Mana Kāwanatanga ā Rohe

**REORGANISATION IMPLEMENTATION SCHEME
FOR BOUNDARY ALTERATIONS BETWEEN
WESTERN BAY OF PLENTY DISTRICT AND TAURANGA CITY**

INTRODUCTION

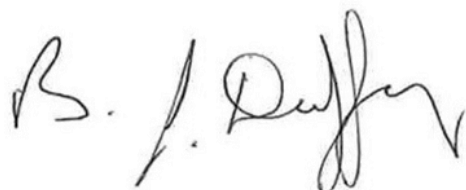
On 3 December 2020 the Local Government Commission adopted a reorganisation plan under clause 12 , Schedule 3 of the Local Government Act 2002 for

- (a) the transfer of areas at Belk Road, Keenan Road and Tara Road from Western Bay of Plenty District to Tauranga City; and
- (b) the transfer of an area south of the Tauranga Eastern Link Toll Road from Tauranga City to Western Bay of Plenty District.

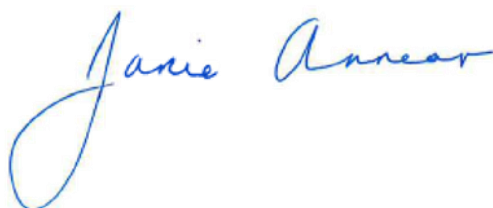
The reorganisation plan was given effect to by an Order in Council made on 15 February 2021.

Clause 41, Schedule 3 provides that where a reorganisation plan has been given effect to by Order in Council the Commission must prepare and issue a reorganisation implementation scheme. The reorganisation implementation scheme sets out the detail of the reorganisation described in the reorganisation plan, in particular the transitional arrangements.


The Commission has, therefore, prepared and issued the following reorganisation implementation scheme.



Brendan Duffy
Chairperson



Janie Annear
Commissioner

A handwritten signature in blue ink, appearing to read 'Sue Piper', with a large checkmark at the end.

Sue Piper
Commissioner

15 February 2021

BELK, KEENAN AND TARA ROADS REORGANISATION IMPLEMENTATION SCHEME

Pursuant to clause 41(2) of Schedule 3 of the Local Government Act 2002, the Local Government Commission has prepared a reorganisation implementation scheme as follows:

Preliminary provisions**1. Purpose**

The purpose of this scheme is to:

- (a) Set out the detail of the reorganisation described in the reorganisation plan for the transfer of the Belk Road, Keenan Road and Tara Road areas from Western Bay of Plenty District to Tauranga City adopted by the Local Government Commission on 3 December 2020 and describe how it is to be implemented; and
- (b) Promote good local government in a way that meets the needs and preferences of affected communities.

2. Commencement

It is proposed that this scheme comes into force on 1 March 2021.

3. Interpretation

The following terms have their meaning in this scheme as follows:

Act means the Local Government Act 2002.

Area B means the area defined on map LG-022/023-2020-Boundary-2 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area C means the area defined on map LG-022/023-2020-Boundary-3 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area D means the area defined on map LG-022/023-2020-Boundary-4 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area E means the area defined on map LG-022/023-2020-Boundary-5 deposited with the Local Government Commission, available on the Local Government Commission's website.

Boundary alterations

4. Boundary alterations

The boundaries of Western Bay of Plenty District and Tauranga City are altered by:

- (a) excluding Areas B, C and D from Western Bay of Plenty District and including them in Tauranga City.
- (b) excluding Area E from Tauranga City and including it in Western Bay of Plenty District.

Representation

5. Territorial authority wards

- (1) Areas B and C are excluded from the Kaimai Ward of Western Bay of Plenty District and included in the Otumoetai-Pyes Pa Ward of Tauranga City .
- (2) Area D is excluded from the Maketu-Te Puke Ward of Western Bay of Plenty District and included in the Mount Maunganui-Papamoa Ward of Tauranga City.
- (3) Area E is excluded from the Mount Maunganui-Papamoa Ward of Tauranga City and included in the Maketu-Te Puke Ward of Western Bay of Plenty District.

6. Te Puke Community

- (1) Area D is excluded from the Te Puke Community.
- (2) Area E is included in the Te Puke Community.

7. Regional constituencies

- (1) Area B, C and D are excluded from the Western Bay of Plenty Constituency of Bay of Plenty Region and included in the Tauranga Constituency of Bay of Plenty Region.
- (2) Area E is excluded from the Tauranga Constituency of Bay of Plenty Region and included in the Western Bay of Plenty Constituency of Bay of Plenty Region.

8. Representation reviews

Clauses 5, 6 and 7 are subject to any review of representation arrangements undertaken under Part 1A of the Local Electoral Act 2001 prior to the triennial elections of local authorities to be held on 8 October 2022.

Effect on other matters

9. Affected local authorities continue in existence

(1) The Western Bay of Plenty District Council and the Tauranga City Council, being territorial authorities, continue in existence.

(2) The districts for those local authorities are the Western Bay of Plenty District and Tauranga City.

