



# NOTICE OF AN ORDINARY COUNCIL MEETING

**Ōpōtiki District Council Chambers, 108 St John Street, Ōpōtiki  
Tuesday, 17 December 2019  
Commencing at 9.00am**

## ORDER PAPER

**OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – COUNCILLOR HOCART**

**APOLOGIES**

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

**PUBLIC FORUM**

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**PUBLIC EXCLUDED BUSINESS**

<b>ITEM 09 CONFIRMATION OF IN-COMMITTEE MINUTES – ORDINARY COUNCIL MEETING 12 NOVEMBER 2019</b>	
<b>ITEM 10 CONSENTING AND RISK MANAGEMENT OPTIONS</b>	
<b>ITEM 11 RESOLUTION TO RESTATE RESOLUTIONS AND READMIT THE PUBLIC</b>	

**Chair:** Her Worship the Mayor – Lyn Riesterer

**Members:** Cr Shona Browne (Deputy Mayor)

Cr Debi Hocart

Cr Barry Howe

Cr David Moore

Cr Steve Nelson

Cr Louis Rāpihana

**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 THURSDAY, 12 NOVEMBER 2019 IN THE  
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.08AM**

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PRESENT:

Mayor Lyn Riesterer (Chairperson)  
Deputy Mayor Shona Browne (Deputy Chairperson)  
Councillors:  
Debi Hocart  
David Moore  
Louis Rāpihana

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)  
Gerard McCormack (Planning and Regulatory Group Manager)  
Ari Erickson (Engineering and Services Group Manager)  
Haydn Read (Finance and Systems Group Manager)  
Adrian Mark (Asset Manager)  
Sarah Jones (Corporate Planner and Executive Officer)  
Tina Gedson (Property Officer)  
Gae Finlay (Executive Assistant and Governance Support Officer)

MEDIA:

Charlotte Jones (Opotiki News)

PUBLIC:

Len Forrester

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Deputy Mayor Browne opened the meeting with an inspirational prayer.

**APOLOGIES**

Councillor Nelson, Councillor Howe.

**RESOLVED**

**(1) That the apologies be sustained.**

Hocart/Rāpihana

**Carried**

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

Nil.

### *Introduction of New Staff*

The Engineering and Services Group Manager introduced Adrian Mark, Asset Manager, to Council and the Chief Executive Officer introduced Haydn Read, Finance & Systems Group Manager.

*The Asset Manager and the Finance & Systems Group Manager left the meeting at 9.15am.*

### *Extra Item*

Her Worship the Mayor advised an extra item (Property Transaction) needs to be considered under urgency in the in-committee section of the meeting. The item was not on the agenda as an offer was received yesterday, 11 November 2019, which requires a response within 15 working days of receipt. An amended Resolution to Exclude the Public has been tabled to include the extra item.

## **PUBLIC FORUM**

Len Forrester congratulated the Mayor and Councillors on their election as representatives of the residents of Ōpōtiki.

### *Horse Paddock*

Len Forrester referred to the horse paddock between Peria House and the stop bank. He advised that he suffers from hayfever and has been asking Council for three years to do something about the state of the paddock which has deteriorated. There is no grass for the horses; they do not eat weeds, there is ragwort, daisies, privet and gorse in the paddock. The longer a clean-up of the paddock is left, the bigger the job will be.

### *Animal Control Service*

Len Forrester stated that over Labour Weekend a stray dog lay on the footpath near his home and stayed there all day. He rang the Council and chose the Animal Control option and was put through to someone who was based in Wanganui. Len Forrester said he rang again the next morning, as the dog was still on the footpath. There was no response from Animal Control.

*Mr Forrester left the meeting at 9.18am.*

## **1. MINUTES – ORDINARY COUNCIL MEETING: 5 SEPTEMBER 2019**

**p4**

### **RESOLVED**

**(1) That the minutes of the Ordinary Council meeting held on 5 September 2019 be received.**

HWTM/Browne

**Carried**

**2. MINUTES – EXTRA ORDINARY COUNCIL MEETING 4 OCTOBER 2019** **p17**

**RESOLVED**

- (1) That the minutes of the Extra Ordinary Council meeting held on 4 October 2019 be received.**

Browne/Rāpihana

**Carried**

**3. CONFIRMATION OF MINUTES – INAUGURAL COUNCIL AND COAST COMMUNITY BOARD MEETING 31 OCTOBER 2019** **p22**

**RESOLVED**

- (1) That the minutes of the Inaugural Council and Coast Community Board meeting held on 31 October 2019 be confirmed as a true and correct record.**

Browne/HWTM

**Carried**

**3A CONFIRMATION OF MINUTES – EXTRA ORDINARY COUNCIL MEETING 31 OCTOBER 2019** **Tabled**

The minutes from the Extra Ordinary Council meeting held on 31 October 2019 were tabled. Although not included in the agenda the confirmation of the minutes was considered as an item of process as Item 3A.

**RESOLVED**

- (1) That the minutes of the Extra Ordinary Council meeting held on 31 October 2019 be confirmed as a true and correct record.**

Browne/Hocart

**Carried**

**4. MINUTES – AUDIT AND RISK COMMITTEE MEETING 9 SEPTEMBER 2019** **p31**

**RESOLVED**

- (1) That the minutes of the Audit and Risk Committee meeting held on 9 September 2019 be received.**

HWTM/Rāpihana

**Carried**

5. **MINUTES – EASTERN BAY OF PLENTY JOINT COMMITTEE MEETING 3 SEPTEMBER 2019** p37

**RESOLVED**

- (1) **That the minutes of the Eastern Bay of Plenty Joint Committee meeting held on 3 September 2019 be received.**

HWTM/Browne

**Carried**

6. **MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 6 SEPTEMBER 2019** p43

**RESOLVED**

- (1) **That the minutes of the Regional Transport Committee meeting held on 6 September 2019 be received.**

HWTM/Moore

**Carried**

7. **MINUTES – ŌHIWA HARBOUR IMPLEMENTATION FORUM MEETING 19 SEPTEMBER 2019** p54

**RESOLVED**

- (1) **That the minutes of the Ōhiwa Harbour Implementation Forum meeting held on 19 September 2019 be received.**

HWTM/Hocart

**Carried**

8. **MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP MEETING 27 SEPTEMBER 2019** p64

**RESOLVED**

- (1) **That the minutes of the Civil Defence Emergency Management Group meeting held on 27 September 2019 be received.**

Browne/Hocart

**Carried**

9. **MAYORAL REPORT – 18 OCTOBER 2019-7 NOVEMBER 2019** p79

Her Worship the Mayor advised that the Inspiring Stories Leaders Showcase planned for 2 November 2019 was cancelled.

**RESOLVED**

- (1) That the report titled "Mayoral Report 18 October 2019-7 November 2019" be received.

HWTM/Rāpihana

**Carried**

*Councillor Moore left the meeting at 9.53am and returned at 9.55am.*

**10. OPOTIKI MARINE ADVISORY GROUP (OMAG) UPDATE**

**p82**

**RESOLVED**

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

HWTM/Browne

**Carried**

*The meeting adjourned at 9.58am for a Citizenship Ceremony and reconvened at 10.38am.*

**11. CONFIRMING ELECTED MEMBER REMUNERATION**

**p87**

**RESOLVED**

1. The report titled "Confirming Elected Member Remuneration" be received.
2. That Council endorses the proposed apportionment within the pool and directs staff to forward the resolution to the Remuneration Authority.

