



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED TUESDAY, 28 AUGUST 2018 IN THE  
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.00AM**

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**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 Group Manager)  
Ari Erickson (Engineering and Services Group Manager)  
Tina Gedson (Property Officer)  
Astrid Hutchinson (Harbour Project Programme Planner)  
Garry Page (Reserves Manager)  
Gae Newell (Personal Assistant to CEO and Mayor)

**MEDIA:**

James Sandbrook and Mike Fletcher (Opotiki News)

**PUBLIC:**

Tim Herewini  
Justin Rae (NZTA Community Engagement Manager – Safe Roads)  
Kirsten Simpson (NZTA Project Manager – Safe Roads)

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Councillor McRoberts opened the meeting with a karakia.

**APOLOGIES**

Nil.

## **DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS**

Deputy Mayor Riesterer declared an interest in Item 7 (Funding MOUs Renewal) in that she is a member of the Ōpōtiki College Board of Trustees.

Councillor Young declared an interest in any item which has a connection to the Harbour Project and tourism.

## **PUBLIC FORUM**

*Tim Herewini*

Tim Herewini stated he was representing Ngāi Tamahaua hapū and wished to express concerns regarding three items on the agenda.

Item 6 – Mōtū Trails Proposed Extension

The Huntress Creek floodgates to Waiotahe and back to the bridge over the Waioeka River – Tim Herewini was concerned that the floodgates area is eco-sensitive and waahi tapu. He queried exactly where the trail would be located as the report did not contain a map.

Item 9 – Ōpōtiki Coastguard Extension of Leased Area

Tim Herewini stated that the report does not have a map attached. He further stated that he asked Council in writing several months ago who cut the tree down outside the Coastguard building – who did it and why did they do it? There has been no response from Council. Tim Herewini expressed his opposition to the Coastguard lease being extended, adding that Coastguard only pay a peppercorn rental.

Item 14 – Road Legalisation

Tim Herewini said he wanted to know what the Road Legalisation is about, where it is situated and whether the Ngāi Tamahaua hapū would be concerned at the status of the land changing.

Two further items were raised by Tim Herewini.

Old Tote Building

Tim Herewini queried the fate of the old tote building previously located at the aerodrome which was advertised for sale some months ago.

Subdivision – East of Waiotahe Drifts

Tim Herewini referred to an application by Equinox Finance to subdivide a large section east of the Waiotahe Drifts. This is another request which Tim Herewini said he has not had a response to from

Council, adding that he would like responses within a five day timeframe. He noted that the Regional Council respond quickly to requests for information.

Tim Herewini was concerned that the subdivision is planned to go ahead, adding that the first stages should never have gone ahead. He requires the information he has requested in order to make a full submission. Tim Herewini also stated that the Whakatōhea Māori Trust Board does not have any involvement at all and does not have any competency in dealing with resource management issues. He said it is a matter for the hapū to deal with and it is a matter of urgency that he gets a response from Council as there is a parallel application with the Regional Council for earthworks.

His Worship the Mayor thanked Tim Herewini for his attendance, adding that Council will endeavour to ensure that questions asked of Council, are responded to in a timely manner.

**1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 24 JULY 2018 p4**

**RESOLVED**

- (1) That the minutes of the Ordinary Council meeting held on 24 July 2018 be confirmed as a true and correct record.**

Young/McRoberts

**Carried**

*The Planning and Regulatory Group Manager, Tim Herewini and James Sandbrook left the meeting at 9.09am. James Sandbrook rejoined the meeting at 9.10am.*

**2. MINUTES – AUDIT AND RISK COMMITTEE MEETING 11 JUNE 2018 p15**

**RESOLVED**

- (1) That the minutes of the Audit and Risk Committee meeting held on 11 June 2018 and any recommendations therein be received.**

Tuoro/Young

**Carried**

**3. MINUTES – COAST COMMUNITY BOARD MEETING 19 JUNE 2018 p19**

**RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 19 June 2018 and any recommendations therein be received.**

McRoberts/Tuoro

**Carried**

**4. MAYORAL REPORT 20 JULY 2018 – 23 AUGUST 2018** **p25**

**RESOLVED**

**(1) That the report titled "Mayoral Report 20 July 2018 – 23 August 2018" be received.**

Riesterer/Young

**Carried**

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

*The Harbour Project Programme Planner and the Reserves Manager entered the meeting at 9.20am.*

*Item 6 was considered prior to Item 5.*

**5. WASTEWATER REHABILITATION PROJECT UPDATE AND PRESENTATION** **p28**

The Engineering and Services Group Manager spoke to the report, providing a more detailed look at the project via a live feed from Council's mapping and monitoring systems.