10. Affected iwi and hapū

For the purposes of clause 14(2) of the Schedule 3 of the Act it is noted that:

- (a) Areas B and C fall within the areas of interest of hapu Ngāti Kahu, Ngāti Rangī, Ngāti Pango, Pirirakau, Ngāti Hangarau, and Ngāi Tamarawaho, which whakapapa to Ngāti Ranginui iwi of Tauranga Moana.
- (b) Areas D and E fall with the area of interest of Ngā Pōtiki, which whakapapa to Ngāi Te Rangī iwi of Tauranga Moana.

Transitional matters relating to Areas B, C and D

11. General

Except as provided by clauses 12, 13 and 14, clause 45 of Schedule 3 of the Act applies to this scheme in respect of Areas B, C and D.

12. Long term plans

The Long Term Plan adopted by the Western Bay of Plenty District Council for the period 2018/2028 continues to apply to Areas B, C and D until the Long Term Plan to be adopted by the Tauranga City Council for the period 2021/2031 becomes operative.

13. Annual plan

The annual plan adopted by the Western Bay of Plenty District Council for 2020/2021 continues to apply to Areas B, C and D until the close of 30 June 2021.

14. Rates

(1) All rates and charges payable to or owing to the Western Bay of Plenty District Council in respect of Areas B, C and D for the financial year ending 30 June 2021 continue to be collected by and payable to that council.

(2) From 1 July 2021, all rates and charges assessed for Areas B, C and D shall be collected by and payable to the Tauranga City Council.

15. Resource Management Act

(1) Notwithstanding section 81 of the Resource Management Act 1991, the Western Bay of Plenty District Council's operative district plan as it relates to Areas B, C and D continues to apply those areas until 1 April 2024 and until that time is deemed to be part of the Tauranga City Council's district plan.

(2) Despite subclause (2), the Tauranga City Council may at any time before 1 April 2024 change, vary or replace the Western Bay of Plenty District Council's operative district plan as it relates to Areas B, C and D.

(3) All matters under the Resource Management Act 1991 relating to Areas B, C and D become the responsibility of the Tauranga City Council from 1 March 2021.

16. Policies

(1) Subject to clause 17, any policy prepared by the Western Bay of Plenty District Council, in so far as it applies to Areas B, C and D, continues to apply to that area until that policy is, in relation to its application to Areas B, C and D, revoked, amended or replaced by the Tauranga City Council.

(2) For the sake of clarity, any existing Tauranga City Council policies in so far as they apply to Areas B, C and D, and to the extent that the subject-matter in them is covered by the Western Bay of Plenty District Council's policies, will not apply to those areas until the Western Bay of Plenty District Council's policies have been revoked, amended or replaced by the Tauranga City Council.

(3) The Tauranga City Council shall, as soon as practicable but within 2 years, adopt (with amendments as it thinks fit), replace or revoke those policies.

17. Bylaws

(1) Except as provided by clause 17 of this scheme, clause 46 of Schedule 3 of the Act applies to bylaws in force in Areas B, C, and D and the Western Bay of Plenty District Council's remain in force in those areas.

(2) For the sake of clarity, any existing Tauranga City Council bylaws in so far as they apply to Areas B, C and D, and to the extent that the subject-matter in them are covered by the Western Bay of Plenty District Council's bylaws will not apply to those areas until the Western Bay of Plenty District Council bylaws have been confirmed, amended or revoked under clause 46(5) of Schedule 3 of the Act.

18. Election signs

For the purpose of regulating election signs at any poll or election:

- (a) The Western Bay of Plenty District Council's Election Signs Policy and clause 4D:4.1.1 of the Western Bay of Plenty District Plan cease to apply to Areas B, C and D; and
- (b) The Tauranga City Council's Local Elections Policy, clause 14 of the Street Use and Public Places Bylaw 2018, and rules 4D.2.1 and 4D.2.2 of the Tauranga City Plan apply to Areas B, C and D.

Transitional matters relating to Area E

19. General

Except as provided by clauses 20, 21 and 22, clause 45 of Schedule 3 of the Act applies to this scheme in respect of Area E.

20. Long term plans

The Long Term Plan adopted by the Tauranga City Council for the period 2018/2028 continues to apply to Area E until the Long Term Plan to be adopted by the Western Bay of Plenty District Council for the period 2021/2031 becomes operative.

19. Annual plan

The annual plan adopted by the Tauranga City Council for 2020/2021 continues to apply to Area E until the close of 30 June 2021.

20. Rates

(1) All rates and charges payable to or owing to the Tauranga City Council in respect of Area E for the financial year ending 30 June 2021 continue to be collected by and payable to that council.

(2) From 1 July 2021, all rates and charges assessed for Area A shall be collected by and payable to the Western Bay of Plenty District Council.

21. Resource Management Act

(1) In accordance with section 81 of the Resource Management Act 1991:

- (a) The operative district plan prepared by the Tauranga City Council as it relates to Area E continues to apply to Area E and is deemed to be part of Western Bay of Plenty District Council's district plan.
- (b) The Western Bay of Plenty District Council shall, as soon as practicable but within 2 years, make such changes to its district plan as it considers necessary to cover Area E.

(2) All matters under the Resource Management Act 1991 relating to Area E become the responsibility of the Western Bay of Plenty District Council from 1 March 2021.

22. Policies

(1) Subject to subclauses (2) and (3), all policies of the Western Bay of Plenty District Council apply to Area E from 1 March 2021.

