



# NOTICE OF AN ORDINARY COUNCIL MEETING

**Ōpōtiki District Council Chambers, 108 St John Street, Ōpōtiki  
Tuesday, 25 August 2020  
Commencing at 9.00am**

## ORDER PAPER

**OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – MAYOR RIESTERER**

**APOLOGIES**

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

**PUBLIC FORUM**

**Ōpōtiki Community Garden Representatives, Sue Somerville and Hope Hata**

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#### **PUBLIC EXCLUDED BUSINESS**

<b>ITEM 25</b>	<b>CONFIRMATION OF IN-COMMITTEE MINUTES – ORDINARY COUNCIL MEETING 2 JUNE 2020</b>	
<b>ITEM 26</b>	<b>MINUTES – TOI-EDA MEETING 10 AUGUST 2020</b>	
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<b>ITEM 28</b>	<b>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 TUESDAY, 2 JUNE 2020 VIA AUDIO VISUAL LINK AT 9.02AM**

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**PRESENT:**

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

**IN ATTENDANCE:**

Aileen Lawrie (Chief Executive Officer)  
Bevan Gray (Finance and Corporate Services Group Manager)  
Gerard McCormack (Planning and Regulatory Group Manager)  
Ari Erickson (Engineering and Services Group Manager)  
Greg Robertson (Chief Financial Officer)  
Gae Finlay (Executive Assistant and Governance Support Officer)

**GUEST:**

Chris Spencer (Whakatōhea Māori Trust Board Consultant)

**MEDIA:**

Charlotte Jones (Local Democracy Reporter, The Beacon)

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Councillor Rāpihana opened the meeting with a karakia.

**APOLOGIES**

Nil.

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

Nil.

**PUBLIC FORUM**

Nil.

**1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 21 APRIL 2020** p4

**RESOLVED**

- (1) That the minutes of the Ordinary Council meeting held on 21 April 2020 be confirmed as a true and correct record.**

Hocart/Rāpihana

**Carried**

**2. MINUTES – COAST COMMUNITY BOARD MEETING 11 FEBRUARY 2020** p11

**RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 11 February 2020 and any recommendations therein be received.**

Rāpihana/Hocart

**Carried**

**3. MINUTES – RISK AND ASSURANCE COMMITTEE MEETING 2 MARCH 2020** p16

**RESOLVED**

- (1) That the minutes of the Risk and Assurance Committee meeting held on 2 March 2020 and any recommendations therein be received.**

Nelson/HWTM

**Carried**

**4. MINUTES – BAY OF PLENTY MAYORAL FORUM 14 APRIL 2020** p20

**RESOLVED**

- (1) That the minutes of the Bay of Plenty Mayoral Forum meeting held on 14 April 2020 be received.**

HWTM/Rāpihana

**Carried**

**5. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 9 MAY 2020** p25

**RESOLVED**

- (1) That the minutes of the Regional Transport Committee meeting held on 9 May 2020 be received.**

HWTM/Moore

**Carried**

**6. WHAKATŌHEA MARINE SPATIAL PRESENTATION – CHRIS SPENCER** **Verbal Item**

Chris Spencer, consultant to Whakatōhea, gave a powerpoint presentation in relation to the Whakatōhea Marine Management Area Spatial Plan. The Whakatōhea Marine Spatial Plan seeks to manage the use of the water space, protect the development of current and future resources and utilise science as best practice, whilst maintaining kaitiaki practices.

The presentation covered the following points:

- The objectives
- Whakatōhea marine management areas – Eastern Sea Farms, Ōpōtiki Marine Farm A, Ōpōtiki Marine Farm B and Deepwater Marine Farm
- Initiatives – commercial; research
- Projections 2020-2025 around established mussels, new mussels, established spat, net spat, experimental seaweeds and experimental oysters
- Projections 2035-2030 around established mussels, new mussels, established spat, net spat, experimental seaweeds, experimental oysters and experimental finfish
- Ōpōtiki Harbour Development – this development will provide a safe harbor to operate from
- Whakatōhea future – a centre for innovation and excellence in open ocean aquaculture.

Her Worship the Mayor thanked Chris Spencer for his presentation.

*Chris Spencer left the meeting at 10.00am.*

**7. MAYORAL REPORT – 17 APRIL 2020-28 MAY 2020** **p33**

Her Worship the Mayor noted she was also interviewed by Newshub and Radio Live on 12 May in relation to the Te Whānau a Apanui Community Safety Zone.

**RESOLVED**

**(1) That the report titled “Mayoral Report – 17 April 2020-28 May 2020” be received.**

HWTM/Rāpihana

**Carried**

**8. QUARTERLY REPORT TO 31 MARCH 2020** **p37**

**RESOLVED**

**(1) That the report titled “Quarterly Report to 31 March 2020” be received.**

Rāpihana/Browne

**Carried**

## 9. COVID-19 OVERVIEW OF OPERATIONAL RESPONSE

p49

The Chief Executive Officer gave an overview of the report.

The Planning and Regulatory Group Manager gave an account of the Civil Defence response; the Engineering and Services Group Manager covered essential services and the Finance and Corporate Services Group Manager outlined the recovery process.

Her Worship thanked the Chief Executive Officer for the weekly catch ups with Councillors during the lockdown period. These meetings were very helpful as everything was moving with speed, and quite demanding.

The Chief Executive Officer gave a summary of each of the recommendations in the report. She noted that, as an addendum to this report, a tabled item will follow regarding Council Contract Extensions.

### RESOLVED

- (1) That the report titled "Covid-19 Overview of Operational Response" be received.**
- (2) That Council support the view that recovery should be locally led, and regionally and centrally supported.**
- (3) That Council directs staff to find additional capital and operational expenditure saving for the 2020-21 Annual Plan but recognises that there is a significant and important suite of capital projects that need implementing to support jobs in our community.**
- (4) That Council resolves that it will rely on its rates remission policies to provide case by case consideration of rates relief.**
- (5) That Council agrees that waivers on any other aspects of Council business will be on a case by case basis and supported by evidence commensurate with the significance of the charge, and within delegations.**
- (6) That Council endorses the two funding applications made to the Provincial Growth Fund and Crown Infrastructure Partners, and endorses the signing of any contracts subsequent to these applications.**

HWTM/Hocart

**Carried**

*Councillor Hocart left the meeting at 10.22am.*

*The meeting adjourned for morning tea at 10.23am and reconvened at 10.35am. Councillor Hocart rejoined the meeting at this time.*

## **COUNCIL CONTRACT EXTENSIONS**

**Tabled Item**

The report was tabled via circulation to Council earlier in the meeting.

Due to time constraints, the item was not on the agenda.

Council Contract Extensions needs to be considered under urgency. Due to Covid-19 procurement has not been completed and contracts would have wound up. Council also wants to ensure that this item is signed off by Audit NZ when they undertake their audit shortly.

The Engineering and Services Group Manager spoke to the report and answered questions from Council.

It was agreed that the recommendations extending the contracts as outlined in the report be adopted.

### **RESOLVED**

- 1. That the report titled "Council Contract Extensions" be received.**
- 2. That Council's contracts for Land Transport, Solid Waste Collection, Solid Waste Transport, Three Water Reticulation Maintenance and Fleet maintenance, CBD Street Maintenance/Litter Control, Public Toilet Cleaning/Litter Control and Schedule Facilities Cleaning, be extended to 30 June 2021.**
- 3. That Council's current practice of direct service (direct engagement) for Three Waters Mechanical, Telemetry, SCADA and professional services continue till 30 June 2021.**

Browne/Rāpihana

**Carried**

## **10. CHIEF EXECUTIVE OFFICER'S UPDATE**

**p68**

### **RESOLVED**

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

Browne/Hocart

**Carried**

*Charlotte Jones left the meeting at 10.51am.*

## **11. RESOLUTION TO EXCLUDE THE PUBLIC**

**p72**

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

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



- 12. Confirmation of In-Committee Minutes – Ordinary Council Meeting 21 April 2020.**
- 13. In-Committee Minutes – Risk and Assurance Committee Meeting 2 March 2020.**
- 14. Minutes – Toi-EDA meeting 20 April 2020.**

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

<b>Item No</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>12.</b>	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 21 April 2020</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
<b>13.</b>	<b>In-Committee Minutes – Risk and Assurance Committee Meeting 2 March 2020</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
<b>14.</b>	<b>Minutes – Toi-EDA meeting 20 April 2020</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

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

12.	Protect the privacy of natural persons Protect information  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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13.	Protect the privacy of natural persons Protect information (commercial sensitivity Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii)
14.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)

Browne/HWTM

**Carried**

**RESOLVED**

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

Browne/Hocart

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Ordinary Council meeting held on 21 April 2020 be confirmed as a true and correct record.**

HWTM/Hocart

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Risk and Assurance Committee meeting held on 2 March 2020 and any recommendations therein be received.**

Nelson/Hocart

**Carried**

**RESOLVED**

- (1) That the minutes of the Toi-EDA meeting held on 20 April 2020 be received.**

HWTM/Hocart

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.59AM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 14 JULY 2020**

**L J RIESTERER**

**HER WORSHIP THE MAYOR**



**MINUTES OF AN EXTRA ORDINARY COUNCIL MEETING DATED THURSDAY, 30 JUNE 2020, IN THE  
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.00AM**

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**PRESENT:**

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

**IN ATTENDANCE:**

Aileen Lawrie (Chief Executive Officer)  
Bevan Gray (Finance and Corporate Services Group Manager)  
Gerard McCormack (Planning and regulatory Group Manager)  
Gae Finlay (Executive Assistant and Governance Support Officer)

**GUESTS:**

John Galbraith  
Lucy Devany, Tristan Vine and Jenna Gray (Eastern Bay Chamber of Commerce)

**MEDIA:**

Charlotte Jones (Local Democracy Reporter, The Beacon)

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**APOLOGIES**

Nil.

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

Nil.

*Her Worship the Mayor advised that the LTP workshop which was to commence at the conclusion of the meeting has been postponed.*

## 1. BERL AFFORDABILITY REPORT

p3

The Finance and Corporate Services Group Manager spoke to the report with the aid of a powerpoint presentation as set out below:

Affordability – What Next?

*Immediate actions*

- Publish the reports – prepare a media release on it.
- Seek engagement with superannuitants across our district and encourage application for rates rebates.
- Understand their situations and utilise the information that we gather to lobby DIA for amendments to the Rate Rebate Scheme – it needs to be easier.
- Apply remissions or postponement policies where appropriate.

*Short term*

- Include affordability as a key pillar in the next LTP and financial strategy, as resolved. There is a renewed focus on wellbeing again, you can't have wellbeing without affordability.
- What does this mean? Having a yard stick to measure against in terms of our rating decisions over the next 10 years.
- It will allow us to set targets for growth in population and rating units to keep rates affordable, we can do this by understanding the rating impact in year 10 or even 30 by applying some assumptions on household incomes. Then understanding how many more slices of the pie we need to add to keep rates below 5% of household income.

