



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED TUESDAY, 19 DECEMBER 2017 IN THE
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.00AM**

PRESENT:

Mayor John Forbes (Chairperson)
Deputy Mayor Lyn Riesterer (Deputy Chairperson)
Councillors:
Shona Browne
Barry Howe
Haki McRoberts
Arihia Tuoro
Ken Young

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)
Bevan Gray (Finance and Corporate Services Group Manager)
Gerard McCormack (Planning and Regulatory Manager)
Mike Houghton (Community Facilities Manager)
Ari Erickson (Acting Engineering Services Manager)
Sarah Jones (Senior Policy Planner)
Tina Gedson (Property Officer)
Gae Newell (Personal Assistant to CEO and Mayor)

MEDIA:

Ross McCullough (Opotiki News)

Councillor Young opened the meeting with an inspirational prayer.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

His Worship the Mayor declared an interest in Item 17 (Opotiki Community Health Trust Nominations).

PUBLIC FORUM

Shona Hammond Boys

Colour Ōpōtiki Book

Shona Hammond Boys handed out copies of the Colour Ōpōtiki book which is a fundraiser for the Ōpōtiki Children's Art House. The art in the book is about Ōpōtiki, done by children and is an initiative to market Ōpōtiki. Essentially, it is a children's project about identity.

The book is printed on demand and sold for \$5.00 per copy; however it deserves to be printed with a hard cover and better marketed by being available in local outlets. Shona Hammond Boys stated the printing could be funded by Council and supported by corporates, service clubs etc.

Shona Hammond Boys requested that Council consider how it could support the Colour Ōpōtiki project and how it can include youth creativity at the centre of all future plans and endeavours.

Mural at Ōpōtiki Wharf

Shona Hammond Boys expressed disappointment at the state of the wharf mural and queried as to why permission was granted for a paint over of the graffiti, instead of restoration. She noted that a trained mural restorer has previously been introduced to Council.

Ōpōtiki District Council Youth Policy

Shona Hammond Boys questioned what Council is doing for youth and children in the community. She also queried how current, active, monitored and progressive are Council's policies in relation to youth and how Council supports the engagement of our talented youth.

Shona Hammond Boys left the meeting at 9.09am.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 7 NOVEMBER 2017 p3

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 7 November 2017 be confirmed as a true and correct record.**

McRoberts/Young

Carried

2. MINUTES – COAST COMMUNITY BOARD MEETING 24 OCTOBER 2017 p10

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 24 October 2017 and any recommendations contained therein be received.**

McRoberts/Riesterer

Carried

3. MINUTES – AUDIT AND RISK COMMITTEE MEETING 26 OCTOBER 2017 p14

RESOLVED

- (1) That the minutes of the Audit and Risk Committee meeting held on 26 October 2017 and any recommendations therein be received.**

HWTM/Tuoro

Carried

4. MINUTES – ŌHIWA HARBOUR IMPLEMENTATION FORUM MEETING 12 SEPTEMBER 2017 p18

RESOLVED

- (1) That the minutes of the Ōhiwa Harbour Implementation Forum meeting held on 12 September 2017 be received.**

Riesterer/Tuoro

Carried

The Planning and Regulatory Manager left the meeting at 9.10am.

5. MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 18 SEPTEMBER 2017 p25

RESOLVED

- (1) That the minutes of the Civil Defence Emergency Management Group Joint Committee meeting held on 18 September 2017 be received.**

HWTM/Tuoro

Carried

6. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 15 SEPTEMBER 2017 p27

RESOLVED

- (1) That the minutes of the Regional Transport Committee meeting held on 15 September 2017 be received.**

Young/HWTM

Carried

7. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 22 NOVEMBER 2017 p35

RESOLVED

- (1) That the minutes of the Regional Transport Committee meeting held on 22 November 2017 be received.**

Young/HWTM

Carried

The Assets and Systems Manager entered the meeting at 9.12am.

Ross McCullough entered the meeting at 9.13am.