(2) Subject to subclause (3), the policies of the Tauranga City Council relating to collection of revenue (including revenue and financing policies, rating and fees and charges policies) continue to apply to Area E until the Western Bay of Plenty District Council's Long Term Plan for the period 2021/2031 becomes operative; thereafter, the relevant policies of Western Bay of Plenty District Council will apply to Area E.

(3) The Tauranga City Council's development contributions policy continues to apply to Area E until the Western Bay of Plenty District Council changes its District Plan, as envisaged in clause 21 (1)(b); thereafter, the Western Bay of Plenty District Council's financial contributions policy and/or development contributions policy will apply to Area E.

(4) Notwithstanding subclause (3), any development contributions or financial contributions levied on or after 1 March 2021 will accrue to the Western Bay of Plenty District Council.

22A. Bylaws

- (1) Clause 46 of Schedule 3 of the Act does not apply to bylaws in force in Area E.
- (2) For the sake of clarity, the Tauranga City Council's existing bylaws cease to apply to Area E from 1 March 2021 and the existing bylaws of the Western Bay of Plenty District Council will apply to Area E from that date.

23. Election signs

For the purpose of regulating election signs at any poll or election:

- (c) The Tauranga City Council's Local Elections Policy, clause 14 of the Street Use and Public Places Bylaw 2018, and rules 4D.2.1 and 4D.2.2 of the Tauranga City Plan cease to apply to Area E; and
- (d) The Western Bay of Plenty District Council's Election Signs Policy and clause 4D:4.1.1 of the Western Bay of Plenty District Plan apply to Area E.

10.6 AUDIT AND RISK COMMITTEE MEMBERSHIP - REAPPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON

File Number: A3979351

Author: Barbara Clarke, Senior Governance Advisor

Authoriser: Kumaren Perumal, Group Manager Finance and Technology Services

EXECUTIVE SUMMARY

This report seeks to reappoint the Chairperson and the Deputy Chairperson of the Audit and Risk Committee from within the current membership of the Committee and to present a recommendation from the Audit and Risk Committee to appoint an Independent Subject Matter Expert to the Audit and Risk Committee.

RECOMMENDATION

1. That Mayor Webber's report dated 25 February 2021 titled 'Audit and Risk Committee – Reappointment of Chairperson and Deputy Chairperson' 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 be advised that the Chairperson of the Audit and Risk Committee, Mayor Webber, wishes to vacate the position, and hereby appoints Councillor James Denyer as Chairperson of the Audit and Risk Committee, pursuant to Section 41A(3)(c) of the Local Government Act 2002.
4. That Council adopts system A as per Schedule 7 clause 25(3) of the Local Government Act 2002 for the election of the Deputy Chairperson of the Audit and Risk Committee;

Or

That Council adopts system B as per Schedule 7 clause 25(4) of the Local Government Act 2002 for the election of the Deputy Chairperson of the Audit and Risk Committee.

5. That Council appoints the following person as Deputy Chairperson of the Audit and Risk Committee:
 - Councillor Murray Grainger.
6. That Council accepts a recommendation from the Audit and Risk Committee to undertake a process to appoint an Independent Subject Matter Expert to the Audit and Risk Committee.

BACKGROUND

Audit and Risk Committee

This Committee was established to provide assurance and assistance to Council on management of Council's risk, financial control and compliance framework and its external accountability responsibilities.

The scope of the Committee includes development and monitoring of an appropriate risk management strategy, internal and external audit arrangements, oversight and development of Council's Annual Report, financial and corporate policies, a risk management strategy and support to improve management performance and internal controls.

It is accepted that, from time to time, Chairpersons and/or Deputy Chairpersons may be reappointed to Council's Committees, as considered appropriate in relation to the business of the Committee.

Roles and Powers of Mayor

In accordance with the powers vested in the Mayor under Section 41(A)(3) of the Local Government Act 2002, the Mayor has the power to appoint the Chairperson of each established Committee of Council (Standing Order 5.1).

Election of Deputy Chairperson

Under Standing Order (SO) 5.4, the Council (or a Committee responsible for making the appointment), must decide by resolution to use one of two voting systems (SO 5.6) when electing, for example, Deputy Chairperson of a Committee.

Voting System for Chairs, Deputy Mayors and Committee Chairs (and Deputy Chairs)

Standing Order 5.6

When electing a regional council chair, a Deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

RECOMMENDATION FROM THE AUDIT AND RISK COMMITTEE ON 17 DECEMBER 2020

Remit No. AR20-4.8: REVIEW OF GOVERNANCE IN CONTEXT OF GLOBAL BEST PRACTICE

Moved: Cr J Denyer
Seconded: Cr M Grainger

1. That the Group Manager Finance and Technology Services report dated 17 December 2020 titled 'Review of Governance in Context of Global Best Practice' be received.
2. That the Committee considers the recommendations from the review and advises which of the recommendations they would like to implement, and which they would like to see further developed for a later decision.

3. That the Audit and Risk Committee recommends to Council that they appoint a Chair of the Audit and Risk Committee other than the Mayor.
4. That the Audit and Risk Committee recommends to Council that they appoint an Independent Subject Matter Expert to the Audit and Risk Committee.
5. That staff identify an appropriate qualification that will become a requirement to be a member of the Audit and Risk Committee.