The Chief Executive Officer suggested that a third clause be added to the recommendations to record Council's endorsement of the proposed actions noted in the powerpoint presentation being taken forward into the Long Term Plan process for further discussion. The mover and seconder agreed to the additional clause being added.

### RESOLVED

- (1) That the report titled "BERL Affordability Report" be received.**
- (2) That the Council consider affordability as a key pillar in the Financial Strategy for the next Long Term Plan.**
- (3) That Council endorses the proposed actions noted in the powerpoint presentation being taken forward into the Long Term Plan process for further discussion.**

Rāpihana/Hocart

**Carried**

## **2. ADOPTION OF 2020/21 ANNUAL PLAN**

**p15**

The Finance and Corporate Services Group Manager advised that Simpson Grierson have undertaken a legal review of the rates setting. There are some minor changes which are included in the tabled report for Item 3. He then spoke to a powerpoint presentation covering the following:

- Detailed rating information pertaining to:
  - Ōpōtiki Township
  - Hukutaia/Woodlands
  - Ōhiwa
  - Coast Residential Properties
  - Primary Sector
  - Commercial/Industrial
  - Kiwifruit Orchards

The Finance and Corporate Services Group Manager is to check the calculation in relation to Ōhiwa rates. It was noted by Her Worship the Mayor that it should show as a decrease.

The Chief Executive Officer referred to clause 3 of the recommendations relating to a contribution of up to \$140,000 for sealing 2.2kms of Wainui Road, Tōrere. In line with Council's Road Sealing Policy, the balance of the sealing costs will be funded by a group from Tōrere.

Councillors noted that the sealing of Wainui Road, Tōrere has been in limbo for a number of years and agreed that Council proceed with a contribution of up to \$140,000 for the sealing to be undertaken.

- 1. That the report titled "Adoption of the 2020/21 Annual Plan" be received.**
- 2. That Council:**
  - (a) Adopts the 2020/21 Annual Plan.**
  - (b) Adopts the Funding Impact Statement contained within the 2020/21 Annual Plan.**
  - (c) Adopts the Schedule of Fees and Charges.**
- 3. That Council agrees to proceed with a contribution of up to \$140k for sealing 2.2 km of Wainui Road at Tōrere.**
- 4. That Council authorises the relevant asset additions and disposals as outlined in the Annual Plan and corresponding schedule of projects, and delegates the authority to the Chief Executive.**

Rāpihana/Nelson

**Carried**

The Planning and Regulatory Group Manager left the meeting at 9.36am and returned at 9.39am.

**3. SETTING OF 2020/21 RATES, DUE DATES FOR PAYMENT, AND THE PENALTIES REGIME** p98

A replacement report was tabled.

**RESOLVED**

- (1) That the report titled "Setting of 2020/21 Rates, Due Dates for Payment, and the Penalties Regime" be received.
- (2) That the Ōpōtiki District Council, pursuant to the provisions of the Local Government (Rating) Act 2002, set the following rates for the period 1 July 2020 to 30 June 2021:

**1 GENERAL RATES**

**(a) General Rate**

Pursuant to Section 13 of the Local Government (Rating) Act 2002, a general rate of 0.3080 cents in the Dollar of Capital Value on all rateable rating units in the Ōpōtiki District.

*Revenue Sought* **\$8,263,465**

**(b) Uniform Annual General Charge**

Pursuant to Section 15 of the Local Government (Rating) Act 2002, a uniform annual general charge of \$476.65 on every rateable rating unit in the district.

*Revenue Sought* **\$2,256,470**

**2 TARGETED RATES**

**(a) Water Supply Charges**

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a targeted rate for water supply shall be set within the following water supply areas as follows:

	Supply Name	
(i) A full charge for the ordinary supply of water in respect of each separately used or inhabited part of a rating unit to which water is supplied.	Ōpōtiki/	279.15
	Hikutaia	
	Te Kaha	324.53
	Ohiwa	785.37

(ii) A half charge in respect of every rating unit to which water can be, but is not supplied, situated within 100m of any part of the waterworks.	Ōpōtiki/	139.58
	Hikutaia	
	Te Kaha	162.27
	Ohiwa	392.68
<b>Revenue Sought:</b>	<b>Ōpōtiki/</b>	<b>\$640,375</b>
	<b>Hikutaia</b>	
	<b>Te Kaha</b>	<b>\$115,173</b>
	<b>Ohiwa</b>	<b>\$16,885</b>

Pursuant to section 19 of the Local Government (Rating) Act 2002, a targeted rate for water supplied by meter is applied as well as the connection charge outlined above as follows:

Any property that is connected to one of the above water supplies where there is a water meter, the metered volumes of water used shall be charged at the following rates per cubic meter:	Ōpōtiki	66 c/m <sup>3</sup>
	Te Kaha	\$1.15 m <sup>3</sup>
	Ohiwa	\$1.015 m <sup>3</sup>
<b>Revenue Sought:</b>	<b>Ōpōtiki</b>	<b>\$327,750</b>
	<b>Te Kaha</b>	<b>\$71,875</b>
	<b>Ohiwa</b>	<b>\$5,750</b>

(b) Sewerage Drainage Charges

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a targeted rate shall be set in each urban drainage area as follows:

	Scheme Name	2020/21
(i) One full charge in respect of every separately used or inhabited part of a rating unit connected to a public sewerage drain.	Ōpōtiki	576.31
	Waihau Bay	498.20

(ii) Half of the full charge in respect of each rating unit to which sewer drainage can be, but is not connected, situated within 30m from any part of the public sewerage drain.	Ōpōtiki	288.16
	Waihau Bay	249.10
(iii) 80% of the full charge in respect of every separate toilet pan, water closet, or urinal where there are multiple connections on one rating unit.	Ōpōtiki	461.05

**Note:**

A residence of not more than one household shall be deemed to have not more than one water closet, toilet pan, or urinal.

Charge (i) does not apply when charge (iii) does.

<i>Revenue Sought</i>	<i>Ōpōtiki</i>	<i>\$983,870</i>
	<i>Waihau Bay</i>	<i>\$12,704</i>

(c) **Waioeka Wastewater Extension**

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a targeted rate shall be set as a fixed amount per rating unit connected to the Waioeka Wastewater Extension of \$23,285.78.

<i>Revenue Sought:</i>	<i>Waioeka Extension</i>	<i>\$46,572</i>
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(d) **Kerbside Refuse Collection Charge**

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a targeted rate for kerbside refuse collection within the defined



Ōpōtiki Ward and Waiotahi/Waioeka Ward collection areas set as follows:

- (i) A full charge of \$233.52 per separately used or inhabited part of a rating unit (except those not used or inhabited) within the defined Ward collection areas
- (ii) A half charge of \$116.76 per rating unit that is not used or inhabited within the defined Ward collection areas.

*Revenue Sought* **\$513,281**

(e) **Communities of interest**

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a communities of interest targeted rate set as an amount per rating unit as follows:

- (i) **Residential communities of interest**  
\$41.96 per rateable rating unit within the defined rating areas where land use is residential.

*Revenue Sought* **\$88,552**

- (i) **Rural communities of interest**  
\$24.78 per rateable rating unit within the defined rating areas where land use is rural.

*Revenue Sought* **\$59,594**

- (ii) **Commercial/industrial communities of interest**  
\$826.95 per rateable rating unit in the district where land use is commercial or industrial.

*Revenue Sought* **\$177,796**

### **3 INSTALMENT DATES**

That the Ōpōtiki District Council resolves that all rates are payable in four equal instalments, due on or before:

- Instalment One : 21 August, 2020
- Instalment Two : 20 November, 2020
- Instalment Three : 26 February, 2021
- Instalment Four : 21 May, 2021

That the Ōpōtiki District Council resolve that all metered water charges are payable in six monthly instalments based on usage, due on or before:

- Instalment One : 18 December, 2020
- Instalment Two : 17 June, 2021

#### 4 ADDITIONAL CHARGES ON UNPAID RATES

That the Ōpōtiki District Council authorise the addition of penalties to unpaid rates in accordance with the following regime:

Under the provisions of Sections 57 and 58 of the Local Government (Rating) Act 2002, a penalty of 10% will be added to the amount of the first instalment of rates remaining unpaid after the due date, on 26 August, 2020; of the second instalment of rates remaining unpaid after the due date, on 25 November, 2020; of the third instalment of rates remaining unpaid after the due date, on 3 March, 2021; and of the fourth instalment of rates remaining unpaid after the due date, on 26 May, 2021.

HWTM/Browne

Carried

*Councillor Howe left the meeting at 10.05am and returned at 10.07am.*

*The meeting adjourned at 10.08am for morning tea and reconvened at 10.18am. Lucy Devany, Tristan Vine and Jenna Gray from Eastern Bay Chamber of Commerce joined the meeting at this time.*

*Her Worship the Mayor advised that the Eastern Bay Chamber of Commerce presentation (Item 6) will be given now, prior to Item 4.*

#### 4. THE OPOTIKI TOWN CENTRE STRUCTURE PLAN

p104

Councillor Rāpihana extended thanks to the Planning and Regulatory Group Manager and the Community Engagement Officer for all the work they have put into this project.

#### RESOLVED

- (1) That the report titled "The Ōpōtiki Town Centre Structure Plan" be received.
- (2) That Council endorse the recommendations ("Next Steps") set out in the Ōpōtiki Town Centre Structure Plan as follows:
  - 1: Development of a masterplan.
  - 2: 'Spruce it Up': Council and building owners work together to smarten up the town centre. This could include activities such as painting building facades, repairing verandahs, decluttering signage and replacing flags.

**3: 'Heritage and Taonga': Council work with stakeholders to develop a heritage and taonga trail into, and around, the town centre.**

**4: 'Connecting Land and Sea': Council work with stakeholders to develop a walkway/cycleway between the town centre and wharf.**

Browne/Rāpihana

**Carried**

*The Finance and Corporate Services Group Manager left the meeting at 10.54am and returned at 10.57am.*

*Lucy Devany, Tristan Vine and Jenna Gray left the meeting at 10.58am.*

*John Galbraith entered the meeting at 10.59am.*

**5. ŌPŌTIKI HARBOUR TRANSFORMATION PROJECT – UPDATE  
(John Galbraith, Project Manager)**

**Verbal Item**

John Galbraith stated that it is nine years since he first presented to Council in relation to the initial Business Case. He updated Council with the following:

- Highlights – the start of the enabling works are underway, launched last week with a karakia; the commencement of production of two quarries – Waiōtahe and Tāneatua – there will be approximately 18 new jobs across the two quarries.
- Archaeological process – this has been more demanding than expected; the learning is that we need to have protocols for our project planning.
- Archaeological Authorities – these are in process.
- Coming events – notably formally welcoming HEB and their team to Ōpōtiki, possibly 15 July.
- Work ahead – enabling works continue; by the end of this year it is expected to have final design for the harbour fairly well confirmed and seek any consent variations required.
- Commencement of construction – this will be mid-next year.
- Handbar production – manufactured locally.