8. MAYORAL REPORT 27 OCTOBER 2017 – 14 DECEMBER 2017 p43

His Worship the Mayor noted he also attended a meeting in Wellington, on 13 December 2017, with Minister Meka Whaitiri in his capacity as Chair of the New Zealand Walking Access Commission.

RESOLVED

- (1) That the report titled "Mayoral Report 27 October 2017 – 14 October 2017" be received.**

HWTM/Browne

Carried

The Property Officer entered the meeting at 9.15am.

The Planning and Regulatory Manager rejoined the meeting at 9.16am.

9. INVESTIGATION INTO POTENTIAL EXPANSION OF WASTEWATER NETWORK p46

RESOLVED

- (1) That the report titled "Investigation Into Potential Expansion of Wastewater Network" be received.**
- (2) That Council agrees "in principle" to provide for an extension of the network, subject to further consideration of the financial and technical feasibility.**

Riesterer/Howe

Carried

10. RESERVE LAND – CHANGE OF PURPOSE **p51**

RESOLVED

- (1) That the report titled “Reserve Land – Change of Purpose” be received.**
- (2) That staff commence the consultation process to change the purpose of Local Purpose Reserves Lots 30 and 35 (DP 6105) from *Community Buildings* to *Community Buildings and Emergency Services*.**

Browne/HWTM

Carried

The Assets and Systems Manager left the meeting at 9.23am.

11. RE-FIT 32 ELLIOTT STREET **p54**

RESOLVED

- (1) That the report titled “Re-Fit 32 Elliott Street” be received.**
- (2) That staff proceed with the re-fit of 32 Elliott Street to provide additional space to accommodate new staff.**

Riesterer/Browne

Carried

The Property Officer left the meeting at 9.24am.

12. DRAFT WASTE MANAGEMENT AND MINIMISATION PLAN **p57**

Following a discussion in which several points were made, the Chief Executive Officer advised that the items raised will be brought to the January Council get together for discussion.

Councillor Howe noted that Tauranga City Council have been trialling smart bins at beaches and suggested enquiring as to how that trial has gone.

RESOLVED

- (1) That the report titled “Draft Waste Management and Minimisation Plan” be received.**
- (2) That Council adopt the Waste Assessment report.**
- (3) That Council adopt the Draft Waste Management and Minimisation Plan for public consultation via a Special Consultative Process, in parallel with the Long Term Plan.**
- (4) That staff develop specific consultation proposals and options for the Pop-Up Shop, and bring these back to Council for adoption along with the draft LTP.**

Browne/Tuoro

Carried

13. PLANNING ASSUMPTIONS FOR THE 2018-2028 LONG TERM PLAN **p139**

Councillor Tuoro asked that on page 147 "*Whakatōhea Iwi*" be amended to "*Whakatōhea Iwi entity*".

RESOLVED

- (1) That the report titled "Planning Assumptions for the 2018-2028 Long Term Plan" be received.**
- (2) That the draft Planning Assumptions be approved for use in the preparation of the Long Term Plan.**
- (3) That the draft Planning Assumptions be made available for feedback from the public.**

Tuoro/Young

Carried

14. SENSITIVE EXPENDITURE POLICY UPDATE **p156**

RESOLVED

- (1) That the report titled "Sensitive Expenditure Policy Update" be received.**
- (2) That Council adopt the revised Sensitive Expenditure Policy for use.**

Tuoro/Browne

Carried

15. ENFORCEMENT POLICY **p174**

RESOLVED

- (1) That the report titled "Enforcement Policy" be received.**
- (2) That Council adopt the Enforcement Policy for use.**

Tuoro/Browne

Carried

16. EASTERN BAY DISTRICT LICENSING COMMITTEE REAPPOINTMENTS **p188**

RESOLVED

- (1) That the report titled "Eastern Bay District Licensing Committee Reappointments" be received.**
- (2) That the Ōpōtiki District Council approves the reappointment of the following List Members to the Eastern Bay District Licensing Committee for a further period commencing on 19 December 2017 to 18 December 2021:**

- **Committee A: Commissioner Russell Orr, Jenny Mahoney, Russell Chase, Anita Moore, Shona Browne, Memory Mio and Michelle Heath.**
- **Committee B: Commissioner Jenny Mahoney, Russell Chase, Anita Moore, Shona Browne, Memory Mio and Michelle Heath.**

(3) That the Ōpōtiki District Council amend the Delegations Register to update the current date (being 18 December 2013 until 18 December 2017) to read “19 December 2017 until 18 December 2021.