HWTM/Rāpihana

**Carried**

**12. ŌPŌTIKI DISTRICT COUNCIL DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY**

**p92**

**RESOLVED**

- (1) That the report titled "Ōpōtiki District Council Dangerous, Affected and Insanitary Buildings Policy 2019" be received.
- (2) That Council adopts the Ōpōtiki District Council Dangerous, Affected and Insanitary Buildings Policy 2019 amended to make reference to 'affected' buildings.

Hocart/Moore

**Carried**

**13. THE IDENTIFICATION OF 'PRIORITY' EARTHQUAKE-PRONE BUILDINGS AND CONSULTATION ON THOROUGHFARES** **p101**

**RESOLVED**

- (1) That the report titled "The Identification of 'Priority' Earthquake-Prone Buildings and Consultation on Thoroughfares" be received.**
- (2) That 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**
  - C Elliott Street from Potts Avenue to St John Street ending at the roundabout**
  - D Kelly Street from Potts Avenue to the Kelly Street cemetery****and are adopted for inclusion in determining 'priority' buildings.**

Rāpihana/Browne

**Carried**

*The Corporate Planner and Executive Officer and the Property Manager entered the meeting at 11.02am.*

**14. CHIEF EXECUTIVE OFFICER'S UPDATE** **p106**

**RESOLVED**

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

HWTM/Hocart

**Carried**

**15. RESOLUTION TO EXCLUDE THE PUBLIC** **p123**

A replacement Resolution to Exclude the Public was tabled to include the extra item to be considered under urgency as noted by Her Worship the Mayor at the beginning of the meeting.

**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:**

- 16. Minutes – In-Committee Ordinary Council Meeting 5 September 2019.**
- 17. Minutes – In-Committee Extra Ordinary council Meeting 4 October 2019.**
- 18. Minutes – In-Committee Audit and Risk Committee Meeting 9 September 2019.**



**Extra Item: Property Transaction.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>Item No</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
16.	<b>In-Committee Minutes – Ordinary Council Meeting 5 September 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
17.	<b>In-Committee Minutes – Extra Ordinary Council Meeting 4 October 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
18.	<b>In-Committee Minutes – Audit and Risk Committee Meeting 9 September 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
<b>Extra Item</b>	<b>Property Transaction</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

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

16.	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	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)
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	Avoid prejudice to measures protecting the health or safety of members of the public	Section 7(2)(d)
17.	Protect the privacy of natural persons Commercial sensitivity Prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(j)
18.	Protect information  Protect the privacy of natural persons Protection from improper pressure or harassment Carry out negotiations Prevent the disclosure of official information Carry out commercial activities	Section 7(2)(b)(i) & (ii), (d) & (e) Section 7(2)(a) Section 7(2)(f)(ii) Section 7(2)(i) Section 7(2)(j) Section 7(2)(h)
Extra Item	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)

Rāpihana/Hocart

**Carried**

*Charlotte Jones left the meeting at 11.13am.*

**RESOLVED**

- (1) That the resolutions made while the public was excluded, except for clauses 2, 3, 4 and 5 of the Extra Item (Property Transaction), be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

HWTM/Hocart

**Carried**

*The resolutions to receive the various in-committee minutes were moved and seconded collectively.*

**RESOLVED**

- (1) That the minutes of the In-Committee Ordinary Council meeting held on 5 September 2019 be received.**

HWTM/Browne, Hocart, Moore, Rāpihana

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Extra Ordinary Council meeting held on 4 October 2019 be received.**

HWTM/Browne, Hocart, Moore, Rāpihana

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Audit and Risk Committee meeting held on 9 September 2019 be received.**

HWTM/Browne, Hocart, Moore, Rāpihana

**RESOLVED**

- (1) That the report titled "Property Transaction" be received.**

Rāpihana/Browne

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.46PM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 17 DECEMBER  
2019**

**L J RIESTERER**

**HER WORSHIP THE MAYOR**

**REPORT**

Date : 12 December 2019  
To : Ordinary Council Meeting, 17 December 2019  
From : Her Worship the Mayor, L J Riesterer  
Subject : **MAYORAL REPORT 8 NOVEMBER 2019–12 DECEMBER 2019**  
File ID : A185464

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Since 8 November 2019 I have attended or met with the following:

**8 NOVEMBER 2019**

Blessing and opening of Toi Ataata Exhibition of Level 4+ Māori Arts and Crafts – this event was held over three days at the Ōpōtiki Arts Society Hall

**11 NOVEMBER 2019**

Met with Ross l'Anson, Acting Director of Regional Relationships (Central North Island), NZTA.

**12 NOVEMBER 2019**

Ordinary Council meeting

**13 NOVEMBER 2019**

Breakfast meeting for the Workforce Development Workshop – Are the Employers Ready for their New Employees, with David Turner

**14 NOVEMBER 2019**

JP training for myself and Judy Turner

Mayors Taskforce For Jobs Graduation Ceremony – Ōpōtiki's turn to host this year with representatives from Kawerau, Whakatāne and Ōpōtiki. All three Mayors were present and handed out certificates to members of our districts for their Level 2, 3 4 or 5 attainments in their career fields. Not heavily attended

but it was great to see how many older adults were gaining Certificates to further their career training. There were representatives from four of the ITOs as well.

### **15 NOVEMBER 2019**

BOP Triennial meeting, Rotorua. Several Mayors and CEs were somewhat bemused and unprepared for the mini powhiri and arrival of Minister Hipkins who announced a regional central Government role.

### **19 NOVEMBER 2019**

Invitation from Ngāi Tai to myself, Councillors and staff to attend Tōrere Marae for a welcome to the new Council. The invitation was issued by Bill Maxwell. Present were myself, Deputy Mayor Shona Browne, Councillor Louis Rāpihana, CEO Aileen Lawrie and Council Group Managers, Ari Erickson and Gerard McCormack. BOPRC Councillor Toi Iti also attended. A powhiri was followed by 'round table' introductions, general comments about Council areas of work and then a lovely lunch.

### **20 NOVEMBER 2019**

Ōpōtiki Marine Advisory Group (OMAG) meeting

### **21-22 NOVEMBER 2019**

*Wellington*

Rural Provincial Mayoral Forum

Rural Provincial meeting

Rural Provincial meetings are sector meetings with all of the Mayors for the rural and provincial TAs present. There were presentations by LGNZ personnel as well as several MPs talking to us about their work around their various portfolios. The presentations are usually formatted as a talk and slide presentation, followed by a good 10-15 minutes of questions from the Mayors. There were a lot of topics covered at the National level.

I would like to have other Councillors attend alongside me next year at the times these meetings are held throughout the year. The meetings are a very good networking opportunity and gives a national perspective for our work within the local TAs.

### **25 NOVEMBER 2019**

ODC Risk and Assurance Committee meeting

Met with BOP Regional Councillor Stacey Rose

**29 NOVEMBER 2019**

Zone 2 meeting, Hamilton

The Zone meetings are for the mixture of rural, provincial and metro TAs in a given geographical zone in New Zealand – our zone is basically a BOP and Waikato mix. Stuart Crosby was voted in as Chair for the Zone and also the Zone 2 representative for LGNZ National Council.

Three Councillors attended the Zone 2 meeting with me. These meetings provide very good professional development opportunities for Councillors and I am hoping we will always have several of our own Councillors in attendance.

