

NOTICE OF AN ORDINARY COUNCIL MEETING

**Ōpōtiki District Council Chambers, 108 St John Street, Ōpōtiki
Thursday, 5 September 2019
Commencing at 9.00am**

ORDER PAPER

**OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – Councillor McRoberts
APOLOGIES**

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

PUBLIC FORUM

Extinction Rebellion representatives – Climate Change Declaration

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PUBLIC EXCLUDED BUSINESS

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Chair: His Worship the Mayor – John Forbes

Members: Cr Lyn Riesterer (Deputy Mayor)

Cr Shona Browne

Cr Barry Howe

Cr Haki McRoberts

Cr Arihia Tuoro

Cr Ken Young

Committee Secretary: Gae Newell

Quorum: 4

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Councillors are reminded that if you have a pecuniary or non-pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the Council chamber.

Aileen Lawrie

CHIEF EXECUTIVE OFFICER



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED TUESDAY, 23 JULY 2019 IN THE
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.02AM**

PRESENT:

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

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)
Gerard McCormack (Planning and Regulatory Group Manager)
Ari Erickson (Engineering and Services Group Manager)
Michael Homan (Finance Systems and Property Group Manager)
Gae Newell (Executive Assistant and Governance Support Officer)
Sarah Jones (Corporate Planner and Executive Officer)
Garry Page (Reserves Manager)
Astrid Hutchinson (Harbour Project Programme Planner)
Sue Robb (Policy Planner)
Ken Buckley (Project Manager and Building Control Officer)

MEDIA:

James Sandbrook (Opotiki News)

PUBLIC:

Helen Laurence and several members of Extinction Rebellion
Mark Stringfellow
Janet Thompson
Xiao Yu Chen

In the absence of Councillor McRoberts, Councillor Young opened the meeting with some short quotes.

APOLOGY

Councillor McRoberts.

RESOLVED

(1) That the apology be sustained.

Riesterer/Tuoro

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

His Worship the Mayor welcomed the Extinction Rebellion representatives to the meeting. He noted that there is a report on today's agenda around climate change and hoped that the group's presence can lift engagement with Council. Council does acknowledge that climate change is happening.

PUBLIC FORUM

Helen Laurence – Climate Change

Helen Laurence acknowledged and appreciated that Council accepts the reality of the climate crisis. She stated that Extinction Rebellion was asking that Council pass a declaration that we are in a climate emergency.

With the aid of a powerpoint presentation, Helen Laurence drew Council's attention to the effects of climate change and the roles which Council can take in relation to advocacy and planning for the future. She asked Council to consider the cost to Ōpōtiki if nothing is done to address the climate crisis, to rise to the challenge and for citizens to unite and take control and become more action orientated.

His Worship the Mayor thanked Helen Laurence, adding that the conversation going forward would be around what more we should be doing as a Council and as a community.

Meg Collins, also a representative of Extinction Rebellion, stated that New Zealanders have been great protesters for a very long time. Nuclear free got all Councils on board then it tipped the Government, then there was the MMP campaign. All we are asking is that you declare a climate emergency as part of this campaign. 66 Councils have declared a climate emergency to date.

In response to queries, Councillors each gave their view.

His Worship the Mayor advised that Council works under legislation which governs what can be done at a Council meeting. There is a process of public notification of agenda items etc., therefore a report will come back to Council regarding the implications of declaring a climate emergency.

His Worship the Mayor thanked the Extinction Rebellion representatives for attending, adding that their care and concern was appreciated.

The Extinction Rebellion representatives, except for two, left the meeting at 9.39am.

Mark Stringfellow – Civil Defence Warnings on the Coast

Mark Stringfellow referred to the computer generated systems in place to warn farmers to move stock to higher ground. When it comes to tsunamis, this does not extend to people. There are a lot of people on the Coast who do not have cell phone coverage and all Civil Defence warning mechanisms are internet based, e.g. Facebook, Twitter, Civil Defence website etc. During the holiday periods, motor camps on the Coast have many people staying who are not from the area and will also not have signal coverage.

Mark Stringfellow stated that the Regional Council has the systems for calling people and Wellington Civil Defence has a tracking system for tsunamis and he knows it is possible to put these two together. He suggested that Council makes enquiries of the Regional Civil Defence organisation to establish the feasibility of developing tsunami warnings to vulnerable coastal communities along our coastline.

The Chief Executive Officer stated that there are complexities around sirens. A phone system is simple, and it is run out of the Bay of Plenty Regional Council. Council can pass your suggestion on to the Regional Council. Through Evolution Networks Council is also actively engaging to extend coverage.

His Worship the Mayor thanked Mark Stringfellow for attending the meeting.

Mark Stringfellow and the Planning and Regulatory Group Manager left the meeting at 9.49am.

Mark Stringfellow and Gerard McCormack left the meeting at 9.49am.

His Worship the Mayor took a moment to acknowledge ex-Councillor Murray Thompson who passed away over the weekend and who gave 15 years of service to the community as a Councillor.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 4 JUNE 2019 **p4**

Councillor Young requested that his name be removed from the Declaration of Interest at the bottom on page 4 as he was not present at the meeting.

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 4 June 2019 be confirmed as a true and correct record.**

Riesterer/HWTM

Carried

2. MINUTES – EXTRA ORDINARY COUNCIL MEETING 28 JUNE 2019

p11

RESOLVED

- (1) That the minutes of the Extra Ordinary Council meeting held on 28 June 2019 be confirmed as a true and correct record.**

Young/Browne

Carried

3. MINUTES – COAST COMMUNITY BOARD MEETING 7 MAY 2019

p20

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 7 May 2019 be received.**

Riesterer/HWTM

Carried

4. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 4 MAY 2019

p25

RESOLVED

- (1) That the report minutes of the Regional Transport Committee meeting held on 4 May 2019 be received.**

HWTM/Tuoro

Carried

5. MINUTES – EASTERN BAY OF PLENTY JOINT COMMITTEE MEETING 4 JUNE 2019

p37

RESOLVED

- (1) That the minutes of the Eastern Bay of Plenty Joint Committee meeting held on 4 June 2019 be received.**

HWTM/Riesterer

Carried

The Planning and Regulatory Group Manager rejoined the meeting at 9.49am.

6. MAYORAL REPORT 24 MAY 2019 – 18 JULY 2019 **p42**

RESOLVED

(1) That the report titled “Mayoral Report 24 May 2019 – 18 July 2019” be received.

HWTM/Browne

Carried

7. OPOTIKI MARINE ADVISORY GROUP (OMAG) UPDATE **p47**

RESOLVED

(1) That the report titled “Opotiki Marine Advisory Group (OMAG) Update be received.

Tuoro/Browne

Carried

8. OPOTIKI COMMUNITY DRIVER MENTOR PROGRAMME – UPDATE AND PLANS FOR 2019-2020 **p50**

RESOLVED

(1) That the report titled “Ōpōtiki Community Driver Mentor Programme – Update and Plans For 2018-2019” be received.

(2) That the support and involvement of the Eastern Bay of Plenty Road Safety Committee, Toi-EDA, and Bay of Plenty Regional Council in enabling the Ōpōtiki Community Driver Mentor Programme to continue their support be acknowledged.

Young/Browne

Carried

9. 2019 PRE-ELECTION REPORT **p53**
and separate document

RESOLVED

(1) That the report titled “2019 Pre-Election Report be received.

Tuoro/Browne

Carried

The meeting adjourned at 10.00am for a Citizenship Ceremony and reconvened at 10.40am. Helen Laurence rejoined the meeting at this time.

10. CLIMATE CHANGE UPDATE AND STOCKTAKE

p57

The Corporate Planner and Executive Officer spoke to the report with the aid of a powerpoint presentation which covered the following points:

- Impacts of climate change – what we know
- Impacts of climate change – research underway
- Responses to climate change – who is doing what and why
- Our response to climate change to date
- Future commitments – things to consider

In response to a query from His Worship the Mayor the Corporate Planner and Executive Officer stated that she has talked to other Councils to see what they have done, e.g. moving to an electric vehicle fleet, internal (energy saving) building improvements and changing procurement requirements. There are a lot of things which could be introduced but that comes at a cost.

The Chief Executive Officer acknowledged that Council is aware ratepayer funding is limited; it may be that Council can aim at solid waste rather than the little things and achieve a better outcome. She further noted that within the RMA framework Council is precluded from considering omissions – it is not a relevant consideration for Councils under the RMA. Council also struggles with existing use rights. Within the District Plan, the stop banks are fundamentally important.

His Worship the Mayor said the big challenges for Council are leading a community change in mind set and making changes that are going to contribute to making a difference.

After acknowledging the presence of Extinction Rebellion representatives at today's meeting, His Worship the Mayor moved a motion that two further clauses be added to the recommendation as follows:

That Council acknowledge that the plant is facing a climate change; and

That the Chief Executive Officer provides a report on the implications of making a declaration around climate change.

The motion was seconded by Councillor Browne.

Councillor Young said while it was good to be seen to be doing something, he queried what the possible implications of a judicial review would be.

The Chief Executive Officer stated that the proposed recommendations were only making a statement and that should be safe in process terms.

The motion moved by His Worship the Mayor was PUT and CARRIED.

RESOLVED

- (1) That the report titled "Climate Change Update and Stocktake" be received.**
- (2) That Council acknowledges the planet is facing a climate change crisis.**
- (3) That the Chief Executive Officer provides a report on the implications of making a declaration around climate change.**

Tuoro/Browne

Carried

The Finance, Systems and Property Group Manager entered the meeting at 10.56am.

The Reserves Manager entered the meeting at 11.03am.

Helen Laurence and two Climate Change Extinction Rebellion representatives left the meeting at 11.25am.

11. ROSE GARDENS RESERVE DEVELOPMENT

p71

The Reserves Manager spoke to the report, with illustrations of the previous design and a new, staged design on the screens.

A discussion ensued regarding toilets at the Rose Gardens Reserve. Councillor Young was of the opinion that toilets should be built from the outset, and the funds for that be borrowed if necessary.

The Chief Executive Officer suggested that the proposals outlined in the report be progressed and staff come back to the next meeting with a report around including toilets in the redevelopment, and the opex costs etc., of doing that. Council agreed with this course of action. The mover and seconder also agreed to a fourth clause being added to the recommendations to provide for a report to come back to the next meeting.

RESOLVED

- (1) That the report titled "Rose Gardens Reserve Development" be received.**

- (2) That Council approve the changes to the work programme that was presented on 18 December 2018 to a staged approach that reflects the 2019/2020 Annual Plan and funding that is available.
- (3) That the long term development of the Rose Gardens will now form part of the Reserve Management Plan process currently underway.
- (4) That a report be brought to the next Council meeting around the costs of including toilets in the redevelopment of the Rose Gardens Reserve.

Browne/Howe

Carried

The Engineering and Services Group Manager left the meeting at 11.29am and returned at 11.31am.

12. TE KAHA WATER SUPPLY SOUTHERN EXTENSION 2A FUNDING 2019-20 p78

RESOLVED

- (1) That the report titled "Te Kaha Water Supply Southern Extension 2A Funding 2019-20" be received.
- (2) That Council approves the loan fund of \$23,100 to complete the project.

HWTM/Tuoro

Carried

13. ŌPŌTIKI WASTEWATER NO. 1 PUMP-STATION RENEWAL BYPASS p81

RESOLVED

- (1) That the report titled "Ōpōtiki Wastewater No. 1 Pump-Station Renewal Bypass be received.
- (2) That Council approves bringing forward \$60,000 of the \$420,000 total budget planned for the No. 1 Pump-Station Renewal Project from 2024.

Tuoro/Browne

Carried

14. WAIŌTAHE PUBLIC TOILETS WATER SUPPLY EXTENSION p84

RESOLVED

- (1) That the report titled "Waiōtahe Public Toilets Water Supply Extension" be received.
- (2) That Council approves the loan fund of \$20,000 to complete the project.

Tuoro/Young

Carried

The Harbour Project Programme Planner, the Policy Planner and the Project Manager & Building Control Officer entered the meeting at 11.46am.

15. THE ASSESSMENT OF POTENTIALLY EARTHQUAKE-PRONE BUILDINGS **p87**

RESOLVED

- (1) That the report titled “The Assessment of Potentially Earthquake-Prone Buildings” be received.**
- (2) That in accordance with the legislative requirements community consultation on the pedestrian and vehicle thoroughfares and strategically important routes is carried out.**
- (3) That in accordance with legislative requirements, staff continue the assessment of potentially earthquake-prone buildings within the District and as part of this that letters outlining the legislative process are sent to the owners of potentially earthquake-prone buildings.**

Riesterer/Young

Carried

Janet Thompson left the meeting at 11.56am.

16. REVITALISATION OF THE ŌPŌTIKI TOWN CENTRE PROJECT **p96**

RESOLVED

- (1) That the report titled “Revitalisation of the Ōpōtiki Town Centre Project” be received.**
- (2) That a structure plan and design guidelines for the Ōpōtiki town centre be developed and adopted by July 2020.**

Tuoro/Riesterer

Carried

17. PLANNING AND REGULATORY ANNUAL REVIEW **p102**

RESOLVED

- (1) That the report titled “Planning and Regulatory Annual Review” be received.**

HWTM/Young

Carried

18. ŌPŌTIKI DISTRICT COUNCIL BYLAW AND DOG CONTROL POLICY REVIEW **p112**
and separate document

RESOLVED

- (1) That the report titled "Ōpōtiki District Council Bylaw and Dog Control Policy Review" be received.
- (2) That the Statement of Proposal for the Ōpōtiki District Council Consolidated Bylaw and Dog Control Policy 2019 be adopted for public consultation using the special consultative procedure in accordance with sections 83 and 86 of the Local Government Act 2002.
- (3) That it be noted that the submission period for feedback on the Statement of Proposal for the Ōpōtiki District Council Consolidated Bylaw and Dog Control Policy 2019 will be aligned with the submission period for feedback on Ōpōtiki District Council's reserve management plans.
- (4) That the ability to make minor amendments to the Statement of Proposal for the Ōpōtiki District Council Consolidated Bylaw and Dog Control Policy 2019 before its release for public consultation be delegated to the Chief Executive Officer.

Tuoro/HWTM

Carried

19. DOG CONTROL POLICIES AND PRACTICES REPORT 2018-2019

p116

RESOLVED

- (1) That the report titled "Dog Control Policies and Practices Report 2018-19" be received.
- (2) That the Dog Control Policies and Practices Report 2018-19 attached in Appendix 01 be adopted by Council and its availability publicly notified in the Ōpōtiki News in accordance with Section 10A(3) of the Dog Control Act.
- (3) That the Dog Control Policies and Practices Report 2018-19 attached in Appendix 01 be filed with the Secretary for Local Government (Department of Internal Affairs) in accordance with section 10A(4) of the Dog Control Act.

HWTM/Browne

Carried

20. PROPOSAL FOR NEW ROAD NAME: WHAROTAI ROAD

p125

His Worship the Mayor advised that Item 20 (Proposal For New Road Name: Wharotai Road, is being deferred to a later meeting as there is some consultation still to be undertaken.

The Engineering and Services Group Manager, the Harbour Project Programme Planner, the Policy Planner and the Project Manager & Building Control Officer left the meeting at 12.12pm.

21. JIANGXI VISIT UPDATE

p135

The Chief Executive Officer noted that an added benefit of the trip to China was the team building for the Eastern Bay – three Mayors, three CEs and educators.

RESOLVED

- (1) That the report titled “Jiangxi Visit Update” be received.**

HWTM/Riesterer

Carried

The Planning and Regulatory Group Manager left the meeting at 12.15pm.

22. CHIEF EXECUTIVE OFFICER’S UPDATE

p141

Safer Roads Programme

From a discussion around road safety improvements, it was agreed that a letter be sent under the Mayor’s signature to the Associate Minister of Transport and other appropriate Ministers and stakeholders around road safety issues affecting the Ōpōtiki district. It was further agreed that a clause be added to the recommendations to reflect this.

RESOLVED

- (1) That the report titled “Chief Executive Officer’s Update” be received.**
- (2) That a letter be sent under the Mayor’s signature to the Associate Minister of Transport, and other appropriate Ministers and stakeholders around road safety issues affecting the Ōpōtiki district.**

HWTM/Tuoro

Carried

The meeting adjourned for lunch at 12.35pm and reconvened at 1.13pm. James Sandbrook did not rejoin the meeting at this time.

During the lunch break a presentation was made to Councillor Ken Young and his wife, Carole. This is Councillor Young’s last Council meeting.

23. RESOLUTION TO EXCLUDE THE PUBLIC

p148

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:

24. Confirmation of In-Committee Minutes – Ordinary Council Meeting 4 June 2019.

25. Confirmation of In-Committee Minutes – Extra Ordinary Council Meeting 28 June 2019.

26. Property Transaction 1.

27. Property Transaction 2.

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:

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
24.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 4 June 2019	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.	Confirmation of In-Committee Minutes – Extra Ordinary Council Meeting 28 June 2019	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.	Property Transaction 1	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)
27.	Property Transaction 2	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:

24.	Protect the privacy of natural persons Protect information Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities Commercial sensitivity	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h) Section 7(2)(b)(ii)
25.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)
26.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b) Section 7(2)(i)
27.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b) Section 7(2)(b)

Tuoro/Browne

Carried

RESOLVED

- (1) That the resolutions made while the public was excluded, except for the resolutions for Item 26 (Property Transaction 1) and Item 27 (Property Transaction 2), be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

Browne/Riesterer

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 4 June 2019 be confirmed as a true and correct record.**

Tuoro/HWTM

Carried

RESOLVED

- (1) That the in-committee minutes of the Extra Ordinary Council meeting held on 28 June 2019 be confirmed as a true and correct record.**

Riesterer/Young

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 1.45PM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 5 SEPTEMBER
2019**

J H FORBES

HIS WORSHIP THE MAYOR

MINUTES OF A MEETING OF THE COAST COMMUNITY BOARD HELD AT TE RUNANGA O TE WHANAU OFFICES, STATE HIGHWAY 35, TE KAHA ON TUESDAY, 18 JUNE 2019 AT 10.10AM

PRESENT:

Haki McRoberts (Chairperson)
Mike Collier
Gail Keepa
Jack Parata

IN ATTENDANCE:

Ari Erickson (Engineering and Services Group Manager)
Anthony Kirikiri (Technical Engineer – Assets)
Gae Newell (Executive Assistant & Governance Support Officer)

PUBLIC

Oho Gage

The Chairperson opened the meeting with a karakia and extended a welcome to everyone.

APOLOGY

Allen Waenga.

RESOLVED

(1) That the apology be sustained.

Parata/Keepa

Carried

PUBLIC FORUM

Oho Gage – Acknowledgement of Funding

On behalf of the hapū, Oho Gage extended thanks to the Board for its support for the ANZAC Day at Ōmaio Marae.

The event went very well, with Wira Gardiner attending as a guest speaker. Between 400-500 people attended.

Jack Parata endorsed the success of the day, adding that Navy personnel attended from the boat Te Kaha.

Oho Gage left the meeting at 10.14am

1. CONFIRMATION OF MINUTES – COAST COMMUNITY BOARD MEETING **p3**
7 MAY 2019

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 7 May 2019 be confirmed as a true and correct record.**

Parata/McRoberts

Carried

2. ACTION SCHEDULE **p8**

The Engineering and Services Group Manager spoke to the Action Schedule.

Signage

Jack Parata asked the Engineering and Services Group Manager to raise a request with NZTA for signs denoting accommodation, food etc., for the Te Kaha Resort. The Engineering and Services Group Manager noted that signs should be requested for all accommodation providers.

Parking Issues – Maraetai Bay

The Chairperson requested that the Engineering and Services Group Manager look at parking issues with freedom campers at Maraetai Bay.

Maraetai Bay Playground

In response to a request from Gail Keepa that more funding be put towards improving facilities at the Maraetai playground, e.g. installing BBQs etc., the Engineering and Services Group Manager said he will work with the Reserves Manager on an order of priority.

RESOLVED

- (1) That the Action Schedule be received.**

Keepa/Parata

Carried

Mike Collier left the meeting at 10.28am and returned at 10.31am.

3. GENERAL MANAGERS' UPDATE

p10

RESOLVED

- (1) That the report titled "General Managers' Update" be received.**

Parata/Collier

Carried

4. PROPOSED CHANGES TO COMMUNITY BOARD MEMBER REMUNERATION

p13

RESOLVED

- (1) That the report titled "Proposed Changes to Community Board Member Remuneration" be received.**

- (2) That Coast Community Board members note the changes proposed advised by the Remuneration Authority.**

Collier/Keepa

Carried

5. COAST INITIATIVES FUND

p18

RESOLVED

- (1) That the report titled "Coast Initiatives Fund" be received.**

Keepa/Collier

Carried

6. COAST INITIATIVES FUND – FUNDING APPLICATION: TE KURA MANA MĀORI O WHANGAPARAOA

p23

Jack Parata stated that the Board provides funding of \$10,000 to each of the two adult hapa haka groups on the Coast. That amount is only a contribution and is not the whole amount they need. If funding of the whole amount requested was given to the Te Kura Mana Māori o Whangaparaoa application, it would set a precedent and other groups would be asking for the entire amount they require.

The Board members agreed that they would like more time to research on what other applications have been given and requested the item be placed on the agenda for the next meeting for further consideration. The Board secretary was asked to go back to the applicant and ask where they would get the balance of funding from if the Board did not fully fund.

RESOLVED

- (1) That the Board receives the funding application from Te Kura Mana Māori o Whangaparaoa.**
- (2) That the application be placed on the agenda for the Board meeting for further consideration.**
- (3) That the Board secretary will enquire of the application as to where they would get the balance of funding from if the Board did not fully fund.**

McRoberts/Parata

Carried

7. COAST INITIATIVES FUND – FUNDING APPLICATION: TIHIRAU VICTORY CLUB J.A.B. p26

Gail Keepa stated that she was not sure the application met the Coast Initiatives funding criteria.

Jack Parata expressed the view that he would like to see the applicant do something of their own accord to contribute. He added that this application could fit into the educational clause of the criteria.