**RESOLVED**

**(1) That the report titled "Wastewater Rehabilitation Project Update" be received.**

McRoberts/Riesterer

**Carried**

**6. MOTU TRAILS GREAT RIDE BUSINESS CASE FOR PROPOSED WESTERN COASTAL EXTENSION FROM ŌPŌTIKI TO WHAKATĀNE** **p32**

**RESOLVED**

**(1) That the report titled "Mōtū Trails Great Ride Business Case for Proposed Western Coastal Extension from Ōpōtiki to Whakatāne" be received.**

**(2) That the Mōtū Trails Great Ride business case for the proposed western coastal extension from Ōpōtiki to Whakatāne be endorsed.**

**(3) That staff investigate a Provincial Growth Fund application for a cycle and pedestrian bridge over the Waioeka River.**

Tuoro/Riesterer

**Carried**

*The Harbour Project Programme Planner and the Reserves Manager left the meeting at 9.32am.*

*The Planning and Regulatory Group Manager left the meeting at 9.55am.*

*The Finance and Corporate Services Group Manager left the meeting at 9.57am and returned at 9.58am.*

*The meeting adjourned for a Citizenship Ceremony at 10.00am, and reconvened at 10.36am.*

## **PRESENTATION: NZTA – ŌPŌTIKI ROAD SAFETY IMPROVEMENTS UPDATE**

Justin Rae (NZTA Community Engagement Manager – Safe Roads) and Kirsten Simpson (NZTA Project Manager – Safe Roads) spoke to a powerpoint presentation

The purpose of the presentation was to seek Council's support of the preferred option for SH2 to Opotiki and endorsement of the preferred option for Wainui Road.

The powerpoint presentation covered the following points:

- The Problems and Objectives – Safety
- The Problems and Objectives – Resilience
- NZTA's Approach
- State Highway 2 – The Problem
- State Highway 2 – Preferred Option
- Ōhiwa Beach Rd/SH2/Waiōtahe Valley Back Road Intersection – The Problems
- Wainui Rd/SH2 Intersection (Matekerepu)
- Wainui Road – The Problems

The presentation discussed the preferred options as follows:

### *State Highway 2*

- Shoulder widening along whole corridor except for constrained locations
- Side barriers at high risk locations
- Edgeline and centreline rumble strips
- Predicted to save 8-9 deaths/serious injuries (DSIs)
- Cost - \$15 - \$17m

### *Ōhiwa Beach Rd/SH2/Waiōtahe Valley Back Rd Intersection*

- Realign both side roads
- Introduce right turn bays
- Predicted to save 7 – 8 DSIs
- Cost - \$6 – 7m

### *Wainui Rd/SH2 Intersection (Matekerepu)*

- Roundabout
- Raising approaches to 1:15 year flood level
- Cost - \$5 - \$7m

### *Wainui Road*

- Targeted response at all high risk locations
- Widening and/or barriers
- Stopping bays
- Slight distance improvements at Paparoa Road
- Predicted to save 6 – 7 DSIs
- Cost - \$7 - \$8m
- Cost split: 86% Whakatāne District Council, 15% Ōpōtiki District Council
- NZTA Far available

Council agreed to support the preferred option for SH2 to Ōpōtiki and endorse the preferred option for Wainui Road as detailed above.

**RESOLVED**

- (1) That Council supports the preferred option for SH2 to Ōpōtiki as detailed in the presentation.**
- (2) That Council endorses the preferred option for Wainui Road as detailed in the presentation.**

McRoberts/Young

**Carried**

*The Engineering and Services Group Manager, Justin Rae and Kirsten Simpson left the meeting at 11.18am.*

**7. FUNDING MOUs RENEWAL**

**p39**

His Worship the Mayor noted that Deputy Mayor Riesterer declared an interest in this item at the beginning of the meeting, particularly around the swimming pool and Community Activities Offices items. He stated that he was comfortable with Deputy Mayor Riesterer taking part in the discussion.

The Finance and Corporate Services Group Manager advised that he would like to develop an MOU around urupa, with criteria, as he is aware that Council is not funding some urupa.

His Worship the Mayor asked that a paper come back to Council in the next three to six months to give Council more information as it is important that there is some equity.

**RESOLVED**

- (1) That the report titled "Funding MOUs Renewal" be received.**
- (2) That the revised funding as recommended be included into the renewal of the MOUs.**

Tuoro/Browne

**Carried**

**8. 2018 ELECTED MEMBER DETERMINATION**

**p81**

**RESOLVED**

- (1) That the report titled "2018 Elected Member Determination" be received.**
- (2) That the changes to remuneration and allowances be endorsed for use:**

**Remuneration**

**Council**

<b>Mayor</b>	<b>\$71,901 after vehicle deduction</b>
<b>Deputy Mayor</b>	<b>\$38,807</b>
<b>Audit &amp; Risk Chair</b>	<b>\$36,815</b>
<b>Coast Community Board Chair</b>	<b>\$27,026</b>
<b>Councillor</b>	<b>\$20,530</b>