Deputy Mayor Shona Browne has accompanied me to the following, or attended on my behalf:

**14 NOVEMBER 2019**

Mayors Taskforce For Jobs Graduation Ceremony

**19 NOVEMBER 2019**

Welcome for Mayor Lyn Riesterer, Councillors and staff, Tōrere Marae

**25 NOVEMBER 2019**

ODC Risk and Assurance Committee meeting

**29 NOVEMBER 2019**

Zone 2 meeting, Hamilton

**3 DECEMBER 2019**

Coast Community Board meeting, Te Kaha

**7 DECEMBER 2019**

Ōpōtiki Volunteer Fire Brigade annual Honours Night and Dinner

Councillor Louis Rāpihana attended the following on my behalf:

**25 NOVEMBER 2019**

Enviroschool celebration, Ōpōtiki Kindergarten

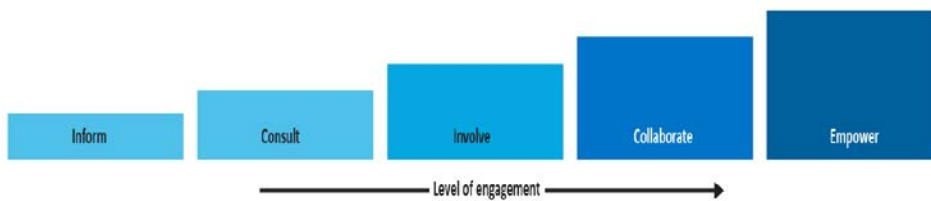
## **SIGNIFICANCE ASSESSMENT**

### **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 8 November 2019–12 December 2019” be received.**

Lyn Riesterer

**HER WORSHIP THE MAYOR**



## REPORT

Date : 25 November 2019  
To : Ordinary Council Meeting, 17 December 2019  
From : Mayor Lyn Riesterer  
Subject : **ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE**  
File ID : A180631

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### EXECUTIVE SUMMARY

**This report updates Council on progress advanced through the October 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

- Barry Howe provided an update from Pakihi Trading Company noting that the mussels were in good condition and that they were due to export 25 tonne.
- Aileen Lawrie and John Galbraith provided an update on the harbour development project, including peer reviewing rock sourcing, ownership and where we are now sitting with the Business Case that was lodged on 4 October 2019.
- Ian Morton provided an update on a report in progress by Toi EDA looking at restraints on housing and what is the capacity in the EBOP, aiming to have the scoping completed in December.
- Barbara MacLennan provided an update on the workforce development project. Refer to attachment one.

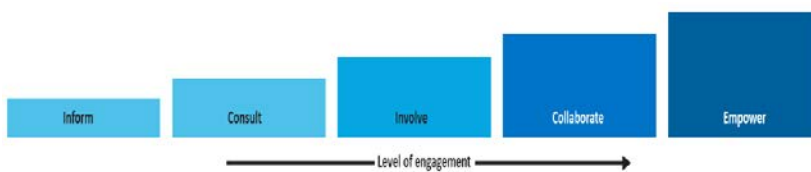
## SIGNIFICANCE ASSESSMENT

### 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 Lyn Riesterer

**CHAIR, ŌPŌTIKI MARINE ADVISORY GROUP**

## **Workforce Development Update from Barbara MacLennan, Workforce Development Manager**

### **New Eastern Bay of Plenty (EBOP) Pathways to Work:**

#### **1) He Poutama Rangatahi funded programmes**

All funded providers meet together this Friday for updates. We'll seek stats available for across Eastern Bay.

#### **2) Te Ara Huringa o Pupuwaharau – the EBOP Driver and Operator Training Facility** based in Kawerau has enabled outcomes for a number of students who have gained local jobs. Planning's underway for additional classroom facilities, and there's an Open Day on 6 December. Exploring potential for Whakatāne and Ōpōtiki based programmes in 2020.

### **Addressing Barriers to Participation in Work**

#### **3) Youth Employability Programme- Licence to Work** – refresher training is happening today, and a two day training for the Ultimate Edition (for post school rangatahi) is being held in Rotorua in December.

#### **4) Class 1 Driver Licencing** - Government has announced a two year amnesty for the 144,000 learner and restricted driver licencees who have held their licence level for 5 years. A commitment to further investment in initiatives to help disadvantaged learners gain their licence has been announced – including via schools, but as yet no details are available. Over 115 local people have now gained their Restricted via the Ōpōtiki Community Driver Mentoring Programme and the new role following up all of these rangatahi to help them move to Full Licences is now in place.

### **Backbone Roles – Supporting Constellations of Activity, Information, Communications**

#### **5) Ōpōtiki Pathways to Work** A funding proposal has been submitted to MBIE for a dedicated resource to co-ordinate this mahi in Ōpōtiki.

#### **6) Dedicated EBOP Information for Workforce Planning** - Toi EDA is progressing an EBOP plan to advance as part of the regional approach.

#### **7) Toi EDA's refresh of our Workforce Development approach** is progressing with engagement from more employers, and emerging key agendas with schools and tertiaries.

#### **8) International Expert – Youth to Employment, David Turner (AU)** was hosted in EBOP by Toi EDA last week. Key messages included

- Empathy and enterprise are the key skills for the future
- the need for youth ready employers – more investment and engagement with education and training
- the need to start earlier, together, with work exposure and exploration during intermediate and early secondary years
- save work experience placements for when rangatahi are clear about likely directions/interests
- youth peer support systems
- regional youth to employment plans.

## REPORT

Date : 4 December 2019

To : Ordinary Council meeting, 17 December 2019

From : Sarah Jones, Corporate Planner and Executive Officer and Tina Gedson, Property Officer

Subject : **REDEVELOPMENT OPTIONS – LOTS 9 AND 10 CHURCH STREET, ŌPŌTIKI**

File ID : A185058

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### EXECUTIVE SUMMARY

**This report provides advice on the possible redevelopment options for Lots 9 and 10, DP 1196AK, Church Street, Ōpōtiki. This report seeks a recommendation on whether Council remains committed to the delivery of a single storey retail building on the property or whether to consider other options for redevelopment.**

### PURPOSE

This report seeks to obtain Council's views on the possible redevelopment options for Lots 9 and 10, DP 1196AK, Church Street, Ōpōtiki. Council resolved in 2018 through the Long Term Plan (LTP) process to redevelop these properties for commercial development. A single story building was envisaged and budgeted for as part of this process. However, other options for redevelopment have been suggested and could be considered in more detail should the Council be interested in pursuing alternatives. This report seeks a recommendation on whether Council remains committed to the delivery of a single storey retail building on the property or whether to consider other options for redevelopment.

### BACKGROUND

Lots 9 and 10 DP 1196AK are located on the western side of Church Street. Lot 10 measures 417m<sup>2</sup>, is owned by Council and contains two empty shops and the military goods shop. Lot 9 measures 312m<sup>2</sup>, and is currently tenanted by the 'Ōpōtiki Market'. Council is in the final stages of purchasing this property and we expect to take ownership in February 2020.



Redevelopment of these properties was identified in the Council's 2018 – 2028 Long Term Plan (LTP) and the public were consulted on the proposal as part of this process. When the LTP was being put together, redevelopment of these properties was expected to be in the form of a single storey commercial unit and based on the estimated costs for delivering such a building \$1.5 million was allocated for this project (pg. 68 of the LTP).

A resource consent (ref. RC2019-37) has been issued for the redevelopment of Lot 10 which reduces the minimum floor level taking into account flood mitigation.

In order for any redevelopment of these properties to take place, another resource consent would be required (to cover District Plan requirements as they apply to Lot 9), architectural plans would need to be prepared and a building consent lodged and approved.