The Board agreed that they would contribute 50%, i.e. \$4,000, of the amount requested in the application, provided the Tihirau Victory Club J.A.B. show that they can pay the balance from their own efforts and that arrangements have been put in place to purchase the tickets and book accommodation. Payment to the club will not be made until these provisos can be met.

The Board secretary is to advise the applicant of the Board's decision.

RESOLVED

- (1) That the Board receives the funding application from Tihirau Victory Club J.A.B.**
- (2) That the Board agrees to pay the sum of \$4,000 to the Tihirau Victory Club J.A.B., provided:**
 - (i) They show that they can pay the balance from their own efforts.**
 - (ii) That arrangements have been put in place to purchase the tickets and book accommodation.**

McRoberts/Parata

Carried

The Chairperson thanked everyone for their attendance and closed the meeting with a karakia.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.02AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING
A TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COAST COMMUNITY BOARD HELD
ON TUESDAY, 30 JULY 2019.**

**HAKI McROBERTS
CHAIRPERSON
COAST COMMUNITY BOARD**

Minutes of the Civil Defence Emergency Management Group Joint Committee Meeting held in The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Friday, 21 June 2019 commencing at 10.00 a.m.

Present:

Chairman: Mayor Greg Brownless - Tauranga City Council (TCC)

Appointees: Western Bay of Plenty District Council (WBOPDC): Deputy Mayor Mike Williams (Alternate)
Whakatāne District Council (WDC): Deputy Mayor Judy Turner (Alternate)
Rotorua Lakes Council (RLC): Mayor Steve Chadwick
Ōpōtiki District Council (ODC): Councillor Shona Browne (Alternate)
Kawerau District Council (KDC): Deputy Mayor Faylene Tunui (Alternate)
Bay of Plenty Regional Council (BOPRC): Chairman Doug Leeder (Alternate)

In Attendance: Emergency Management Bay of Plenty (EMBOP): Clinton Naude - Director; Matthew Harrex - Manager, Planning & Development; Jono Meldrum - Manager Operational Readiness; Andrea Thompson - Personal Assistant
BOPRC: Fiona McTavish - Chief Executive; Merinda Pansegrouw - Committee Advisor
TCC: Marty Grenfell - Deputy Chair of Co-ordinating Executive Group (CEG) & Chief Executive
ODC: Gerard McCormack - Planning and Regulatory Group Manager
WBOPDC: Gary Allis - Deputy Chief Executive Officer
Other: Bridget Vercoe - Ministry of Civil Defence and Emergency Management; Malinda Meads - Emergency Management Consultant, Malinda Meads Consultancy; Peter Seager - Public Forum; Jane Pearson - Public Forum

Apologies: Mayor Garry Webber (WBOPDC); Deputy Chairperson Councillor David Love (BOPRC); Mayor John Forbes (ODC); Mayor Malcolm Campbell (KDC); Mayor Tony Bonne (WDC)

1 Apologies

Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Accepts the apologies from Mayor G Webber, Councillor D Love, Mayor J Forbes, Mayor M Campbell and Mayor A Bonne tendered at the meeting.

2 Public Forum

Peter Seager – Bay of Plenty New Zealand Response Teams

Tabled Document 1 - Letter from Peter Seager - Objective Reference A3274375

Tabled Document 2 - PowerPoint Presentation - Objective Reference A3277642

Key Points

- Referred to item 8.2 “Director Emergency Management Bay of Plenty Update” in particular “New Zealand Response Teams” (NZ-RT’s) under point 3 on page 28 of the agenda
- Matter related to Emergency Management Bay of Plenty currently leading discussions with the managers of New Zealand Response Teams 15 (Rotorua), 16 (Tauranga) and 17 (Whakatāne) to develop a new approach/model to deliver the required services
- Expressed concerns regarding the review and the potential impact on the future role of the three Bay of Plenty NZ-RT’s
- Suggested that the lessons learnt from the Christchurch earthquakes be taken on board
- Was concerned that taking a limited view on the role and utility of response teams could potentially have a significant impact on the ability to respond to events either locally or regionally
- Urged the Civil Defence Emergency Management Group Joint Committee (CDEMG) to express clearly and unequivocally its support for NZ-RT’s, to recognise and utilise the capabilities that they have and to push for a closer relationship with the emergency services, especially Fire and Emergency New Zealand.

Jane Pearson – Bay of Plenty New Zealand Response Teams

Key Points

- Attended in her capacity as a resident of Western Bay and long-time volunteer
- Enquired about CDEMG’s position on volunteer responders following the calling for the effective dismantling of the response teams (referred to page 28 of the agenda) and the subsequent loss of many years of experience and qualifications
- Questioned why CDEMG was reviewing NZ-RT’s given that the Ministry of Civil Defence & Emergency Management (MCDEM) claimed to be supportive of response teams and that the Civil Defence plans for Auckland, Hawkes Bay, Canterbury and the 2009-2019 Rotorua Plan all stated the vital importance of response team volunteers in the event of a disaster
- Gap analysis failed to acknowledge the role that response teams had played in many recent events, both regionally and nationally, where emergency services had relied upon response teams to cover gaps in their capacity
- Asked committee members whether they would be prepared to shoulder the responsibility/consequences of allowing the response teams to be disbanded with the resulting loss of invaluable skills and knowledge.
- Emphasised that emergency services did not have the same skill sets offered by response teams.

Response by Clinton Naude - Director Emergency Management Bay of Plenty:

- MCDEM was in the process of continuing to lead work in respect of establishing governance/structure arrangements for response teams in New Zealand at a

national level. Team Leaders from the respective response teams had been closely involved in the consultations with MCDEM

- Following consultation on proposed options relating to governance arrangements for NZ-RT's, the NZ Response Team Steering Group was currently considering submissions to inform the development of a detailed plan at a national level; this would be confirmed in partnership with all role-players such as New Zealand Police and Fire and Emergency New Zealand
- Confirmed that in the interim, the volunteer response teams remained a resource capability as registered with MCDEM.

Response by Bridget Vercoe - Ministry of Civil Defence and Emergency Management

- Confirmed that MCDEM was currently consulting widely in respect of establishing governance arrangements and an appropriate national accreditation system for response teams' capabilities
- Confirmed that, as part of the MCDEM's work programme, the review of NZ-RT's was receiving due attention.

Clinton Naude - Director Emergency Management Bay of Plenty In Response to Questions

- Highlighted that currently no decision was being sought from CDEMG in terms of the NZ-RT's capability. As a next step, as part of the governance matters currently consulted on by MCDEM, operational matters/structures for NZ-RT's (such as reporting lines/budget sources) still needed to be refined.

Members' Comments

- It would be beneficial for territorial authority elected members to visit their respective response teams to obtain a better understanding of the services offered by NZ-RT's
- Expressed appreciation for the value added by the respective response teams.

3 **Acceptance of Late Items**

Nil

4 **General Business**

Nil

5 **Confidential Business to be Transferred into the Open**

Nil

6 **Declaration of Conflicts of Interest**

Nil

7 Previous Minutes

7.1 Civil Defence Emergency Management Group Joint Committee Minutes - 22 March 2019

The Chair advised that the Minutes of the meeting of 22 March 2019 could not be confirmed as only one member was present who had attended the meeting and therefore this item would lie on the table for the following meeting.

8 Reports

8.1 Budget 2019 – Investment in National Emergency Management Agency - Letter received from the Minister of Civil Defence Hon Kris Faafoi

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

Members' Comments

- Further clarification was required in terms of where Disaster Relief Funding would fit into the proposed new National Emergency Management Agency. Suggested that a consistent and proactive approach be followed with the establishment of Disaster Relief Funds
- Noted that the Ministry of Civil Defence & Emergency Management (MCDEM) was currently planning to undertake work on the CDEM Plan with the view of reviewing the plan in 2020, with particular focus given to the financial support component
- With reference to Disaster Relief Funds/financial support, expressed support for a local approach with regional support as the most ideal option.

Item for Staff Follow-up

- Draft a letter on behalf of the CDEMG Joint Committee to MCDEM: (1) highlighting the importance of ensuring a consistent and proactive approach towards the establishment of Disaster Relief Funds, (2) requesting clarification on where Disaster Relief Funds would fit into the proposed National Emergency Management Agency, and (3) stating support/preference for a local approach with regional support.

Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, "Budget 2019 – Investment in National Emergency Management Agency - Letter received from the Minister of Civil Defence Hon Kris Faafoi".**

**Williams/Brownless
CARRIED**

8.2 Director Emergency Management Bay of Plenty Update

Refer You Tube Video "Tsunami: Do you know what to do?" - Objective Reference iInkA2004 (<https://www.youtube.com/watch?v=eC6cKFXkhvw>)

Director, Emergency Management Bay of Plenty Clinton Naude presented the report providing a high level summary of key developments and activities in the Civil Defence Emergency Management sector.

Key Points

- Following the 15 March 2019 Christchurch terrorist event, the Minister of Civil Defence had extended the timeframes for the amendments to the CDEM Act 2002 to fully capture and reflect the lessons which related to emergency management work. The intention was to produce a draft for consultation before the end of the year and to introduce the Bill in 2020
- Response and Recovery Leadership Programme - provided by Matatū Mataora Aotearoa - Response & Recovery Aotearoa New Zealand (RRANZ) and led by Massey University in strategic partnership with the Department of the Prime Minister and Cabinet, has been rolled out based on an “all hazards and all agencies” approach. All statutory roles of CDEM Controllers and CDEM Recovery Managers would be required to complete both tier 1 and 2 courses to gain accreditation
- Tsunami Public Education - a public education campaign had been planned for the end of this financial year and would focus on adjusting our approach regarding tsunami. The campaign would highlight that there were a number of natural warning signs to be aware of and that it was important to know how you would be alerted. The public education campaign had been scheduled from 14 June for two weeks over a range of media. (Refer *You Tube Video “Tsunami: Do you know what to do?”* - <https://www.youtube.com/watch?v=eC6cKFXkhvw>).

Members' Comments

- The RRANZ Response and Recovery Leadership Capability Development Programme had received positive feedback from staff whom had attended the programme
- Members attended the Civil Defence Youth Ambassador Programme Camp in March 2019 and were encouraged by the increased level of awareness and interest in civil defence matters amongst students.

In response to Questions

- New Zealand Response Teams (NZRTs): results of the gap analysis (which focussed on current teams' capabilities) had indicated that certain services currently offered by the Bay of Plenty based NZRTs were no longer required while additional services not currently offered were required. Feedback in this regard had been received from emergency service partners. Dialogue in this regard would continue and ultimately be informed by the national framework still to be finalised by MCDEM.

Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, Director Emergency Management Bay of Plenty Update.**

**Turner/Tunui
CARRIED**

8.3 Bay of Plenty Civil Defence Emergency Management Group Controller Appointments

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, Bay of Plenty Civil Defence Emergency Management Group Controller Appointments;**
- 2 Rescinds the appointment of Barbara Dempsey as Local Controller for the Bay of Plenty Civil Defence Emergency Management Group, Whakatāne District, as defined under s27 of the Civil Defence Emergency Management Act 2002.**

Leeder/Chadwick
CARRIED

8.4 Bay of Plenty Civil Defence Emergency Management Group Recovery Manager Appointments

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, Bay of Plenty Civil Defence Emergency Management Group Recovery Manager Appointments;**
- 2 Approves the appointments of Julian Reweti as Local Recovery Manager and Jacinda Lean as Alternate Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Tauranga City, as defined under s30 of the Civil Defence Emergency Management Act 2002.**
- 3 Approves the appointment of Aimee McGregor as Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Rotorua District, as defined under s30 of the Civil Defence Emergency Management Act 2002.**
- 4 Approves the rescindment of Barbara Dempsey as Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Whakatāne District, as defined under s30 of the Civil Defence Emergency Management Act 2002.**

Leeder/Chadwick
CARRIED

8.5 Bay of Plenty Civil Defence Emergency Management Group Partnership Agreement 2019

Refer Power Point Presentation Objective ID A3274066

Director, Emergency Management Bay of Plenty Clinton Naude and Emergency Management Consultant Melinda Meads presented the report on the draft Bay of Plenty Civil Defence Emergency Management Group Partnership Agreement 2019.

Key Presentation Points

- A review of Bay of Plenty Civil Defence Emergency Management (CDEM) had been conducted in 2018
- The review detailed options and recommendations on the future state for the delivery of effective and efficient emergency management within the Bay of Plenty CDEM region. The review also recommended roles and responsibilities to carry out key functions and a model for delivery of CDEM in the Bay of Plenty Region
- Background to the review
- Approach and plan for the new agreement based on four components:
 - Head Agreement - key terms of a proposed agreement between parties
 - Schedule A - functions, roles and responsibilities for territorial authorities, Regional Council and EMBOP
 - Schedule B - CDEM legislation and other references of relevance
 - Schedule C - Revenue and Financial Statement
- Project approach and focus
- CDEM Roles & Responsibilities
 - New Bay of Plenty CDEM Group Partnership Agreement had been drafted with full collaboration, partnership and agreement of all Local Authority members and Emergency Management Bay of Plenty (EMBOP).
 - Agreement detailed roles and responsibilities for the delivery of CDEM in the Bay of Plenty and defined Group, Regional and Local delivery
- Future considerations
 - National Emergency Management System Reform
 - Legislative Amendments to the Civil Defence Emergency Management Act
 - National Civil Defence Emergency Management Policy and Direction
- Next Steps
 - Official signing of the agreement by all parties
 - Planning CDEM service delivery in the transition year 2019/2020
 - Review of Emergency Management Bay of Plenty for Group delivery
 - Planning by Bay of Plenty Regional Council for Regional delivery
 - Planning by member City/District Councils for Local delivery
 - Planning for implementation of full Bay of Plenty CDEM Group targeted rate in 2020/2021

In Response to Questions

- The 2019/2020 financial year would be a transition year in which the delivery of CDEM services under the current Bay of Plenty CDEM Group Agreement on Joint CDEM Services 2015 would need to transition to the Bay of Plenty CDEM Partnership Agreement 2019
- The Bay of Plenty CDEM Group budget for 2020/2021 would be fully funded through the CDEM Regional targeted rate
- The 2020/2021 budget was being developed and would be presented to a future meeting of the Bay of Plenty CDEM Group Joint Committee for approval.

Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, Bay of Plenty Civil Defence Emergency Management Group Partnership Agreement 2019;**
- 2 Adopts the draft Bay of Plenty Civil Defence Emergency Management Partnership Agreement 2019.**

**Chadwick/Leeder
CARRIED**

8.6 **Bay of Plenty CDEM Group Annual Plan 2019 - 2020**

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

Key Points

- The Bay of Plenty CDEM Group Annual Plan 2019-2020 had evolved into an outcomes based document
- The new focus would be a 'line-of-sight' towards the objectives of the Group Plan, highlighting commitments across a 3-year horizon.
- The changes were part of implementing the recommendations of the recent Bay of Plenty CDEM Group service delivery review.
- The Plan was aspirational in content; the outputs and outcomes sought would challenge the CDEM Group to continue its improvement on how and what it delivered on behalf of its communities
- The Plan was based on the Long Term Plan/Budget for the 2019/20 financial period.

Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, Bay of Plenty CDEM Group Annual Plan 2019-2020;**
- 2 Approves the Bay of Plenty CDEM Group Annual Plan 2019-2020.**

**Turner/Williams
CARRIED**

The meeting closed at 11:04 am.

Confirmed date

Mayor Greg Brownless - Chairperson
Civil Defence Emergency Management Group Joint Committee

REPORT

Date : 30 August 2019
To : Ordinary Council Meeting, 5 September 2019
From : His Worship the Mayor, J H Forbes
Subject : **MAYORAL REPORT 19 JULY – 30 AUGUST 2019**
File ID : A176005

LETTER TO ASSOCIATE MINISTER FOR TRANSPORT – ŌPŌTIKI DISTRICT ROAD SAFETY ISSUES

Attached to this report is a letter recently sent to the Associate Minister for Transport, Julie-Anne Genter highlighting the unexpected deferral of funding to deal with road safety issues in the Ōpōtiki district.

Since 19 July 2019 I have attended or met with the following:

19 JULY 2019

Bay of Plenty Triennial Meeting, Rotorua

22 JULY 2019

Met with Acting Area Police Commander, Stuart Nightingale

25 JULY 2019

NZ Walking Access Commission Workshop, Wellington

31 JULY 2019

Crown Entity Chairs & Chief Executives Workshop, Wellington

5 AUGUST 2019

LGNZ Policy Advisory Group Committee Meeting, Wellington

Open Oceans Symposium, Nelson

6-7 AUGUST 2019

Open Oceans Symposium, Nelson

8 AUGUST 2019

Ōpōtiki Marine Advisory Group meeting

26 AUGUST 2019

Eastern Bay of Plenty Mayors/Chair/CEs meeting, Whakatāne

27 AUGUST 2019

Regional Aquaculture Organisation meeting, Tauranga

30 AUGUST 2019

Workforce Development Refresh Workshop

ATTENDANCES WITH OR ON BEHALF OF THE MAYOR BY DEPUTY MAYOR LYN RIESTERER**20 AUGUST 2019**

20 Years Celebration, Tirohia Te Kopere Trust

30 AUGUST 2019

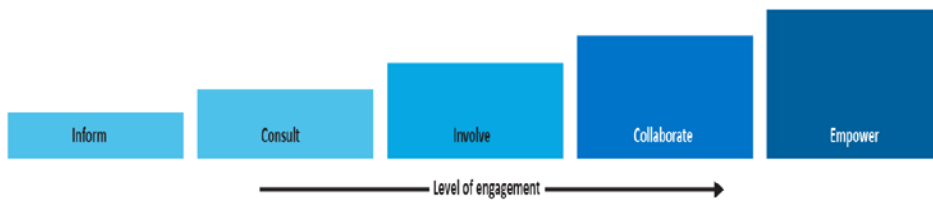
Workforce Development Refresh Workshop

SIGNIFICANCE ASSESSMENT**Assessment of significance**

Under Council's Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance for the Mayoral Report is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for the Mayoral Report is considered to be of low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



RECOMMENDATION:

- 1. That the report titled "Mayoral Report 19 July 2019 –30 August 2019" be received.**

John Forbes

HIS WORSHIP THE MAYOR

FROM THE MAYOR'S OFFICE

Our Ref: A173158

24 July 2019

Julie-Anne Genter

By e-mail: JulieAnne.Genter@parliament.govt.nz

Dear Associate Minister

Just last Friday another one of our locals was killed on our local State Highway. As one of my councillors commented yesterday as we discussed our road deaths at a council meeting, "These are not just statistics to us, these are our people, we know their names, we go to their funerals".

In 2015 an NZTA study on SH 2 in the Opotiki District concluded:

The Eastern Bay of Plenty also has significantly higher rates of rural deaths and serious injury (DSI) crashes than the rest of the country. This has been the case for an extended period, as shown by the NZTA crash statistics in the SignatureNET database. Despite some anecdotal views, the majority of the DSI crashes are local people dying and being injured in the local area. As a consequence, there are widespread impacts on whānau and their communities from the crash rates, both in human and economic terms.

Our local community already knew this and has been advocating for a number of years for fixes to major risk areas:

2001-2015

Many interactions of business cases/advocacy and attempts to have Matekerepu reviewed for safety and route security

2013-2015

Signature Programme – Safer Journeys Action Plan

2015-2016

Opotiki Interventions Strategic Case

2017-2019

Safer Roads Programme

Of all these programmes and business cases, there has been more spent on the bureaucracy and reports than has been spent on actual solutions.

We were very pleased, therefore, to be involved with the business case process for the Safer Roads programme over the last two years and invited the programme to a joint consultation process with our community. We took part in workshops and were very pleased with the consultation that the Safer Roads staff undertook in our community.

However, we have recently been advised that the proposed \$32m spend on SH2 Road Safety Interventions that was supposed to start in June, has been deferred by NZTA pending funding availability – i.e. deferred to compete with next year’s round of projects. At this stage we have not heard this formally but wish to express our concern at the potential for yet another delay or that the work will be deferred into yet another process, and at the same time that Government is promoting another road safety policy, that entirely justifies the spend on SH 2 in the Opotiki district.

As a “surge region” of the current Government we think we deserve better treatment than this, and that at the very least some of the (lesser cost) preparatory work (e.g. property acquisition and planning etc.) should get started to signal that Government is serious about road safety in our district.

Yours faithfully



John Forbes
MAYOR OF ŌPŌTIKI

c.c.

Hon Phil Twyford - Philip.Twyford@parliament.govt.nz

Hon Nanaia Mahuta - Nanaia.Mahuta@parliament.govt.nz

Hon Tracey Martin - Tracey.Martin@parliament.govt.nz

Hon Shane Jones - Shane.Jones@parliament.govt.nz

Interim NZTA CEO, Mark Ratcliffe - Mark.Ratcliffe@nzta.govt.nz and Bernice.McLaughlin@nzta.govt.nz

Doug Leeder, Chair Bay of Plenty Regional Council - Douglas.Leeder@boprc.govt.nz

Dave Cull, LGNZ President - mayor@dcc.govt.nz

Stuart Crosby, Chair Regional Land Transport Committee - stuart.crosby@boprc.govt.nz



REPORT

Date : 14 August 2019
To : Ordinary Council Meeting, 5 September 2019
From : Mayor John Forbes
Subject : **ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE**
File ID : A172353

EXECUTIVE SUMMARY

This report updates Council on progress advanced through the August 2019 meeting of the Ōpōtiki Marine Advisory Group.

PURPOSE

To inform Council on progress achieved through the Ōpōtiki Marine Advisory Group.

BACKGROUND

The Ōpōtiki Marine Advisory Group (OMAG) was established in 2009 as a technical advisory group to Council in support of the Ōpōtiki Harbour Development Project. This arrangement harnesses the expertise of an important cross-sectoral group of stakeholders to provide advice and address issues in a confidential and efficient manner. OMAG focuses on all matters relevant to the long-term goal of creating the infrastructure required to enable a thriving aquaculture industry centred in Ōpōtiki.