Following a question and discussion time with Councillors, Her Worship the Mayor thanked John Galbraith for updating Council in relation to the Ōpōtiki Harbour Transformation Project.

**6. EASTERN BAY CHAMBER OF COMMERCE PRESENTATION**

**Verbal Item**

Lucy Devany, Tristan Vine and Jenna Gray introduced themselves to Council.

Lucy Devany spoke to a powerpoint presentation covering the following points:

- Chamber of Commerce overview – International, National, Local.
- Advocate, Support, Educate, Connect.

- Regional Business Partner Network – Business growth advisors; building business capability; Covid-19 RBP funding; BAU funding; the process.
- Chamber of Commerce in Ōpōtiki – Building and maintaining relationships; provide one on one business support/advice; working collaboratively; opportunities.

The Chief Executive Officer noted that Council will continue to support the Eastern Bay Chamber of Commerce.

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.15AM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 25 AUGUST 2020**

**L J RIESTERER**

**HER WORSHIP THE MAYOR**



**MINUTES OF A MEETING OF THE COAST COMMUNITY BOARD HELD VIA AUDIO VISUAL LINK  
5 MAY 2020 AT 10.00AM**

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PRESENT: Louis Rāpihana (Chairperson)  
Mike Collier  
Jack Parata  
Allen Waenga

IN ATTENDANCE: Mayor Lyn Riesterer  
Shona Browne Deputy Mayor  
Debi Hocart (Councillor)  
Ari Erickson (Engineering and Services Group Manager)  
Bevan Gray (Corporate and Finances Group Manager)  
Yvette Shirley (Acting Planning & Regulatory Manager)  
Annette Papuni-McLellan (Executive Support Officer)  
Gae Finlay – (PA to Mayor & CEO)

PUBLIC

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Meeting opening: 10.15 am.

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

The Chairperson called for any conflict of interest to be noted. Nil received.

**APOLOGIES**

Gail Keepa.

Rāpihana/Collier

**Carried**

**1. MINUTES – COAST COMMUNITY BOARD MEETING 11 FEBRUARY 2020** **p1**

**RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 11 February 2020 be received.**

Collier/Waenga **Carried**

**2. ACTION SCHEDULE** **p6**

**RESOLVED**

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

Rāpihana/Waenga **Carried**

- (2) That the Board agrees to any item on the Action Schedule that has been completed be removed from the Action Schedule.**

Rāpihana/Waenga **Carried**

**3. GENERAL MANAGERS' UPDATE** **p10**

**RESOLVED**

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

Collier/Parata **Carried**

**4. COVID 19 BUSINESS CONTINUITY & RISK MANAGEMENT** **p14**

**RESOLVED**

- (1) That the report titled "Covid 19 Business Continuity & Risk Management report" be received.**

Rāpihana/Collier **Carried**

**5. CODE OF CONDUCT** **p18**

**RESOLVED**

- (1) That the report titled "Code of Conduct" be received.**

Rāpihana/Parata **Carried**

**(2) That the Code of Conduct as presented is adopted.**

Rāpihana/Parata

**Carried**

**6. STANDING ORDERS**

**p40**

**RESOLVED**

**(1) That the report titled "Standing Orders" be received.**

Collier/Waenga

**Carried**

**(2) That the Standing Orders as presented are adopted.**

Collier/Waenga

**Carried**

**7. COAST INITIATIVES FUND – REPORT**

**p123**

**RESOLVED**

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

Rāpihana/Waenga

**Carried**

**8. REVISED COAST INITIATIVES FUND REPORT**

**p128**

Suggestion received that timeframe for completion of project be in a separate insert box.

**RESOLVED**

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

Rāpihana/Collier

**Carried**

**(2) That a separate insert box for the timeframe of the project be inserted in the application between items 3 and 4 and that the revised Coast Initiatives Fund Application once completed be adopted.**

Rāpihana/Collier

**Carried**

**9. COAST INITIATIVES FUND ŌTUWHARE LETTER.**

**p136**

**RESOLVED**

**(1) That the letter be received from Te Whānau a Rūtaia Ōtūwhare Marae requesting the Coast Initiatives Fund grant received be held over for the 2021 ANZAC Commemorations.**

Rāpihana/Waenga

**Carried**

**(2) That the Board approves Te Whānau a Rūtaia Ōtūwhare Marae committee hold the funds over approved by the Coast Community Board on the 11 February 2020 for the 2020 ANZAC Commemorations in their own bank account for the 2021 ANZAC Commemorations.**

Rāpihana/Waenga

**Carried**

**10. COAST INITIATIVES FUND – FUNDING APPLICATION – OMAIO MARAE**

**p139**

**(1) That the Board receives the funding application from Ōmaio Marae.**

Parata/Collier

**Carried**

**(2) That the Board advise the Ōmaio Marae committee that the application does not meet the criteria as there are alternative avenues to pursue for funding, but will facilitate and liaise with Coast Care and Regional Council to obtain funding and plants.**

Parata/Collier

**Carried**

**11. ANNUAL PLAN**

**p141**

**(1) That the Board receives the report “Annual Plan”.**

Rāpihana/Waenga

**Carried**

**(2) That the Board will conduct a Annual Workshop on the as soon as possible via audio visual link to enable feedback to be collated for the Annual Plan by the close off date for submissions of 21 May 2020.**

Rāpihana/Waenga

**Carried**



## **12. RATING WORKSHOP. VERBAL OVERVIEW.**

### **Bevan Gray – Group Manager Finance & Corporate Services.**

Encourages all Coast Community Board members familiarise themselves with ODC rates remission policies.

ODC staff have been contacting rate payers and applied double the amount of remissions for April 2020 compared to April 2019.

Process is available on the ODC website and is user friendly alternatively the rate payer can call in at the ODC office to seek assistance.

Currently information is only available in English. ODC would have to review all policies and documents to incorporate Māori.

New rating system to implement can take up to 12 months and very expensive. Outlining of rating review, breakdown of rates, targeted rates, UAG charges applicable.

Long Term Plan – currently working on a project plan. All of ODC documents and processes are built around the LTP. 30 year infrastructure strategy will underpin a lot of the asset renewal projects. A timeline will be compiled for the next ODC meeting and will be provided for the next CCB meeting.

Coast Community Board members are urged to think about the LTP and what would they like to see occur on the coast. What are some of the issues and barriers to the community on the Coast?

Climate change, roading, possible case study more discussion to occur at Coast Community Board level.

### **OTHER ITEMS**

Chairperson asked Board Member Allen Waenga to represent Te Whanau a Apanui on the Creative Communities Scheme committee (Voluntary position). Board Member Waenga accepted.

Rapihana/Parata.

**Carried**

The Interest Register yet to be completed by all the Coast Community Board members and returned by next Coast Community Board meeting to Executive Support Officer.

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

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.42AM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING  
A TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COAST COMMUNITY BOARD HELD  
ON TUESDAY, 11 FEBRUARY 2020.**

**LOUIS RĀPIHANA  
CHAIRPERSON  
COAST COMMUNITY BOARD**

# Minutes of the Civil Defence Emergency Management Group Joint Committee Meeting held via Zoom (Audio Visual meeting), Bay of Plenty Regional Council's Virtual Meeting Room on Wednesday, 3 June 2020 commencing at 2.00 pm

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## Present:

**Acting Chairperson:** Mayor Steve Chadwick (Rotorua Lakes Council - RLC)

## Appointees:

### Via Audio-visual Link:

Bay of Plenty Regional Council (BOPRC): Councillor Stuart Crosby

Kawerau District Council (KDC): Deputy Mayor Faylene Tunui

Ōpōtiki District Council (ODC): Mayor Lyn Riesterer

Rotorua Lakes Council: Deputy Mayor Dave Donaldson (Alternate)

Western Bay of Plenty District Council (WBOPDC): Mayor Garry Webber

Whakatāne District Council (WDC): Mayor Judy Turner, Deputy Mayor Andrew Iles (Alternate)

## In Attendance:

### Via Audio-visual Link:

KDC: Russell George - Chair of Coordinating Executive Group (CEG) & Chief Executive Officer

Emergency Management Bay of Plenty (EMBOP): Clinton Naude - Director

National Emergency Management Agency (NEMA): Jane Rollin - Senior Regional Emergency Management Advisor

NZ Police: Inspector Ed van den Broek

BOPRC: Merinda Pansegrouw - Committee Advisor

## Apologies:

Mayor Tenby Powell (Chairman) (Tauranga City Council)

Cr David Love (Deputy Chair) (BOPRC)

Mayor Malcolm Campbell (KDC)

Deputy Mayor Shona Browne (ODC)

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## 1 Election of an Acting Chairperson for the Meeting

Following apologies received from both the Chair and the Deputy Chair and in terms of Standing Orders 14.1, Coordinating Executive Group Chair Russell George opened the meeting and chaired proceedings until the Acting Chairperson had been elected.

Mr George called for nominations for the appointment of an acting chair for the duration of the meeting. Deputy Mayor Donaldson nominated Mayor Steve Chadwick as Acting Chairperson; Mayor Webber seconded the motion. As only one nomination was received, no voting was required.

### Recommendation

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Elects Mayor Steve Chadwick as Chairperson for the 3 June 2020 meeting.

Donaldson/Webber

Acting Chair Mayor Steve Chadwick assumed the chair.

## 2 **Apologies**

### **Resolved**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Accepts the apologies from Mayor Tenby Powell, Cr David Love, Mayor Malcolm Campbell and Deputy Mayor Shona Browne tendered at the meeting.**

**Riesterer/Turner  
CARRIED**

## 3 **Public Forum**

Nil

## 4 **Acceptance of Late Items**

Nil

## 5 **Declaration of Conflicts of Interest**

Nil

## 6 **Reports**

### 6.1 **Bay of Plenty Civil Defence Emergency Management Group - Group Recovery Manager Amendments**

Welcomed Jane Rollin - Senior Regional Emergency Management Advisor, National Emergency Management Agency (NEMA) to the meeting.

At the request of Chair of the Bay of Plenty Civil Defence Emergency Management Coordinating Executive Group, the Group was asked to endorse the appointment of Clinton Naude, Director Emergency Management Bay of Plenty as Group Recovery Manager and rescind the appointment of the current Group Recovery Manager and Alternative Group Recovery Manager.