## DISCUSSION AND OPTIONS

Given we have not yet progressed the detailed design of the project, now is an opportune time to consider whether Council remains committed to the delivery of the project as was envisaged in 2017-2018 (during development of the LTP), or whether Council wishes to consider alternatives. The options are detailed below for consideration:

<b>Option 1</b>	
Continue with redevelopment of Lots 9 and 10 as was envisaged in the 2018-2028 LTP. This would take the form of a single storey building for commercial use. The building would be designed in accordance with the guidance currently being developed as part of the Town Centre Revitalisation Project.	
<b>Advantages</b>	<b>Disadvantages</b>
Budget exists for this project – and it is likely this budget remains sufficient for the project.	Proposal was developed some time ago and may no longer be best option for the Council.
Could be delivered sooner - Can progress without further analysis of options or without further consideration of funding requirements.	May result in missed opportunities.
Properties will be available to rent sooner, and therefore Council will be able to start collecting income from these properties.	
Smaller development is likely to be less risky.	

<b>Option 2</b>	
Reconsider opportunities for redevelopment of lots 9 and 10. This would include giving consideration to other uses (including upper level residential) and possible future redevelopment opportunities with other adjacent Council owned buildings.	
<b>Advantages</b>	<b>Disadvantages</b>
Original proposal was developed some time ago and may no longer be the best option for the site. Revisiting the options will allow Council to be confident that the redevelopment will offer the best option for the community.	Budget exists for redevelopment of these properties in accordance with the LTP, however, this budget may not be sufficient to cover alternative options. If additional budget is required, this will need to be considered in detail and may potentially have to go through a public consultation process (possibly the next LTP).

	<p>However, it is to be noted that under this option, any alternatives would be assessed in terms of their ability to attract rental income and return. This could be considered to ensure there would be no net effect on the ratepayer.</p>
<p>Will allow new and emerging opportunities to be considered and incorporated where appropriate.</p>	<p>Will result in delay in the delivery of redevelopment while the options are developed and considered.</p> <p>This delay will affect when Council is able to tenant properties and therefore receive rent from them.</p>

**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. If Council decides to choose Option 1 then the level of significance is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy as the project would remain consistent with what has been agreed as part of the 2018 – 2028 Long Term Plan.

If Council resolved to move forward with Option 2, at this stage, the level of significance associated with this decision would remain low as the recommendation is only to consider other options.

However, a subsequent decision in respect of Option 2 (for example to proceed with a more comprehensive redevelopment of the sites that did not achieve the no net effect on cost to ratepayer mentioned above), may be considered significant in accordance with section 2 of the Significance and Engagement Policy. When considered that subsequent decision, the Council will be required to 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 'Redevelopment Options – Lots 9 and 10, Church Street, Ōpōtiki') 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.



**CONSIDERATIONS**

**Financial/budget considerations**

Option 1 was budgeted for as part of the LTP. The LTP allocates \$1.5 million for the project. As set out above, it is likely that this budget remains sufficient to cover the cost of the project should Council wish to proceed with this option.

The cost of delivering Option 2 is not yet known. Budget exists for redevelopment of these properties in accordance with the LTP, however, this budget may not be sufficient to cover alternative options. If additional budget is required, this will need to be considered in detail and may potentially have to go through a public consultation process (possibly the next LTP).

**Policy and planning implications**

Both lots are located within the Town Centre land use zone and are part of the Town Centre Policy Area of the District Plan. This zone allows commercial and retail activities and residential accommodation above ground floor level. Both options are considered consistent with the objectives of the District Plan.

**Authority**

Council has the authority to make the decisions on the recommendations set out in this report. Through the Local Government Act 2002 Long Term Planning process, Council has the ability to determine the management of its assets.

**RECOMMENDATIONS:**

- 1. **That the report titled 'Redevelopment Options - Lots 9 and 10, Church Street, Ōpōtiki' be received.**

2. **That Council resolves to proceed with one of the two options set out below:**
  - A. **Continue with redevelopment of lots 9 and 10 as was envisaged in the 2018-2028 LTP.**
  - B. **Instruct staff to reconsider opportunities for redevelopment of Lots 9 and 10.**

Sarah Jones

**CORPORATE PLANNER AND EXECUTIVE OFFICER**

Tina Gedson

**PROPERTY OFFICER**



## REPORT

Date : 28 November 2019  
To : Ordinary Council Meeting, 17 December 2019  
From : Chief Executive Officer, Aileen Lawrie  
Subject : **TRIENNIAL AGREEMENT 2019-2022**  
File ID : A185345

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### **EXECUTIVE SUMMARY**

**The Local Government Act 2002 (LGA) requires all Local Authorities within each region to enter into a Triennial Agreement that complies with Section 15 of the LGA, by 1 March of the year following Local Government elections.**

**In order to comply with the requirements of the Act the Triennial Agreement was endorsed by members at the 15 November Triennial Meeting and is now required to be approved by each member Council. The draft Agreement is based on the previous Triennial Agreement, with no amendments apart from a change to the membership. Further opportunities for review of both the Agreement and administrative arrangements will occur in 2020.**

**Once approved by each partner Council, the draft Triennial Agreement will be signed by the Mayors/Chair at the next Triennial Meeting in February 2020 enabling the 1 March statutory requirement to be met.**

### **PURPOSE**

This report requests that Council considers and approves the endorsed draft Bay of Plenty Triennial Agreement for 2019-2022.

### **BACKGROUND**

The Local Government Act 2002 (LGA) requires all local authorities within each region to enter into a Triennial Agreement for the period until the next triennial general election. This Agreement must be entered into not later than 1 March after each election.

The Local Authorities in the Bay of Plenty region have successfully worked together under a Bay of Plenty Agreement for over a decade.

The previous Triennial Meeting did not have an opportunity to review the Triennial Agreement prior to the October 2019 election, therefore the proposed Agreement is modelled on the 2016-2019 Triennial Agreement, with one minor change to membership regarding South Waikato District Council. A further review of the Agreement and administrative responsibilities may be undertaken in 2020 on the direction of the members.

The 2019-2022 Triennial Agreement was presented to members at the Triennial Meeting on 15 November 2019 where it was approved.

In order to meet the statutory requirement for adoption it is proposed the attached Agreement (Appendix 1) be endorsed at this meeting. Once approved by all member Councils, the Agreement will then be signed by all Mayors and Chair at the February 2020 Triennial Meeting.

#### **CHANGE IN MEMBERSHIP**

In the previous Agreement South Waikato District Council was included as a party to the Agreement as it was considered the inclusion formalised the current informal arrangement and recognised that more Councils working together with an interest in and link to our region, was beneficial. However, on receipt of a letter from Mayor Jenny Shattock, dated 5 November 2019, South Waikato has resigned membership as a party to the BOP Triennial Agreement and on this basis has been removed from the proposed Triennial Agreement.

#### **LEGAL REQUIREMENTS**

Section 15 of the LGA sets out the minimum requirements for Triennial Agreements which are:

- i. Not later than 1 March after each triennial general election of members, all Local Authorities within each region must enter into an Agreement which complies with Section 15 of the LGA for the period until the next triennial general election of members.
- ii. Each Agreement must include:
  - a. Protocols for communication and co-ordination among Local Authorities,
  - b. A statement of the process for consultation on proposals for new Regional Council activities, and
  - c. A protocol and process in regard to funding facilities and services of significance to more than one district.

- iii. Each Agreement may include joint committee information including Terms of Reference.
- iv. All Local Authorities within each region may agree to amendments to the protocols.
- v. An Agreement remains in force until replaced by another Agreement.
- vi. Each Agreement must include a process to be followed if a decision of a Local Authority is or is expected to have consequences that will be significantly inconsistent with the Agreement. The process includes the Local Authority identifying the inconsistency, the reason for the inconsistency and any intention for the Local Authority to seek an amendment to the Agreement. There is also notice provisions that must be included in the Agreement.