STAFF COMMENTS

Staff are in support of the recommendations made at the Audit and Risk Committee meeting held on 17 December 2020 in response to the findings raised from the review of the Committee's governance functions in the context of global best practice.

SIGNIFICANCE AND ENGAGEMENT

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

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

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is a procedural matter.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

No engagement or consultation is planned. The Local Government Act 2002 prescribes the process of appointments to Committees.

Interested/Affected Parties	Planned Communication
Council and its communities, General Public	The Terms of Reference, Chairperson, Deputy Chairperson and full membership of Council Committees are included in all published Committee agendas on Council's website for ease of reference.
As above.	A process to appoint an Independent Subject Matter Expert.

ISSUES AND OPTIONS ASSESSMENT

Adopt proposed delegations to	
Reason why no options are available	Legislative or other reference
The Mayor has the power to appoint the Chairperson of each established Committee under Section 41A(3)(c). The recommendations in the report support the efficient and effective management of Audit and Risk Committee meetings.	Section 41A(3) of the Local Government Act 2002. Schedule 7 clause 25(3) and (4) of the Local Government Act 2002. Standing Orders 5.1 and 5.4.

STATUTORY COMPLIANCE

The appointment of Chairpersons of Council Committees are made via the legislative requirements of Section 41A(3)(c) of the Local Government Act 2002 under the Powers of the Mayor.

The decision to reappoint committee members is made in accordance with Clause 31(1) Schedule 7 of the Local Government Act 2002.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Not applicable – Committee Administration.	No funding requirements, as funding is allocated in the District Representation budget.

10.7 ŌMOKOROA SETTLERS HALL LEASE 2020 TO 2050

File Number: A3980323

Author: Joanne Hin, Legal Property Officer Reserves & Facilities

Authoriser: Blaise Williams, Strategic Property Manager

EXECUTIVE SUMMARY

A new lease is required to be entered into with Omokoroa Settlers Hall Society to continue their tenure at the hall site.

RECOMMENDATION

1. That the Legal Property Officer's report dated 2 February 2021 titled "Omokoroa Settlers Hall Lease 2020-2050" be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. The Council, in its capacity as administering body of Part Allotment 247 SO 24060 Te Puna Parish, **grants/does not grant** Omokoroa Settlers Hall Society a lease of approximately 506m² for the purpose of a Community Hall from 1 December 2020 to 30 November 2025 with the ability to renew the lease 5 more times for a period of 5 years each.

BACKGROUND

In 1995 an agreement was entered into between Council and the Omokoroa Settlers Hall Society for the transfer of ownership of the hall building. A lease of the land was also proposed, however, the lease was never finalised. Both parties have abided by the terms of the proposed lease over the ensuing years. As the lease was due for renewal for a further term on 1 December 2020, it was proposed to the committee to enter into a new lease to better reflect the current use of the site. Both parties agreed to continue the Omokoroa Settlers Hall Society's tenure under a new and more relevant lease.

The lease will commence on 1 December 2020 and will be for a 5 year term, with the ability to renew the lease 5 more times for a period of 5 years each.

If Council requires the land for other Council purposes, the lease allows for Council to give 6 months notice to end the tenancy.

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 because the lease has already been consulted on as part of the Omokoroa Settlers Hall Reserve Management Plan (attached). The RMP records that a lease is in place and further states that the Reserve Policy is to continue partnership with the Hall committee.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

The lease is contemplated in the Reserve Management Plan (RMP) for the Kaimai Ward. The RMP for Omokoroa Settlers Hall (attached) states the policy is to continue partnership with the hall committee. The RMP is to be reviewed in 2025/2026. The first term of the lease will expire 30

November 2025. The RMP Review Document will detail the further proposed terms of the lease. The first lease term will be from 1 December 2020 to 30 November 2025 with 5 further terms of 5 years each with the lease expiring 30 November 2050.

ISSUES AND OPTIONS ASSESSMENT

Option A	
That Council, in its capacity as administering body of Part Allotment 247 SO 24060 Te Puna Parish, grants Omokoroa Settlers Hall Society a lease of approximately 506m ² for the purposes of a Community Hall from 1 December 2020 to 30 November 2025, with the ability to renew the lease 5 more times for a period of 5 years each.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	The hall provides wide ranging community benefits. It is used every day both socially, recreationally and educationally. Current use includes children and adult art groups, indoor bowls, line dancing, Zumba, Pilates, Police firearms training, table tennis, church group, and an annual art exhibition amongst other things. The hall is also able to be booked by community groups and for birthday celebrations such as 60 th birthday parties.
Costs (including present and future costs, direct, indirect and contingent costs).	The Hall committee benefits from the hall targeted rate of \$5.00 plus GST from approximately 2380 residents of the Omokoroa area. Other income comes from hall bookings, donations and grants.
Option B	
That Council in its capacity as administering body of Part Allotment 247 SO 24060 Te Puna Parish, does not grant Omokoroa Settlers Hall Society a lease of approximately 506m ² for the purposes of a community hall from 1 December 2020 to 30 November 2025 with the ability to renew the lease 5 more times for a period of 5 years each.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	A well used community space will be lost to Omokoroa and surrounds.
Costs (including present and future costs, direct, indirect and contingent costs).	The community would not need to contribute to a targeted rate.