#### Members' Comments

- Noted that NEMA had supported the appointment, but recommended that the appointment of Clinton Naude, Director Emergency Management Bay of Plenty as Group Recovery Manager be for the duration of the Covid-19 recovery period only
- Noted that the recruitment process for the appointment of a permanent Group Recovery Manager had been completed and that a formal announcement would follow shortly. The appointment of Clinton Naude, Director Emergency Management Bay of Plenty as Group Recovery Manager would therefore be for a transition period only, until the new incumbent had settled in
- Acknowledged the support/effectiveness provided by iwi groups during the COVID-19 response period
- Noted that an update on progress relating to the recovery process would be provided at the CDEMG Joint Committee meeting of 26 June 2020

- Expressed the view that consideration should be given to a locally lead approach during the recovery phase.

Item for Staff Follow-up:

- Progress update on the COVID-19 Recovery Process to the 26 June 2020 CDEMG Joint Committee.

## **Resolved**

**That the Civil Defence Emergency Management Group Joint Committee:**

- 1 Receives the report, Bay of Plenty Civil Defence Emergency Management Group - Group Recovery Manager Amendments;**

**Webber/Turner  
CARRIED**

- 2 Approves the appointment by the Bay of Plenty CDEM Group Joint Committee of Clinton Naude, Director Emergency Management Bay of Plenty as Group Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, as defined under s29(1) of the Civil Defence Emergency Management Act 2002, for the duration of the COVID-19 recovery period.**

**Chadwick/Webber  
CARRIED**

**The meeting closed at 2:30 pm.**

Confirmed Date

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Mayor Steve Chadwick – Acting Chairperson  
Civil Defence Emergency Management Group Joint Committee

# Minutes of the Bay of Plenty Mayoral Forum Meeting held via Zoom (Audio Visual meeting), Bay of Plenty Regional Council's Virtual Meeting Room on Friday, 12 June 2020 commencing at 9.20 am

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## Present:

### Chairperson

(for this meeting):

Mayor Malcolm Campbell (Kawerau District Council)

### Members:

Chairman Doug Leeder (Bay of Plenty Regional Council)

Mayor Lyn Riesterer (Ōpōtiki District Council)

Mayor Steve Chadwick (Rotorua Lakes Council)

Mayor Tenby Powell (Tauranga City Council)

Mayor Garry Webber (Western Bay of Plenty District Council)

Mayor Judy Turner (Whakatāne District Council)

### In Attendance:

Kawerau District Council: Acting Chief Executive Peter Christophers

Rotorua Lakes Council: Chief Executive Geoff Williams, Thomas Colle – Chief Financial Officer

Taupō District Council: Chief Executive Gareth Green

Tauranga City Council: Chief Executive Marty Grenfell, Paul Davidson – Chief Financial Officer

Western Bay of Plenty District Council: Chief Executive Miriam Taris, Kumaren Perumal – Chief Financial Officer

Whakatāne District Council: Chief Executive Stephanie O'Sullivan, Helen Barnes – Chief Financial Officer

Bay of Plenty Regional Council: Chief Executive Fiona McTavish  
Mat Taylor – General Manager Corporate, Namouta Poutasi – General Manager Strategy & Science, Chris Ingle – General Manager Integrated Catchments; Tone Nerdrum Smith – Committee Advisor

Ezra Schuler - Public Service Lead for the Bay of Plenty, Ministry of Education

Clinton Naude – Director of Emergency Management Bay of Plenty

### Apologies:

Chief Executive Russell George (Rotorua Lakes Council), Mayor David Trewavas (Taupo District Council), Chief Executive Aileen Lawrie (Ōpōtiki District Council)

## Opening Statement by Chairperson, Mayor Campbell

Mayor Campbell welcomed those present; noted the slightly earlier start time and advised that the meeting was being recorded and livestreamed. He noted that agenda

item 4.5: Central Government Update on Interim Regional Skills Leadership Group had been withdrawn as the official announcement by Central Government had been delayed.

## 1 Apologies

### Resolved

That the Bay of Plenty Mayoral Forum:

- 1 Accepts the apologies from Chief Executive Russell George (Rotorua Lakes Council), Mayor David Trewavas (Taupo District Council), Chief Executive Aileen Lawrie (Ōpōtiki District Council) tendered at the meeting.

Riesterer/Chadwick  
CARRIED

## 2 Acceptance of Late Items

There were no late items, however the following comments were noted:

### Mayor Chadwick – Rotorua Lakes Council

- With regards to withdrawn item 4.5: Central Government Update on Interim Regional Skills Leadership Group: Noted the discord developing with regards regionalisation vs localisation and would like to see this commented on when the presentation was brought to the Mayoral Forum

## 3 Previous Minutes

### 3.1 Bay of Plenty Mayoral Forum Extraordinary Meeting Minutes - 14 April 2020

#### Resolved

That the Bay of Plenty Mayoral Forum:

- 1 Confirms the Bay of Plenty Mayoral Forum Extraordinary Meeting Minutes - 14 April 2020 as a true and correct record.

Webber/Chadwick  
CARRIED

## 4 Presentations and Reports

### 4.1 Covid 19 Recovery - Update on Crown Infrastructure Partners (CIP) and Provincial Growth Fund (PGF) Funds

A verbal update was provided by each Council, noting that Central Government decision on the funding applications were yet to be received.

### Mayor Chadwick - Rotorua Lakes Council

- All contributions towards projects would make a difference
- Awaiting to hear with regards to funding towards Rotorua's housing plan

- The proposed changes to management of waste/stormwater was currently undergoing special consultative procedure
- The full impact of Covid-19 would be felt later in the year
- Sought further information regarding the Mahitahi Trust and how its programme supported young people
- Queen's Birthday weekend had shown a significant increase in local tourism.

#### **Mayor Powell – Tauranga City Council**

- Noted that CIP was focussed on creating opportunities/support housing and jobs
- Construction represented 12% of the local economy
- Major projects included Waiari Water Scheme; Te Tumu urban growth area; Wairakei town centre; western corridor (Tauriko) infrastructure
- Challenging to plan until the outcome of the applications was known.

#### **Mayor Webber – Western Bay of Plenty District Council**

- \$1m Central Government funding had been received for roading improvements/projects pre-Covid19
- Recognised the speed in preparing the funding applications across the region and how digitisation had created opportunities for authorities to work effectively together
- It was timely to further pursue a more digital working environment, e.g. virtual meeting, on a long-term basis beyond Covid19.

#### **Mayor Turner – Whakatāne District Council**

- Noted the significant work that had gone into preparing business cases and funding applications
- A number of funding applications had been diverted to the PGF for consideration
- There was a level of frustration with regards to the wait for an outcome as it prevented planning
- Noted the initiatives by the district's roading contractors and other services who proactively looked for opportunities to work together, rather than compete.

#### **Mayor Riesterer – Ōpōtiki District Council**

- Progressing well with the Harbour Transformation project
- Mussel processing factory had come to a standstill during level 4, but was now back in operation
- Smaller funding requests had been referred to the PGF
- Part of the Mayoral Taskforce/Ministry of Social Development pilot job scheme aimed at young people. If successful, the scheme would be rolled out nationwide to rural areas
- Encouraged Regional Council to use local contractors for work at Onekawa Te Mawhai Regional Park
- Recognised the way the CDEM had operated throughout the Bay of Plenty Region during the Covid19 alert levels.

#### **Chief Executive Gareth Green – Taupō District Council**

- Was working through some additional PGF applications
- Exploring opportunities to bring forward Capex for airport and waterfront housing developments
- Whakapapa ski fields were on track for 6 July 2020 opening
- Working with developers as banks had changed their lending parameters as a result of Covid19, which caused funding difficulties.

#### **Chief Executive Fiona McTavish – Bay of Plenty Regional Council**

- As a large component of BOPRC work was considered essential, in particular in the rivers and drainage area, the delay in projects as a result of Covid19 had less impact than for other local authorities



- Waiting for the outcome of three CIP applications in the river/draining area
- Pleased with the work undertaken with central government, in particular DOC and the potential for funding in the Bay of Plenty region
- Recognised the importance of short term goal (jobs) vs long term goals (strategic investments).

#### **Mayor Campbell – Kawerau District Council**

- Had secured a number of Waiotahi contracts for flood protection
- Recognised the issues highlighted by the other local authorities
- Noted the issues and challenges for those needing to apply for benefits
- Considered that unemployment would continue to increase and that the worst was yet to come.

## 4.2 **Tourism Bay of Plenty's "No Place Like Home" Initiative**

Mayor Powell – Tauranga City Council provided a verbal update for this item.

#### Key Points

- Campaign's focus was to rediscover the Bay of Plenty as a holiday destination and encourage local travelling across the region
- Tauranga was more than 'just' the beach
- Year on year results for the Queen's Birthday weekend was better than previous years, despite the lack of international travellers
- Recognised that local travel and spending might change when the government wage subsidies ceased.

#### Mayor Chadwick – Rotorua Lakes Council

- Airways decision regarding air traffic control meant that, if Rotorua moved into a restricted air space, Air New Zealand would obtain exclusive rights to Rotorua Airport, which would negatively impact on rescue helicopters, inter-hospital transfers etc.
- Rotorua Lakes Council was currently going through arbitration at significant cost, which was frustrating while at the same time applying for CIP funding for airport development.

## 4.3 **Tauranga's "Buy Local" Campaign**

Mayor Powell – Tauranga City Council provided a verbal update for this item.

#### Key Points

- The campaign had created positive collaboration between the three Mainstreet organisations: Greerton, Mt Maunganui and Downtown Tauranga
- Utilised a variety of avenues, e.g. social media, billboards, digital media etc.
- Purpose was to support local businesses that were challenged by on-line shopping habits and to ensure money continued to cycle through the local economy.

#### In Response to Questions

- The cruise ship industry did not have the same impact on tourism revenue in Tauranga as international tourism did in Rotorua
- Did not anticipate the cruise ship industry to recommence in the foreseeable future.

#### Key Points – Members

- The initial economic impact of Covid19 was expected to deepen

- International trending towards protectionism in trade agreement negotiations could have a significant impact on New Zealand's local economy.

#### Items for Staff Follow-up

- BOPRC/TCC/WBOPDC to organise a regional forum to discuss the next stage of regional recovery and development. Presenters/invitees, beyond local authorities, to span a wide range of organisations and industries, e.g. the Hon David Parker, Shamubeel Eaquib, Stephen Jacobi, the Hon Tim Groser.

10.05 am – Mayor Chadwick **withdrew** from the meeting.

#### 4.4 **Central Govt Update on Covid 19 Recovery - Caring for Communities**

Ezra Schuster – Public Service Lead for the Bay of Plenty, supported by Clinton Naude – Director of Emergency presented this item.