It is up to the authorities who are party to each Agreement to determine how far beyond the statutory requirements they wish to go in terms of the content and level of detail included in their Agreement. The Bay of Plenty Triennial Agreement has developed steadily over time.

## **TRIENNIAL MEETINGS**

For the Bay of Plenty, Triennial meetings have their genesis in the Bay of Plenty Triennial Agreement. Several questions are commonly raised by the status of these meetings and related matters. This section provides responses to these questions, which may be of interest to elected members.

### **What is the status of Triennial Meetings?**

Section 15 of the LGA does not require parties to a Triennial Agreement to hold triennial meetings, however, they are a logical outcome of the Agreement. This is standard practice for the Bay of Plenty, and other regions.

In a legislative sense there is no such thing as a 'Triennial Meeting'. They are not 'committee' or 'joint committee meetings', for example, and are not referenced under the Local Government Official Information and Meetings Act 1987 (LGOIMA). They are therefore not public meetings and there is no requirement to advertise them or to publish minutes, and Standing Orders do not apply. The public could of course be invited to attend meetings; however, this would be likely to negate the benefits of such meetings which include the opportunity for free and frank discussion.

### **Can Councillors attend the meetings and if so who/how many?**

The Triennial Agreement states that each Council will normally be represented by the Mayor/Chair and that one other elected member may also attend. The additional member does not have a 'vote' as the meetings operate on a one vote per Council basis. It is considered that this attendance is at the right level to enable a participative and constructive meeting environment.

### **Are the meetings/meeting papers and minutes subject to LGOIMA?**

While triennial meetings are not public they are still subject to LGOIMA in terms of information requests. If a member of the public made a request for information from a meeting the usual LGOIMA tests would be applied to determine whether the meeting consent should be released or withheld.

Councils should operate under the general principle that all information is available unless there is a specific reason for it to be withheld. All requests would, however, need to be considered on a case-by-case basis. A request for "all matters discussed at a Triennial Meeting" might result in some material being released and some retained. Any release would be discussed amongst the Local Authority members first.

### **Are the Triennial Meeting minutes available to all Councillors?**

It is planned to circulate the minutes from Triennial meetings to Councillors via the weekly e-mail update.

### **Next Steps**

The final steps in the Triennial Agreement process are:

1. Receipt by the Regional Council of all the resolutions by individual Local Authority members approving the Triennial Agreement.
2. The formal signing of the Triennial Agreement by the Mayors/Chair at the next Triennial Meeting (February 2020).

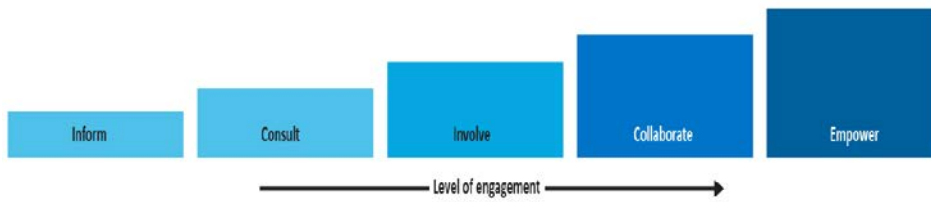
## **SIGNIFICANCE ASSESSMENT**

### **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 Triennial Agreement 2019-2022 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 Triennial Agreement 2019-2022 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.



## **CONSIDERATIONS**

### **Financial/budget considerations**

The administration and participation in Triennial Agreements are provided for in the Representation Activity budget.

### **Risks**

Section 15 of the Local Government Act 2002 sets out the requirement for a Triennial Agreement following each election. The risk is that the Council may not approve the amended Triennial Agreement by 1 March 2020 and would therefore be in breach of the Local Government Act 2002. This risk is considered minor as the current Agreement carries on until a new Agreement is reached.

## **RECOMMENDATIONS:**

- 1. That the report titled "Triennial Agreement 2019-2022" be received.**
- 2. That Council notes that the Local Government Act 2002 requires not later than 1 March after each triennial general election of members, all local authorities within each region to enter into a Triennial Agreement covering the period until the next election.**
- 3. That Council approves the Bay of Plenty Triennial Agreement 2019-2022.**

Aileen Lawrie

**CHIEF EXECUTIVE OFFICER**

**BAY OF PLENTY  
TRIENNIAL  
AGREEMENT**

For the triennium from October 2019 to October 2022

Endorsed by Triennial Meeting on

# Bay of Plenty Triennial Agreement

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## 1 Parties to this Agreement

This is an agreement between the following units of Local Government:

- Bay of Plenty Regional Council;
- Kawerau District Council;
- Ōpōtiki District Council;
- Rotorua Lakes Council;
- Taupō District Council;
- Tauranga City Council;
- Western Bay of Plenty District Council;
- Whakatāne District Council.

This Agreement is primarily to recognise the aspiration for collaborative action that exists within the local authorities of the Bay of Plenty. The Agreement does not place any limits on opportunities for neighbouring local authorities, Central Government agencies and non-government organisations to work jointly with Local Government within the Bay of Plenty.

Inter-council working relationships currently exist with Gisborne District Council and Waikato Regional Council. Triennial Meetings will continue to be used to advance collaborative initiatives where they are a useful forum to do this.

## 2 Statement of intent

This Agreement represents the shared desire of Local Government in the Bay of Plenty region to work collaboratively, to maximise effectiveness and efficiency, and to:

- Meet the current and future needs of the Bay of Plenty communities<sup>1</sup> for good quality infrastructure, public services and the performance of regulatory functions in a way that is cost effective for households and businesses, and is appropriate to present and future circumstances;
- Promote an agreed consultation process for preparation and review of the Regional Policy Statement.

This Agreement is deemed to meet the requirements of section 15 of the Local Government Act 2002.

<sup>1</sup> As defined by the Local Government Act 2002

### 3 **Introduction**

The Local Government Act 2002 ('the Act') recognises that individual local authorities are only one player in the achievement of its priorities and desired outcomes, and making efficient use of its resources, and that work to promote its priorities and desired outcomes goes beyond individual local authority boundaries. The Act recognises that local authorities should collaborate and co-operate with one another and a variety of other organisations to find solutions to local issues. The main framework to guide collaboration and co-operation between local authorities within the Bay of Plenty region is the Triennial Agreement. Essentially, this Agreement describes why and how Councils in the Bay of Plenty region will work together.

The Agreement is effective from the date of signing until such time as it is either amended by the agreement of all parties or is renewed following the 2019 Local Government elections.

### 4 **Legislative context**

#### **Local Government Act 2002**

**Section 15** of the Local Government Act 2002 states:

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include—
  - a. protocols for communication and co-ordination among the local authorities; and
  - b. a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
  - c. processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
- (3) An agreement under this section may also include—
  - a. commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
  - b. the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.
- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.



- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—
- a. the inconsistency; and
  - b. the reasons for the inconsistency; and
  - c. any intention of the local authority to seek an amendment to the agreement under subsection (4).
- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

## **Resource Management Act**

### **Schedule 1, Clause 3A- Consultation in relation to policy statements**

- (1) A triennial agreement entered into under section 15(1) of the Local Government Act 2002 must include an agreement on the consultation process to be used by the affected local authorities in the course of:
- (a) Preparing a proposed policy statement or a variation to a proposed policy statement, and
  - (b) Preparing a change to a policy statement, and
  - (c) Reviewing a policy statement.