OMAG meets every two months. Members include representatives from the Ōpōtiki community, Ōpōtiki District Council (ODC), Whakatōhea Māori Trust Board, Eastern Sea Farms Limited, Whakatōhea Mussels (Ōpōtiki) Limited, Ōpōtiki Community Development Trust, Toi-EDA, Bay of Plenty Regional Council, and Bay of Connections.

Council has been fully briefed about the Ōpōtiki Harbour Development Project, OMAG, and activities that are underway.

Updates from OMAG

- Peter Vitasovich provided an update from Whakatōhea Mussels (Ōpōtiki) Limited (WMO). WMO has been focused on setting up crop lines, putting spat catching lines in the water, and getting ready for this year’s harvest. WMO has submitted its business case to government for provincial growth fund (PGF) funding for a mussel processing factory.
- Robert Edwards said Met Service, Met Ocean and various university researchers were hosted in Ōpōtiki by Whakatōhea on 30 July for the launch of Project Moana an \$11.5 million research project into the state of the nation’s oceans.
- Aileen Lawrie and John Galbraith provided an update on the harbour development project, including harbour redesign and recosting, and rock sourcing. ODC proceeded with an initial call for registrations of interest (ROI) addressed to known and potential rock suppliers, followed by a targeted request for tenders (RFT) closing on 13 August. The rock supply tender prices and updated redesign and repriced tender from HEB Construction for harbour design and construction will be included in the revised business case to government for harbour funding. ODC intends to complete the business case by the end of September.

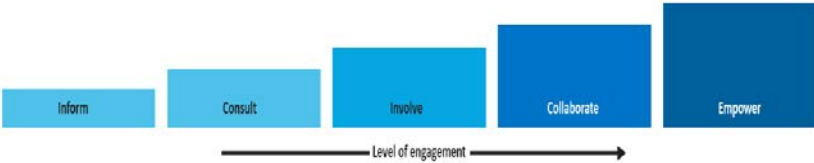
SIGNIFICANCE ASSESSMENT

Assessment of significance

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of significance for receiving the OMAG report is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for receiving the OMAG report is considered to be low, the level of engagement required is determined to be at the level of ‘inform’ according to schedule 2 of the Significance and Engagement Policy.



RECOMMENDATION:

- 1. That the report titled "Ōpōtiki Marine Advisory Group (OMAG) Update" be received.**

Mayor John Forbes

CHAIR, ŌPŌTIKI MARINE ADVISORY GROUP

REPORT

Date : 20 August 2019

To : Ordinary Council Meeting, 5 September 2019.

From : Finance, Systems and Property Group Manager, Michael Homan.

Subject : **DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER DURING INTERIM ELECTION PERIOD.**

File ID : A175874

EXECUTIVE SUMMARY

Neither outgoing nor incoming elected members can act in their capacity as members of the Council from the day after the declaration of the electoral result until the new Council is sworn in at the first meeting of the Council. The Council needs to consider arrangements to ensure the effective and efficient conduct of the Council's business during this period which is expected to be from the official declaration around 17 October 2019 to the inaugural meeting on 31 October 2019, a period of approximately 14 days. It is recommended that the Council delegate its responsibilities, duties, and powers to the Chief Executive Officer for the period from the day after the declaration until the swearing in of the new Council. It is also recommended that Council resolve not to discharge the committees for which there are councillors appointed as representatives of Council in order to allow for continuity of service provided by these committees until the first ordinary meeting of Council on 12 November 2019.

PURPOSE

The purpose of this report is to request the Council delegate to the Chief Executive during the interim election period the responsibilities, duties and powers of the Council, except for certain powers set down in the legislation that cannot be delegated. The report also recommends that the Council discharges all current Committees except for the Creative Communities Funding Assessment Committee.

BACKGROUND

The Council will need to consider arrangements to ensure the effective and efficient conduct of the Council's business during the period from the day after the declaration of the electoral result until the new Council is sworn in at the inaugural meeting of the Council. This is likely to be for the period from 17 October – 31 October 2019.

Clause 14 of Schedule 7 of the Local Government Act 2002 provides that a person newly elected to Council may not act until they have made the necessary declaration at the inaugural Council meeting. This provision combines with sections 115 and 116 of the Local Electoral Act 2001 (as set out below) to the effect that, from the day after the declaration of election results (which is by way of public notice in a local newspaper), until the new members declaration is taken at the inaugural Council meeting, neither the outgoing nor the incoming elected members can act in their capacity as members of the Council. The previous members go out of office at the same time as the new members come into office (the day after the public notice in the newspaper).

115 When members come into office

A Candidate who is declared to be elected comes into office the day after the official result of the election is declared by public notice under section 86.

116 When members leave office

- (1) Every member of a local authority or community board, unless vacating office sooner, vacates office,
 - (a) In a case where the member's office is the subject of an election, when the members elected at the next election come into office:
 - (b) In a case where provision is made by any enactment to fill a vacancy by appointment, when the member's successor comes into office.
- (2) Despite subsection (1)(a), if a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election.

The Council delegated this power to the Chief Executive prior to the 2013 and 2016 elections and it is again recommended that the Council make a delegation to the Chief Executive of all of its responsibilities, duties, and powers for the period in question except those set out in paragraphs (a) to (h) of clause 32(1) of Schedule 7 of the Local Government Act 2002. This clause provides:

“Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority’s business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—

- a) The power to make a rate; or
- b) The power to make a bylaw; or
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- (d) The power to adopt a long-term plan, annual plan, or annual report; or
- (e) The power to appoint a chief executive; or
- (f) The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement
- (g) Repealed
- (h) The power to adopt a remuneration and employment policy.”

This delegation is for the limited time period between the declaration of the election result and the first meeting of the new Council. This is anticipated to be 14 days as the declaration is expected on or about 17 October 2019 and the inaugural Council meeting is expected to be held on 31 October 2019. However, these dates may be subject to change. The delegation is also subject to a requirement that the Chief Executive Officer may only act after consultation with the person elected to the position of Mayor, and may only attend to those matters that cannot reasonably await the first meeting of the new Council. The Chief Executive Officer is required to report any significant decisions to the first meeting of the new Council.

DISCUSSION AND OPTIONS SECTIONS

The Council has the option of either delegating or not delegating to the Chief Executive Officer. A further alternative available is that the Council may now under Clause 30 (7) of Schedule 7 of the Local Government Act 2002 resolve before the election that its committees or some of them are not discharged and continue following that election.

Clause 30 (7) of Schedule 7 of the Local Government Act 2002 states:

"A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body."

If the Council did pass a resolution under Clause 30 (7) not to discharge some or all of its committees then the membership of its committees may continue after the election because of Clause 31 (5) which states:

"If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under clause 30(7), the local authority may replace the members of that committee, subcommittee, or other subordinate decision-making body after the next triennial general election of members."

The Council is not required to replace the membership and if the Council takes no action members already appointed to the Council committees will continue to be members of those committees. The effect of this clause is that those members who have not been re-elected would seem to continue to be members of the committees (until they go out of office) as well as those members who have been re-elected. If all the members cease to be members, the Committee will cease to be able to comply with clause 31(4)(a) which requires that at least one member of a committee must be an elected member of the local authority. Members who have been re-elected will not be able to act as members until they have taken their declarations.

These provisions are confusing and untested and there is some doubt about how they would work out in practice. Accordingly it is not recommended that the Council follow this option.

It is therefore recommended that all the Council's Committees not be discharged as some are scheduled to meet in or around the period between 17 October and 12 November 2019. The first ordinary meeting of Council on 12 November 2019 will contain an agenda item to replace or reinstate the members of all of the committees.

SIGNIFICANCE ASSESSMENT

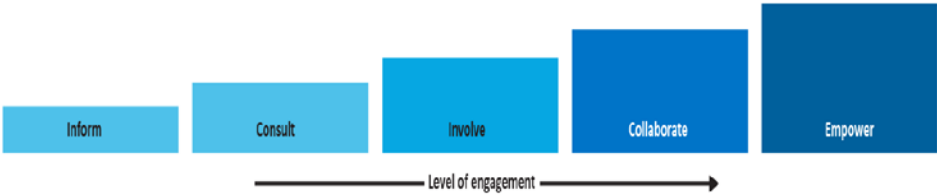
Assessment of significance

Under Council's Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of

Significance is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance is considered to be low the level of engagement required is determined to be at the level of Inform according to Schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

It is considered that community input is not required in this matter.

CONSIDERATIONS

Financial/budget considerations

There are no financial or budget implications.

Risks

The risks involved in delegating to the Chief Executive Officer include the Council not agreeing with the decisions made and overturning decisions at a later date. The risks of not delegating would be the risk of the Council not being able to undertake its business during the period from the declaration of the election result until the first meeting of the new Council.

The limited time period and the fact that any decision by the Chief Executive is required to be made in consultation with the Mayor elect and that it would only be pressing matters that must be attended to provides a degree of comfort to elected members that decisions will not be made unless required for the smooth running of the Council.

CONSULTATION

It is considered that community input is not required for this matter.

CONCLUSION

The Council needs to consider arrangements to ensure the effective and efficient conduct of the Council's business during the period from the day after the declaration of the electoral result until the new Council is sworn in at the first meeting of the Council. Until the new members' declarations are taken at the first Council meeting, neither the outgoing nor the incoming elected members can act in their capacity as members of the Council. It is recommended that the Council delegate its responsibilities, duties, and powers to the Chief Executive for the period from the day after the declaration until the swearing in of the new Council, except for those set out in Schedule 7, Clause 32(1) and those of the Creative Communities Committee.

RECOMMENDATIONS:

- 1. That the report titled "Delegations to the Chief Executive Officer During Interim Election Period" be received;**
- 2. That subject to the limitations set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002, the Council delegates all of its responsibilities, duties, and powers to the Chief Executive for the period from the day after the declaration of the election results until the swearing in of the new Council, subject to a requirement that the Chief Executive may only exercise this delegation after the following:**
 - (a) Consultation with the person elected to the position of Mayor;**
 - (b) May only attend to those matters that cannot reasonably await the first meeting of the new Council and;**
 - (c) Shall be reported to the first meeting of the new Council; and**
- 3. That if any urgent decisions arise in this period, requiring significant political input, then an Extraordinary Council meeting will be called; and**
- 4. That in accordance with Clause 30 (7) of Schedule 7 of the Local Government Act 2002 Council resolves not to discharge any of the committees of Council so that they can continue to function during the time between the declaration of the election results and the appointment of new committee members in November.**
- 5. That the Chief Executive Officer or delegate be authorised to appoint Independent Commissioners or re-elected Council members that are qualified Hearing Commissioners to hear and decide on any applications for resource consents between the period from 17 October until 31 October 2019 or when representatives take office.**

Michael Homan

FINANCE, SYSTEMS AND PROPERTY GROUP MANAGER

REPORT

Date : 20 August 2019

To : Ordinary Council Meeting, 5 September 2019

From : Finance, Systems and Property Group Manager, Michael Homan

Subject : **TE TĀHUHU O TE RANGI – LIBRARY REDEVELOPMENT**

File ID : A173832

EXECUTIVE SUMMARY

This report informs Council of the outcome of recent public consultation and after considering feedback and comments received, recommends to Council that staff now progress Option 3, being the full development of Te Tāhuhu o Te Rangi with a view to complete this project in accordance with the attached timelines.

PURPOSE

Report provides summary of feedback received in response to recent public consultation.

In respect of each of the options, Option 3, provides detailed analysis of cost parameters and update on external funding expectations. Expected timeframes for completion are also attached to this report. This report recommends Council proceed with Option 3.

BACKGROUND

Redevelopment of the Opotiki Library has been a long standing ambition of the Council. Consultation on the options has been considered by the community on a number of occasions, and the project has appeared in every Long Term Plan (LTP) since 2009. The community were formally consulted (using the Special Consultative Procedure) in 2009 on four options, and further feedback has been sought many times in the decade since. Reports have been prepared over this time which have informed the development of the project, including a review of library services in 2009 (prepared by Susan Harris), a Feasibility Study in 2013 (prepared by Nicki Moen) and a Feasibility Report in 2018 (prepared by Di

Paton). Results from each of the public consultation exercises conducted over this time, have indicated community support for the project.

Architectural plans were developed in 2014, and resource consent and building consents were lodged in order to meet the requirements of potential external funding providers. In 2016, Council adopted the name Te Tāhuhu o Te Rangi for the proposed development, a name bestowed by kaumatua Te Riako Amoamo.

Community engagement on the project has been limited in more recent years as staff have been focused on securing external funding in order to deliver the project.

Despite efforts of staff, applications to date have been unsuccessful for a number of reasons. Unsuccessful applications include those made to the Lotteries Community Facilities Fund, the Lotteries Significant Projects Fund along with the Provincial Growth Fund. A successful application to BayTrust was also made in 2016 however failure to raise the balance of the funds required for this project meant that Council could not uplift those monies at that time.

The Eastern Bay of Plenty Energy Trust had earlier pledged funding to the project and those discussions have recommenced with a positive response to date. Current applications that have been made are covered elsewhere within this report.

Staff will continue to seek external funding opportunities and if successful any funds that are obtained will be used to reduce the external loan requirement and therefore reliance on rates.

In December 2018, Council asked staff to consider other options for financing the project.

At the 28 June 2019 Council meeting, staff recommended that Council agree to underwrite the project through external loan (from the Local Government Funding Agency (LGFA)). Three options were presented to Council for consideration, along with the expected financial implications of each option. These options included:

Option 1: Status quo (doing nothing)

Option 2: Small scale redevelopment of library

Option 3: Full scale redevelopment of library (our preferred option)

Council resolved at that meeting to (1) undertake a consultation exercise to seek the views of the public on the three options presented, and (2) report that feedback to council and present the three options outlined in this report for decision. This report fulfils the instruction from Council.

Public consultation on the three options was undertaken between 17 July and 14 August 2019. Feedback was sought on social media channels, through a dedicated page on our website (with embedded feedback form), through a media release, advertising in the local newspaper and through distribution of a flyer at the customer service desk at Council’s main office, i-SITE and Library. The results of that consultation exercise are summarised in this report and a full report of comments received is appended to this report (Appendix A).

During the public consultation period, staff have prepared more detailed information on the costs of delivering each option, on the timeframes associated with each option, and progress has also been made on external grants that this project remains eligible for. This information is reported below.

Results of public consultation exercise

261 submissions were received in response to the consultation exercise. The full text of those submissions is attached at Appendix A. For privacy reasons and where possible reference to individuals has been removed from the information attached to this report.

Of the 261 submissions received, 241 noted a preferred option. 20 selected no option or other. Of those who noted a preference, 41 were in favour of Option 1, 55 were in favour of Option 2 and 145 were in favour of Option 3.

192 people have also provided written feedback for consideration. Key themes arising from the feedback are listed below, along with a staff response if necessary:

Key Themes	Examples of Comments	Staff Response
Affordability.	<p>“Don’t spend what we haven’t got”.</p> <p>“Who pays?”</p> <p>“I would be happy with \$10 extra on my rates”.</p> <p>“Our rates are high enough now”.</p> <p>“I consider this a complete waste of money and it will intrude on the historical sites already here”</p> <p>“I believe Ōpōtiki is too small a town to try and build a cathedral (Option 3). It would be out of place...”</p>	<p>The financial part of this report provides an accurate picture prior to Council seeking tenders. Figures are robust and supported via a recently reviewed third party QS statement.</p> <p>A large amount of time and resource has been spent investigating alternative funding options and this will continue.</p>

Key Themes	Examples of Comments	Staff Response
Better to spend the money elsewhere.	<p>"Tidy up the town first"</p> <p>"There are more pressing issues than the library"</p> <p>"Why don't you look at spending the \$6m on a heated swimming pool/aquatic centre..."</p> <p>"We need upgrades with our playgrounds, a multi purpose building that can host larger events ..."</p>	<p>The Library redevelopment has been through many forms of consultation and included in a number of LTP's and Annual Plans.</p> <p>No options have stated \$6m. Option 3 sits at \$4.6m – affordability of a \$10m aquatic facility would require significant investigation. Funding streams allowed for the Library cannot be used directly for any other activity.</p> <p>A number of run down properties will be redeveloped through this project.</p> <p>The old Library site has been empty now for almost a year.</p>
About Time	<p>"Can't wait for it to start"</p> <p>"A major project that may inject life into the CBD".</p> <p>"We cannot afford to lose any more time in getting on with our new Library".</p> <p>"Just do it ... we need this (Option3) in our town".</p>	<p>There were a number of comments around the length of time that it has taken to get to this stage.</p>
Needed improvement to town.	<p>"Best thing we could ever have (Option3) to help our community come together – great for children, family and any community get-togethers. IT IS WORTH IT"</p> <p>"Let's go the whole way and expand into an amazing facility for the community".</p> <p>"Future Proof".</p> <p>"Be bold, be visionary"</p> <p>"Awesome 100% support ..massive kaupapa and resource for community ...massive potential".</p> <p>"An absolutely essential resident and visitor resource, used by every sector of the community"</p>	<p>Comments reflect feasibility study findings.</p> <p>The resulting works will see Council upgrade a number of Council owned properties within the CBD area.</p>
Use local tradesmen	<p>"But only with the guarantee it is supplied by Ōpōtiki businesses, built by Ōpōtiki tradesmen ..."</p>	<p>Council must follow its procurement rules. It will be possible however to have tenderers provide information around the use of local trades and/or apprentices.</p>

Key Themes	Examples of Comments	Staff Response
Improved Library Services	<p>"Literacy and access to information is vitally important to the well-being of a community so I hope Council acts swiftly".</p> <p>"The library is a vital hub of our community and they do so much to enrich our whānau, tamariki and rangatahi... The technology hub is vital when people can't afford access or can't get it at home..."</p> <p>"current space is too small".</p> <p>"This would be great in Ōpōtiki for the community. I wouldn't have to travel to Whakatāne to use their library for better resources".</p> <p>"our library is much more than a book depot..."</p>	A number of submitters were very positive towards the efforts of staff at the current location but commented Option 3 would result in much needed improvements that are restricted at the current location.
Use another site	<p>"House the Library in a historic building e.g Hickeys"</p> <p>"Would like our Library in one of our Historic Buildings"</p>	

Library staff also submitted feedback and comments. Their comments included a number of suggestions related to the design of the building. Such things as the need to control the levels of natural light as well as the very high levels of glass present in the design. The need to get the acoustics correct was also mentioned as was the possible inclusion of a mezzanine floor.

The staff at the Library will be included in the final review of the design prior going to tender.

Whakatōhea Māori Trust Board and the Ōpōtiki College have also provided letters of support for Te Tāhuhu o Te Rangi. Those letters of support are attached to this report as Attachments 1 and 2.

Update on external grant applications

At the time of writing, three applications for external grants remain outstanding. One application seeks \$300,000 from BayTrust. Another application seeks a grant of \$400,000 from the Provincial Growth Fund (PGF) towards the provision of a digital hub within the proposed development.

The application with BayTrust has now been shortlisted and staff are working with BayTrust on the business case requirement from BayTrust and the necessary presentation to their Board. A day has not yet been set to meet with the BayTrust Board however this is expected to occur in November.

The initial application for funding to the PGF was withdrawn at their request. We were directed to the Regional Digital Hub Fund with that application lodged in June.

At the time of writing further information has been sought from the PGF regarding the digital hub grant that staff are working to fulfil.

Discussions have also been had with Lotteries who have previously declined applications for grant funding made by Council. They have indicated that their support requires a firm commitment by Council regarding the balance of funds required. The recommendation contained in this report satisfies that requirement. It is Lotteries preference to fund the "end piece" of a project rather than committing monies when there is still a risk that a project may stall.

That application for \$400,000 has also been lodged by Council. Applications closed 28 August 2019.

CONSIDERATION OF OPTIONS

The following section provides analysis of each of the options considered as part of the recent public consultation exercise, starting with the option Council has indicated is their preferred option, Option 3. Advice on each option is provided in terms of financial considerations, timeframes and risks.

OPTION 3 – FULL SCALE REDEVELOPMENT

This option proposes building the Te Tāhuhu o Te Rangi Technology and Research Centre as per our concept plan and drawings. This is a facility measuring 712m² located on the old library site that would provide a significant enhancement of the range of services and benefits we can provide to the community.

This option also extends across the existing Smiths City building site, the service lane and also encompasses the neighbouring property which until recently accommodated the Ōpōtiki Dentist.

Council is required to carry out a road stopping exercise regarding the service lane and that will run concurrent with other identified work streams. All land required for this option has now been acquired.

Financial considerations

Costs – The cost of delivering this option was estimated at the time of public consultation at \$4.75 million however recent developments have allowed that cost to be reduced to \$4.60 million.

A breakdown of this cost is included below. At this stage in the project, there is an inevitable degree of uncertainty associated with these figures. As the project progresses, the certainty around cost will increase.

The cost estimate of this option of \$4.6m is however supported by a recent detailed Quantity Surveyor report which states an estimate cost of \$3.86m. This is an increase of \$750,000 from the QS report received in 2016.

Staff have included a further \$740,000 in the budget which covers a number of items not included in the QS statement. This includes an allowance for unknown ground conditions, project management costs as well as a sum for internal fit out.

Cost breakdown	Cost (\$)
Build costs and contingencies	4,160,000
Preparatory work, tendering and project management	160,000
Internal fitout	280,000
Total cost	4,600,000

It is also to be noted that \$214,284 has already been spent on the Library redevelopment project over many years. This includes obtaining architectural and working drawings along with the costs of obtaining resource consent amongst other things.

Funding – Funding of this option would be sourced from a number of places, as is detailed in the table below:

Funding sources	Funding amount (\$)	Annual loan repayments (\$)
Library redevelopment fund	800,000	
Expected external grants	700,000	
Loan	3,100,000	118,000
Expected revenue (per annum)	30,000	
Anticipated effect annual loan repayments on rates (per annum)	Additional \$10 per rating unit, or \$2.70 per \$100k of capital value of property	

At the time of public consultation this option required a loan of \$3.25m. Due to recent savings that figure is now \$3.1m. The remainder of the cost will be covered by the existing library redevelopment fund (\$800k) and expected external grants (\$700k). As set out above, two earlier external grant applications and one new application remain undecided at the time of writing. Staff have a relatively high level of confidence that the two earlier grant applications will be successful, and a medium level of confidence in success of the more recent Lotteries application. If all three applications for grant are successful, the size of the loan, and cost of servicing the loan will decrease, reducing the annual cost to the ratepayer.