##### Ezra Schuster - Key Points

- Caring for Communities was a national initiative/framework, but sufficiently flexible to adopt to the community needs, in particular at a sub-regional level
- The workstream lead would be the Ministry of Social Development (MSD), and would be convened under the Public Service Lead role under the BoP Leadership Group
- Hoped to have the required arrangement in place by the week starting 22 June 2020 to ensure a smooth transition from the CDEMG, who were currently responsible
- Would report back the concerns expressed by this Forum regarding increased unemployment and those unable or unwilling to seek assistance, which was a high risk situation.

##### Clinton Naude – Key Points

- Civil Defence Emergency Management would remain committed to communities until such time as MSD assumed responsibility
- At this stage, it was not yet decided who would be responsible for foreign nationals currently in the Bay of Plenty
- 104 schools were now included in the Food in Schools Programme, which also provided region-wide employment opportunities
- The Programme had been extended to include secondary schools.

##### Key Points – Members

- Mindful of the many families who were struggling, yet reluctant or unable to seek the required support
- Work and Income New Zealand had established a fast track process to find new employment for those affected by Covid-19, and would also support/provide training opportunities where appropriate
- The mental health impact on those who lost their business/jobs was significant and the ongoing effects should not be underestimated.

#### 4.5 **Central Government Update on Interim Regional Skills Leadership Group**

Noted that this agenda item had been withdrawn as the official announcement by Central Government had been delayed.

## 4.6 Covid-19 Regional Green Projects

Namouta Poutasi – General Manager Strategy & Science and Chris Ingle – General Manager Integrated Catchments, Bay of Plenty Regional Council presented this item.

*PowerPoint Presentation – Objective Reference A3560812*

### Key Points

- Post-COVID projects: opportunities for winning Central Government co-funding for stimulating local employment in the Bay of Plenty
- There were various funding categories
- Green Projects funding bids were coordinated by the Ministry for the Environment
- Decisions on the funding applications were yet to come
- Department of Conservation's work programme was spread over four years and would inject significant funding into the Bay of Plenty region
- Funding applications included social procurement requirements
- The Green Projects were categorised as region wide, as well as split into each constituency
- Council had recently been awarded a \$700k partnership agreement through Te Uru Rakau's One Billion Trees programme.

### In Response to Questions

- Executive council staff across the region were working together to ensure a co-ordinated approach towards the Green Projects.

### Key Points – Members

- Supported the co-ordinated approach with regards to the Green Projects identified for each constituency.

## 4.7 Region Wide Financial Strategy

Mat Taylor – General Manager Corporate, Bay of Plenty Regional Council, supported by other councils' Chief Financial Officers, presented this item.

### Key Points

- A collaborative approach at a regional level was the driver behind the proposal
- The CFOs were already co-operating at an informal level and the purpose of this report was to create a more formalised framework, which would include reporting to the Mayoral Forum members and the individual councils.

### **Kumaren Perumal – Western Bay of Plenty District Council**

- Benefits included opportunities to align new and existing priorities; creation of a pathway to identify alternative funding sources
- Recognised that there would be situations where a win-win outcome between councils would not be realistic
- Potential limitations could be the differing consultation and engagement processes for each council which could limit agreed principles and objectives with a regionwide strategy.

### **Paul Davidson – Tauranga City Council**

- TCC had flagged financial issues and challenges pre-Covid19
- Currently facing the situation of a non-sustainable Long Term Plan
- Was seeking ways to support the city; sub-region and region in a collaborative manner

- There were joint benefits of working together in new and innovative ways.

#### **Helen Barnes – Whakatāne District Council**

- Advantage for all councils to have a better understanding of a region wide financial strategy
- Regional financial strategy would support regional growth
- Planned, rather than ad-hoc, approach supported regional investment and collaboration.

#### CFOs in Response to Questions

- Intention was to create collaborative regional framework that would suggest solutions identified at a local level
- TCC would be unable to deliver the infrastructure the region needed with the current funding streams
- A more formalised framework would support better understanding of the different councils' practices

11.00 am – Mayor Powell **withdrew** from the meeting.

- CFOs would work together to work on a principle-based strategy that could then feed back into the individual strategies/Long Term Plans and support consistency.

#### Key Points – Members

- Affordability was a genuine issue throughout the entire region, rather than being limited to certain areas
- Queried the benefit of a region wide financial strategy as it appeared to duplicate what was already taking place
- Considered there were learnings to be had that would benefit both the wider region as well as the individual TLAs
- Supported the 'Next Steps' phase as outlined in the report, before considering adopting a regionwide strategy approach
- Noted that BOPRC was undertaking a comprehensive review of its financial framework
- Suggested that there was no need for a regionwide financial strategy framework as set out in the agenda report as significant work and analysis was already occurring in each Council.

11.20 am – Chairman Leeder **withdrew** from the meeting.

### **Resolved**

**That the Bay of Plenty Mayoral Forum:**

- 1 Receives the report, Region Wide Financial Strategy.**

**Riesterer/Webber  
CARRIED**

**Next Mayoral Forum Meeting**

The next meeting will be held on Friday 9 October 2020 and would be hosted by Bay of Plenty Regional Council, with Chairman Leeder as the Chairperson.

**The meeting closed at 11.25 am**

Confirmed DATE

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Mayor Malcolm Campbell  
Kawerau District Council

# Minutes of the Ōhiwa Harbour Implementation Forum Meeting held in Council Chambers, Whakatāne District Council, Civic Centre, Commerce Street, Whakatāne on Monday, 22 June 2020 commencing at 9.43 am.

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## Present:

**Chairperson:** Cr Toi Kai Rākau Iti – Bay of Plenty Regional Council (as appointed at the meeting)

**Deputy Chairperson:** Mayor Lyn Riesterer – Ōpōtiki District Council (as appointed at the meeting)

**Appointees:** Deputy Mayor Andrew Iles – Whakatāne District Council, Trevor Ransfield – Te Upokorehe, Māui Manuel - Alternate, Te Upokorehe, Cr Bill Clark - Alternate, Bay of Plenty Regional Council, Charlie Bluett - Te Rūnanga o Ngāti Awa, Josie Mortensen - Whakatōhea Maori Trust Board

**In Attendance:** Pim de Monchy – Coastal Catchments Manager, Amanda Namana – Committee Advisor, all presenters – as listed in the minutes,

**Apologies:** Cr Debi Hocart – Alternate, Ōpōtiki District Council, Cr Nandor Tánzos - Alternate, Whakatāne District Council, Deputy Mayor Andrew Iles - Whakatāne District Council (for early departure)

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## 1 Opening Karakia

Provided by Charlie Bluett (Te Rūnanga o Ngāti Awa).

## Change to the Order of Business

Pim de Monchy – Coastal Catchments Manager officially opened the meeting , followed by the first report item 7.1 to immediately appoint the new Chair before resuming the remainder of business.

## 2 Apologies

### Resolved

That the Ōhiwa Harbour Implementation Forum:

- 1 Accepts the apologies from Cr Debi Hocart – Alternate, Ōpōtiki District Council, Cr Nandor Tánzos - Alternate, Whakatāne District Council, and Deputy Mayor Andrew Iles - Whakatāne District Council (for early departure) tendered at the meeting.

### 3 Reports

#### 3.1 First Meeting Matters

Pim de Monchy – Coastal Catchments Manager outlined the process for selecting a voting system and Chairperson and called for nominations.

The recommendation was taken in parts:

#### Resolved

That the Ōhiwa Harbour Implementation Forum under its delegated authority:

- 1 Receives the report, First Meeting Matters;
- 2 Selects System B as the voting system to elect the Chairperson and Deputy Chairperson;

Iles/Riesterer  
CARRIED

- 3 Elects Cr Toi Kai Rākau Iti as the Chairperson for the 2019-2022 Triennium.

Iles/Bluett  
CARRIED

9.48 am - Cr Iti assumed the Chair.

Cr Iti called for nominations for the Deputy Chairperson.

- 4 Elects Mayor Riesterer as the Deputy Chairperson for the 2019-2022 Triennium;
- 5 Notes The Forum's Terms of Reference, attached as Appendix 1 to the report;
- 6 Notes the Standing Orders to be used for the conduct of its meetings, attached as Appendix 2, as adopted by the administrating authority (Bay of Plenty Regional Council) on 26 November 2019;
- 7 Confirms its membership:
  - Bay of Plenty Regional Council; Councillor Toi Kai Rākau Iti and Councillor Bill Clark (alternate)
  - Ōpōtiki District Council; Mayor Lyn Riesterer and Councillor Debi Hocart (alternate)
  - Te Runanga o Ngati Awa; Charlie Bluett and Tuwhakairiora O'Brien (alternate)
  - Te Upokorehe; Trevor Ransfield and Maui Manuel (alternate)
  - Te Waimana Kaaku; Matt Te Pou
  - Whakatāne District Council; Deputy Mayor Andrew Iles and Councillor Nándor Tánzos (alternate)

- Whakatōhea Maori Trust Board; Josie Mortensen

8 Agrees to defer the next hui scheduled for 24 September 2020 (Whakatōhea to host) to a suitable date later in 2020 with a Field Trip in the afternoon.

Iles/Mortensen  
CARRIED

#### 4 Public Forum

Nil

#### 5 Acceptance of Late Items

##### Resolved

That pursuant to section 46A of the Local Government Official Information and Meetings Act 1987 the following items be considered at this meeting:

##### 1) Late Item, Presentation on Post-COVID Projects

The reason why the item was not on the agenda was that it had just come to hand. The reason why it cannot be delayed is due to the timing of some of the funding opportunities and cannot wait until the next meeting of the Forum in late 2020.

Iles/Riesterer  
CARRIED

#### 6 Declaration of Conflicts of Interest

Nil

#### 7 Previous Minutes

##### 7.1 Ōhiwa Harbour Implementation Forum Minutes - 19 September 2019 – For Information.

##### Matters Arising

- Minute item 7.1 Te Upokorehe noted that there had been no inquiry heard yet by the Waitangi Tribunal and provided a letter from Statistics NZ dated 12 October 2017. Refer **Tabled Document 1** – Objective ID: A3566418
- Noted that in the new Terms of Reference for Ōhiwa Harbour Implementation Forum all iwi and hapū members were now referred to collectively as tangata whenua representatives.

##### Resolved

That the Ōhiwa Harbour Implementation Forum:

- 1 Receives the Ōhiwa Harbour Implementation Forum Minutes - 19 September 2019.

Iles/Mortensen



10.07 am - Deputy Mayor Iles **withdrew** from the meeting.

## 7.2 **Ōhiwa Harbour Strategy annual work programme update to March 2020 and proposed 2020/21 annual work programme**

Refer PowerPoint Presentation Objective ID: A3561078 [PRESENTATION: Ōhiwa Harbour annual work programme](#)

BOPRC Land Management Officer (Eastern) Tim Senior presented this item.