## 5 Purpose

This Agreement aims to reinforce the principle of collaboration embedded in the above Acts. As such, the signatories are committed to working together to promote their communities, consistent with the principles of sustainable management and providing efficient, effective and quality public services and infrastructure. This Agreement provides an opportunity for improved communication and co-ordination at all levels of Local Government in the Bay of Plenty region enabling democratic local decision-making and action by and on behalf of communities. It provides the opportunity to speak with “one consistent message” to Central Government on issues affecting Local Government.

A significant amount of formal and informal collaboration already exists between the region's local authorities. Collaborative initiatives include the CDEM Group, regional economic development, transport planning (particularly the Regional Land Transport Plan) and BOPLASS Ltd.

This Agreement supports the expansion of relationships that help Councils to work co-operatively and collaboratively to benefit the Bay of Plenty region. In signing this Agreement the parties recognise that co-operation and collaboration evolve as a result of successful communication and co-ordination. The parties are committed to ensuring that this Agreement delivers tangible outcomes for Bay of Plenty communities. It is intended that the operation of this Agreement should contribute to the strengthening of regional relationships.

Appendix 1 lists possible areas for further collaboration.

## 6 Principles of this Agreement

The parties agree to work in good faith together for the good governance of their localities and the region. As signatories to this Agreement each local authority will:

- 1 Continue to promote coordination and application of quality public services, infrastructure and planning for the present and future communities of the Bay of Plenty, by collaborating and cooperating as considered appropriate to achieve priorities and desired outcomes.
- 2 Consider the form and function of local government by investigating and being kept informed of Central Government's direction on 'Better Local Services' while respecting the individual roles and responsibilities of each party to this agreement and the statutory independence and accountability of each Council to its own communities and constituencies.
- 3 Recognise that issues and concerns that are shared by some communities and local authorities may be of little relevance to others, and that it is therefore appropriate to have a range of sub-agreements on local issues.
- 4 Acknowledge that collaboration among local authorities is necessary to address increasingly complex governance issues. Many issues cannot be solved by any one organisation acting alone and need joint responses.
- 5 Actively collaborate and co-operate with government departments and local authorities outside the region as it considers appropriate to

promote or achieve its priorities and desired outcomes, and make efficient use of resources.

- 6 Support the establishment of processes for communication and collaboration at both governance and management levels in ways that will give clear “Bay of Plenty” perspectives, and enhance the overall performance and reputation of Local Government in the region.
- 7 Recognise that shared services in the region, or joint procurement approaches with joint or separate contracting, can bring efficiencies and savings in terms of planning, administration, consultation and operations; increases in available resources and promotion of cooperative approaches to the allocation of resources.
- 8 Support processes through which all local authorities in the region can participate in identifying, delivering and funding facilities and services of significance to more than one district in the region, in a way that encourages efficiencies to be realised and opportunities to be recognised.
- 9 Recognise the value of undertaking joint processes to engage with communities, Central Government, community organisations and regional and territorial authorities from other regions for issues that cross local authority boundaries.
- 10 Strengthen Local Government collaboration and coordination in the region in ways that enhance relationships with Central Government and other parties that can influence the well-being of the region and its communities.
- 11 Ensure a 'no surprises' policy is adhered to by communicating and consulting openly, honestly, respectfully and proactively with other parties to this Agreement. This will be given effect by ensuring other parties receive early notification of:
  - (a) Significant proposed decisions that may affect other parties and their communities, and
  - (b) Advice of divergent views on proposed decisions before critical public announcements are made.
- 12 Make every effort to accommodate, acknowledge or at least fairly represent the dissenting view where some parties to this Agreement have a significant disagreement with the position of other parties to the Agreement.
- 13 Show leadership to ensure the implementation of this Agreement makes a positive difference for the region.

## **7 Implementation of this Agreement**

Parties to this Agreement will:

- 1 Share resources for the purposes of preparing information on the various communities within the region. Such information may include demographic analysis, survey data and scientific studies and the analysis of social, economic, environmental and cultural trends.
- 2 Develop joint approaches for engaging Central Government and other national organisations.

- 3 Provide early notification of, and participation in, decisions that may affect other local authorities in the region.
- 4 Work together to increase Local and Central Government departments' collaboration and knowledge sharing, in order to minimise costs and the consultation burden on the public, including joint approaches for engaging Central Government and community organisations.
- 5 Maintain and support the further development of shared services for the Bay of Plenty region.
- 6 Agree on priorities for action by all of the Councils in the region or a sub- region, and use existing strategies and structures to pursue greater collaboration within the region (see Appendix 1).
- 7 Use statutory reporting documents to report steps taken to implement the intent of this document.
- 8 Meet at regular intervals (not less frequently than six-monthly) to monitor the implementation, effectiveness and progress of this Agreement.
- 9 Agree to commit the necessary leadership and staff time and resources to give effect to this Agreement and to meet agreed timeframes.

## 8 **General protocols**

### Meetings:

- (a) Meetings in relation to this Agreement will be coordinated and recorded on a rotating basis by the Councils who are parties to the Agreement.
- (b) Meetings will be held at times and in places set out in an agreed annual schedule of triennial meetings.
- (c) All formal public communications from these meetings will be approved by all participating Councils prior to their release.
- (d) Given the importance accorded to this Agreement each Council will normally be represented by the Mayor/Chairman and Chief Executive. One other elected member and senior staff member from each Council may also attend. (In the case of Taupō District Council these representatives may substitute for the Mayor and Chief Executive.)
- (e) Where appropriate, and agreed, the Chief Executive of a Council Controlled Organisation (CCO) may attend an item related to that CCO's activities.

### Significant Decisions:

Where a significant decision or issue affects a particular Council, or its community, it should, in partnership with the other Councils of the region, have the lead role in formulating the collective response of the region's local authorities to that issue or decision.

Where a Council makes a decision that is or is likely to have consequences that are significantly inconsistent with this Agreement they will, as soon as practicable, notify all other councils in the region of:

- (a) the decision;
- (b) the inconsistency;

- (c) the reasons for the inconsistency; and
- (d) any intention of the local authority to seek an amendment to this Agreement.

## 9 **New Regional Council activities**

If the Regional Council or one of its CCOs proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities in the region, section 16 of the Act will apply. As such, the Regional Council will, as soon as practicable, inform all territorial authorities within the region of:

- The proposal and the reasons for the proposed activity.
- The nature and scope of the proposed activity and its expected effects on the activities of the other Councils in the region.

Any such proposal will be included in the consultation document referred to in section 93A of the Act.

Where section 16 of the Act *does not* apply, but a proposed new activity is significant in terms of the Regional Council's Policy on Significance, and if a special consultative procedure (SCP) is required, the Regional Council will deliver a copy of the statement of proposal, prepared under section 83 of the Act, to all parties to allow them a reasonable opportunity to make submissions during the SCP. The process for mediation between the Regional Council and the territorial authorities if agreement is not reached at the end of the SCP will be as set out in section 16 of the Act.

Territorial authorities will be given a reasonable period of time, but no less than 20 working days, to respond to any proposal that triggers section 16 of the Act. The Regional Council agrees to fully consider any submissions and representations on the proposals made by territorial authorities within the region. The territorial authorities also acknowledge a reciprocal obligation to consult when they are proposing new activities, or changes in current activities, that may have implications for the Regional Council.

## 10 **Significant Facilities and Services**

Where there are facilities and services that are considered to be of significance to more than one district, an item will be scheduled for discussion at the next available triennial meeting (as noted in the schedule of meetings) or other agreed meeting that includes all likely affected councils.