STATUTORY COMPLIANCE

The lease is contemplated in the Reserve Management Plan for the Kaimai Ward. The land is not a reserve under the Reserves Act 1977 so is not subject to that Act. The lease is subject to the Property Law Act 2007.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	The Hall committee currently benefits from the hall targeted rate of \$5.00 plus GST from approximately 2380 residents of the Omokoroa area. Other income comes from hall bookings, donations and grants.

ATTACHMENTS

1. **Omokoroa Settlers Hall Lease Plan** [!\[\]\(03474b391c9b0d842d63b2995bb13a73_img.jpg\)](#) 
2. **Omokoroa Settlers Hall Reserve Management Plan** [!\[\]\(2287df9167ff8d8bb883a127fc0fdb60_img.jpg\)](#) 

Kaimai Ward Reserves Management Plan 2016

**6.22 Omokoroa Settlers Hall**

Location	Omokoroa Road	Current Inventory	
Classification:	Fee Simple for purposes of Hall	Hall Scout Hall Play centre	Medium
District Plan Zone	Industrial	Playground Equip Car park Garage	Medium
ID	111		
Area	0.3470Ha		
Current State	Community Hall, Play Centre		
RMP	Ward RMP October 2008		
Overview	Continue partnership with hall committee. Old Scout Garage needs to be removed		
Grass Mowing Std	(0.18 Ha) Type D – Does not exceed 90 mm grass height. Mowed to within 45 mm of ground.		

Background:

- ☐ Supports hall and play centre, including playground area.
- ☐ Hall located along road frontage with play centre at rear of site.

Reserve Issues:

- ☐ Remove Sea Scout building if not required.
- ☐ Omokoroa Play centre lease from 1 August 2009 to 31 July 2019.
- ☐ Halls function where there is community interest and support.
- ☐ Parking issues – car park partly on Kiwi rail land.
- ☐ The Hall and Play centre use waste water car park for over flow.

Reserve Management Policy:

- 6.22.1 Continue partnership with hall committee.
- 6.22.2 Consider waste water overflow pond for recreation use.
- 6.22.3 Investigate designating fee simple land to Local Purpose Reserve.
- 6.22.4 If at any time in the future the hall is removed from the reserve, investigate in association with the community development of the area for other recreational purposes.
- 6.22.5 Freedom Camping is prohibited in the reserve including any associated roads/car parks. (Refer to Bylaw).
- 6.22.6 Generic objectives for Local Purpose Reserves and generic policies apply.

2015/25 LTP Approved Actions	Nil
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10.8 ŌMOKOROA PLAN CHANGE PROCESS

File Number: A3990353

Author: Tracey Miller, Senior Policy Analyst Resource Management

Authoriser: Rachael Davie, Group Manager Policy Planning And Regulatory Services

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to make a decision on which planning process to use for the Ōmokoroa Plan Change. The Streamlined Planning Process (SPP) or the standard Part 1, Schedule 1 Plan Change Process. Both processes are prescribed in the Resource Management Act 1991 and have been outlined in this report.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 25 February, titled 'Ōmokoroa Plan Change Process', 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 staff continue to prepare an application to use the Streamlined Planning Process and report back to Council for confirmation prior to lodging the application.

BACKGROUND

2. A discussion paper was provided at the recent 18 February 2021 Policy Workshop, which provided information on options for the Ōmokoroa Plan Change, the standard Part 1, Schedule 1 Plan Change Process, or the Streamlined Planning Process.
3. A summary of the key issues described in the previous workshop discussion paper are outlined below:
 - There is significant development pressure within Ōmokoroa (and the wider Western Bay of Plenty sub-region) that our residential rule framework needs to be in place to enable and support good planning outcomes associated with the necessary medium and high density residential development.
 - The Resource Management Team have undertaken a large amount of work on the proposed plan change / structure plan for Ōmokoroa to initiate the planning needed for housing and necessary infrastructure.
 - The National Policy Statement on Urban Development (NPS-UD) requires Council to ensure an adequate supply of land for residential and commercial purposes and requires councils to have appropriate provisions in place to support good quality high density living.
 - The Streamlined Planning Process (SPP) allows for a more flexible and condensed plan change through a tailored process and in particular by removing appeal rights.
 - Through the SPP, Council would have the ability to prescribe a suitable plan change process, that reflects the complexity of the planning matter. This would need to be approved by the Ministry for the Environment.
 - It is envisioned that the Plan Change under the SPP would be completed within an overall shorter timeframe than the standard 'Schedule 1' process.
 - The Ministry for the Environment would be responsible for approving or declining the plan change.