The annual cost of servicing a \$3.1 million loan is approximately \$118k. However, this annual cost is reduced by an expected increase in the level of revenue from this option that is not assumed under Options 1 and 2. Staff estimate the project could deliver revenue of approximately \$30k per annum, and this revenue goes toward offsetting the cost of servicing the loan (and thereby reducing the annual cost to the ratepayer). There are a number of options for securing revenue from the development, many of which are yet to be fully explored. However, staff are confident that the expected level of revenue is achievable.

The Trust Deed associated with Mechanics Institute properties require that any surplus revenue is to be used solely on the Library activity.

As it stands, the annual cost of servicing the loan required in order to deliver this option is approximately \$118k. The anticipated effect of this on rates is approximately an additional \$10 per rating unit, or \$2.70 per \$100k of capital value of property, per annum when also allowing for the expected increase in revenue and also no longer having to pay rent to a commercial landlord.

Timeframes

A project plan has been developed for the delivery of this option. Based on reasonable assumptions around the time period required to carry out the necessary preparatory steps, and allowing for a ten month build period, this option sees delivery of a new library by November 2020. A copy of the project plan is attached as Appendix B. This project plan however will be adjusted again following the appointment of the Project Manager and receipt of tenders.

Risks

Financial - If two or more of the funding applications are declined, there will be an increased capital cost to the community to deliver the project. However, staff have a high degree of certainty around success of two of the funding applications, and although a third funding application has been lodged that application has not yet been accounted for in the figures.

There is a risk that the assumptions around revenue are too high and that the revenue would not offset annual costs to the degree anticipated resulting in increased costs to the ratepayer. However, staff are confident that the figures used here are reasonable and achievable.

There is a risk that the build costs could be higher than anticipated increasing the overall cost of the project. However, staff have taken a conservative approach to cost, and have built in an appropriate level of contingency to manage this risk. Costs used are based on a recent third party QS statement.

Timeframes – There is a risk of delays to build timeframes which could frustrate community expectations around delivery. This risk will be reduced through diligent project management and could be managed through regular updates and communications with the community around progress should this become necessary. The attached timeframes are of course only indicative at this stage. Once Council goes to tender a final build and completion timeframe will be known.

OPTION 2 – SMALL SCALE REDEVELOPMENT

This option proposes delivering a smaller scale facility of a similar size to the existing library - measuring approximately 300m². It would be located on the site of the old library and would provide similar services to the existing library.

Financial considerations

Costs – For the purposes of the consultation exercise, the costs of delivering this option were estimated to be approximately \$1.9 million. However, no detailed work on this option has yet commenced, and therefore no drawings or details are available in order to fully understand the financial considerations associated with this option. The \$1.9 million figure is simply an extrapolation of the cost of delivering Option 3 but at a reduced scale (300m²), instead of the 712m² proposed under Option 3.

In order to progress this option, an architect would need to be appointed to produce a new set of detailed drawings, and applications for resource consent (if necessary) and building consent applied

for. This is likely to result in an additional cost in the order of \$150,000 to \$200,000. This additional cost is not included in the \$1.9 million cost stated above, to provide an appropriate basis for comparison of options.

A QS statement based on full working drawings would also be required prior to finalising estimated costs for this option.

Funding – Funding of this option would be sourced from a number of places, as is detailed in the table below:

Funding sources	Funding amount (\$)	Annual loan repayments (\$)
Library redevelopment fund	800,000	
Loan	1,100,000	40,000
Anticipated effect annual loan repayments on rates (per annum)	Additional \$7 per rating unit, or \$2.00 per \$100k of capital value of property	

As was set out in the public consultation information, this option would require a loan of \$1.1m. The remainder of the cost would be covered by the existing library redevelopment fund (\$800k). No external grant funding has been assumed given the uncertainties around this option. However, should this option be eligible for, and successful in obtaining grant funding, the size of the loan, and cost of servicing the loan will decrease, reducing the annual cost to the ratepayer. It is to be noted that a development of this size would be unlikely to be able to deliver a digital hub and therefore it would be unlikely to be eligible for PGF digital hub funding as proposed under Option 3.

The annual cost of servicing a \$1.1 million loan is approximately \$40k. No added revenue is assumed under this option given the constraints associated with a building of this size.

The anticipated effect of this on rates is approximately an additional \$7 per rating unit, or \$2.00 per \$100k of capital value of property, per annum.

Timeframes

Given this option has not been developed, there is much more uncertainty around timeframes for delivery. Based on discussions with the architect, it is estimated that developing a completely new proposal for a 300m² development would add at least an additional six months to the project timeframe. Should Council wish to tender for a new architect and carry out public consultation on revised design proposals, further additional time would need to be built into the process to allow for

this. Based on these assumptions and allowing for a seven month build period, at the very earliest, this option would see delivery of a new library by June/July 2021. A copy of the project plan for this option is attached at Appendix C. This project plan would be adjusted following the appointment of the Project Manager and again following the receipt of tenders.

Risks

Financial – There is a risk that a smaller facility will not provide the capacity required in order to meet the wants and needs of the community now or into the future. This could result in pressure to extend the facility in due course. In order to manage this risk, Council could seek a design proposal that would facilitate extension at a later date, but it is to be noted that a staged build is likely to exceed the cost of carrying out the works as a single build and would be less likely to attract external grants.

The build cost has no supporting documentation and at this stage is not as robust as the estimates provided for Option 3. Full working drawings and a full QS statement would be required before the cost of such a build is determined.

Timeframe – As is explained above, given this option has not been developed, there is much uncertainty around timeframes. It is certain that progressing with this option would lead to delays in delivery (when compared to Option 3). Given the length of time this project has been proposed already, any further delays, or public consultation exercises in respect of design development, are likely to frustrate community expectations around delivery.

OPTION 1 – STATUS QUO

This option represents the status quo. It proposes continued operation of the library via leasing a privately owned building (ANZ building). It is noted that Council have already indicated that they believe that the library services able to be provided from this building are inadequate.

Financial considerations

The annual rental cost equals approximately an additional \$7 per rating unit, or \$2 per \$100k of capital value of property, per year.

Risks

Council have already noted an inability to deliver appropriate library services from this building. It is likely that relocation to another property or redevelopment of this site will be required in future in order to address the inadequacies in the service provision. Continued inadequate service provision results in risk to reputation and perception in the community.

By remaining in the current building Council will also be in conflict with past LTP's where Council has indicated a desire to redevelop the old Library building/site.

Should Council remain with the Status Quo then a decision on what to do with the existing building remains.

SIGNIFICANCE ASSESSMENT

Assessment of significance

In terms of statutory provisions, the key statute requiring consideration in this instance is the Local Government Act 2002 (LGA). Some decisions are defined as significant in the LGA, and those decisions require the use of formalised consultation procedures.

These decisions are:

1. Adoption or amendment of a Long Term Plan (Section 93);
2. Adopting, amending or revoking bylaws (Section 156);
3. When any other Act requires the use of the special consultative procedure (SCP) (Section 83).

As reported to Council on 25 June the loan required under Option 3 would result in a breach of the Council's debt limits as set out in the LTP. As such, there is an argument that in order to proceed with loan funding the project, an amendment to the LTP is required in order to adjust those debt levels. However, when considering an amendment to the LTP (point 1 above), consideration must also be given to the significance of that amendment in accordance with the Council's adopted Significance and Engagement Policy. The policy lists a number of criteria that need to be considered when determining the level of significance, and notes that if an issue exceeds one or more of the criteria, the matter is more likely to have a high degree of significance.

An assessment of the proposals against each of the criteria is provided in the table below: This assessment concludes that none of the criteria listed in the policy would be triggered by the options put forward in this report.

Criteria	Assessment
Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as outlined in Appendix 1 of this policy.	The Library is listed as a strategic asset. However, the replacement of the Library is a long term aspiration of the council and it is therefore anticipated in the LTP. As such, this criterion is not triggered.
A decision that will have a major and long-term impact on the capacity of the Council to carry out any activity identified in the Long Term Plan.	As noted above, redevelopment of the Library is proposed in the LTP. The options presented in this report do not undermine this intention and therefore this criterion is not triggered.
A decision that will have a major and long-term impact on Council’s Strategic Direction.	Both of the options presented in this report are in accordance with the strategic direction described within the LTP.
A decision that will have a major and long-term impact on a wide range of people and/or groups who reflect the makeup of the District’s community.	The options presented in this report will have an impact on all ratepayers. However, the impact is not considered major as the anticipated increase in rates is minor (and based on a worst case scenario) and the impact on debt levels is similarly unlikely, and if it occurs at all, will occur in the final year of the LTP.
The issue, proposal, or other matter that will have a major and long-term impact on Council’s current level of service.	As described under each of the options listed above, neither option would have a negative impact on the current level of service provided.

As reported in June to Council it is deemed that any likely increase in rates is not considered significant.

Although the loan required under Option 3 could result in a minor exceedance of the self-imposed debt ceiling described in the LTP, this exceedance is unlikely (for the reasons set out above), and debt levels will not be breached before the next LTP is considered (2021, where this matter can be revisited and debt levels increased if Council so chooses).

For these reasons, the proposal to loan fund the library is not considered to represent a significant amendment to the LTP and therefore the council is not required to consult the community using the

SCP. For the same reasons, the proposal is considered of low significance when considered against the Council’s Significance and Engagement Policy.

This reasoning has been discussed with Audit NZ and an (informal) legal opinion has been sought. The legal opinion and advice from Audit NZ supports the conclusion set out above.

ASSESSMENT OF ENGAGEMENT REQUIREMENTS

The assessment above concludes that the options to be presented to the community do not represent a significant amendment to the LTP, and are considered of low significance when assessed against the Council’s Significance and Engagement Policy. On that basis, the level of engagement required was determined to be at the level of ‘inform’ according to Schedule 2 of the Significance and Engagement Policy.



However, the Council had previously indicated their intention to carry out further public consultation (December 2018 Council meeting). Staff supported this intention and recommended that the public be consulted on the options set out at the June meeting of Council. Staff also recommended seeking general feedback on the project given the length of time since the project has been discussed in any dedicated way.

Public consultation was therefore carried out between 17 July and 14 August in the typical manner, with feedback sought through social media channels, a dedicated page on our website (with embedded feedback form), advertising in the local newspaper and through the distribution of a flyer at the customer service desk at Council’s main office, our i-SITE and our Library.

The results of this feedback have been covered earlier within this report.

COMMUNITY INPUT AND PUBLICITY

The results of the consultation shows overwhelming support for Option 3. This is constant with similar feedback and consultation in the past.

The main areas of contention have been covered above and mostly revolve around affordability as well as alternative projects. Comments regarding possible other locations were also mentioned.

Staff were pleased with the amount of feedback received. It is felt that Council can now proceed with confidence after considering all of the feedback in Appendix A.

CONSIDERATIONS

Financial/budget considerations

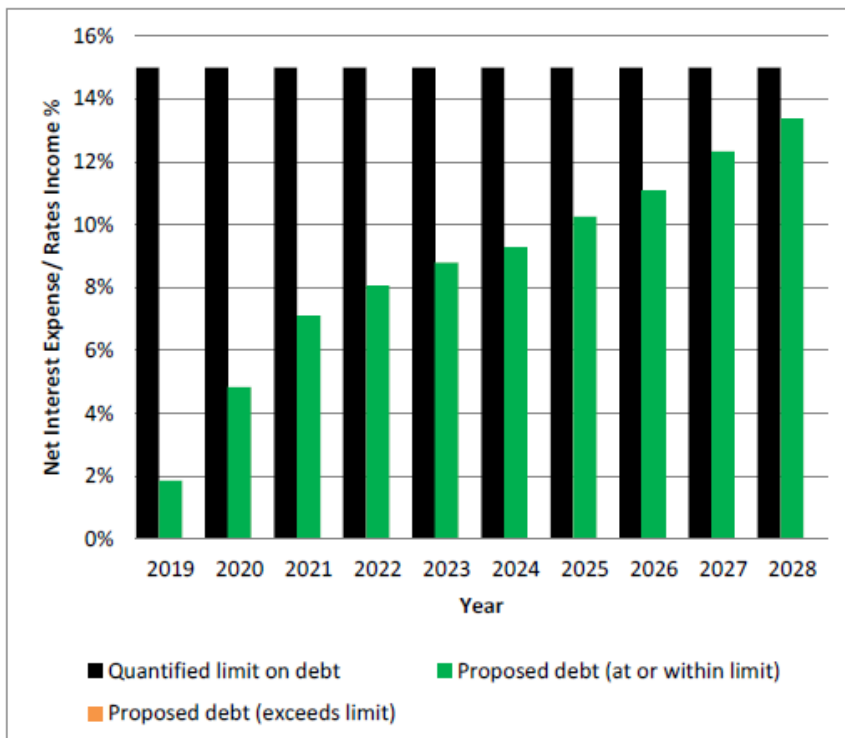
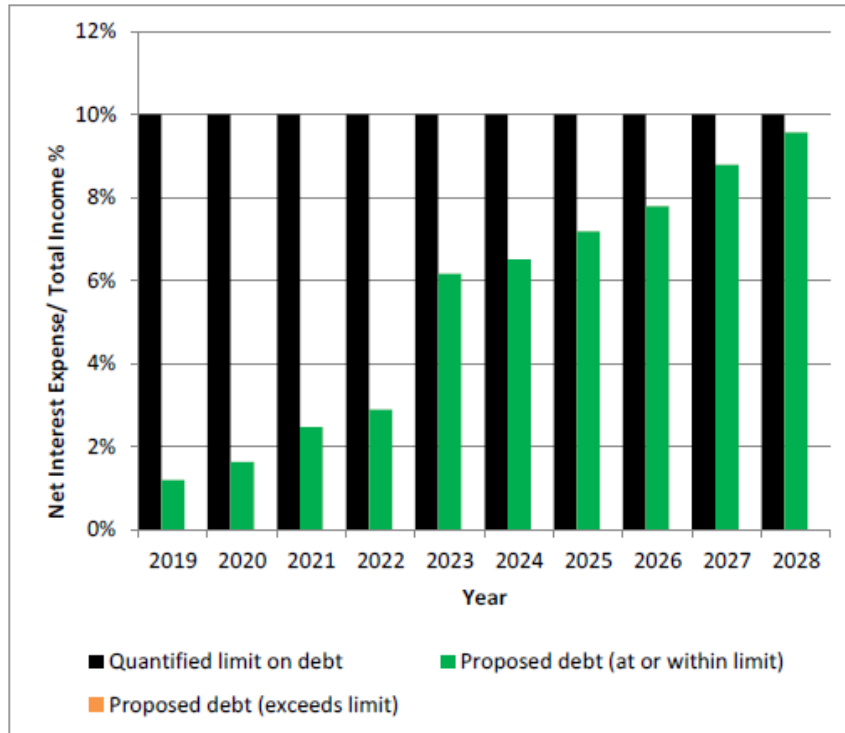
As reported to Council on 28 June 2019 the key considerations relate to impacts on rates and impact on Council's level of debt.

Impact on rates:

The impact on rates for each of the options has been outlined earlier. However, until the tender has closed and costs are finally known, the impact (if any) on rates as already budgeted in the LTP for 2018-2028 will not be fully known.

Impact on Council's debt ceiling:

The graphs below, taken from the 2018-2028 Long Term Plan (LTP), show expected levels of debt ratio against the self-set limits of Council over the lifetime of the LTP. Currently these limits are 10% of Net Interest/Total Income and 15% of Net Interest/Total Rating Income.



Option 1 requires no loan and therefore has no impact on debt ratios. Option 2 requires a loan and this will have an impact on debt ratios. However, as is set out above, the loan required under Option 2, when taken with all other projects proposed, would not result in a breach of the debt levels described in the LTP. The loan required under option 3, when taken together with all other projects proposed, will result in Council breaching the limits it has set itself for debt serviceability in last year of the LTP (2028).

Debt servicing ratios are reflective on revenue sources. The LTP takes a cautious approach to increased growth and revenue and assumes a 'low growth scenario'. Should Council enter a period of revenue growth then that will have a positive impact on serviceability and the debt ceilings which are currently in place. Given the 'low growth scenario' assumed in the LTP, the LTP also makes clear the intention to review and revisit limits when compiling the 2021-2031 LTP.

The self-set limits are also able to be reviewed by Council should Council wish to enter in to a period of investment and growth. LGFA has guidelines of 20% and 25% for debt serviceability. Council's debt ceiling limits are therefore conservative and reflective of an expected increase in the need for further debt towards the end of this LTP. Should Council identify a need for further debt or a desire for investment in growth between now and 2027/28 Council has the ability to readdress self-set debt ceiling limits while still keeping well within the LGFA Financial Covenants.

Most if not all LTPs developed to date have proposed increases in debt levels however in reality those levels do not reach those proposed due to a number of reasons;

- Most projects are budgeted conservatively high to ensure a reduced risk of cost overrun. Most projects are therefore completed within budget or below.
- Historically Council has not been required to borrow additional funds where projected due to available cash and good management of investments.
- Delays or deferrals of projects reduces the impact on debt levels. There are a number of projects reliant on external funding that have been delayed, this has kept debt levels at the same levels as they were for the last 5-7 years despite Council undertaking a number of significant projects.
- Debt limits for the last two LTP's have been amended so that they are set against Council's ability to service the debt, rather than a set value as was previously done. This allows Council to continue to provide capital projects to the community as long as there is sufficient revenue to cover the debt servicing. As long as Council continues to maximise revenue opportunities then it will remain within the present limits.
- Council resolved to reconsider development contributions once growth is apparent across the district. This will have a positive impact on debt servicing should we experience a period of expected growth.

For these reasons councillors can take a level of comfort around the decision to continue with Option 3, as the likelihood of reaching or exceeding the self-imposed debt limits is manageable. This does

mean that Councils prudent debt levels have been reached and that should other desired projects surface then Council may need to revisit the current self-set debt levels.

CONCLUSION

Three options for the redevelopment of the Library were outlined and presented to Council for consideration on 28 June 2019. Two of those options require financing by external loan.

It was decided on 28 June to enter a period of consultation and seek feedback from the community. That feedback has been summarised elsewhere in this report with significant support being for Option 3 (full development of Te Tāhuhu o Te Rangi). The recommendations that follow reflect the outcome of that consultation and earlier Council preferences for Option 3.

RECOMMENDATIONS:

- 1. That the report titled "Te Tāhuhu o Te Rangi – Library Redevelopment" be received.**
- 2. That Council note the feedback and comments received through the recently completed consultation.**
- 3. That Council resolve to proceed with the full development of Te Tāhuhu o Te Rangi and commit to funding up to \$3.1m through external loan funding source (LGFA).**

Michael Homan

FINANCE, SYSTEMS AND PROPERTY GROUP MANAGER

Attachment 1 – Letter of support – Whakatōhea Māori Trust Board



Whakatōhea
Māori Trust Board

122 St John Street, PO Box 207
Ōpōtiki 3168
Tel: 07 315 6150 Fax: 07 315 7968
wmtb.reception@whakatohea.co.nz
www.whakatohea.co.nz

25 July 2019

Aileen Lawrie
Chief executive Officer
Ōpōtiki District Council

Tēnā koe Aileen

RE: TE TĀHUHU O TE RANGI: LIBRARY, RESEARCH AND TECHNOLOGY CENTRE

Whakatōhea Māori Trust Board support the planned development of Te Tāhuhu o Te Rangi. Such a development will provide a much-needed boost to activity in and around our central business area as well as enhancing the visual aspect of the main street.

The added services which incorporate improved public connectivity, meeting room space, hot desking and access to archival information all within a new community building will provide a lasting benefit for the broader community for many years to come. The current shortage of these services locally, which are common place in other areas, has restricted many throughout our district for a long time now.

I congratulate you on your work to date and look forward to seeing the plans come to fruition.

Naku noa

A handwritten signature in blue ink, appearing to read 'Dickie Farrar'.

DICKIE FARRAR
Chief Executive Officer, Whakatōhea Māori Trust Board

Ko te kai hoki i Waiaua. To be the food bowl that feeds the world
Kia rangitira ai ngā uri o te Whakatōhea. To lift our nation, and to grow and invest in the well-being of our people

Attachment 2 – Letter of Support – Opotiki College

St John Street PO Box 146 Opotiki 3162 New Zealand
Telephone: 07 315 7022 Fax: 07 315 5639
Email: admin@opotikicol.school.nz



Opotiki College

Te Kura O Opotiki

Monday 12th August 2019

Aileen Lawrie
Chief Executive Officer
Opotiki District Council
PO Box 44
Ōpōtiki

RECEIVED
20 AUG 2019
Opotiki District Council
RECORDS

Dear Aileen,

RE:SUPPORT - TE TAHUHU O TE RANGI TECHNOLOGY AND RESEARCH CENTRE AND LIBRARY

It is with pleasure that I confirm the support of Ōpōtiki College for the proposed Library and Technology Centre.

The Ōpōtiki community has been in need of a facility like this and the services it will provide for quite some time now.

Having such a facility available in the main business area of Opotiki will provide many with learning, and technology opportunities which, for a number of reasons, they do not currently have. The long term benefits which this facility will provide the youth will be seen for many years to come.

I congratulate you on this initiative and look forward to seeing the development of Te Tahuhu o Te Rangi come to life and the wider community benefits that it will bring to the Ōpōtiki District.

Yours sincerely

Susan Impey
Principal

Connected Learners, Confident Citizens

REPORT

Date : 6 August 2019

To : Ordinary Council Meeting, 5 September 2019

From : Corporate Planner and Executive Officer, Sarah Jones

Subject : **OPTIONS FOR MAKING A DECLARATION ON CLIMATE CHANGE**

File ID : A176010

EXECUTIVE SUMMARY

This report outlines the options for Council to make a declaration around climate change, noting the possible advantages and disadvantages. The report provides background to the 'climate change emergency movement' and examines the positions that have been adopted around the country. The report recommends wording for a declaration, should the Council wish to make a declaration in respect of climate change.