As soon as practicable, and prior to the meeting, the council(s) that has identified the significant facilities and services will contact the likely affected councils to discuss. In the event that it is not clear which councils will be affected, this can be canvassed at the meeting.

The meeting will facilitate the discussion around the facilities and services including; identifying and confirming the affected area and the process for determining the delivery and funding.

## 11 **Consultation in relation to the Regional Policy Statement and plans**

For the purpose of meeting the requirements of clause 3A of Schedule 1 to the Resource Management Act 1991, the consultation process to be used by affected local authorities in relation to the Regional Policy Statement is set out in the *Protocol for Bay of Plenty RMA Policy and Plans* (November 2010). The protocol also covers the agreed consultation process on district plans and regional plans.

The protocol describes when and how local authorities in the Bay of Plenty region consult in relation to Resource Management Act policy and plan preparation and changes. There are four stages of interaction and consultation covered in the protocol. They include:

- Scoping;
- Drafting;
- Notifying and submitting;
- Appeals to the Environment Court.

Each of the local authorities in the Bay of Plenty region is a party to this protocol.

## 12 **Resolving disagreement**

All parties to this Agreement are committed to working strenuously, in good faith, to resolve any disagreements that may arise in relation to its application. Where a party has a significant disagreement with the position of the others, all parties will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.

Should any disagreement arise every endeavour will be made to ensure that disagreement is resolved with regard to the broader interests of the regional community and the effectiveness of local government in the Bay of Plenty region.

If the affected parties are unable to reach agreement the members may agree by majority decision to either ask Local Government New Zealand (LGNZ) or the New Zealand Law Society (NZLS) to appoint a mediator.

Should such a process be unsuccessful any of the Councils directly affected may ask the Minister of Local Government to determine the matter.

13 **Signatories to the 2019 to 2022 Triennial Agreement**

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Chairman  
Bay of Plenty Regional Council

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Mayor  
Kawerau District Council

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Mayor  
Ōpōtiki District Council

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Mayor  
Rotorua Lakes Council

---

Mayor  
Taupō District Council

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Mayor  
Tauranga City Council

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Mayor  
Western Bay of Plenty District Council

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Mayor  
Whakatāne District Council

Dated: \_\_\_\_\_

## **Appendix 1 – Possible areas of collaboration**

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Possible areas of further collaboration under this Agreement, in no particular priority order, include:

- Regional economic development;
  - Urban growth management and spatial planning;
  - Infrastructure planning and development;
  - Information services, information technology and rating;
  - Finance and human resources;
  - Planning including preparation, change and review of the Regional Policy Statement and district plans;
  - Waste minimisation;
  - Staff secondment and knowledge transfer;
  - Procurement of services, infrastructure, and materials/plant.
-



## REPORT

Date : 28 November 2019  
To : Ordinary Council Meeting, 7 December 2019  
From : Chief Executive Officer, Aileen Lawrie  
Subject : **SCHEDULE OF MEETINGS 2020**  
File ID : A185353

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### **EXECUTIVE SUMMARY**

**Council needs to set a schedule for the coming year for its Ordinary meetings and Extra Ordinary meetings required for the adoption of statutory documents.**

### **PURPOSE**

To set a schedule of meetings for Council for the coming year (2020).

### **BACKGROUND**

Historically, Council has met on a six weekly basis, with Ordinary meetings being held on a Tuesday and commencing at 9.00am. Extra Ordinary meetings are proposed to provide for the adoption of Council's statutory business documents. The setting of meeting dates requires consideration of the deadlines for a range of statutory processes and dates set for meetings by other organisations.

Dates of other relevant meetings are included in the Schedule of Meetings for Councillors' information.

### **DISCUSSION AND OPTIONS SECTIONS**

Council can adopt the Schedule of Meetings 2020 as presented, or review and amend the Schedule.

### **SIGNIFICANCE ASSESSMENT**

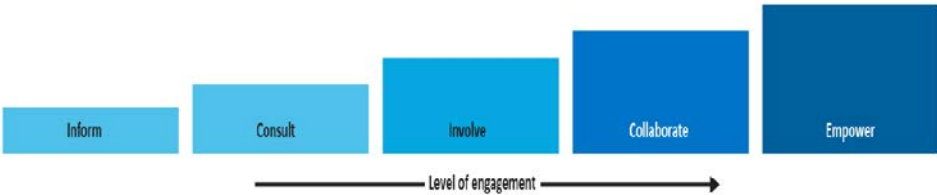
#### **Assessment of significance**

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 Schedule of Meetings 2020 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 Schedule of Meetings 2020 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.



**RECOMMENDATIONS:**

- 1. That the report titled "Schedule of Meetings 2020" be received.
- 2. That Council adopts the Schedule of Meetings as attached to the report.

Aileen Lawrie

**CHIEF EXECUTIVE OFFICER**

Opotiki District Council  
Schedule of Meetings for 2020

	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	
Mon						1 Queen's BD							Mon
Tue						2 Council			1			1 CCB	Tue
Wed	1 New Years Day			1		3	1		2 M. Tea			2 EB Joint Comm	Wed
Thu	2 NY Day After			2		4 Rural Prov	2		3	1		3	Thu
Fri	3			3	1	5 Rural Prov	3		4	2		4	Fri
Sat	4	1		4	2	6	4	1	5	3		5	Sat
Sun	5	2	1	5 D/L saving ends	3	7	5	2	6	4	1	6	Sun
Mon	6	3	2	6	4	8	6	3	7 Risk & Assur	5		7 Risk & Assur	Mon
Tue	7	4	3	7	5 CCB	9	7	4	8 CCB	6 Council	3	8	Tue
Wed	8	5	4	8 M. Tea	6	10 M. Tea	8 M Tea	5 M. Tea	9	7	4	9	Wed
Thu	9	6 Waitangi Day	5 Rural Prov	9	7	11	9	6	10	8	5	10 M. Tea	Thu
Fri	10	7	6 Rural Prov	10 Good Friday	8 Reg Trans	12 Triennial	10	7 Reg Trans	11	9 Triennial	6 Reg Trans	11	Fri
Sat	11	8	7	11	9	13	11	8	12	10	7	12	Sat
Sun	12	9	8	12	10	14	12	9	13	11	8	13	Sun
Mon	13	10 Workshop	9	13 Easter Monday	11	15	13	10	14	12	9	14	Mon
Tue	14	11 CCB	10 Council	14	12	16 CCB	14 Council	11	15	13	10	15	Tue
Wed	15 M. Tea	12 M. Tea	11 M. Tea	15 Workshop 4	13 M. Tea	17	15	12	16	14 Creative NZ	11	16	Wed
Thu	16	13	12	16	14	18	16 LGNZ Conf	13	17	15	12	17 Council	Thu
Fri	17	14 Triennial	13	17	15	19	17 LGNZ Conf	14	18	16	13	18	Fri
Sat	18	15	14	18	16	20	18	15	19	17	14	19	Sat
Sun	19	16	15	19	17	21	19	16	20	18	15	20	Sun
Mon	20	17 Workshop 2	16 Workshop 3	20	18 Risk & Assur	22	20	17	21	19	16	21	Mon
Tue	21	18	17 EB Joint Comm	21 Council	19	23 EB Joint Comm	21	18	22 EB Joint Comm	20 CCB	17 Council	22	Tue
Wed	22	19	18	22	20 Creative NZ	24	22	19	23 Waioeka-Otara	21	18	23	Wed
Thu	23 Pop-up Shop	20	19 OHIF	23	21	25	23	20 Zone 2	24 OHIF	22	19 Rural Prov	24	Thu
Fri	24 Pop-Up Shop	21 Reg Trans	20	24	22	26 CDEMG	24	21 Zone 2	25 CDEMG	23	20 Rural Prov	25 Christmas	Fri
Sat	25	22	21	25 Anzac Day	23	27	25	22	26	24	21	26 Boxing Day	Sat
Sun	26	23	22	26	24	28	26	23	27 D/Lsaving	25	22	27	Sun
Mon	27 Akl Annv	24 Risk & Assur	23	27 Anzac Stat	25	29	27 Risk & Assur	24	28	26 Labour Day	23	26 Box/Day Stat	Mon
Tue	28 Council/Wshop	25 OAG W/shop	24 CCB	28	26	30 EO Council 1	28 CCB	25 Council	29	27	24	29	Tue
Wed	29 Gov W/shop	26	25 Waioeka-Otara	29	27		29	26	30 M. Tea	28	25 M. Tea	30	Wed
Thu	30	27	26	30	28		30	27		29 M.Tea/EO 2	26	31	Thu
Fri	31	28 Zone 2	27 CDEMG		29 Zone 2		31	28		30 Zone 2	27		Fri
Sat		29	28		30			29		31	28		Sat
Sun			29		31			30			29		Sun
Mon			30					31			30		Mon
Tues			31										Tues