4. Ōmokoroa has long been identified as a growth area within the Western Bay of Plenty sub-region. Planning has been underway for a number of years in preparation for growth. The Ōmokoroa Structure Plan for Stage 3 has been identified as a priority plan change and has been progressed by the Resource Management team over the last 4 years.
5. Work to date has included;
 - Consultation with the community and key stakeholders (the first open day with the public was held in 2017). An additional round of public consultation took place in 2018 with two open days. In addition, Iwi consultation has occurred and an Urban Design Cultural Overlay has been prepared to guide the structure plan process. Through SmartGrowth, Western Bay of Plenty District Council (WBOPDC) has actively engaged with Tauranga City Council and the Bay of Plenty Regional Council at a strategic level. Ōmokoroa forms part of the “northern corridor” and is identified as a residential urban growth area in the SmartGrowth ‘blueprint’ strategy.
 - Significant work has gone into the development of the Ōmokoroa Structure Plan, including understanding the development potential, landscape, geology, natural hazards, drainage systems, contaminated land, ecology, built heritage and archaeological history, existing and future infrastructure, cultural overlays, social infrastructure, economic overlay and recreation and reserves planning needs.
 - Progression of draft residential rules to enable comprehensive future development that will provide high quality urban environments. Draft residential rules are currently with key stakeholders for their review and feedback (a two-week period) ahead of the formal notification and consultation process. The Resource Management Team are using a test group made up of developers and consultant planners to provide feedback on the draft rules from a developer perspective.

Streamlined Planning Process requirements

6. The SPP provides the ability to tailor the plan change process in such a way that reflects the complexity of a particular planning issue. For example, a shortened consultation process may be appropriate given the amount of consultation that has already occurred on the Ōmokoroa Structure Plan. This could involve the removal of the further submission process. Council will need to identify the process they wish to use and this would need to be approved by the Minister for the Environment. An example of a recent SPP used by Rotorua Lakes Council is provided below.

Rotorua Lakes Council approved Streamlined Plan Change Process Steps		
#	Step	Explanation
1.	Submissions period	Standard submission period process
2.	Further Submissions period	Further submissions to provide an opportunity for people to support or oppose the submissions
3.	Pre-hearing mediation	Pre-mediation on key topics to understand and attempt to resolve issues prior to the hearing.
4.	Public Hearing	Submitters to present in person. Three Independent Commissioners to oversee hearing.
5.	Draft recommendations to submitters	Commissioners write to Minister setting out their recommendations. Draft report circulated to submitters. Ensures that minor or technical errors can be corrected.

6.	Final decision by the Minister for the Environment	Commissioners recommendations are forwarded to Minister for their final decision on the plan change. The decision cannot be appealed to the Environment Court.
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Source - https://letstalk.rotorualakescouncil.nz/District-Plan-Plan-Change-2-Pukehangi-Heights/news_feed/next-steps-in-the-plan-change-process

7. The SPP process is targeted towards plan changes that;
 - Will implement a national direction;
 - Where there is a significant community need or urgency;
 - Alignment of a combination of plan provisions on development of a combined planning document;
 - Address unintended consequences of an existing plan change; or
 - Where innovative planning making is desirable.
8. In the case of Ōmokoroa, the use of the SPP is considered appropriate to assist in the implementation of a national direction (National Policy Statement-Urban Development (NPS-UD)). Council would need to provide a robust evidence base to show how the NPS-UD would be met through the SPP. The NPS-UD requires councils to ensure an adequate supply of land for residential and commercial development and facilitate appropriate intensification for higher density housing. It is considered that Council could provide a strong evidence base to support applying for the SPP to 'implement a national direction'.
9. An application through the SPP requires detailed information up front at the application stage. The level of information required is proportionate to the complexity of the planning issue being considered. The Minister may require further information to enable a direction to be issued. Once a direction is issued, Council will need to adhere to the direction and timeframes outlined in the gazette notice.
10. In a recent discussion with Ministry for the Environment (MFE) staff, the following matters were highlighted:
 - It was made clear that there are no prescribed timeframes for the use of the SPP. It is up to Council to detail why a given process and associated timeframes are appropriate and then for the Minister to approve the direction.
 - That the level of information needing to be provided upfront in the application process would create a longer timeframe at the beginning of the process for Council and that the streamlined process relates to efficiency at the end of the plan change without having to go through the appeal process.
 - The Minister for the Environment will have a busy workload in 2021 with Resource Management Act reforms and therefore may be less available to progress issuing a direction.
 - A key contact person from the Ministry was provided to work through the application process. It was discussed that staff should work closely with MFE in providing a draft application.
11. Due to the removal of the appeal process, the Minister will need to be satisfied that the level of consultation and consideration to affected parties is sufficient and appropriate. Considerable and detailed information will need to be provided up front to the Minister on the consultation process that Council has undertaken, including consultation with Iwi and Hapu.
12. The key advantages of the standard plan change process are that Council remains the decision maker and that standard Clause 1, Schedule 1 process is well used and understood.

13. The standard plan change process (Part 1 Schedule 1 of the RMA) can take up to two years from notification to decision. The appeal process can then delay rules becoming operative. The appeal process can be both time consuming and costly.
14. **Appendix 1** includes a table of the key differences between the SPP and standard Schedule 1 plan making process. **Appendix 2** provides a table on the advantages and disadvantages of each of the two options.

SIGNIFICANCE AND ENGAGEMENT

15. 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.

16. In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because all residents in Ōmokoroa will be impacted by plan change, in the long term the population of the peninsula will increase and associated development will change the landscape of the area.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

17. Both the SPP and the standard Schedule 1 process have consultation requirements prescribed in the Resource Management Act. Whichever process Council chooses to proceed with, consultation will be carried out in accordance with the requirements of the Act.