PURPOSE

As directed at the 23 August 2019 Council meeting, this report outlines the options for Council to make a declaration around climate change including the possible advantages and disadvantages. It provides background on the 'climate change emergency' declaration movement, and examines the positions that have been adopted around the country. The report recommends wording for a declaration should the Council wish to make a declaration in respect of climate change.

BACKGROUND

At the 23 August 2019 Council meeting, Council received a report titled 'Climate Change Update and Stocktake' that provided an update to Council on the emerging information around climate change and its impacts, summarised national and regional responses to climate change and provided a summary of work the Council is currently doing directly, or indirectly, in response to climate change and its impacts.

At that same meeting, Council also heard from representatives of Extinction Rebellion who requested that Council “pass a motion recognising we are in a Climate and Ecological Emergency”. In response to that request, Council acknowledged at that meeting the planet is facing a climate change crisis and requested that the Chief Executive Officer provide a report on the implications of making a declaration around climate change.

Documents were also provided immediately before the Council meeting by a resident who was not able to attend the public forum (information provided attached at Appendix A). This information highlights some of the concerns associated with declaring a climate emergency. These concerns are discussed in more detail in the options and significance sections below.

The movement to declare a climate emergency has been gaining momentum since it was launched in Australia in May 2016, with 901 jurisdictions in 18 countries having declared a climate emergency to date.¹ This includes the UK, Irish and Welsh parliaments alongside councils from around the world, including those of Australia, Canada, France, Germany, Italy, Spain the UK and the USA. In New Zealand, 13 of the 67 Councils have declared a climate emergency including: Auckland Council, Bay of Plenty Regional Council, Environment Canterbury, Christchurch City Council, Dunedin City Council, Hawke's Bay Regional Council, Hutt City Council, Kāpiti Coast District Council, Nelson City Council, Porirua City Council, Queenstown Lakes District Council, Wellington City Council and Whangārei District Council.

A smaller number of councils in New Zealand have considered declaring a climate emergency, but have decided against it, including Manawatu District Council and Environment Southland. To date, the New Zealand Government has considered, but not moved forward with a decision to formally declare an emergency. In May 2019, Green MP Chlöe Swarbrick sought a motion for Parliament to declare a climate emergency - without debate, and without giving notice to fellow MPs. The motion was declined.

DISCUSSION

These declarations do not carry any statutory or legal weight, and as noted by Auckland Council and Environment Canterbury, climate change does not satisfy the definition of an “emergency” under the Civil Defence and Emergency Management Act 2002. A common main intent is to signal to the community that local governments recognise the importance and urgency of addressing climate change.

¹ <https://climateemergencydeclaration.org>

Wording

The climate change declaration movement is a 'call to declare a climate emergency' and this is the commonly used wording that has been used by local authorities and governments around the world. There has been some criticism in the media around the use of the term 'emergency' and its connotations, particularly in terms of how it relates to urgent action. Similar reservations were expressed by the councils who have decided against declaring an emergency. Concerns have also been raised about what declaring an 'emergency' actually means and whether declarations are "symbolic, toothless and with little actions attached to them" (Appendix A, pg. 2).

There is no standard text for making a climate change declaration. The New Zealand councils have each taken slightly different approaches to the wording of their declarations:

Nelson and Kapiti Coast Councils used a single statement "declares a climate [or climate change] emergency", with Nelson Council including an additional recommendation: "Requests the Chief Executive to develop a programme of Council actions that will support the aforementioned declaration and that this be included in the Council Annual Plan Deliberations report". A similar approach was taken in Porirua City Council, where the Council resolved to "Support Porirua's Rangatahi and join with other cities and districts in declaring a climate emergency.", but also noted that "Porirua City Council is currently working on a climate change strategy and will consider further policies and initiatives as part of the 2021-2041 Long-term Plan".

Bay of Plenty Regional Council agreed to "Declare a climate emergency and work with the community on transitioning to a low carbon future and adapting to our changed climate", but the decision was supported by additional recommendations in relation to other work they are currently undertaking in relation to climate change, including through their recent adoption of a Climate Change Action Plan.

The most recent declaration made in Whangarei including the following: "Declares a climate change emergency for the Whangarei District, and Directs the Chief Executive to have staff develop an action plan to support the declaration of a climate change emergency and report back to Council".

Discussions on the wording of a possible declaration have been carried out with members of Extinction Rebellion Ōpōtiki. The members present expressed the view that the term 'emergency' should be used in the declaration.

Given that the main purpose of the declaration is to demonstrate that Council recognises the importance and urgency of addressing climate change, should the Council decide to recommend that Council makes a climate change declaration, staff recommend a simple statement that acknowledges the issue and confirms the Councils intention to carry out future work in this area. Staff suggest the following declaration:

‘Ōpōtiki District Council declares a climate change emergency and will consider further policies and initiatives as part of future planning processes’.

OPTIONS

Option One – Support the declaration of a climate emergency in Ōpōtiki

This option supports a climate emergency declaration while acknowledging work Council has progressed to date in response to climate change, and noting that any further work would be progressed through future planning processes.

Advantages	Disadvantages
Raises awareness about climate impacts in Ōpōtiki.	Raises community concern around emergencies at a time of recent flooding and severe weather events.
Increases recognition of the extent and speed of change needed to adequately address climate change.	Council create uncertainty and concern in the community about the impacts, for example, on property, rates businesses regulations etc. It could be viewed as rash to declare an emergency without having a plan of action in place to respond to that threat and a more complete understanding of what this could mean for Ōpōtiki.
Highlights greater focus on climate change actions.	Commits Council at a time when work is already underway to respond, adapt to and mitigate climate change in Ōpōtiki.
Potentially creates a greater mobilisation of resources, in particular, among community groups, non-government and private sector stakeholders.	Responses to emergencies are usually reactive and short term, with top-down command and control approaches. This is the opposite to how we need to respond to climate change – we need sustained action, long term thinking, inclusive decision making and inclusive involvement.
A growing section of the public are demanding more action and leadership from local and central government. A declaration would be a strong signal to the community that climate change is being taken seriously.	A climate emergency is a bold and forceful statement that if not followed through with noticeable and significant action, could be viewed as tokenistic.

Option Two – Do not support the declaration of a climate emergency in Ōpōtiki at this time (status quo)

Advantages	Disadvantages
Highlights existing initiatives already in place.	Reduces the opportunity to raise awareness on climate change, and generate support from community groups, and non-government and private sector stakeholders.
Reduces confusion around ‘emergencies’, in particular, severe weather events and natural disasters.	

SIGNIFICANCE ASSESSMENT

Assessment of significance

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of significance for ‘Options for Making a Declaration on Climate Change’ is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

As was set out in the previous report to Council, climate change is already an important issue for Council and is considered in respect of many of Councils activities and processes. Making a declaration along the lines of that recommended in this report, does not commit the Council to any future decisions, instead it simply reiterates the Councils feelings around the importance of the issue and acknowledges that climate change will be considered in future planning processes. For this reason, the decision to make a declaration along the lines recommended in this report, would be of low significance. Any decisions made in respect of climate change as part of the those future planning process will be considered against the Significance and Engagement Policy and public consultation undertaken if required.

A decision to decline to make a declaration does not mean that no further work on climate change will be undertaken. Council will continue to consider the affect of climate change in accordance with existing planning documents (including the Long Term Plan) and address climate change through Councils activities and processes as were described in the previous report to Council. As a decision to decline to make a declaration would result in no change to the Councils existing planning and processes, the level of significance of such a decision is considered to be low.

Assessment of engagement requirements

As the level of significance for 'Options for Making a Declaration on Climate Change' is considered to be low, at this stage, the engagement required is determined to be at the level of inform according to schedule 2 of the Significance and Engagement Policy.



CONSIDERATIONS

Financial/budget considerations

Making a declaration along the lines of that recommended in this report, does not commit the Council to any additional processes that would require funding. It is anticipated that consideration of climate change in future planning processes, would be funded through the existing budgets for those processes (for example the Annual Plan and Long Term Plan processes).

Policy and planning implications

Making a declaration in relation to climate change is considered consistent with Council's policies and plans, which already give consideration to the effects of climate change. Choosing not to make a declaration would have no effect on existing policy and planning documents.

Risks

The disadvantages associated with the options are detailed above. There are no major risks associated with the decision.

RECOMMENDATIONS

- 1. That the report titled "Options for Making a Declaration on Climate Change" be received.
- 2. That the Council decide whether to:
 - (a) Make a declaration in relation to climate change as follows: **Ōpōtiki District Council declares a climate change emergency and will consider further policies and initiatives as part of future planning processes.**

(b) Decline to make a declaration in relation to climate change.

Sarah Jones

CORPORATE PLANNER AND EXECUTIVE OFFICER

[CLIMATE \(/TAGS/CLIMATE\)](#)

Taking climate change seriously without being alarmist

From [Afternoons with Jesse Mulligan \(/national/programmes/afternoons\)](#), 1:15 pm on 11 June 2019

Practical action rather than symbolic statements is what's needed to tackle the climate crisis, Prof Bronwyn Hayward says.

Prof Hayward from Canterbury University is a member of the [Intergovernmental Panel on Climate Change \(IPCC\)](#) and is worried recent doom-and-gloom climate reports will just induce paralysis and panic.

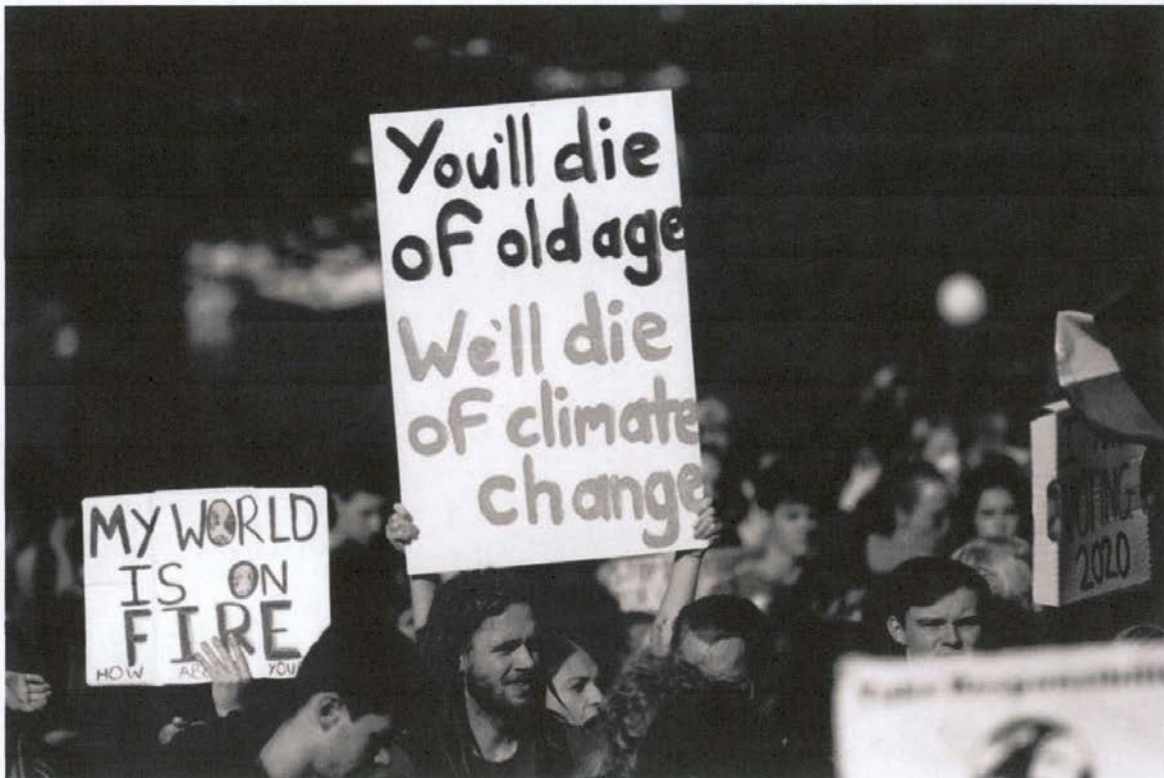


Photo: RNZ / Ana Tovey

"When people are in panic mode, they're easily manipulated, and one of the big risks is that people panic and don't look at the basic things that are possible and within our grasp to do right now," she told Jesse Mulligan.

She is critical of reports such as the one that came out of Australia last week (<https://www.rnz.co.nz/news/national/391474/dire-climate-change-report-warns-of-threat-to-civilisation-within-decades>) from Breakthrough, which warned environmental catastrophe and civilisational collapse was possible within 30 years.

She says the problem is urgent, but she is uncomfortable with the report's call for a war-like effort to avert climate catastrophe.

"You often hear people talk about the war on drugs, the war on poverty, these wars on things don't work."

The problem is complex, she says.

"Climate change itself is the symptom of a lot of complex issues, otherwise, we would have fixed it ages ago. It's how we live our lives, our economy, the way we relate to each other, how we provide services, what we buy, it is great that we are seeing the urgency, but it's actually taking the practical steps that matters more than the declarations."

She says she has seen students in tears after reading reports that say collapse is inevitable.

"Let's wind back the language of panic and wind up the language of practical action."

Prof Hayward is also critical of protests such as die-ins.

"Because it creates a sort of doomsday, well it's all going to happen anyway.

"Actually, it's not, we can make really effective changes very simply, get a better bus system for a start, getting people out of their cars and get them walking to their local school would make a colossal difference to our carbon emissions in our local community."



Bronwyn Hayward Photo: Twitter

The language of war is also misplaced, she says.

"In many ways I think the Māori language has a better way of expressing not climate emergency, but that we're in a situation where our wairua, our spirit, is a bit out of kilter, we're doing lots of things wrong, we just need to take a breather, and look at them."

Fixing the climate crisis will be inter-generational, she says.

"It's a relay marathon, we're passing the baton from generation to generation.

"People can't sustain this long period of panic, so my worry is what happens when this drops off? We need to be building for a sense of inter-generational support over the long haul, not just the immediate.

"Thinking long-term and acting immediately to support the long-term is really important."

POLITICS (/TAGS/POLITICS)

Climate change: The revolution

From Afternoons with Jesse Mulligan (/national/programmes/afternoons), 1:28 pm on 10 July 2019

The fight against climate change is well and truly underway, and now the government and councils have joined in.

But how substantial are these moves and by declaring climate emergencies are we ignoring wider problems?

The new book (<https://www.bwb.co.nz/books/careful-revolution>) *A Careful Revolution*, edited by David Hall, explores these questions.

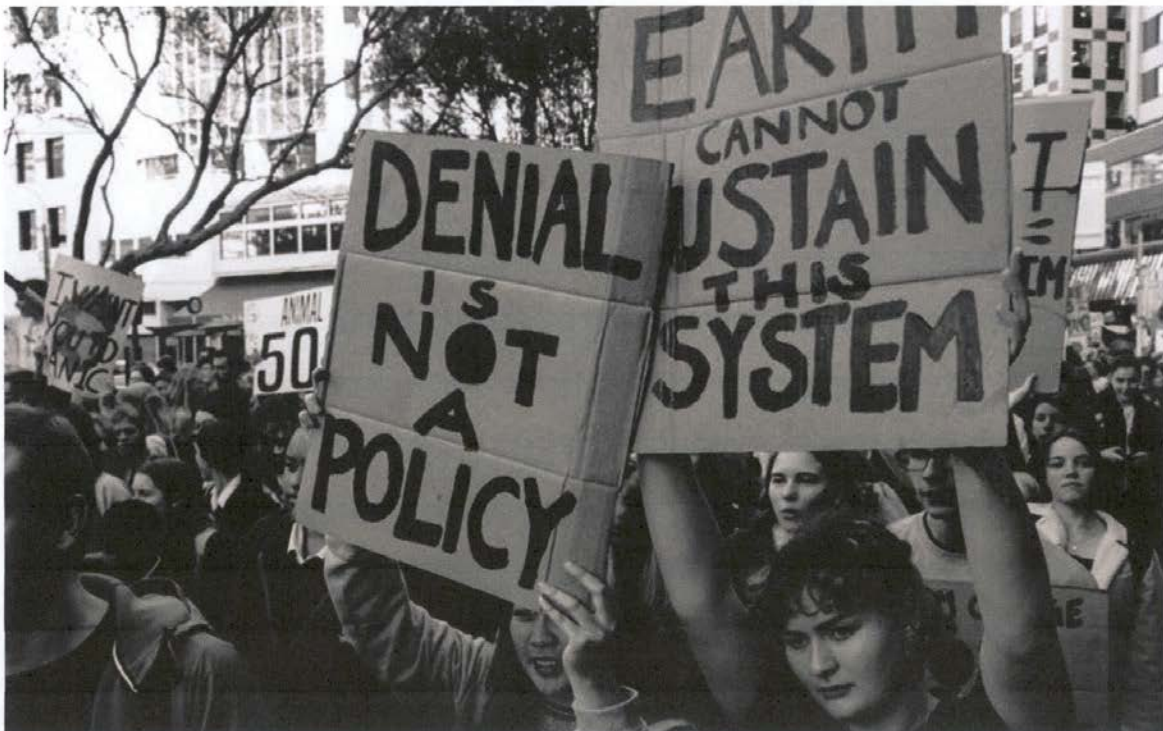


Photo: RNZ / Ana Tovey

“The real issue is that looming ahead of us we have a real disruption of some sort and the question is, how can we manage this disruption in a way that causes the least harm and suffering and inconvenience for people as possible?” says Hall.

It’s not just a social question, he says.

“France was a really salient example where people pushed back against the increase of a fuel tax and this is one of the dangers if you move forward too quickly or move forward in the wrong way, then you can create these revolts or counter revolutions even.”

Hall says the problem is we’re all locked into systems which create emissions and are powered by fossil fuels, and financial systems that lock us into higher emissions.

He argues that we need to take care of how we undertake the revolution which, he says, will be on the scale of the industrial revolution and the agricultural revolution of 10,000 years ago.

Hall says:
All policy requires careful thought because not all effects can be anticipated, he says. When there’s a number of policy changes coming through at once, like policies that impact farmers, there can be a sense of anxiety about the implications.

Does declaring a climate change emergency mean anything in the bigger picture? Hall says he treats these declarations with caution.

He says being from Christchurch, he knows some of the shortcomings of declaring a state of emergency. The way the centre of the city was fenced off and decisions made to rebuild following the Christchurch earthquakes excluded the voice of the local community, he says.

“This is a genuine risk. There’s a long history of emergencies being declared and states taking these extraordinary powers to do extraordinary things.”

He says the climate emergency declarations have the opposite problem - they’re being treated as very symbolic, toothless, and with little actions attached to them.

“For example the Auckland Council, which I know best, had a bullet point of six points and five of them started with the words continue to... only the last point had something addition, which was to include a climate change lens in the decision making.”

It seems disproportionate to declare an emergency just to get such a minor administrative win over the line, he says.

It is something the the public may be able to use for leverage in the future though, he says, if councils aren't doing enough. But the danger is accidentally asking them to take extraordinary powers and move without consultation and democratic process, he says.

“Another real issue is around co-governance under the treaty frame work, Ti Tiriti o Waitangi, there's a whole process here that needs to be taken into consideration and these emergency declarations imply that some of this usual process gets left by the wayside.”

Significance and Engagement Policy

Purpose and Scope

1. To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
2. To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
3. To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

Principles

4. The Council will be consistent and transparent in how it engages the public.
5. The Council will ensure Maori views are considered when engaging.
6. The Council will consider the language, accessibility and cultural needs in any engagement.
7. The Council will act honestly and openly when analysing and presenting any engagement results.
8. The Council will prominently outline a proposals' or decisions' cost in any engagement.

Definitions

Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders.
Consultation	A subset of engagement; a formal process where the community can present their views to the Council on a specific decision that is proposed and made public.

Definitions

Decisions	Refers to all decisions made by or on behalf of Council including those made by officers under delegation. Decision implies that a proposal has been considered.
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.
Significant and Significance	As defined in Section 5 of the LGA 2002 Significance , in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for, - (a) The district or region; (b) Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter; (c) The capacity of the local authority to perform its role, and the financial and other costs of doing so
Significant Activity	Is an activity (or group of activities) as listed below: Any activity or group of activities where the total expenditure was in excess of 10% of the total annual Council expenditure. Total expenditure includes external interest expense and accounting depreciation.



Definitions

Significant project or asset purchase	Any project or asset purchase where the total expenditure was in excess of 10% of the total annual Council expenditure.
Strategic Asset	A list of Strategic Assets of the Ōpōtiki District Council is contained in Schedule 1 of this policy. For the purpose of the Policy, the Council considers its strategic assets as a whole, because it is the asset class as a whole that delivers the service.

Policy

9. Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.
10. This policy applies to any proposal presented to the Council for a decision. It is applied in two steps:
 - a. Step 1 – Determining the significance of the proposal/decision.
 - b. Step 2 - Determining the requirement to engage or not (guided by the level of significance). If there is a requirement to engage, the level of engagement is set.
11. The Council will take into account the Principles as outlined earlier when assessing the degree of significance of proposals and decisions.
12. If a proposal or decision is affected by a number of the above principles, it is more likely to have a higher degree of significance.
13. Council is required to undertake a special consultative procedure as set out in Section 83 of the Local Government Act 2002 on certain matters (regardless of whether they are considered significant as part of this policy).
14. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.
15. Joint Management Agreements, Memorandum of Understanding or any other similar high level agreements can be considered as a starting point when engaging with various bodies, including Māori.

16. When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

Criteria for Determining Significance

17. The following criteria will be used to determine whether the proposal or decision being considered by the Council is significant. If an issue exceeds one or more of the following criteria, the matter is more likely to have a high degree of significance.
 - Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as outlined in Appendix 1 of this policy
 - A decision that will have a major and long-term impact on the capacity of the Council to carry out any activity identified in the Long Term Plan
 - A decision that will have a major and long-term impact on Council's Strategic Direction
 - A decision that will have a major and long-term impact on a wide range of people and/or groups who reflect the makeup of the District's community
 - The issue, proposal, or other matter that will have a major and long-term impact on Council's current level of service.