	Start Time
Council	9.00am
Extra Ordinary 1	9.00am
Extra Ordinary 2	1.00pm
Risk and Assurance	10.00am
Coast Community Board	10.00am
Councillor/CEO morning tea	10.00am
Council Workshops	9.00am
Governance Workshop and OAG Workshop	9.00am

Pop-Up Shop
Eastern Bay of Plenty Joint Committee
CDEMG Joint Committee
Regional Transport Committee
Ohiwa Harbour Implementation Forum
Waioeka-Otara Rivers Scheme Advisory Group
BOP Triennial Agreement Meeting
Zone 2
Rural Provincial Sector
Creative New Zealand
LGNZ Conference 2020

**REPORT**

Date : 12 December 2019

To : Ordinary Council Meeting, 17 December 2019

From : Chief Executive Officer, Aileen Lawrie

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

File ID : A185135

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**LGOIMA REQUESTS**

**LGOIMA Report (15/10/2019-05/12/2019)**

Month	Submitter	Subject	Due
October 2019	Kyle Whitfield - Otago University	Elected Member Information	Completed
	Stuff News	Stuff - Catering expenses	Completed
	BCI New Zealand	research on construction projects	Completed
November 2019	River Tucker	List of chemical and dosage of water supply	Completed
	Stuff Media	Recycling information	Completed
	New Zealand Taxpayers Union	Flights & Trips	Completed
	Radio NZ	Council spending on election promotion and voter engagement	Completed
December 2019	Treecology Tree Consultancy	Trees protected by District Plan	21/01/2020

**OPŌTIKI DRIVER MENTORING PROGRAMME**

The local Driver Training Programme led by Eastbay REAP and co-funded this year by Toi-EDA and Regional Road Safety has now supported 141 locals to achieve their Restricted Licence. The remaining nine of the 150 funded to date will complete their Licences in February 2020, completing 10 cohorts of 15 pax.

Our funders are also supporting Eastbay REAP to more diligently follow up all they have helped to date to encourage their preparation for full licences and so far 109 have been contacted. Of that number, around one third are fairly confident they could pass their Full Licence and have identified the support they would like. Eastbay REAP, Regional Road Safety and Toi-EDA are discussing how this can become a routine follow up so that locals end up with a Full Licence.

### **ŌPŌTIKI SUMMER FESTIVAL FUNDING – SOUTHERN TRUST**

Council resolved on 5 September 2019 to approve a funding application to the Southern Trust for a grant, subject to quotes, to assist with the costs of the 2019/20 Ōpōtiki Summer Festival.

The Southern Trust advised that their application process now requires two named persons to be shown on the application form, rather than the name of the organisation. On 13 November 2019 Mayor Riesterer signed an authorisation for Joseph Hayes (*i*-SITE & Events Manager) and Jakob Carter (Senior *i*-SITE & Events Officer) to apply to the Southern Trust for funding on behalf of Ōpōtiki District Council. Council is asked to confirm the authorisation and a recommendation is included at the end of this report.

### **MEETINGS / EVENTS ATTENDED BY CEO – 8 NOVEMBER 2019 – 12 DECEMBER 2019**

#### **8 NOVEMBER 2019**

Civil Defence Emergency Operating Centre Liaison Training

#### **11 NOVEMBER 2019**

Met with Ross l'Anson, Acting Director of Regional Relationships (Central North Island), NZTA

#### **12 NOVEMBER 2019**

Ordinary Council meeting

#### **15 NOVEMBER 2019**

BOP Triennial meeting, Rotorua

#### **18 NOVEMBER 2019**

Ōpōtiki Harbour Project meeting with MBIE and Bay of Plenty Regional Council

#### **19 NOVEMBER 2019**

Welcome for Mayor Lyn Riesterer, Councillors and staff Tōrere Marae

**20 NOVEMBER 2019**

Ōpōtiki Marine Advisory Group (OMAG) meeting

**21-22 NOVEMBER 2019**

*Wellington*

Rural Provincial Sector Chief Executives meeting

Rural Provincial Sector meeting

**25 NOVEMBER 2019**

ODC Audit and Risk Committee meeting

Met with BOP Regional Councillor Stacey Rose

**29 NOVEMBER 2019**

*Tauranga*

BOPLASS Directors meeting

BOP Chief Executives meeting

**3 DECEMBER 2019**

*Kawerau*

Visit to Driver and Operating Training Centre facility

Toi-EDA meeting

**11 DECEMBER 2019**

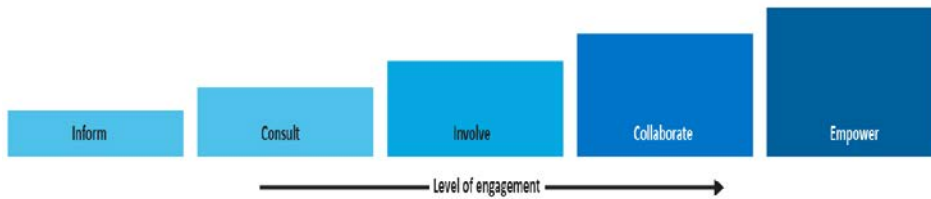
ODC Tenders Sub-Committee meeting

**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.



### **RECOMMENDATIONS:**

- 1. That the report titled "Chief Executive Officer's Update" be received.**
- 2. That Council confirms the authorisation given by Mayor Riesterer for Joseph Hayes and Jakob Carter to apply to the Southern Trust for funding on behalf of the Ōpōtiki District Council to assist with the costs of the 2019/20 Ōpōtiki Summer Festival.**

Aileen Lawrie

**CHIEF EXECUTIVE OFFICER**

**REPORT**

Date : 5 December 2019

To : Ordinary Council Meeting, 17 December 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:**

**9. Confirmation of In-Committee Minutes – Ordinary Council Meeting 12 November 2019.**

**10. Consenting and Risk Management Options.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>Item No</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>9.</b>	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 12 November 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
<b>10.</b>	<b>Consenting and Risk Management Options</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

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



9.	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	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)
10.	Protect the privacy of natural persons Protect information  Maintain legal professional privilege	Section 7(2)(a) Section 7(2)(b)(i) & (ii), Section 7(2)(e) Section 7(2)(g)