HWTM/Riesterer

Carried

17. ŌPŌTIKI COMMUNITY HEALTH TRUST NOMINATIONS

p200

His Worship the Mayor declared an interest in this item in that he is the Chair of the Ōpōtiki Community Health Trust. He handed the chair to Deputy Mayor Riesterer.

Council is required to appoint three preferred nominees. As there were only three nominees, being Libby Walker, John Forbes and Sandra Innes-Smith, it was agreed they be appointed to the Ōpōtiki Community Health Trust.

RESOLVED

- (1) That the report titled “Ōpōtiki Community Health Trust Nominations” be received.**
- (2) That Council consider the nominations put forward and appoint three Community Trustees to the trust board of the Ōpōtiki Community Health Trust.**
- (3) That Council advise the Ōpōtiki Community Health Trust Secretary and all nominees of Council’s decisions.**

McRoberts/Tuoro

Carried

His Worship the Mayor took the chair.

18. SCHEDULE OF MEETINGS 2018

p208

RESOLVED

- (1) That the report titled “Schedule of Meetings 2018” be received.**
- (2) That Council adopts the Schedule of Meetings 2018.**

McRoberts/Browne

Carried

The Senior Policy Planner entered the meeting at 9.45am.

19. GRAVEL BUILD UP IN THE WAIOEKA RIVER

Verbal Item

Councillor Howe stated that gravel has progressively built up under the Waioeka Bridge. There is silt on the town side and on the Woodlands side, with a 2-3 metre bank sitting above the river. He expressed concern that if there is a massive flood the bridge will be in jeopardy.

Councillor Howe would like some assurance from the Bay of Plenty Regional Council and the New Zealand Transport Agency that they are happy with the current situation.

His Worship the Mayor said the appropriate place to raise this issue is at the Waioeka Otara Rivers Scheme Advisory Group and suggested that Councillor Young (Council's representative on that group) arrange for Councillor Howe to be invited to attend the group's next meeting.

The Chief Executive Officer advised that the Bay of Plenty Regional Council can direct people to remove gravel and suggested a letter be sent from Council to the Regional Council asking them to look at the issue. Another option is to invite Bay of Plenty Regional Council representatives to the January Council meeting.

From a discussion, it was agreed that a letter be written to the Bay of Plenty Regional Council outlining Council's concerns. It was further agreed that Bay of Plenty Regional Council representatives be invited to the January Council meeting to discuss the gravel build up under the bridge.

RESOLVED

- (1) That a letter be written to the Bay of Plenty Council outlining Council's concerns regarding gravel build up under the Waioeka Bridge.**
- (2) That Bay of Plenty Regional Council representatives be invited to the January Council meeting to discuss the gravel build up under the Waioeka Bridge.**
- (3) That Council's concerns are raised at the next meeting of the Waioeka Otara Rivers Scheme Advisory Group.**

Howe/Riesterer

Carried

20. CHIEF EXECUTIVE OFFICER'S UPDATE

p211

RESOLVED

- (1) That the report titled "Chief Executive Officer's Update" be received.**

HWTM/Tuoro

Carried

The meeting adjourned for morning tea at 9.55am and reconvened at 10.10am. The Finance & Corporate Services Group Manager and Ross McCullough did not rejoin the meeting at this time.