SCHEDULE 1– STRATEGIC ASSETS

Section 5 of the Local Government Act requires the following to be listed in this Policy:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and



?
?
?

- c. any equity securities held by the local authority in—
 - (i) a port company within the meaning of the Port Companies Act 1988
 - (ii) an airport company within the meaning of the Airport Authorities Act 1966

The following is a list of assets or group of assets that the council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community:

Strategic Asset	Note
Roading and Traffic Network	Includes footpaths, street lighting and off street parking
Wastewater Network	Includes land, pipes, pump stations and sewage ponds
Water Treatment Network	Includes land, pipes, pumps, reservoirs and treatment plants
Stormwater Network	Includes reticulation and pumps.
Harbour Development	
Reserves and Sport Fields	
Library	Includes Book collection
Public Toilets	
Cemeteries	
Cycleways	
Aerodrome	
Council's Administration Building	

SCHEDULE 2 – COMMUNITY ENGAGEMENT GUIDE

Community engagement:

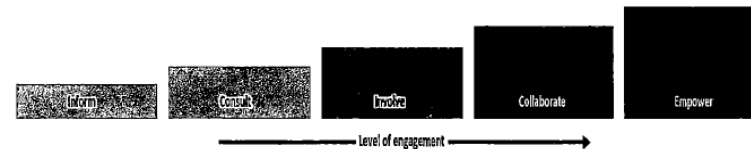
- is a process

- involves all or some of the public
- is focused on decision-making or problem-solving.

The model below shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community engagement.



When engaging with the community, Council will:

- Seek out and encourage contributions from people who may be affected by or interested in a decision
- Provide relevant, timely and balanced information so people can contribute in a meaningful way
- Provide a variety of appropriate ways for people to have their say
- Tell the community what the Council decision is and the reasons for that decision

Engagement tools and techniques

Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal and the tools may be adapted based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted' (stop asking us what we think and get on with it).

Each situation will be assessed according to both the issue and the phase of decision making and the individual circumstances it presents. The following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.


Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the Local Government Act 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	Water restrictions. Temporary Road Closure. Adopt Annual Report. Emergency Works.	Regulation Policy such as Local Alcohol Policy. Developing and adopting a Bylaw. Adopt LTP or Annual Plan	Review of the Opotiki District Plan.	Sub Regional Spatial Plan	Election voting systems (MMP, STV or first past the post)
Tools Council might use	Websites Information flyer Public notices	Formal submissions and Hearings	Workshops Focus groups	External focus groups Other Council involvement	Binding referendum Local body elections

Level	Inform	Consult	Involve	Collaborate	Empower
When the community can expect to be involved	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process e.g. typically a month or more.

Kia ora tatau,

In lieu of an oral submission, could
Council please carefully consider
these documents (and perhaps the RNZ
interviews).

thanks


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REPORT

Date : 25 August 2019

To : Ordinary Council Meeting, 5 September 2019

From : Reserves Manager, Garry Page

Subject : **OPŌTIKI DISTRICT COUNCIL RESERVE MANAGEMENT PLAN POLICIES AND PROCEDURES**

File ID : A176103

EXECUTIVE SUMMARY

This report outlines the process for reviewing Council's current Reserves Management Plans and incorporating them, along with reserves not currently covered, into one comprehensive document covering all reserves. This report addresses the first part of the process; requesting Council to adopt the introductory sections and general policies and procedures, as it relates to all reserves, into a draft plan for public consultation. This part of the Reserves Management Plan is complementary to Council's proposed Consolidated Bylaw and Dog Control Policy and the consultation process for both will be combined and run concurrently.

PURPOSE

To request that Council adopt for consultation the Draft Opotiki District Council Reserves Management Plan - General Policies and Procedures document. The Draft document has been circulated to Councillors as a separate document.

BACKGROUND

Under the Reserves Act 1977 administering authorities are required to prepare management plans for all reserves classified as Recreation Reserves.

Section 41(3) of the Act requires:

"Management plans shall provide for and ensure the use, enjoyment, maintenance, protection and preservation, as the case may require, and, to the extent to which the administering body's resources permit, the development, as appropriate, of the reserves for the purpose it is classified ..."

Currently Council has two operative reserve management plans for Coastal Reserves and Sportsfield Reserves that were adopted back in 2012, with both now overdue for review. On top of this there are a number of reserves that are not currently covered by any Reserve Management Plan. Some of them being quite significant, such as Hukutaia Domain and Volkner Island Reserve.

DISCUSSION AND OPTIONS SECTIONS

This all-encompassing reserve management plan deals with all council owned reserves in the Ōpōtiki District consistently rather than treating them all separately. The Ōpōtiki District Council Reserves Management Plan will be in two parts. One covering the introductory sections and general policies and procedures for all reserves. The other covering individual reserves, each with their own legislative requirements and any other important information unique to that reserve. In this way a document is produced that has a consistent, integrated approach to management yet covers all the issues.

For the purposes of strategic planning and management the Ōpōtiki Council's parks network has been categorised using the national framework developed by the New Zealand Recreation Association, used by most Council's throughout the country.

Where possible, management policies have been formulated that are flexible enough to cope with changing needs, yet still meet stated objectives. However, it is recognised that management issues will change with time and some future revision of policies may be necessary and will be achieved in conjunction with the appropriate statutes and Ōpōtiki District Council values as stated in the document.

Council has several options moving forward from the current situation. They are:

Option 1- Status Quo- Do nothing and continue with only recently outdated Reserve Management Plans that do not cover all of Council's reserves.

- This would mean continued confusion over compliance with Council's existing and revised bylaws
- The risk is that being ultra vires to the relevant legislation runs the chance of being challenged as to the legality of some decisions relating to reserve management

- It could result in reserve management practices not contributing towards Council's overall values the risk of inconsistent decisions being made relating to reserve management and practices.

Option 2 - Delay until an overall draft comprehensive Reserve Management Plan encompassing all reserves is developed that incorporates the general policies relating to all reserves as well as the specific legislative requirements and issues for each individual reserve.

- This would probably mean that there would not be a combined consultative process with the revised Consolidated Bylaws and Dog Control Policy until possibly March next year.

Option 3 – The recommended option is to adopt the draft Introductory and General Policy and Procedures Sections of the Reserves Management Plan as it relates to all reserves and then proceeding with a public consultation process in conjunction with the proposed Consolidated Bylaw and Dog Control Policy.

- Besides the cost efficiencies, there would be a more timely and consistent approach to the consultative processes and responses relating to both the revised bylaws and the reserve management plan
- The consultative processes would be able to focus on the general reserve policies as they relate to all reserves and the revised bylaw without submitters being detracted by specific details relating to individual reserves.

If proceeding with the preferred option (Option 3), work would continue refining the second part covering the individual reserves with their own specific legislative requirements and any other important information relating to that reserve. Once this draft document has been prepared to an acceptable standard it will then be presented to Council for adoption for consultation early in the New Year. This option will enable the public to focus on the reserves that are of special interest to them without being detracted by the General Policies and Procedures section as it relates to all reserves.

Once this second phase, relating to individual reserves, has been through its consultative process, the final document will be presented to Council for adoption. This will then be able to be combined with the earlier adopted Introductory and General Policies and Procedures part, making one consolidated document as it relates to all reserves that has been through a thorough and comprehensive consultative process. This will be a valuable document that will then be used by staff to guide them when making management decisions relating to Council's Reserves.

SIGNIFICANCE ASSESSMENT

Assessment of significance

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of significance for approving the Draft Ōpōtiki District Reserves Management Plan General Policies and Procedures for release for public consultation is high as determined by the criteria set out in Section 12 of the significance and engagement policy. Council’s Significance and Engagement Policy states that a matter shall be determined to be significant if/when it has major and long-term impact on a wide range of people and/or groups who reflect the makeup of the district’s community. As a significant decision or matter, the Council must apply greater diligence in regards to the consultative requirements of the Reserves Act 2002 section 41. This includes, but is not limited to, the degree to which different options are identified and assessed and the extent to which community views are considered, including whether consultation is required.

Assessment of engagement requirements

As the level of significance for approving the Draft Reserves Management Plan General policies and Procedures for release for public consultation is high, the engagement required is determined to be at the level of ‘consult’ according to schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

The process for adopting the Ōpōtiki District Council Reserve Management Plan - Policies and Procedures will follow the consultative procedure set out in the Reserves Act 1977. The timeline for public consultation will be aligned with consultation on the review of Ōpōtiki District Councils bylaws and dog control policy. A communications plan encompassing a range of appropriate consultative mechanisms will be prepared for a thorough six week consultation period, commencing late September.

Discussions have already been held with Whakatōhea Trust Board regarding the content of the Draft Reserves Management Plan and its relevance to their ‘Whakatōhea Resource Management Plan’. Their suggested changes, mainly around acknowledgement of the Treaty of Waitangi principals and working

closely with Treaty partners have been incorporated in the draft document. They had no issues with the processes outlined to adopt the Reserves Management Plan with their preference being clearly for Option 3.

An update on the Reserves Management Plan process was presented to the last Coast Community Board meeting (30/07/19) where they strongly endorsed the process being worked through and could see the advantages of having one comprehensive, clear and concise document.

Depending upon the interest and extent of submissions received a subcommittee of Council may need to be appointed to hear and consider them for any amendments recommended to Council for adoption in the revised Reserves Management Plan- Policies and Procedures. Staff will report back to Council for representation should this be required.

CONSIDERATIONS

Financial/budget considerations

The costs associated consulting on and developing the Ōpōtiki District Council's Reserve Management Plan – General Policies and Procedures will be met through existing budgets.

Policy and planning implications

The adoption of the Ōpōtiki District Council Reserves Management Plan – Policies and Procedures is consistent with the Ōpōtiki District 2018-2028 Long Term Plan (LTP) Community Outcomes:

- Development and protection of the natural environment
- Services and Facilities meet our needs
- Development Supports the Community
- History and Culture is Treasured "...that public

One of the key strategic goals for Parks and Recreation is "The Council will provide quality parks and recreation facilities that meet community expectations for outdoor recreation, a pleasant townscape, protection of the environment and access to the coast" with the performance indicator " Management Plans developed for key reserves; management and development of reserves consistent with management Plans including reviews". The decision to adopt the Draft Management Plan – General Policies and Procedures now is a key step in seeing this target is achieved.

Risks

There are no major risks associated with the decision to adopt the Draft Reserves Management Plan - Policies and Procedures and approve it for release for public consultation.

Authority

The Council has the authority to make the required decision under section 41(13) of the Reserves Act 1977.

CONCLUSION

The adoption of the Draft Ōpōtiki District Council Reserve Management Plan – General Policies and Procedure now is a key step in the process of developing an overall comprehensive Reserve Management Plan that covers all of Council’s reserves that will:

- meet Council’s legislative requirements as set out in the Reserves Act 1977
- provide an effective management tool enabling staff to make consistent decisions contributing positively to Council’s Community Outcomes
- ensure the LTP key performance indicator relating to Council’s Reserve Management Plan remains on track to be achieved

RECOMMENDATIONS

- 1. That the report titled “Ōpōtiki District Council Reserves Management Plan – Policies and Procedures” be received.**
- 2. That the Draft Ōpōtiki District Council Reserves Management Plan- Policies and Procedures be adopted for consultation.**
- 3. That it be noted that the submission period for feedback on the Draft Ōpōtiki District Council Reserves Management Plan- Policies and Procedures will be aligned with the submission period for feedback on the Statement of Proposal for the Ōpōtiki District Council Consolidated Bylaw and Dog Control Policy 2019.**

Garry Page

RESERVES MANAGER

REPORT

Date : 22 August 2015

To : Ordinary Council Meeting, 5 September 2019

From : Policy Planner, Sue Robb

Subject : **REPEAL OF THE OPOTIKI DISTRICT COUNCIL EARTHQUAKE-PRONE BUILDINGS POLICY 2006**

File ID : A175908

EXECUTIVE SUMMARY

The amendments to the Building Act 2004 has removed the need for Council to have a policy on earthquake-prone building under section 131 of the Act. The report to Council in July 2019 noted that it would be necessary to repeal the existing policy and to develop a new policy particularly in regard to buildings that are outside the Earthquake-prone buildings methodology. This report recommends that the Opōtiki District Council Earthquake-prone Buildings 2006 policy be repealed and a new policy is developed once Council has a better understanding of the number and nature of 'priority' earthquake prone buildings

PURPOSE

The purpose of this report is to obtain a recommendation from Council to:

1. Repeal the Opōtiki District Council Earthquake-prone Buildings policy adopted in 2006.
2. Delay the development of a new Opōtiki District Council Earthquake-Prone Buildings Policy until after Council has completed the identification of 'priority' buildings.

BACKGROUND

In the July 2019 report to Council, it was advised that the Building Act 2004 had been amended in regard to earthquake-prone buildings. The amendments require Council's in high seismic areas to have identified 'priority' buildings by 1 January 2020. Additionally the amendments, removed the need for Council's to have a policy on earthquake-prone buildings under section 131 as Subpart 6A-

Special provisions for earthquake-prone buildings sets out the process for the assessment and management of earthquake-prone buildings in detail.

As stated in the July 2019 report to Council (p88) the Ministry of Business, Innovation and Employment (MBIE) recommended “that ODC develops or adopts a policy for handling buildings that are potentially earthquake-prone and are outside the EPB methodology profile categories.”

It is recommended that it would be premature to develop a new policy until Council has a better understanding of the number and nature of ‘priority’ and other earthquake prone buildings. Council should have completed the identification of ‘priority’ buildings by 1 January 2020.

DISCUSSION

The repeal of the Ōpōtiki District Council Earthquake-prone Buildings 2006 policy will prevent any confusion between the policy and the Building Act requirements in regard to the assessment and management of earthquake-prone buildings.

Whilst MBIE have recommended the development of policy for earthquake-prone buildings outside of the EPB methodology profile categories, it is felt that without a good understanding of the context in relation to potentially earthquake-prone buildings in the Ōpōtiki District it is not possible to develop appropriate policy. The combination of existing legislation relating to earthquake-prone buildings and Council Dangerous and Insanitary Buildings policy, is sufficient to manage earthquake-prone buildings that may be dangerous.

SIGNIFICANCE ASSESSMENT

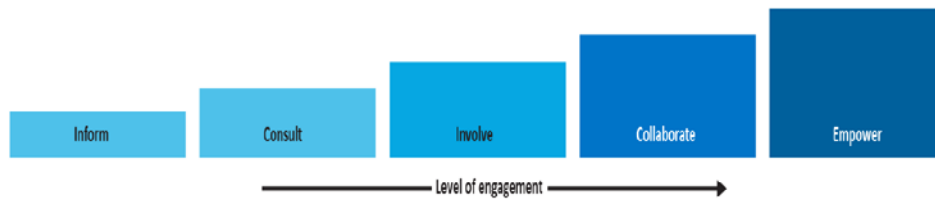
Assessment of significance

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of significance for, repealing Ōpōtiki District Council Earthquake-prone Buildings 2006 policy and, delaying the development of a new Ōpōtiki District Council Earthquake-Prone Buildings Policy, is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for repealing Ōpōtiki District Council Earthquake-Prone Buildings Policy 2006 policy and, delaying the development of a new Ōpōtiki District Council Earthquake-Prone

Buildings Policy, is considered to be low, the engagement required is determined to be at the level of inform according to schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

It is not considered necessary to consult on either the repeal of the policy or the decision to delay the development of the new policy as it is felt that the legislation addresses the issues in regard to earthquake-prone buildings that are likely to arise in the next twelve months.

CONSIDERATIONS

Financial/budget considerations

The costs associated with the repeal of the Ōpōtiki District Council Earthquake-Prone Buildings Policy 2006 will be met through existing budgets.

Risks

There are no risks associated with the recommendations made in this report.

Authority

Council has the authority to repeal the Ōpōtiki District Council Earthquake-prone Buildings 2006 Policy.

RECOMMENDATIONS

- 1. That the report titled "Repeal of the Ōpōtiki District Council Earthquake-Prone Buildings Policy 2006" is received.**
- 2. That the Ōpōtiki District Council Earthquake Prone Building Policy 2006 be repealed.**
- 3. That the development of a new Ōpōtiki District Council Earthquake-Prone Buildings Policy is delayed until after Council has completed the identification of 'priority' earthquake-prone buildings.**

Sue Robb

POLICY PLANNER

REPORT

Date : 22 August 2019

To : Ordinary Council Meeting, 5 September 2019

From : Policy Planner, Sue Robb

Subject : **PROGRESS REPORT ON THE IDENTIFICATION OF 'PRIORITY' EARTHQUAKE-PRONE BUILDINGS AND CONSULTATION ON THOROUGHFARES**

File ID : A175519

EXECUTIVE SUMMARY

The report provides an update on the earthquake-prone building project with a focus on 'priority' buildings. It is a requirement under the *Building Act 2004*, that Council consult on the thoroughfares with sufficient vehicular or pedestrian traffic where there are unreinforced masonry buildings (or parts of) that could fall in an earthquake. Additionally, Council is required to consider if there are buildings (or parts) that could impede transport routes of strategic importance if they were to collapse in an earthquake. It is recommended that:

1. The report titled "Progress report on the identification of 'priority' earthquake-prone buildings and consultation on the thoroughfares" be received.
2. The following thoroughfares (including the footpath on both sides) are identified as having sufficient vehicle or pedestrian traffic and unreinforced masonry buildings (or parts) that could fall onto them in an earthquake:
 - A Church Street from Richard Street to Kelly Street
 - B King Street from Potts Avenue to St John Street ending at the roundabout
 - C Elliott Street from Potts Avenue to St John Street ending at the roundabout
 - D Kelly Street from Potts Avenue to the Kelly Street cemeteryand are adopted for consultation in relation to determining 'priority' buildings.
3. There are no buildings that have been identified that if they collapsed in an earthquake would impede transport routes of strategic importance and that given this it is not considered necessary to undertake consultation on transport routes of strategic importance

- 4. The Statement of Proposal in relation to thoroughfares (recommendation no.2) prepared under section 83 of the *Local Government Act 2002* Special Consultative Procedure is adopted for consultation (appendix 1).**
- 5. That the consultation period for determining the thoroughfares relating to 'priority' buildings is from Monday 9 September to Friday 18 October 2019.**
- 6. That Council will consider submissions and hear the views of people and organisations at the meeting of Council on 12 November 2019.**

PURPOSE

The purpose of this report is to provide an update on the earthquake-prone building project with a focus on 'priority' buildings and secondly to seek a recommendation from Council in relation to identified thoroughfares.

BACKGROUND

Legislative requirements

As outlined in the report to the meeting of Council in July 2019, the *Building Act 2004* requires that 'priority buildings' (defined in section 133AE) are identified in high seismic areas by 1 January 2020 (section 133AG). There are two broad categories of 'priority' buildings:

- hospital, emergency and education buildings (section 133AE(1)(a) to (d)).
- buildings (generally unreinforced masonry (URM) that are considered a higher risk to life that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation and buildings that could collapse and impede transport routes of strategic importance (section 133AE(1)(e) and (f)).

It is a legislative requirement (section 133AF) that Territorial Authorities undertake public consultation using the Special Consultative Procedure under section 83 of the *Local Government Act 2002* to identify the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall in an earthquake. Section 133AF(3) does not require this to occur if this criteria is not met.

Additionally, if a territorial authority identifies that there are buildings (or parts of a building) that could impede transport routes of strategic importance if they were to collapse in an earthquake, the Special Consultative Procedure needs to be used to identify routes for the purpose of prioritising those buildings.

Refer to the section below titled 'Discussion on thoroughfares and transport routes of strategic importance'.

Project update

The following tasks have been undertaken since the report to the meeting of Council in July 2019:

- A media release has been issued by Council outlining the legislative requirements regarding 'priority' earthquake-prone buildings.
- Council staff have developed text for an information page on Council's website.
- URM buildings have been identified and where there are assessments from 2011, these have been matched with the identified buildings.
- Information on grant opportunities for the owners of heritage listed buildings has been sent out. The grants of offer seek to provide funds for structural engineering advice, the preparation of plans and remedial work in relation to heritage building.
- Council staff have met with local emergency services staff to discuss thoroughfares, routes of strategic importance and contact details for the property managers of these organisations. Council will write to the owners of these buildings and all educational buildings (both government and non-government) in the Ōpōtiki district requesting information on whether an earthquake assessment has been undertaken for the buildings they manage.
- Woodlands Community Hall has been designated an emergency shelter in the Ōpōtiki District Emergency Management Plan. This requires that an earthquake assessment is undertaken and has been discussed with the hall management committee. It is understood that the hall committee are currently applying for funding to assist with this.
- As required under the *Building Act*, Council has completed the annual report on its progress in the management of earthquake-prone buildings.
- Consultation on the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall and transport routes of strategic importance is being organised, commencing with this report (refer to the discussion below).
- A review of the policies *Earthquake Prone Buildings 2006* and *Dangerous and Insanitary Buildings* has been undertaken. A report recommending the repeal these policies and the exhibition of draft revised policies for both is the subject of a separate report for this meeting of Council.

Next steps

The next steps in the project are:

- The identification of the thoroughfares that URM buildings could fall on (see below).
- Consideration by Council of transport routes of strategic importance (there are none recommended in this report).
- Consultation on the thoroughfares.
- A report to Council on the results of the consultation and hearing the views of people and organisations⁰ in accordance with the Special Consultative Procedure and the adoption of the agreed thoroughfares.
- Matching of the buildings which have been identified as being potentially earthquake-prone and the adopted thoroughfares and transport routes of strategic importance (if any).
- Letters to be sent to the owners of 'priority' buildings in December 2019 that are either:
 - identified as being earthquake-prone and on the adopted thoroughfares
 - used for hospital, emergency services or education purposes
 requesting that they obtain an assessment by a qualified structural engineer within twelve months (section 133AH(2)(g)) or if they have had one undertaken, that it is provided to Council. Building owners will have twelve months to provide an engineering assessment to Council.