### Key Points

- Since European settlement in New Zealand sediment deposition in our harbours had increased by around 200%
- Was working with the science team to come up with a coordinated plan for research in the harbour and to identify gaps in knowledge
- Each care group around the harbour now displayed public signs informing their level of involvement in specific locations
- Ōhiwa had the highest density of care group activity in the Bay of Plenty
- Bollards installed to deter four wheel drives from accessing the dunes at Ōhope Spit appeared successful
- The hydrological survey due to be conducted would provide important information on the hydrology of the harbour - the movements of the currents, potentially the proportion of sediment that comes from the ocean, where the water coming in from the various tributaries dispersed, therefore where it was depositing sediment.

### Key Points – Members

- Acknowledged the hands-on work Te Upokorehe continued to undertake as kaitiaki of the harbour
- Endorsed the Regional Park track as a very popular walk, particularly with overseas visitors.

### In Response to Questions

- Central government funding could potentially assist some farmers to move forward with their Farm Environment Plans
- There was capacity to achieve the majority of actions in the Farm Environment Plans, although a bottleneck may occur carrying out some of the more specialised farm systems analysis.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Annual work programme update to March and proposed work programme 2020-2021;**
- 2 Endorses the proposed work programme for 2020/21.**

**Bluett/Mortensen  
CARRIED**

10.37 am – The meeting **adjourned**.

10.53 am – The meeting **reconvened**.

### 7.3 **Marine Surveillance update and Asian Paddle Crab find in Ōhiwa Harbour**

Refer PowerPoint Presentation Objective ID: A3561072 [PRESENTATION: Marine biosecurity in the Bay of Plenty](#)

BOPRC Biosecurity Officer Andy Wills presented this item.

#### In Response to Questions

- Rules around anti-fouling of hulls were coming into effect which would require vessels to have a clean hull before moving to another region
- Fan worms filtered a lot of the nutrients out of the water column, competing for food with native species such as mussels, reducing their growth rate
- Asian Paddle Crabs were still considered invasive therefore the Ministry for Primary Industries ( MPI) requested to be informed when any were caught
- The species was difficult to contain and had not been successfully eradicated from any harbour in the world
- The traps set to capture Asian Paddle Crabs were baited with pilchards and different trapping techniques were being trialled, including traditional ones
- The MPI permit required the traps be checked every 24 hours, with any by-catch released back into the harbour alive
- The Asian Paddle Crabs had likely arrived in Ōhiwa Harbour via larvae dispersal
- It was important to share knowledge and educate people about the differences between Asian Paddle Crabs and our native paddle crab – the Asian Paddle crab had a very high reproduction rate and was extremely aggressive
- Increasing public awareness of the fact the Asian Paddle Crab had arrived and reinforcing the promotion of ‘clean below good to go’ for local boats was important.

#### Items for Staff Follow-Up

- Consider placing a large colour photograph of the Asian Paddle Crab at boat ramps around the harbour for easy identification with a number to call if any are found.

### **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Marine Surveillance update and Asian Paddle Crab find in Ōhiwa Harbour.**

**Riesterer/Mortensen  
CARRIED**

### 7.4 **Future mangrove management in Ōhiwa Harbour**

Refer PowerPoint Presentation Objective ID A3561075 [PRESENTATION: Ōhiwa Harbour mangrove management](#)

BOPRC Land Management Officer Tim Senior (Eastern) updated the Forum on the way mangrove management in Ōhiwa would continue after the expiry of the current consent.

#### In Response to Questions

- Outdated maps presented the most difficulties
- Figures were changing due to the quality of the photos
- The new Regional Coastal Environment Plan allowed for the clearing of mangroves from areas already cleared without requiring resource consent
- A meaningful difference had been made to date and maintaining the balance was the aim
- Department of Conservation's (DOC) role was to advocate for the natural environment and everything in it, therefore removing mangroves from DOC reserve areas was not possible
- While the Forum accepted the value of mangroves as part of the natural harbour cycle and habitat, the concern was to see some of the harbour free of mangroves
- Climate change would increase the growth rate of mangroves over time.

#### Items for Staff Follow-Up

- Members requested the Bay of Plenty Regional Council update the distribution maps with the new aerial photography and obtain the mapping resources required to carry out this work.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Future mangrove management in Ōhiwa Harbour;**
- 2 Endorses the proposed approach to mangrove management from 2021.**

**Riesterer/Mortensen  
CARRIED**

## **7.5 Nga Tapuwae o Tairongo - Ōhiwa Harbour Heritage Trail, Update**

*Refer PowerPoint presentation Objective ID zA299832 [PRESENTATION: Heritage Trail Update](#)*

BOPRC Land Management Officer (Eastern) Tim Senior drew members' attention to the large cultural panels from the heritage trail displayed in Whakatāne District Council's Chambers for review and comment.

#### Key Points

- The Ōhiwa Harbour Heritage Trail was largely a driving trail with several places where a short walk was required to access the interpretation
- First bilingual trail in the Bay of Plenty
- All texts for the panels and Te Reo translations had been reviewed and approved with Ōhiwa Harbour Strategy Co-ordination Group and tangata whenua.

#### Key Points - Members

- Commended the colour choice for the panels.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Nga Tapuwae o Tairongo - Ōhiwa Harbour Heritage Trail, Update**

- 2 Endorses the panels displayed for Nga Tapuwae o Tairongo - Ōhiwa Harbour Heritage Trail.**

Ransfield/Mortensen  
CARRIED

## 7.6 Sediment and nutrient mitigation plans

Refer PowerPoint presentation Objective ID A3561081 [PRESENTATION: Ōhiwa catchment sediment and nutrient mitigation plans](#)

BOPRC Land Management Officer (Eastern) Tim Senior presented this item.

### Key Points - Members

- The changes in farming practices from environmental awareness over recent years were significant and the Forum looked forward to seeing further improved water quality from continued efforts.

### In Response to Questions

- Water quality data was gathered through monitoring the streams and could only provide average values from surrounding farms, rather than outputs from specific farms in the catchment
- Ten of the 17 dairy farms in the Ōhiwa catchment currently had Farm Environment Plans
- Some of the sediment issues came from sources other than farms, such as building subdivisions.

### Items for Staff Follow-Up

- In future the Forum would like to see less detail in reports and more of the pertinent information captured in concise summaries and tables.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Sediment and nutrient mitigation plans.**

Riesterer/Bluett  
CARRIED

## 7.7 Update on mussel restoration project and Awhi Mai Awhi Atu research funding proposal, Sustainable Seas, National Science Challenge

Refer PowerPoint Presentation Objective ID: A3561134 [PRESENTATION: Awhi Mai Awhi Atu - Mussel restoration update - Ōhiwa Harbour](#)

NIWA Scientists Dr Kura Paul-Burke, Marine Ecologist Dr Rich Bulmar, University of Waikato Marine science PHD student Megan Ranapia and MUSA expert diver Joe Burke presented this item and responded to questions.

### In Response to Questions

- There was conflicting information around which type of mussels used to be in the harbour, black mussels or green-lipped
- The entire research team were also scientific divers
- A Provincial Growth Fund (PGF) application for seastar management with economic potential could be considered
- Pipsis and mussels competed for space in the harbour
- The first locations that would be considered to situate new beds were places where mussels used to grow in
- There were a number of scientists interested in assisting with the project and work in Ōhiwa Harbour, many of whom were already funded
- There was potential for data sharing and opportunities to work together with biosecurity, other teams and projects
- Awhi Mai Awhi Atū was tracking ahead of target at present and sustainable seas field work would begin next month.

## Resolved

That the Ōhiwa Harbour Implementation Forum:

- 1 **Receives the report, Update on mussel restoration project and Awhi Mai Awhi Atū research funding proposal, Sustainable Seas, National Science Challenge**

**Riesterer/Ransfield**

## 8 **Consideration of Late Items**

Due to time constraints, and as no decisions were required, it was decided that the late item, Post-Covid projects presentation would be shared with members of the Forum via email following the meeting.

## 9 **Karakia**

Charlie Bluett – Te Rūnanga o Ngāti Awa closed the meeting with a karakia.

**The meeting closed at 1.07 p.m.**

Confirmed

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**REPORT**

Date : 6 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Her Worship the Mayor, L J Riesterer  
Subject : **MAYORAL REPORT 29 MAY 2020–7 AUGUST 2020**  
File ID : A209128

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Since 29 May 2020, I have attended or met with the following:

**2 JUNE 2020**

Ordinary Council meeting, via Zoom

**3 JUNE 2020**

Councillor/CEO catch up meeting

Bay of Plenty Civil Defence Emergency Management Group Joint Committee meeting, via Zoom.

**5 JUNE 2020**

Meeting with Tamati Coffey MP, via Zoom

*An opportunity to discuss the good things that were happening in our community and how everything was being handled through our Covid-19 response.*

**8 JUNE 2020**

Meeting with Eastern Bay of Plenty Community Foundation representatives

*This meeting was to discuss the Ōpōtiki Kiwifruit Growers Fund and how the trustees of that fund wanted to concentrate its uses for the betterment of the Ōpōtiki community.*

**9 JUNE 2020**

Regional Aquaculture Organisation meeting, via Zoom

*An opportunity to give a presentation on our Harbour Project.*

**10 JUNE 2020**

Councillor/CEO catch up meeting

Ōpōtiki District Council Annual Plan workshop

**11 JUNE 2020**

End of season briefings (2) with kiwifruit workers

*A morning and then an afternoon session with approximately 60 people talking about how to move through from the end of the seasonal contract into either new jobs or new training...redeployment or training which would be funded by Government as the result of Covid-19.*

**12 JUNE 2020**

Bay of Plenty Mayoral Forum, via Zoom

*Discussion worked around the economic and community recovery phase from Covid-19. Emphasis from several Mayors, myself included, that this needed to be locally led with regional and central support.*

Annual Plan feedback meeting

*A meeting with invited groups, namely some Kiwifruit orchard owners and some of the Ohiwa Harbour ratepayers.*

**15 JUNE 2020**

Meeting with Tuia Programme rangitahi, Te Aho Jordan

*Discussed Te Aho's community project and we settled on looking at different youth groups working within our community and networking with them to see what support was needed for their activities to succeed.*

Meeting with Whakatōhea Mussels (Ōpōtiki) Ltd representatives

*This meeting was at the mussel processing building site with a discussion around water in and water out.*

**16 JUNE 2020**

Mayors Taskforce For Jobs Community Recovery Pilot Programme meeting, via Zoom

*Discussion with Jaime Kissock MSD, Noa Woollof MTFJ and the four Mayors of rural Councils which were on the pilot scheme with funding for the workforce Co-ordinator role.*

**18 JUNE 2020**

NewsHub television interview

*The MTFJ Pilot Programme was the topic of conversation. Two mayors, myself and Alex Walker – Central Hawkes Bay, talking about the funding from MSD to help with the Workforce Co-ordinator's role and redeployment/new employment especially for NEET's in our districts.*

Mayors Taskforce For Jobs Core Group meeting, via Zoom

*A regular committee meeting of the NZ wide mayoral committee.*

**19 JUNE 2020**

Councillor catch up meeting

Attended Tangi for Kawerau District Council CEO's wife at Matatā

**22 JUNE 2020**

Whakatāne

Ōhiwa Harbour Implementation Forum meeting

Met with BayTrust CEO, Alaister Rhodes.