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Minister for the Environment, Waka Kotahi, Bay of Plenty Regional Council, Territorial Authorities, landowners in Ōmokoroa.	Council staff have met with interested/affected parties as outlined in paragraph 5 of this report. A formal notification/submission process will occur through either plan change options.	Planned	Completed
Tangata Whenua	Iwi consultation has been undertaken during the development of the structure plan. An Urban Design Cultural Overlay has been prepared to guide the structure plan process. Further Iwi consultation will be carried out through the plan change process.		
General Public	Council has extensively engaged with the public and other key stakeholders. This has included three 'open day' meetings with individual parties, sharing of information and feedback through the Western Bay 'Have Your Say' portal. The open days and 'Have Your Say' portal all provided opportunities to provide written comment. Further opportunity will be provided through the notification process.		

ISSUES AND OPTIONS ASSESSMENT

Option A Streamlined Planning Process (SPP)	
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 <ul style="list-style-type: none"> • The SPP will enable residential rules to be operative in a more timely manner and therefore should enable housing to be developed sooner to meet the social needs of the Ōmokoroa population. • Further consultation and notification process will allow submitters to have their say and be heard in a hearing process, if they wish. • A cultural overlay report has been developed which will be used to inform and shape future development of Ōmokoroa. • Enable and support good planning outcomes associated with the necessary medium and high-density residential development. Disadvantages <ul style="list-style-type: none"> • More time required upfront to gain Ministerial approval for the planning process
Costs (including present and future costs, direct, indirect and contingent costs).	<p>The SPP will reduce appeal costs but may require specialist legal advice in the hearing process. Otherwise costs for the SPP are considered the same as the standard plan change process.</p>

Option B Standard Schedule 1 Plan Change Process	
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 <ul style="list-style-type: none"> • A comprehensive development process is proposed to support good urban design and environmental outcomes for the peninsula. • The standard plan change process, through the development of the structure plan and new residential rules, will provide for the four well-beings within Ōmokoroa, however the consideration of the timing of future development will have an important role in planning outcomes that will eventually be realised. Disadvantages <ul style="list-style-type: none"> • Operative residential rules will likely take longer to be put in place through the standard plan change process than what could occur through the SPP. • Developers may choose to lodge resource consent applications ahead of the structure plan and new residential rules being in place, which puts Council in a difficult position to provide for good planning outcomes needed for medium and high density residential development.
Costs (including present and future costs, direct, indirect and contingent costs).	Costs for pre-notification, consultation costs to notify and process submissions. Costs of hearings and appeals and litigation process.

STATUTORY COMPLIANCE

18. The SPP and plan change process must be undertaken in accordance with the Resource Management Act.

FUNDING/BUDGET IMPLICATIONS

19. There is no application fee with the Ministry for the Environment for the SPP. There are no known funding or budget implications of using the SPP other than staff and specialist time, which have already been taken into consideration through the standard Plan Change process.

SUMMARY

20. The SPP process is more likely to result in a shorter timeframe to have operative residential rules in place for Ōmokoroa due to the removal of the appeals process. The work programmes are likely to be the same, albeit the SPP will require more work upfront in order to receive the Ministers approval to initiate the SPP. Importantly there are no specified timeframes provided by MFE to obtain a direction issued by the Minister. This means that it could be a number of months before a direction is issued by the Minister. Once the direction is issued, clear timeframes which have been requested by Council and agreed upon by the Minister must be adhered to.

21. The SPP will allow Council to have operative rules in place sooner than the standard Schedule 1 process. This will rely on decision making by the Minister and our relationship with MFE. In proceeding with the SPP staff would continue to explore and work through the process with MFE. It wouldn't be until an application was made and it was approved via gazette notice, that it would become an agreed upon and required process.
22. Although the Standard Schedule 1 process will take longer it is a well understood prescribed process.
23. There is an unprecedented demand for housing and shortage of developable land within the Western Bay of Plenty sub-region. Councils residential rule framework needs to be in place to enable and support good planning outcomes associated with the necessary medium and high density residential development. It is important that Council considers pursuing the most effective process to enable the delivery of good quality housing and urban environments for Ōmokoroa.

Appendix 1 -Key differences Standard Schedule 1 process and Streamlined Planning Process

Table 1		
Key differences Standard Schedule 1 process and Streamlined Planning Process		
	Schedule 1 Process	Streamlined Planning Process
Matters/issues process might be appropriate for	<ul style="list-style-type: none"> Plan updates Private and council initiated plan changes Small fixes and improvements to plans 'Rolling' reviews 	<ul style="list-style-type: none"> Implementation of national direction A significant community need (or urgency) Alignment or combination of plan provisions or development of a combined planning document Address unintended consequences of an existing RPS/plan Where innovative plan making is desirable
High level process	<ul style="list-style-type: none"> Consultation Notification of proposed RPS, plan or plan change Submissions, further submissions and hearing Local authority decision Appeals 	<ul style="list-style-type: none"> Application to the Minister to use SPP Ministerial direction to local authority providing a tailored planning process Consultation, full or limited notification and submissions on proposed RPS/plan/ plan change Additional steps if required by the Direction Local authority submits recommended RPS/plan/plan change to Minister within specified timeframe Minister approves/declines/requests reconsideration Notified and made operative by the local authority
Timeframe	<ul style="list-style-type: none"> Statutory limit of two years from notification of proposed RPS/plan to final decision of local authority 	<ul style="list-style-type: none"> Timeframes to be prescribed in Minister's direction; can provide faster process than other processes
Costs	<ul style="list-style-type: none"> Costs for pre-notification consultation Costs to notify and process submissions Costs of hearings and appeals, litigation 	<ul style="list-style-type: none"> Potential to develop a more cost effective process, subject to the process set out in Minister's direction. As a minimum, costs will include: <ul style="list-style-type: none"> Costs for pre-notification consultation