Discussion on thoroughfares and transport routes of strategic importance

Thoroughfares

As stated above, under section 133AF(2)(a)(i) and (ii) of the *Building Act*, Territorial Authorities are required to identify URM buildings (or parts of) on thoroughfares with sufficient vehicular or pedestrian traffic. The thoroughfares are identified using the Special Consultative Procedure.

Areas of high pedestrian use are those areas where people are concentrated or routes with high foot traffic. Examples in a small town such as Ōpōtiki would be the main street, areas around businesses where there is a high concentration of workers in numbers larger than small shops or cafes, around tourist centres and areas relating to transport where shops or other services are located or areas where people work. Areas with high vehicular traffic (all forms of traffic) in a small town include well-trafficked main streets or sections of state highways and busy intersections.

For this project, there has been no vehicle or pedestrian counts undertaken on the recommended thoroughfares however, it is estimated that there are approximately 1200 vehicles per day on Church Street. There are pedestrians accessing the library, retail outlets and service organisations such as

banks and community organisations in the Church Street area. In addition to using Church Street, people are using the adjoining streets and laneways which also have URM buildings.

It is suggested that the impact of an earthquake and the response in relation to thoroughfares is relative to the town's population and ability to provide emergency and support services also requires consideration.

The recommended thoroughfares are:

- A. Church Street from Richard Street to Kelly Street
- B. King Street from Potts Avenue to St John Street ending at the roundabout
- C. Elliot Street from Potts Avenue to St John Street ending at the roundabout
- D. Kelly Street from Potts Avenue to the Kelly Street cemetery.

A map of these thoroughfares is in Appendix 1.

Transport routes of strategic importance

A 'priority' building includes a building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake. Staff have not identified any buildings in the Ōpōtiki district that if they were to collapse would impede emergency vehicles. The Ōpōtiki town centre roads being in a grid provides alternative routes in an emergency. Additionally, it is considered that there are no buildings that if they fell in an earthquake would block the highway(s). Given this, it is recommended that there are no transport routes of strategic importance in relation to earthquake-prone buildings in the Ōpōtiki district and that it is not necessary to undertake consultation regarding this matter.

Consultation on thoroughfares

If Council adopts the recommendation concerning the thoroughfares that have buildings that could fall in an earthquake then it is necessary for Council to undertake consultation using the Special Consultative Procedure in accordance with section 83 of the *Local Government Act 2002*.

SIGNIFICANCE ASSESSMENT

Assessment of significance

Under Council's Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of

significance for *thoroughfares with high vehicle and pedestrian traffic in the Opotiki district in relation to potentially earthquake prone buildings* is considered to be *high* as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

The decisions or matters in this report are part of a process to arrive at a decision that will be significant in accordance with section 2 of the Significance and Engagement Policy. This states that a matter shall be determined to be significant when a *decision that will have a major and long-term impact on a wide range of people and/or groups who reflect the makeup of the District's community*. As a significant decision or matter, the Council must apply greater diligence in regards to the decision making requirements in sections 76-81 and the principles of consultation in section 82 of the *Local Government Act 2002*. This includes, but is not limited to, the degree to which different options are identified and assessed and the extent to which community views are considered, including whether consultation is required.

Assessment of engagement requirements

As the level of significance for *thoroughfares with high vehicle and pedestrian traffic in the Opotiki district in relation to potentially earthquake prone buildings* is considered to be high, the engagement required is determined to be at the level of *consult* according to schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

Section 83 of the *Local Government Act 2002* is applicable. This section sets out the requirements of the Special Consultative Procedure. It entails the following:

- Council preparing and adopting a statement of proposal (appendix 1). The proposal is to include a summary of the information, the dates of consultation (minimum of one month) and how people can provide their views to Council.
- Council must provide an opportunity for interested people to present their views to Council in a manner that allows spoken interaction between the person and Council.

CONSIDERATIONS

Financial/budget considerations

The costs associated with the identification of 'priority' earthquake-prone buildings and consultation on thoroughfares will be met through existing budgets.

Policy and planning implications

The consultation on the thoroughfares is not included in Council's *Earthquake-prone building* policy however, the *Building Act* is legislatively superior to the policy so in this circumstance the policy is not applicable. It should be noted that the review of the *Earthquake-prone building* policy is the subject of a separate report to Council.

Risks

The consultation process regarding the thoroughfares is a requirement under the *Building Act* and is a key part in determining the 'priority' earthquake-prone buildings. There are few risks associated with the consultation process however, if it were delayed or not undertaken there is the risk that 'priority' buildings will not be identified in a timely manner and this will not only delay the legislative process but slow the management of earthquake-prone buildings. This in turn may pose a risk to community members.

Authority

The *Building Act* directs Territorial Authorities to undertake the requirements of the Act.

CONCLUSION

Council is required to manage the assessment of potentially earthquake-prone buildings under the *Building Act*. The Act requires that Territorial Authorities in a high seismic area must identify 'priority' buildings by 1 January 2020. The report has identified the progress Council has made towards this and recommended for consultation as part of the process of determining 'priority' buildings, the thoroughfares on to which URM building could fall in an earthquake. It is necessary to use the Special Consultative Procedure to consult on the thoroughfares. It is recommended that there are no routes of strategic importance on which earthquake-prone buildings could fall in the Ōpōtiki district. Once the final thoroughfares have been agreed on by Council following consultation, letters will be sent to properties owners with 'priority' buildings requesting that they obtain a structural engineering assessment for the 'priority' building or if an assessment has been undertaken provide Council with a copy of it.

RECOMMENDATIONS:

1. The report titled "Progress Report on the Identification of 'Priority' Earthquake-Prone Buildings and Consultation on Thoroughfares" be received.
2. The following thoroughfares (including the footpath on both sides) are identified as having sufficient vehicle or pedestrian traffic and unreinforced masonry buildings (or parts) that could fall onto them in an earthquake:
 - A Church Street from Richard Street to Kelly Street
 - B King Street from Potts Avenue to St John Street ending at the roundabout
 - C Elliott Street from Potts Avenue to St John Street ending at the roundabout
 - D Kelly Street from Potts Avenue to the Kelly Street cemeteryand are adopted for consultation in relation to determining 'priority' buildings.
3. There are no buildings that have been identified that if they collapsed in an earthquake would impede routes of strategic importance and that given this it is not considered necessary to undertake consultation on transport routes of strategic importance.
4. The Statement of Proposal prepared in relation to thoroughfares (recommendation no. 2) under section 83 of the *Local Government Act 2002* Special Consultative Procedure is adopted for consultation (appendix 1).
5. That the consultation period for determining the thoroughfares relating to 'priority' buildings is from Monday 9 September 2019 to Friday 18 October 2019.
6. That Council will consider submissions and hear the views of people and organisations at the meeting of Council on 12 November 2019.

Sue Robb
POLICY PLANNER



Earthquake-prone buildings and consultation on thoroughfares

1. Introduction

A national system for identifying, assessing and managing earthquake-prone buildings came into effect on 1 July 2017. It targets buildings or parts of buildings that pose the greatest risk to public safety and other property in a moderate earthquake.

The system categorised New Zealand into three seismic risk areas: high, medium and low. It sets timeframes, based on the seismic risk area, for identifying potentially earthquake-prone buildings and doing seismic work on them.

It also provides information for people using earthquake-prone buildings, such as notices identifying earthquake-prone buildings and a public register.

2. Priority buildings

The new system introduced the concept of 'priority buildings'. These are certain types of buildings in high and medium seismic risk areas that are considered to present a higher risk to life or other property because of their construction, type, use or location. Priority buildings need to be identified and remediated within half the time allowed for other buildings in the same seismic risk areas.

Certain hospital, emergency and education buildings are prioritised in the *Building Act 2004* because they are likely to be needed in an emergency or regularly occupied by more than 20 people.

Other buildings, such as unreinforced masonry (URM) buildings, may be considered a priority because, in an earthquake, parts of the building could fall on to thoroughfares with high pedestrian and vehicle traffic.

Further guidance on priority buildings is available at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/resources/>

Opotiki District has been categorised as a high seismic risk area. This means that Opotiki District Council must identify 'priority' buildings within 2.5 years and other potentially earthquake-prone buildings within 5 years. Affected building owners will be contacted by

Ōpōtiki District Council and must strengthen or demolish priority buildings within 7.5 years and other earthquake-prone buildings within 15 years¹.

More information about the new system can be found at:

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

3. Why we're consulting

Your input is required to identify some 'priority' buildings

To determine which other buildings may be 'priority' buildings, that Ōpōtiki District Council must identify:

Thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritising the identification of certain URM buildings and parts, if part of a building were to fall on to them in an earthquake.

Your views on the acceptable level of risk, our buildings, and their uses will inform Ōpōtiki District Council decision on which thoroughfares to identify.

This consultation is in accordance with section 133AF of the *Building Act 2004*, which require Ōpōtiki District Council to use the special consultative procedure in section 83 of the *Local Government Act 2002* to identify these priority buildings.

1. Have your say

Your views can be provided to Ōpōtiki District Council by any of the following methods:

- writing to Council at PO Box 44, Ōpōtiki 3162
- e-mailing info@odc.govt.nz
- completing the on-line submission form
- completing a hardcopy submission form which is available at Council's office at 108 St John Street or the Ōpōtiki District Library

The consultation period will be from **Monday 9 September 2019 to Friday 18 October 2019**. The last day for submissions will be Friday 18 October 2019.

All submissions will be made available to the Council and they will take them into consideration when making decisions.

¹ from the date the earthquake-prone building notice is issued.

5. Proposals

5.1 Vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation

Ōpōtiki District Council has applied the following criteria to identify roads, footpaths or other thoroughfares to be prioritised:

1. High pedestrian areas (people not in vehicles)

Description of use	Description of area	small town or rural area
Areas relating to social or utility activities	Areas where shops or other services are located	shopping area on the main street, pubs, community facilities such as the library
Areas relating to work	Areas where concentrations of people work and move around	Areas around businesses in small towns and rural areas where there is a concentration of workers in numbers larger than small shops or cafes
Areas relating to transport	Areas where concentrations of people access transport	Areas around bus stops and tourist centres
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from bus stops or other areas relating to transport to areas where shops, other services or areas people work are located

or

2. Areas with high vehicular traffic (people in motor vehicles/on bikes)

Description of use	Description of area	small town or rural area
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Well trafficked main streets or sections of state highways, arterial routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections

and

3. Potential for part of an unreinforced masonry building to fall on to the identified

Ōpōtiki District Council proposes the following thoroughfares be prioritised. See below for a map of the proposed locations.

proposed thoroughfares	no.	comments
Church Street, Ōpōtiki from Richard to Kelly Street	A	This area is the primary part of the district's business area. There are approximately 1200 vehicle movements per day on this road. The area contains the majority of the district's shops. There are a high number of unreinforced masonry buildings.
King Street, Ōpōtiki from Potts Avenue to St John Street ending at the roundabout	B	The area is part of the town centre. There are unreinforced masonry buildings in the area.
Elliott Street, Ōpōtiki from Potts Avenue to St John Street ending at the roundabout	C	The area is part of the town centre. There are unreinforced masonry buildings in the area.
Kelly Street, Ōpōtiki from Potts Avenue to the cemetery in Kelly Street	D	The area is part of the town centre.

Ōpōtiki District Council seeks your views on whether these roads, footpaths and other thoroughfares warrant prioritisation. It also seeks your views on whether there are any other thoroughfares that should be included.

Questions

1. Do you agree with the thoroughfares identified for prioritisation?
2. If not, which thoroughfares do you disagree with and why?
3. Are there any other thoroughfares that meet the criteria but are not listed?

6. What happens next?

Once the submissions have been received and collated, a report will be prepared for Council. The report will be available on Council's website three days prior to the Council meeting.

Once priority thoroughfares have been finalised, Ōpōtiki District Council will look at buildings on those thoroughfares to determine whether they are potentially earthquake prone in accordance with the EPB methodology². Affected building owners will be notified.

² The EPB methodology is a regulatory tool that sets out the types of buildings that Ōpōtiki District Council must identify as potentially earthquake prone.

Owners of potentially earthquake-prone buildings, whether or not they are priority buildings, have 12 months to provide an engineering assessment. Ōpōtiki District Council will then determine whether the building is earthquake prone, and notify the building owner of remediation requirements.

7. Further information

Further information on the system for managing earthquake-prone buildings can be found at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

If you wish to discuss the thoroughfares, transport routes of strategic importance or any aspect of the identification of earthquake-prone buildings please contact Sue Robb, Policy Planner on 07 315 3030 or at info@odc.govt.nz



Map 1 Proposed thoroughfares

REPORT

Date : 22 August 2019

To : Ordinary Council Meeting, 5 September 2019

From : Policy Planner, Sue Robb

Subject : **2019 REVIEW OF THE OPOTIKI DISTRICT COUNCIL DANGEROUS AND INSANITARY BUILDINGS POLICY**

File ID : A175810

EXECUTIVE SUMMARY

A review of the Opotiki District Council Dangerous and Insanitary Buildings Policy has been conducted as required by section 132(4) of the Building Act. Proposed amendments are outlined in a draft statement of proposal for the Opotiki District Council Dangerous and Insanitary Building Policy 2019. Approval is sought to adopt the draft Statement of Proposal for public consultation using the special consultative procedure set on the in the Local Government Act 2002.

PURPOSE

This report seeks the adoption of a Statement of Proposal (refer to attachment 1, separate document) for the Opotiki District Council Dangerous and Insanitary Building Policy 2019 (refer to attachment 2, separate document).

BACKGROUND

Section 131(1) of the Building Act requires a territorial authority to adopt a policy on dangerous and insanitary buildings within its district. The policy is required to state (section 131(2) of the Building Act):

- (a) the approach that Opotiki District Council will take in performing its functions under this Part; and
- (b) its priorities in performing those functions; and
- (c) how the policy will apply to heritage buildings.

Local authorities must complete a review of their Dangerous and Insanitary Building Policy within 5 years after the policy being adopted and then at intervals of not more than 5 years, under Section 132 of the Building Act. However, a policy does not cease to have effect because it is due for review or being reviewed. The Ōpōtiki District, Council Dangerous and Insanitary Building Policy was first adopted in 2006 and subsequently reviewed in 2011.

Prior to the amendment of the *Building Act 2004* by the *Building (Earthquake-prone Buildings) Amendment Act 2016*, Council could take action under section 124 of the *Building Act* to manage buildings that were earthquake-prone. The *Building Act* now includes a specific section for the management of earthquake-prone buildings. Council has an Earthquake-prone Buildings Policy, which has also been reviewed. It is the subject of a separate report to Council.

The review of Ōpōtiki Dangerous and Insanitary Building Policy considered the following

Option	Advantage	Disadvantage
Retain and approve the existing policy without amendment	Maintains status quo	Policy does not reflect legislative changes and may create uncertainty
Amend the policy as set out in the Statement of Proposal	Policy updated to improve clarity and readability, reflect legislative changes, remove duplication with existing legalisation, removal matters of subjective and is linked to the Councils adopted Enforcement Policy	Resources required for education to raise awareness and ensure the community is aware of changes and new provisions.

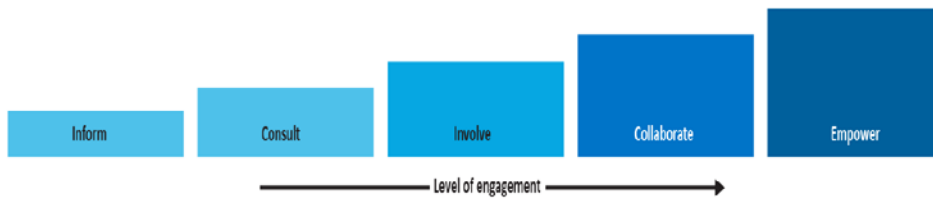
SIGNIFICANCE ASSESSMENT

Assessment of significance

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of significance for approving the Statement of Proposal for Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 for release for public consultation is low. However, the review of the Ōpōtiki District Council Dangerous and Insanitary policy is considered to be of low significance as determined by the criteria set out in section 17 of the significance and engagement policy.

Assessment of engagement requirements

As the level of significance for the ‘2019 reviewed Ōpōtiki District Council Dangerous and Insanitary Buildings Policy’, is considered to be low the engagement required is determined to be at the level of *consult* according to schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

The review of Ōpōtiki District Council's Dangerous and Insanitary Building Policy will follow the special consultative procedure set out in the Local Government Act 2002. The timeline for public consultation will be aligned with consultation on the draft reserve management plans and Council review of bylaws and dog control policy.

CONSIDERATIONS

Financial/budget considerations

The costs associated with the review of the Dangerous and Insanitary Building Policy will be met through existing budgets.

Policy and planning implications

The review of the Dangerous and Insanitary Building Policy is consistent with the Ōpōtiki District 2018-2028 Long Term Plan (LTP), which notes that the regulation and safety activity includes ensuring "...that public health and safety is protected and enhanced through the effective and efficient implementation of legislation." The review of this policy is not specifically mentioned in the LTP however, it is part of Council's role in achieving the community outcomes listed on page 51 and 52 of the LTP.

Risks

There are no major risks associated with the decision to adopt the Statement of Proposal and approve it for release for public consultation.

Authority

The *Building Act* directs Territorial Authorities to review the policy.

RECOMMENDATIONS

- 1. That the report titled "2019 Review of the Ōpōtiki District Council Dangerous and Insanitary Buildings Policy" be received.**

2. That the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 be adopted for public consultation using the special consultative procedure in accordance with section 83 of the Local Government Act 2002.
3. That it be noted that the submission period for feedback on the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 will be aligned with the submission period of feedback on Ōpōtiki District Council's reserve management plans, Dog control policy and Bylaw review 2019.
4. That the ability to make minor amendments to the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 before its release for public consultation be delegated to the Chief Executive Officer.

Sue Robb

POLICY PLANNER



STATEMENT OF PROPOSAL

OPOTIKI DISTRICT COUNCIL DANGEROUS AND INSANITARY BUILDING POLICY 2019

INTRODUCTION

The statement of proposal has been prepared in accordance with Section 83 of the Local Government Act 2002 (The Act).

Section 131(1) of the *Building Act* requires a territorial authority to adopt a policy on dangerous and insanitary buildings within its district. The policy is required to state (section 131(2) of the *Building Act*):

- (a) the approach that Ōpōtiki District Council will take in performing its functions under this Part; and
- (b) its priorities in performing those functions; and
- (c) how the policy will apply to heritage buildings.

The Ōpōtiki District Council Dangerous and Insanitary Buildings Policy was first adopted in 2006 and then reviewed in 2011. The 2019 reviewed version of the policy has taken into account:

- the *Ōpōtiki District Council Dangerous and Insanitary Buildings Policy 2011* (refer to appendix 1)
- the *Building Act 2004*
- the *Ōpōtiki District Council Enforcement Policy*

Prior to the amendment of the *Building Act 2004* by the *Building (Earthquake-prone Buildings) Amendment Act 2016*, Council could take action under section 124 of the *Building Act* to manage buildings that were earthquake-prone. The *Building Act* now includes a specific section for the management of earthquake-prone buildings. Council has an Earthquake-prone Buildings Policy, which has also been reviewed.

CHANGES TO THE ŌPŌTIKI DISTRICT COUNCIL DANGEROUS AND INSANITARY BUILDING POLICY 2011

The *Building Act* requires Council to review its Dangerous and Insanitary Building Policy every five years. The 2019 review has taken into account legislative amendments, organisational name changes and the views of Council.

In reviewing the policy, Council approach has moved towards managing dangerous and insanitary buildings in a way that no longer gives the same consideration around the broader social and economic issues affecting the community. Instead the focus has changed on taking the relevant action to ensure buildings that are concerned to be of a dangerous or insanitary nature are brought back up to the required standard. The policy also now seeks action to be considered against the Council's *Enforcement Policy 2017*.

It is suggested that a policy that does not re-state the legislation and has a clear objective of tackling dangerous and insanitary buildings is easier to understand and implement.

Note

A tracked changes version of the *Ōpōtiki District Council Dangerous and Insanitary Buildings Policy 2011* has not been included, as part of this document as there are so many amendments that it would be difficult to read.

4 Have your say

Your views can be provided to Ōpōtiki District Council by any of the following methods:

- writing to Council at PO Box 44, Ōpōtiki 3162
- e-mailing info@odc.govt.nz
- completing the online submission form
- completing a submission form which is available at Council's office at 108 St John Street, Opotiki or the Opotiki District Library

The consultation period will be from **Monday 9 September 2019 to Friday 18 October 2019**. The last day for submissions will be Friday 18 October 2019.

All submissions will be made available to the Council and they will take them into consideration when making decisions.

5. Questions and comments on the reviewed policy

Ōpōtiki District Council seeks your views on the '2019 reviewed Ōpōtiki District Council Dangerous and Insanitary Buildings Policy'

Questions

1. Do you agree with the approach in the reviewed policy
2. If not, which aspects do you disagree with and why?
3. Are there policy aspects that have not been included?

6. What happens next?

Once the submissions have been received and collated, a report will be prepared for Council. The report will be available on Council's website three days prior to the Council meeting.

People who have made submissions will be notified of the Council meeting and hearing.

Council will make recommendations regarding the policy. The recommendations will be reflected in the reviewed policy and it will then be adopted by Council.

7. Further information

Further information on the legislative process and requirements can be found at sections 121 to 132A of the *Building Act 2004* at www.legislation.govt.nz

If you wish to discuss the '2019 reviewed Dangerous and Insanitary Buildings Policy' please contact Sue Robb, Policy Planner on 07 315 3030 or at info@odc.govt.nz

POLICY	STATUS	AT	DATE	DOC ID
<i>Dangerous and Insanitary Buildings Policy</i>	<i>Under review</i>	<i>September 2019 Council meeting</i>	<i>August 2019</i>	<i>A41959</i>



OPOTIKI DISTRICT COUNCIL

Dangerous and Insanitary Buildings Policy

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1 BACKGROUND

Section 131(1) of the *Building Act* requires a territorial authority to adopt a policy on dangerous and insanitary buildings within its district. The policy is required to state (section 131(2):

- (d) the approach that Opotiki District Council will take in performing its functions under this Part; and
- (e) its priorities in performing those functions; and
- (f) how the policy will apply to heritage buildings.