*He explained where BayTrust would be focussing their approach to their funding of community projects.*

*This was only in draft at the time of the meeting.*

**23 JUNE 2020**

Met with Ōpōtiki Mongrel Mob leaders

*This meeting was concerning informal agreement around not wearing patches in town. Other topics covered as well. Deputy Mayor, Shona Browne, was also in attendance.*

Eastern Bay of Plenty Mayors catch up meeting, via Zoom

*Three Mayors with informal catch up and discussions around what is happening in our districts and how we can help each other as the EBOP.*

**24 JUNE 2020**

Ōpōtiki District Council Bylaws Review Hearing

*Learnings from this would be the need for a longer submission talk time for the larger organisations. A good opportunity for ODC to explain how there had been little community engagement before because of the arranged agreement between ODC and Forest and Bird, DOC and BOPRC.*



**26 JUNE 2020**

Provincial Growth Fund announcement, Te Whare Wananga o Awanuiarangi, Whakatāne

*The EBOP Mayors were in agreement that we should be at each other's announcements in support of what had been done through our successful collective approach in securing funding for different projects.*

**27 JUNE 2020**

Provincial Growth Fund announcement, Te Runanga o Ngati Awa, Whakatāne

*An iwi driven conservation project with Minister Eugene Sage announcing funding for the Predator Free project.*

**29 JUNE 2020**

Zone 2 meeting, Cambridge

*This was held at Lake Karapiro Events Centre and there was a good agenda for the Zone Two Mayors to get their collective teeth into. Most interesting was the updates from each Mayor about how their area had coped with the Covid-19 and lockdown.*

**30 JUNE 2020**

Extra Ordinary Council meeting

**1 JULY 2020**

Ōpōtiki Marine Advisory Group meeting

*I chair this meeting and we had a lot of good announcements to catch up on. There was recognition that this Advisory Committee was still needed moving forward.*

Eastern Bay of Plenty Mayors and Chair meeting, via Zoom

*Again informal discussions around our common interest issues.*

Ōpōtiki Community Health Trust meeting

*The first meeting this year since I was approved as a Trustee. I put myself forward as Chair as no-one else was interested in running the meetings and I understood that was the Mayor's role within the Trust. It was a catch-up meeting but a learning one for me. Change of Secretary/Treasurer also taking place, probably at the next meeting.*

## **2 JULY 2020**

Meeting with Tuia Programme rangitahi, Te Aho Jordan

*Continuing mentoring programme.*

## **6 JULY 2020**

Meeting re Ōpōtiki health services with BOPDHB, CEO Whakatōhea Māori Trust Board, Deputy Mayor Browne, Councillor Hocart and myself

*This is a continuing update meeting about health issues pertaining to the Ōpōtiki District and came about from a breakdown in communications last year around the Health Centre changes and midwives' concerns.*

*This is proving to be an important connection between the CEO and Operations Manager of the BOPDHB and us, with very fruitful dialogue around the wants and needs of our community.*

## **7 JULY 2020**

Eastern Bay of Plenty Mayors catch up meeting, via Zoom

*Keeping on top of concerns within each of our districts and collective responses needed for wider issues.*

## **8 JULY 2020**

Mayors Taskforce For Jobs Community Recovery Pilot Programme meeting, via Zoom

*Meeting between the four Pilot Programme Mayors, MSD and MTFJ. Finishing up on the Pilot Programme and where to from there...\$11.6 million put forward from MSD to ALL rural Councils to engage in the Workforce Co-ordinators scheme with two blocks of \$250,000 given to each rural Council signing up to the scheme.*

Councillor/CEO catch up meeting

## **9 JULY 2020**

Meeting – Eastern Bay of Plenty Mayors with Jiangxi Governor and Mayors, via Zoom

*Simon Appleton of Eastern Bridge led this initiative as a relationship building meeting and "getting back in touch" opportunity for us all involved in the sister district and sister cities initiative. Once Simon got the Zoom meeting working correctly we had quite a formal meeting with translators working hard to keep us all understanding each other. Good restart and I have asked Simon to bring a report to the next EBOP Joint Committee meeting.*

**10 JULY 2020**

Eastern Bay of Plenty Mayors meeting with Kiri Allan MP, Whakatāne

*This meeting was to discuss the need, or not, of continuing the RGLG Forum with Kiri Allan still as Chair.*

Meeting with Ōpōtiki youth representatives

*The youth representatives were invited to share how they are engaging with youth with our town...these are not the formalised sporting youth organisations but more newer groups run by community volunteers trying to offer some of our youth something different.*

**15 JULY 2020**

Meeting with Tuia Programme rangitahi, Te Aho Jordan

*Continuing plans around community engagement for youth.*

**16-17 JULY 2020**

Wellington

Rural Provincial Mayors meeting

*Five Government Ministers spoke to us as well as National and NZ First "Local Government" spokespeople addressing all of the Rural and Provincial Mayors present.*

Rural Provincial Sector meeting

**20-21 JULY 2020**

Council retreat, Te Kaha

*A successful two days together, albeit very late into our first year of the triennium.*

**22 JULY 2020**

Welcome for HEB and Tonkin + Taylor as contractors to the Ōpōtiki Harbour Development Project

*A very successful combined Whakatohea/ODC formal welcome and introduction of their personnel to us.*

**23 JULY 2020**

Three Waters Reform Programme Workshop, Mt Maunganui

*This workshop was attended by Councillor Rapihana, CEO Aileen Lawrie, Council's Engineering and Services Group Manager Ari Erickson and myself.*

*The workshop was led by DIA setting out the next three years of what is hoped to be achieved on the Three Waters Reform.*

*Stormwater has been left in the "too hard" basket and everything was explained to us about the First Tranche (the carrot) signing up for funding in good faith for help on our other two waters infrastructure. I was amazed by how much we couldn't be told about Tranche 2 and Tranche 3 because that was not known. We came away feeling very unhappy about the direction of Local Government's Minister on this topic.*

Ōpōtiki Community Health Trust meeting

*The new Treasurer/Secretary is Courtney Andrews and Tina Gedson has finally been able to finish in her role. Scholarships issued for several Opotiki based students in medical training from Year 2 or more.*

## **27 JULY 2020**

Meeting with Toi-EDA General Manager Strategy and General Manager Operations

## **28 JULY 2020**

Meeting with David Broome, New Zealand Infrastructure Commission – Te Waihangā

*An excellent session where David questioned us on many aspects of ODC infrastructure, how it is funded and how ODC keeps up to date. Also discussed possible alternatives to what is being offered in the Three Waters Reform.*

*The New Zealand Infrastructure Commission is an independent Commission established to ensure that New Zealand gets the quality infrastructure investment needed to improve our long-term economic performance and social wellbeing.*

Meeting with iwi CEOs re water reforms

*A meeting to share what we had learnt and also to get a sense of what iwi were thinking.*

Opening of Hamertons Lawyers Ōpōtiki office

*Hamertons is the new owner of Potts and Hodgson. Meet and greet by four of their partners. All Ōpōtiki staff have been retained in the office.*

**30 JULY 2020**

Ōpōtiki District Council Long Term Plan Workshop

**31 JULY 2020**

Provincial Growth Fund announcement, Ōpōtiki at the Golf Club

*Another \$11.9 million coming into Ōpōtiki for a number of worthy projects.*

**3 AUGUST 2020**

Ōpōtiki District Council Reserve Management Plans hearing

*Councillors Rapihana, Nelson, Browne and myself were present to listen to all the submitters who wished to be heard. A full and interesting day with passionate members of our community speaking to their points from their submissions on the Reserve Management Plans.*

**4 AUGUST 2020**

Met with University of Waikato Coastal Science Chair, Chris Battershill, and team

*A discussion on what more they would like to be doing in our district.*

**5 AUGUST 2020**

Councillor/CEO catch up meeting

Met with Tania Tapsell, East Coast National candidate

Met with LG Youth representatives in the Council Chambers

*Heard from the LG Youth representatives about their activities and to show them a bit about Ōpōtiki district and projects we have going on here.*

**6 AUGUST 2020**

Met with Air Chathams representatives

*Air Chathams were hoping to encourage us to support the continuing service through Whakatāne Airport.*

Met with Area Commander Stuart Nightingale, NZ Police

*Area Commander Nightingale is newly appointed to his promoted position. Again, trying to establish an on-going working relationship (probably with two-monthly catch ups) discussing matters of concern within our community.*

## 7 AUGUST 2020

Meeting with Apanui Chairs Forum, Te Kaha

*The first invite to the Forum for myself, Council CEO along with the Managers of Finance and Planning & Regulatory.*

*Several concerns were raised by the Forum members which they hoped we would be able to address. We are meeting again in three weeks' time.*

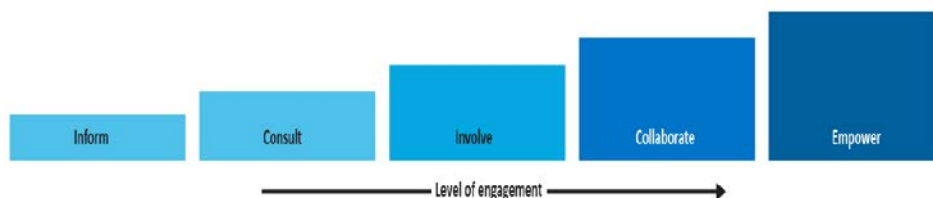
## SIGNIFICANCE ASSESSMENT

### 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 29 May 2020–7 August 2020" be received.

Lyn Riesterer

**HER WORSHIP THE MAYOR**



## REPORT

Date : 1 August 2020

To : Ordinary Council Meeting, 25 August 2020

From : Mayor Lyn Riesterer

Subject : **ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE**

File ID : A208967

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### EXECUTIVE SUMMARY

**This report updates Council on progress advanced through the July 2020 meeting of the Ōpōtiki Marine Advisory Group (OMAG)**

### 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), noting all capital raised and funding contracts complete. With Covid lockdown, they had lost 20 days but have already made up 10 of these. All work is going according to plan and looking to be ready for processing late June 2021. Still working on minor details e.g. water and waste water. They are using as many local contractors as possible on their project except for specialist work which is sourced outside of the area. They have a programme running where 10 school leavers have work experience on site across all trades, each candidate then gets to identify which trade suited them best, this is due to start in the next few weeks.