21. RESOLUTION TO EXCLUDE THE PUBLIC

p214

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

1. THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

PART 1

- 22. Confirmation of Minutes – Ordinary Council In-Committee Meeting 7 November 2017.**
- 23. Minutes – In-committee Meeting Audit and Risk Committee Meeting 14 August 2017.**
- 24. Land Acquisition Update.**
- 25. Future Use of Land.**
- 26. Resolution to Adjourn the Meeting.**

PART 2

- 27. Opotiki Harbour Development Project – Detailed Business Case.**
- 28. Opotiki Harbour Development Project – Contract 124 Design and Construction Tender.**
- 29. Opotiki Harbour Development Project – Financial Considerations.**

2. THAT the following persons be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following. This knowledge will be of assistance and is relevant to the matters to be discussed:

Names: Bruce Robertson and Kent Duston

Items: 27, 28, and 29

**Business: Harbour Development Project – Detailed business Case
Harbour Development Project – Contract 124 Design and Construction Tender
Harbour Development Project – Financial Considerations.**

Reason: To enable the accurate presentation of sensitive information to the Council and to provide responses to queries.

The general subject 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(1) of the

Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

PART 1

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
22.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 7 November 2017	That 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 exists.	Section 48(1)(a)
23.	Minutes – In-Committee Meeting Audit and Risk Committee 14 August 2017	That 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 exists.	Section 48(1)(a)
24.	Land Acquisition Update	That 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 exists.	Section 48(1)(a)
25.	Future Use of Land	That 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 exists.	Section 48(1)(a)
26.	Resolution to Adjourn the Meeting	That 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 exists.	Section 48(1)(a)

PART 2

27.	Ōpōtiki Harbour Development Project – Detailed Business Case	That 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 exists.	Section 48(1)(a)
28.	Ōpōtiki Harbour Development Project – Contract 124 Design and Construction Tender	That 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 exists.	Section 48(1)(a)

29.	Ōpōtiki Harbour Development Project – Financial Considerations	That 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 exists.	Section 48(1)(a)
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This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

PART 1

22.	Maintain effective conduct of public affairs Protect the privacy of natural persons Carry out negotiations Maintain legal professional privilege Protect information	Section 7(2)(f)(i) & (ii) Section 7(2)(a) Section 7(2)(i) Section 7(2)(g) Section 7(2)(b) & (c)(i)
23.	Maintain effective conduct of public affairs Protect the privacy of natural persons Protect information (commercial sensitivity) Carry out commercial activities Carry out negotiations Maintain legal professional privilege	Section 7(2)(f) Section 7(2)(a) Section 7(2)(b)(i)(d)&(e), (ii) Section 7(2)(h) Section 7(2)(i) Section 7(2)(g)
24.	Protect the privacy of natural persons Carry out negotiations Commercial sensitivity Free and frank expression of opinions	Section 7(2)(a) Section 7(2)(i) Section 7(2)(b)(ii) Section 7(2)(f)(i)
25.	Protect the privacy of natural persons Free and frank expression of opinions Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(f)(i) Section 7(2)(f)(ii)
26.	Maintain effective conduct of public affairs	Section 7(2)(f)(i) & (ii)
27.	Protect information Protect the privacy of natural persons Free and frank expression of opinions Prevent disclosure or use of official information	Section 7(2)(b)(i) & (ii) Section 7(2)(a) Section 7(2)(f)(i) Section 7(2)(j)
28.	Protect information Protect the privacy of natural persons Free and frank expression of opinions Carry out negotiations	Section 7(2)(b)(i) & (ii) Section 7(2)(a) Section 7(2)(f)(i) Section 7(2)(i)
29.	Protect information Protect information subject to an obligation of confidence Free and frank expression of opinions Prevent disclosure or use of official information	Section 7(2)(b)(i) & (ii) Section 7(2)(c)(i) & (ii) Section 7(2)(f)(i) Section 7(2)(j)

Note: Due to no quorum being present, the In-Committee meeting adjourned on 20 December 2017 at 2.22pm to be reconvened on 30 January 2018 at 9.00am.

The meeting moved from In-Committee on 30 January 2018 into open meeting at 9.03am.

RESOLVED

- (1) That the resolutions made while the public was excluded be retained in-committee.**
- (2) That the public be readmitted to the meeting.**

Riesterer/Browne

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 9.04AM ON 30 JANUARY 2018.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 13 MARCH 2018**

J H FORBES

HIS WORSHIP THE MAYOR