The Ōpōtiki District Council Dangerous and Insanitary Buildings Policy was first adopted in 2006 and then reviewed in 2011.

2 PURPOSE

1. To ensure that buildings are safe for the purpose for which they are being used
2. To state Ōpōtiki District Council's approach to managing Dangerous And Insanitary Buildings

3 DEFINITIONS

The following definitions are used in this Policy:

Dangerous Building has the same meaning as in the Building Act 2004

Explanatory note

- According to section 121 of the Building Act 2004, a dangerous building means
 - (1) A building is dangerous for the purposes of this Act if,
 - (a) *in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—*
 - (i) *injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or*
 - (ii) *damage to other property; or*
 - (b) *in the event of fire, injury or death to any persons in the building or to persons on other property is likely.*
 - (2) *For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—*
 - (a) *may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and*
 - (b) *if the advice is sought, must have due regard to the advice.*

Insanitary building has the same meaning as in the Building Act 2004

Explanatory note

- According to section 123 of the Building Act 2004 A building is insanitary for the purposes of this Act if the building—
 - (a) is offensive or likely to be injurious to health because—
 - (i) of how it is situated or constructed; or
 - (ii) it is in a state of disrepair; or
 - (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building or
 - (c) does not have a supply of potable water that is adequate for its intended use; or
 - (d) does not have sanitary facilities that are adequate for its intended use.

Affected building has the same meaning as in the Building Act 2004

Explanatory note

- According to section 121A of the Building Act 2004, a building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby—
 - (a) a dangerous building as defined in [section 121](#); or
 - (b) a dangerous dam within the meaning of [section 153](#).

Heritage building for this policy means:

- a building listed in the Ōpōtiki District Plan schedule
- a building constructed prior to 1900
- a building on the New Zealand Heritage List/Rārangī Kōrero maintained under [section 65](#) of the Heritage New Zealand Pouhere Taonga Act 2014

4 POLICY

4.1 Identification of dangerous, affected and insanitary buildings

Ōpōtiki District Council will:

- Investigate buildings that Council staff have become aware of in undertaking Council functions
- Investigate all complaints from the community and referrals from organisations (for example from the Police, Toi Te Ora-Public Health Unit or Fire and Emergency New Zealand (FENZ))
- Council will seek an immediate or early resolution to the issue so that any potential risk to public health or safety is minimised

4.2 Assessment of dangerous, affected and insanitary buildings

- The assessment of dangerous buildings will be in accordance with Section 121 of the *Building Act*
- The assessment of insanitary buildings will be in accordance with Section 123 of the *Building Act*

4.3 Taking action on dangerous and insanitary buildings

- On being advised of conditions that are alleged to be insanitary within the provisions of Section 123 of the *Building Act*, the buildings will be inspected and a determination made whether action in terms of Sections 124 or 129 of the Act will be taken
- In deciding upon what action should be taken Council may take advice from other agencies such as FENZ, Toi Te Ora-Public Health Unit or other specialist authority deemed appropriate.
- Council may use the powers given in Section 124 of the *Building Act* to take action regarding dangerous, affected or insanitary buildings to take action

4.4 Working with building owners of dangerous and insanitary buildings

- Whilst Council will work with building owners until the building is no longer considered dangerous or insanitary, a notice under section 124 under the *Building Act* will be issued so that the work to remedy the problem and timeframes for completion are recorded
- If the notice requirements are not met within a reasonable period of time as well as any other non-compliance matters, Council will pursue enforcement action under the *Building Act* taking into account the *Ōpōtiki District Council Enforcement Policy*

4.5 Requirement for immediate action dangerous and insanitary buildings

If it is considered that immediate action is required (section 129, *Building Act*), the Council will:

- Take any action necessary to remove the danger. This may include prohibiting persons using the building, boarding the building to prevent entry and demolition of all or part of the building
- Take action to recover costs from the owner(s) if the Council must undertake works to remove the danger
- In urgent cases the Council may at the outset serve formal notice under the *Building Act*

4.6 Recording a building's dangerous or insanitary status

- In granting access to information concerning dangerous buildings, Ōpōtiki District Council will adhere to the requirements of the *Local Government Official Information and Meeting Act 1987* and the *Local Government Act 2002*
- All dangerous and insanitary buildings shall be recorded on the property file and a Council maintained dangerous and insanitary buildings internal register
- The following information will be placed on the Land Information Memorandum:
 - the notice issued informing the owner that the building is dangerous or insanitary and if applicable the notice of the requirement to evacuate
 - a copy of the notice given under section 124 of the *Building Act* that identifies the work to be carried out on the building and the timeframe give to reduce or remove the danger

4.7 Heritage buildings

- Heritage buildings will be assessed and managed in the same manner as other dangerous or insanitary buildings
- In determining the management of a building in regard to it being dangerous or insanitary, Council will recognise the heritage status of the building and will work with owner(s) of the building and agencies such as Heritage New Zealand Pouhere Taong or

the Department of Conservation to develop a management plan in association with any requirements under section 124 of the *Building Act*

5 RELEVANT LEGISLATION

Building Act 2004

6 REVIEW

Section 132 of the *Building Act* requires that the Policy is reviewed every five years. If an issue arises consideration will be given to the review of the Policy. The next review of the Policy will be due in 2024.

The Planning and Regulatory Group Manager is responsible for the review of the Policy.

REPORT

Date : 21 August 2019

To : Ordinary Council Meeting, 5 September 2019

From : Engineering and Services Group Manager, Ari Erickson

Subject : **WAINUI ROAD SAFETY IMPROVEMENTS FUNDING**

File ID : A176108

EXECUTIVE SUMMARY

NZTA has recently approved the Wainui Road portion of the Wainui to Opotiki Road Safety Improvements business case. Improvements along Wainui Road will span across both the Opotiki and Whakatane Districts. The total estimated cost for improvements planned for the Opotiki District section is \$1m. The NZTA funding rate for this work will be 87.5%. Council's contribution will be \$125,000.

PURPOSE

The purpose of this report is to seek Council resolution to fund a 12.5% contribution of \$125,000 for Opotiki districts portion of the Wainui to Opotiki Road Safety Improvements Project.

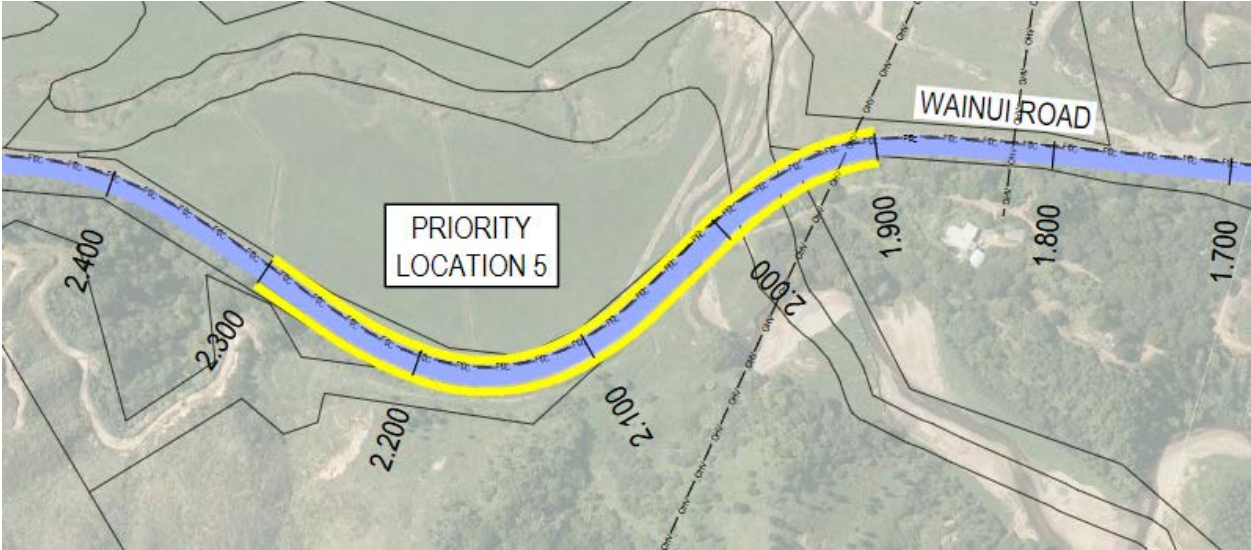
BACKGROUND

The SH2 Wainui Rd to Opotiki project is included in the National Safe Roads and Roadside Programme because of its high number of death and serious injury crashes. The scope of the project was extended in 2016 to include Wainui Rd, the local arterial controlled by Whakatane and Opotiki District Councils. The reason for this was in recognition that during stakeholder engagement meetings, safety issues and concerns were being raised along the whole corridor between Ohope and Opotiki, and not just on the SH portion of the route. Inclusion of the local road section also aligned with the Safe Road Alliance principle of treating whole road corridors and not just isolated road sections.

The State Highway 2 section of the project was included in the RLTP as a State highway Activity but has not as yet received funding. The local Wainui Rd component has however been funded.

The improvements proposed for Wainui Rd include widening and safety barriers on the six high risk curves, stopping bays to allow room for drivers to pull over letting vehicles pass safely and sight distance improvements.

There is one major widening and safety barrier improvement proposed for the Ōpōtiki District portion of Wainui Road as illustrated in yellow in the image below. These are the bends on either side of the Waingarara Stream bridge just before Stanley Rd when heading to Whakatāne.



DISCUSSION

The \$125,000 funding contribution from Ōpōtiki District Council toward the safety improvements outlined above is only 12.5% of the total cost estimated by NZTA. The 87.5% Targeted Enhanced Funding Assistance Rate (TEFAR) has been awarded due to a comprehensive business case which identified these specific bends as having high results alignment within the Safe Network Programme.

The work would be loan funded over a period of at least 30 years resulting in an annual cost to rates of \$8457. This equates to a rate increase of 0.08%.

Though construction work will not occur till the 2020-21 year Council resolution of funding is required to secure TEFAR funding in advance of Annual Plan adoption and to allocate a preliminary sum of \$10,000 out of the \$125,000 Council contribution for detailed design and procurement this financial year.

SIGNIFICANCE ASSESSMENT

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of

Significance for resolution of funding for Wainui Road safety improvements is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

As the level of significance for funding the Wainui Road safety improvements is considered to be of low significance the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

As the Wainui Road safety improvements construction will not occur till the 2020-21 year, the project will be presented to the public through the 2020-21 Annual Plan.

Authority

Council has the authority to make decisions on the recommendations provided in this report in accordance with the Local Government Act 2002.

CONCLUSION

The improvements to the Ōpōtiki District portion of Wainui Road have been set forward via NZTA directed business case and approved due to high alignment with the TEFAR Safe Network Programme. Under TEFAR Ōpōtiki District Council will contribute 12.5% or \$125,000 to the project which will begin construction in 2020-21 and will be included in the 2020-21 Annual Plan.

RECOMMENDATIONS:

- 1. That the report titled "Wainui Road Safety Improvements Funding" be received.
- 2. That Council approves the loan fund of \$115,000 to complete the project in 2020-21.
- 3. That Council approves the loan fund of \$10,000 to complete the project in 2019-20.

Ari Erickson

ENGINEERING AND SERVICES GROUP MANAGER

REPORT

Date : 21 August 2019
To : Ordinary Council Meeting, 5 September 2019
From : Engineering and Services Group Manager, Ari Erickson
Subject : **LAND TRANSPORT FUNDING 2019-20**
File ID : A176021

EXECUTIVE SUMMARY

Opotiki District Council's land transport activity has an additional \$274,500 in NZTA funding available. The additional funding is the combination of reallocated monies including \$157,500 carried over from unspent minor events budget and another \$117,000 that has not been utilised historically and was omitted from the 2018 Long Term Plan. With the inclusion of Council's 25% contribution of \$91,500 the total potential expenditure equates to \$366,000.

PURPOSE

The purpose of this report is to seek Council resolution to fund an additional \$91,500 for land transport capital work.

BACKGROUND

The Land Transport activity was budgeted for in the 2018-21 Long Term Plan. Post LTP adoption NZTA finalised Opotiki District Council's subsidised budgets at a rate of 75%. There were a number of variations on the predicted budgets included in the LTP most of which were resolved by utilising existing budgets that had previously been assumed un-subsidised but were instead awarded the 75% subsidy rate.

At year end 2018-19 NZTA reallocated \$157,000 previously reserved for minor events and another \$117,000 of unsealed metalling monies was determined to be usable for capital works rather than maintenance as had previously been assumed. Minor events funding is usually reserved for maintenance post storm events of, at minimum, 1 in 10 year return probability. In a change in process

this funding was not reabsorbed in to NZTA coffers and instead was reallocated to Councils other roading work categories. Unsealed road metalling is a new work category within the NZTA framework and had previously been included within the similarly named unsealed road maintenance category. The key difference however is that these monies can be capitalised both in accordance with NZTA requirements and Council accounting practice.

DISCUSSION AND OPTIONS SECTIONS

The additional funding will supplement numerous capital works outputs including unsealed road metalling, street upgrades and sealed pavement maintenance.

As the additional funding would be loan funded over assets with lives of at minimum 30 years the additional cost to rates is estimated at \$6,191/yr.

This equates to a rate increase of 0.06%.

SIGNIFICANCE ASSESSMENT

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance for resolution of additional funding of \$91,500 for land transport capital work is considered to be low as determined by the criteria set out in Section 12 of the Significance and Engagement Policy.

As the level of significance for additional funding for land transport capital work is considered to be of low significance the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



COMMUNITY INPUT AND PUBLICITY

As the effect on rates for the additional funding for land transport capital work is minor and the work itself will be interlaced with existing works proposed in the long term plan and annual plan there is no need for consultation.

Authority

Council has the authority to make decisions on the recommendations provided in this report in accordance with the Local Government Act 2002.

CONCLUSION

The additional funding available to Council has the potential to increase the deliverables of multiple capital works projects already planned in the LTP and increase the level of service of unsealed roads. The additional \$366,000 provides a significant boost to total expenditure with only a minor contribution of \$91,500 required from Council. As the works will be of a capital nature Council's contribution can be loan funded resulting in a very minimal increase in rates.

RECOMMENDATIONS:

- 1. That the report titled "Land Transport Funding 2019-20" be received.**
- 2. That Council approves additional loan funding of \$91,500 for land transport capital works in 2020-21.**

Ari Erickson

ENGINEERING AND SERVICES GROUP MANAGER

REPORT

Date : 23 August 2019
To : Ordinary Council Meeting, 05 September 2019
From : *i*-SITE Manager, Joseph Hayes
Subject : **SUMMER FESTIVAL FUNDING APPLICATIONS**
File ID : A176076

EXECUTIVE SUMMARY

Council resolution is sought to support funding applications to the Southern Trust and The Lion Foundation for the 'Opotiki Summer Festival'.

PURPOSE

To obtain a resolution from Council in support of funding applications.

BACKGROUND

Since 2013, the Opotiki *i*-SITE/Events staff have organised the Opotiki Summer Festival through the summer holiday period. The festival has included an array of events which provide affordable, fun, family based activities and entertainment for both locals and visitors. The Lantern Festival, O-mazing Race, Movie Nights and Beach Dig have all proved very popular.

- \$20,000 of funding was secured through Southern Trust to support the Summer Festival for 2018/19.
- \$20,000 of funding was also secured through The Lion Foundation to support the Lantern Festival, which is the largest event organised by the *i*-SITE staff as part of the Opotiki Summer Festival.

\$4,500 funding was secured through the Eastern Bay Energy Trust for sound and lighting costs at the Lantern Festival, and \$1,250 for the Food Market and Movie Night. Resolution is not required to apply for funds through the Eastern Bay Energy Trust

The i-SITE staff were assisted by volunteers and the generous sponsorship of Ōpōtiki New World.

Applications are eligible to Southern Trust for 'Community Purposes' including 'non-profit community cultural or arts festivals'. The Lion Foundation accepts applications for any charitable, philanthropic or cultural purpose that benefits the local community. A resolution from Council is required to accompany these funding applications.

SIGNIFICANCE ASSESSMENT

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance for the proposal to apply for funding from the Southern Trust, The Lion Foundation and the Eastern Bay Energy Trust to host a Summer Festival is considered to be low as determined by the criteria set out in Section 12 of the Significance and Engagement Policy.

As the level of significance for the proposal to apply for funding from the Southern Trust, The Lion Foundation and the Eastern Bay Energy Trust to host a Summer Festival is considered to be of low significance the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



OPTIONS

- 1. Council resolve to support funding applications.
- 2. Council decline to support funding applications.

ASSESSMENT OF OPTIONS

- 1. Forward application to The Southern Trust and The Lion Foundation– scope of festival subject to success of funding application
- 2. Festival proceeds subject to existing sponsorship arrangements with reduced activities.

CONCLUSION

The past seven Summer Festivals have proved successful and been supported by Council but rely heavily on external funding.

RECOMMENDATIONS:

- 1. That the report titled "Summer Festival Funding Applications" be received.**
- 2. That Council approves a funding application to be lodged with the Southern Trust to support the 2019/20 Summer Festival subject to quotes.**
- 3. That Council approves a funding application to be lodged with The Lion Foundation to support the 2019/20 Summer Festival subject to quotes.**

Joseph Hayes

***i*-SITE Manager**

REPORT

Date : 30 August 2019

To : Ordinary Council Meeting, 5 September 2019

From : Chief Executive Officer, Aileen Lawrie

Subject : **CHIEF EXECUTIVE OFFICER'S UPDATE**

File ID : A176143

LGOIMA REQUESTS

LGOIMA Report (07/07/2019-27/08/2019)

Month	Submitter	Subject	Due
July 2019	Pip Jones	Water restrictions over past 50 years	Completed
	Emma Whiley	Iwi management plans & cultural impact assessments related to Ngati Patumoana Rohe Moana	Completed
	RNZ - Radio NZ	Mayoral Chia travel expenses	Completed
	David Woodward	Infringements notices - none current vehicle licence	Completed
August 2019	Simeon Brown	payments to New Zealand Drug Foundation	Completed
	Alex Dobie	Rating arrears information	Completed
	Radio NZ	Local government communications and PR numbers and budgets	06/09/2019
	Abraham Larsen	Financial Summary Request of youth-related expenses	10/09/2019
	Marlborough Express	Single-use plastic cups	20/09/2019
	Alex Dobie	Deed of gift of Mechanics Institute	23/09/2019

MEETINGS / EVENTS ATTENDED BY CEO – 12 JULY 2019 – 30 AUGUST 2019

15 JULY 2019

Eastern Bay of Plenty Chief Executives meeting, Whakatāne

18 JULY 2019

Met with Police Senior Sergeant, Richie Miller
Ōpōtiki Harbour Development Project meeting, Whakatāne

19 JULY 2019

Bay of Plenty Triennial meeting, Rotorua

22 JULY 2019

Met with Acting Area Police Commander, Stuart Nightingale

24 JULY 2019

Met with Richard Ward, DIA

25 JULY 2019

Follow up interview – Bay of Connections review

26 JULY 2019

Rock supply for the Opotiki Harbour Development - briefing for tenderers

30 JULY 2019

Moana Project launch, Omarumutu Marae

1 AUGUST 2019

Moana Project meeting

2 AUGUST 2019

Ōpōtiki Harbour Development Project workshop

6 AUGUST 2019

Cultural workshop with Whakatōhea Māori Trust Board

8 AUGUST 2019

Ōpōtiki Marine Advisory Group meeting
Council staff community work day

9 AUGUST 2019

Visited Kohutapu Lodge, Lake Aniwhenua

Opening of Eastern Bay of Plenty driver training facility, Kawerau

16 AUGUST 2019

Ōpōtiki Harbour Development pricing delivery workshop

19 AUGUST 2019

Ōpōtiki Harbour Project Governance Group meeting

20 AUGUST 2019

Met with Extinction Rebellion representatives

21 AUGUST 2019

Met with Regional Chamber of Commerce

23 AUGUST 2019

Met with Ōpōtiki Coastguard

26 AUGUST 2019

Eastern Bay of Plenty Mayors/Chair/CEs meeting, Whakatāne

30 AUGUST 2019

Workforce Development Refresh Workshop

SIGNIFICANCE ASSESSMENT**Assessment of significance**

Under Council's Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance for the Chief Executive Officer's Update is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

Assessment of engagement requirements

As the level of significance for the Chief Executive Officer’s Update is considered to be of low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



RECOMMENDATION:

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

Aileen Lawrie

CHIEF EXECUTIVE OFFICER

REPORT

Date : 11 July 2019

To : Ordinary Council Meeting, 23 July 2019

From : Chief Executive Officer, Aileen Lawrie

Subject : **RESOLUTION TO EXCLUDE THE PUBLIC**

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:

- 18. Confirmation of In-Committee Minutes – Ordinary Council Meeting 23 July 2019.**
- 19. Opotiki Harbour Development Project – Procurement of Expert Advice**
- 20. Opotiki Harbour Development Project Workstream 2 – Rock Sources**
- 21. Opotiki Harbour Development Project Workstream 3**
- 22. Opotiki Harbour Development Business Case Input**
- 23. Opotiki District Land**

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:

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
18.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 23 July 2019	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)

19.	Ōpōtiki Harbour Development Project – Procurement of Expert Advice	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)
20.	Ōpōtiki Harbour Development Project Workstream 2 – Rock Sources	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)
21.	Ōpōtiki Harbour Development Project Workstream 3	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)
22.	Ōpōtiki Harbour Development business Case Input	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.	Ōpōtiki District 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.	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:

18.	Protect the privacy of natural persons Protect information Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities Commercial sensitivity	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h) Section 7(2)(b)(ii)
19.	Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(ii) Section 7(2)(a)
20.	Protect information Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(i) Section 7(2)(b)(ii) Section 7(2)(a)
21.	Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(ii) Section 7(2)(a)

22.	Protect information Prevent the disclosure or use of official information Carry out negotiations	Section 7(2)(b)(i) & (ii) Section 7(2)(j) Section 7(2)(i)
23.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)