		<ul style="list-style-type: none"> ○ Costs to notify and process submissions and decision ○ Reduced costs of litigation
Decision making	<ul style="list-style-type: none"> • Final decision made by Council 	<ul style="list-style-type: none"> • Council, but must be approved by responsible Minister (who may decline or recommend changes to the Council)

Appendix 2 – Advantages and disadvantages of the Streamlined Planning Process and the Standard Clause 1 Schedule 1 plan change process.

Table 2	
Standard Schedule 1 process	
Advantages	<ul style="list-style-type: none"> • Process is well used and understood • Greater flexibility for Council to determine initiation timing • Decision making by Council • Appeal process for submitters to resolve outstanding issues
Disadvantages	<ul style="list-style-type: none"> • Timeframes can take up to 2 years from notification to decision • Impact on District Plan Review project timing and resourcing • Appeal process can delay rules becoming operative • Costs associated with litigation management (appeals)
Streamlined Planning Process (SPP)	
Advantages	<ul style="list-style-type: none"> • Shorter timeframe • Increased flexibility in setting out the best process – not as prescribed • Consultative requirements are still upheld • Enables Council to give effect to significant housing needs more efficiently and pragmatically • Better alignment with District Plan Review project timing • Reduced costs of litigation with no appeal process
Disadvantages	<ul style="list-style-type: none"> • Council must apply to Ministers and gain approval for the process • Minister directs the timeframe and process to be followed • Minister makes the final decision • Submitters have no appeal rights

10.9 CHIEF EXECUTIVE INFORMATION REPORT**File Number: A3993172****Author: Charlene Page, Executive Assistant Mayor/CEO****Authoriser: Miriam Taris, Chief Executive Officer****EXECUTIVE SUMMARY**

1. To provide Council with updates on the Chief Executive's meetings with Community Board Chairs and topics discussed.
2. The following topics were discussed at the Community Board Chairpersons meetings with the Chief Executive Officer over the past eight weeks.

RECOMMENDATION

That the Executive Assistant Mayor/CEO's report dated 25 February 2021 titled 'Chief Executive Information Report', be received.

COMMUNITY BOARD CHAIRPERSONS MEETINGSChairperson Ross Goudie – Waihi Beach Community Board

- CCTV
- Waihi Beach Community Plan
- Long Term Plan (LTP)
- Potential Community Facility
- Library Hours, Levels of Service and Upgrade
- Town Plan and Structure Plan
- Communication Plan for the Community Board
- Digital Plan for Waihi Beach
- Growth in Waihi Beach
- Public Event regarding the Environment
- Compliance and Monitoring
- Welcome to Waihi Beach Projects
- Village Maintenance Update
- Dotterels at Waihi Beach
- Athenree Wildlife Refuge

- Initiation of Beach Furniture and Beach Access Quality
- Waihi Beach, Wilson Estate, Island View, Bowentown and Athenree Heritage Trails

Chairperson Teresa Sage – Omokoroa Community Board

- Old Pavilion and Old Library
- Boat Car Park
- Dog Signage
- Western Avenue
- Community Board Conference 2021
- Future Focus Meetings

Chairperson Ben Warren – Katikati Community Board

- Avocado Festival 2021
- Katikati Town Centre and Katikati Community Plans
- NZTA and Traffic Road Works
- Destruction of Council Building and Cricket Club Groups Equipment
- Long Term Plan Submissions

Chairperson Shane Beech – Maketu Community Board

- Community Updates
- Beautiful Summer with beaches and parks being well used
- Lack of police presence in Maketu over busy period
- Thanking emergency services
- Te Puke and Maketu Community Board gathering

Chairperson Richard Crawford – Te Puke Community Board

- Christmas in the Park
- Te Puke Sports Club – Grandstand Opening
- Story Boards
- Te Ara Kahikatea Pathway
- Community Board Conference 2021

11 INFORMATION FOR RECEIPT

12 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 17 December 2020	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	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 and Risk Committee Meeting held on 17 December 2020	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(g) - the withholding of the information is necessary to</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

	maintain legal professional privilege	
12.3 - Confidential Minutes of the Council Meeting held on 9 February 2021	<p>s7(2)(b)(i) - the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p>	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 - Statute Barred Rates	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	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
12.5 - Application for Rates Remission on Omokoroa Slip Affected Properties	<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)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	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
12.6 - Mayor's Confidential Report to Council - 25 February 2021	s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7