**Coast Community Board**

<b>Member</b>	<b>\$ 4,891</b>
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**Allowances**

**Vehicle Mileage**

- a rate of 73 cents per km for petrol and diesel vehicles up to 10,000km
- a rate of 81 cents per km for electric and hybrid vehicles up to 10,000km
- a rate of 37 cents per km for travel over 10,000km

**Travel Time**

- a reimbursement of \$37.50 per hour of travel after the first hour per day
- a maximum reimbursement of 8 hours travel time per day

**Communications**

- For the use of a personal computer, tablet, or laptop \$200 per annum.
- For the use of a printer, \$40 per annum.
- For the use of a mobile phone, \$150 per annum.
- For the use of own internet service, \$400 per annum.
- For the use of mobile phone service and calls, either \$400 per annum, or actual cost of calls.

**Hearing Fees**

- a fee of \$100 per hour of hearing time for the Chair of any hearings
- a fee of \$80 per hour of hearing time for a member of any hearings

HWTM/McRoberts

**Carried**

**9. ŌPŌTIKI COASTGUARD EXTENSION OF LEASED AREA**

**p86**

Councillor Howe expressed the view that Coastguard should be allowed to use the extra land but without signing a lease, as it would be preferable to wait and see what happens with the wharf development.

**RESOLVED**

- (1) That the report titled “Ōpōtiki Coastguard Extension of Leased Area” be received.**
- (2) That the Council approve the extension of Ōpōtiki Coastguard Volunteers leased area.**

HWTM/Browne

**Carried**

*The Property Officer left the meeting at 11.30am*

**10. CHIEF EXECUTIVE OFFICER’S UPDATE**

**p89**

**RESOLVED**

- (1) That the report titled “Chief Executive Officer’s Update” be received.**

Riesterer/Young

**Carried**

**11. RESOLUTION TO EXCLUDE THE PUBLIC**

**p94**

**SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987**

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

**12. Confirmation of In-Committee Minutes – Ordinary Council Meeting 24 July 2018.**

**13. Draft Minutes – Toi-EDA Meeting 9 July 2018.**

**14. Road Legalisation.**

**15. Infrastructure on Private Property.**

**16. Additional Space.**

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:

<b>Item No</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>12.</b>	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 24 July 2018</b>	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)



<b>13.</b>	<b>Draft Minutes – Toi-EDA Meeting 9 July 2018</b>	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)
<b>14.</b>	<b>Road Legalisation</b>	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)
<b>15.</b>	<b>Infrastructure on Private Property</b>	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)
<b>16.</b>	<b>Additional Space</b>	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)

**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:**

12.	Protect the privacy of natural persons Protect information  Free and frank expression of opinions Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities Avoid prejudice to measures protecting the health and safety of members of the public Avoid prejudice to measures that prevent or mitigate material loss to members of the public	Section 7(2)(a) Section 7(2)(b) (i) & (ii) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(i) Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h) Section 7(2)(d)  Section 7(2)(e)
13.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)
14.	Protect the privacy of natural persons Free and frank expression of opinions Carry out negotiations	Section 7(2)(a) Section 7(2)(f)(i) Section 7(2)(i)

15.	Protect the privacy of natural persons Protect information Avoid prejudice to measures that prevent or mitigate material loss to members of the public Free and frank expression of opinions Protection from improper pressure or harassment Carry out negotiations	Section 7(2)(a) Section 7(2)((b)(i) & (ii) Section 7(2)(e)  Section 7(2)(f)(i) Section 7(2)(f)(ii) Section 7(2)(i)
16.	Protect the privacy of natural persons Commercial sensitivity Free and frank expression of opinions Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(ii) Section 7(2)(i) Section 7(2)(f)(ii)

McRoberts/Browne

**Carried**

*James Sandbrook and Mike Fletcher left the meeting at 11.32am.*

**RESOLVED**

- (1) That the resolutions made while the public was excluded, except for clauses 2 and 3 of Item 14 (Road Legalisation) and clauses 2 and 3 of Item 15 (Infrastructure on Private Property), be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

Browne/Young

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Ordinary Council meeting held on 24 July 2018 be confirmed as a true and correct record.**

Browne/Tuoro

**Carried**

**RESOLVED**

- (1) That the draft minutes of the Toi-EDA meeting held on 9 July 2018 be received.**

HWTM/Young

**Carried**

**RESOLVED**

- (1) That the report titled "Road Legalisation" be received.**

HWTM/Tuoro

**Carried**

**RESOLVED**

- (1) That the report titled "Infrastructure on Private Property" be received.**

McRoberts/Browne

**Carried**

**RESOLVED**

**(1) That the report titled "Additional Space" be received.**

Browne/Tuoro

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.20PM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 9 OCTOBER 2018**

**J H FORBES**

**HIS WORSHIP THE MAYOR**