Harvesting of mussels has begun, this year's harvest will be sold domestically through Ocean Seafood and Gibbos.

- Chris Peterson updated that the Marina Development was making good progress. They now have the security to develop with Government pushing for an accelerated time frame. Geotec and consents will take up the rest of this year and they will be ready to start construction next year. The basin will be developed in stages with the wharf developed in time for boats coming in when the training walls open.
- Aileen Lawrie and John Galbraith provided an update on the Harbour Development Project with the start of the enabling works going well. The karakia and contractors' inductions are now completed, also the kaumatua quarry visits, and both quarry productions are underway. PDU supplied great support through Covid with regular Monday zoom meetings which are still going. Council's land at 8a Payne Ave has sold to 3D Capital developer to progress affordable housing and a Workforce Co-ordinator has been appointed.
- David Wyeth from HEB has caught up with local contractor Eastern Bay Concrete with concrete testing now in the pipeline. Tonkin+Taylor have 95% of the data required to continue with the Training Wall Design modelling. Mould designs for the hanbars preliminary profiles, will go out for tender, this will include local contractors. Identifying the best place for the Dynamic Compaction trials is in progress. HEB is liaising with Chris Peterson on consents so both projects can tie together.
- Ron Jones from the Coastguard advised that they had applied to Lotto for one of the America's cup chase boats and this had been approved. There is now a need to house this larger boat, and Coastguard are looking at a new build, using local project manager, Jason Addison. Estimate to build 4.5 million, funding is still required. Ōpōtiki will be the only 24/7 entrance between Tauranga and Gisborne.



- Barbara MacLennan provided an update on the workforce development project. Refer to attachment one.

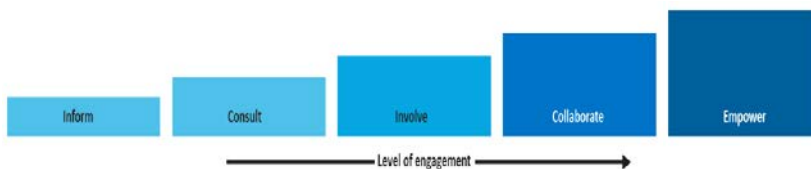
## **SIGNIFICANCE ASSESSMENT**

### **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**

## ATTACHMENT 1

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

#### Pathways to Work Initiatives in Ōpōtiki:

##### 1) He Poutama Rangatahi/Te Ara Mahi funded programmes

Rangatahi Pathways to Work activities are critical right now. *In any recession the increased unemployment burden falls especially on young people, and the consequences of this are intergenerational. Ōpōtiki's under 30s Job Seeker rate has escalated quickly.* Further funding has been approved to continue Ignite and Y-TWO Hub programmes led by Whakatōhea and Whakaatu Whanaunga Trust.

2) The success of three and a half years of **Whakatōhea's Mauri Oho Programme** supporting Work and Income clients into new pathways including training and work has been recognised. MSD has confirmed ongoing commitment and increased the pastoral care role with graduates of the programme to 12 months.

3) **Te Ara Huringa ō Pupuwharau – the EBOP Driver and Operator Training Facility.** This Centre is led by Toi EDA and is activating a "Hub and Spoke" approach in 2020. In the first year of activity most participants were from Kawerau and surrounds. This year there's a big focus on taking programmes out to other parts of Eastern Bay, and providing transport to Kawerau for components of programmes which require the facilities there. An information session about Semester Two programmes was held at Whakatōhea's Education and Training Unit last week. Also short programmes specifically for Ōpōtiki requirements will be co-designed in coming months.

4) **Class 1 Driver Licencing** – Both Eastbay REAP and Te Pou Oranga ō Whakatōhea have new initiatives planned to accelerate the numbers of local people achieving Class 1 licences. In terms of progress, 150 locals (130 under 25 years) have achieved their Restricted Licence through the Ōpōtiki Community Driver Mentoring Programme initiated by ODC in 2017. As well as further cohorts of learners to restricted this year, Eastbay REAP will help Restricted Licencees achieve Full licences.

5) **Redeployment Programmes** – Ōpōtiki District Council sought MBIE funds to rapidly create jobs post COVID Lockdown and successfully gained \$4.3m to invest in footpaths in Te Kaha and in town, the Horse Trail and extensions to the Motu Cycle Trail network. Council has worked at speed to seek tenders and enable "work on the ground" as rapidly as possible. Council is also expecting new about approved critical infrastructure projects which will enable more work locally.

6) **Mayors Taskforce for Jobs support** – Mayor Lyn Riesterer was successful attracting a trial programme to Ōpōtiki. The goal is to encourage and assist small to medium enterprises to attract and or retain young people in good jobs, including in the redeployment roles.

7) **Briefing to kiwifruit seasonal workers** – A briefing by Mayor Lyn about emerging jobs, work and training was offered to all Packhouses and OPAC picked this up. The briefing included information from Work and Income. Over 60 interested personnel, and some have subsequently followed leads up. Future briefings will be planned to encourage the flow directly into pertinent training opportunities and into other emerging work.

8) **Aligning all programmes and support to ensure local people fill emerging jobs wherever possible** - Given impacts of COVID-19 it's even more imperative to ensure that Pathways to Work initiatives in Ōpōtiki and other EBOP communities all link to real, emerging work opportunities

wherever possible. Locally, work is underway between Te Pou Oranga ō Whakatōhea and Open Ocean to pathway rangatahi into work exposure and experience, and emerging Apprenticeships as the Factory Build ends. In similar vein, local providers took rangatahi to meet with HEB leadership, learn about immediate work opportunities in Rotorua and Tauranga, and apply.

### **TOI EDA Backbone Roles –Supporting CollectiveActivity, Information, Communications**

**9) Throughout the COVID-19 Lockdown** Toi EDA joined forces with the Chamber to provide a business support function including workforce supply to essential services. Post the lockdown, Toi EDA has refreshed it's approach, with rangatahi pathways at the core, plus an ongoing investment into information to guide investment in training and support.

**10) An Eastern Bay Skills Plan** is under development, informed by the PGF and redeployment investments, and sector specific needs. This will contribute to the planning led by the recently announced BOP Regional Skills leadership Group which includes John Galbraith and Matt te Pou as members, and Chris Tooley as the Co—chair. Excellent to have three well informed Eastern Bay representatives on the group.

### **11) New Products:**

**a)** Following Dave Turner's Workshops late last year, Toi EDA contracted him to develop new resources for employers, schools and training organisations. He produced the **WE3 Continuum and Resources** – a guide to scaffolding young people from education into work through activities (potentially from primary school level) that stack **work exposure** and **work exploration**, and finally **work experience**. In the coming year we'll invest in trials, and evaluate them.

**b)** We've also co-invested in a **new video resource** about "a day in the life of a (young) forestry worker". It will be a key resource for training and education, and is pertinent to driving, logistics and machine operation jobs and careers.

**c) Cadetships – a guide for EBOP employers** -Following the successful graduation of SLH Contracting's first six cadets, all of whom ended up working in the business or in businesses SLH hires to, Deanne Butler, Managing Director, has developed a Guide which captures their learning, and compiles templates for all documentation that other employers could utilise. We will launch this shortly at events with employers.

**12) YEP Licence to Work-** So far 50 young people in EBOP schools, teen parent units and in a business are engaged in the YEP Licence to Work Programmes. We anticipate this number escalating in Term Three as organisations and schools have more time to refocus post the disruptions of Lockdown.

**13) Information Sessions about significant new investment in Apprenticeship Training and support, including subsidies to employers.** The announcements are very promising for our EBOP industries, and we are co-ordinating information sessions for employers and training organisations in July once application details are available. Apprentices can be of any age, and may already be in work. The date/time for an Ōpōtiki briefing will be confirmed shortly.

***Barbara MacLennan, Workforce Development Manager, Toi EDA***

**REPORT**

Date : 7 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Chief Executive Officer, Aileen Lawrie  
Subject : **WATER REFORMS TRANCHE 1 FUNDING**  
File ID : A209321

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**EXECUTIVE SUMMARY**

**In July 2020, the Government announced a \$761 million funding package to provide post COVID-19 stimulus to maintain, improve three waters infrastructure, support a three-year programme of reform of local government water service delivery arrangements (reform programme), and support the establishment of Taumata Arowai, the new Waters Services Regulator.**

**A Joint Central/Local Government Three Waters Steering Committee has been established to provide oversight and guidance to support progress towards reform, and to assist in engaging with Local Government, iwi/Māori, and other water sector stakeholders on options and proposals.**

**The reform programme is designed to support economic recovery, and address persistent systemic issues facing the three waters sector, through a combination of:**

- **Stimulating investment, to assist economic recovery through job creation, and maintain investment in water infrastructure renewals and maintenance; and**
- **reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.**

**Initial funding from the stimulus package will be made available to those Councils that agree to participate in the first stage of the reform programme, through a Memorandum of Understanding (MoU), Funding Agreement, and approved Delivery Plan. The MoU must be signed by the end of August 2020, with the Funding Agreement and Delivery Plan submitted and approved by the end of September 2020.**

## **PURPOSE**

This report asks Council to:

- Sign a Memorandum of Understanding (MoU) with the Crown, agreeing to participate in the initial stage of a Central/Local Government three waters service delivery reform programme (Appendix A); and
- authorise the Chief Executive to enter into the Funding Agreement, to accept a grant from the Crown to spend on operating and/or capital expenditure relating to three waters infrastructure and service delivery (Appendix B).

## **BACKGROUND**

### ***Issues facing the three waters system, and rationale for reform***

Over the past three years, Central and local government have been considering the issues and opportunities facing the system for regulating and managing the three waters (drinking water, wastewater, and stormwater).

The Government Inquiry into Havelock North Drinking Water – set up following the serious campylobacter outbreak in 2016 – identified widespread, systemic failure of suppliers to meet the standards required for the safe supply of drinking water to the public. It made a number of urgent and longer-term recommendations to address these significant systemic and regulatory failures.

The Government's Three Waters Review highlighted that, in many parts of the country, communities cannot be confident that drinking water is safe, or that good environmental outcomes are being achieved. This work also raised concerns about the regulation, sustainability, capacity and capability of a system with a large number of localised providers, many of which are funded by relatively small populations.

The Local Government sector's own work has highlighted similar issues. For example, in 2014, LGNZ identified an information gap relating to three waters infrastructure. A 2015 position paper, argued for a refresh of the regulatory framework to ensure delivery of quality drinking water and wastewater services, and outlined what stronger performance in the three waters sector would look like.

Both Central and Local Government acknowledge that there are many challenges facing the delivery of water services and infrastructure, and the communities that fund and rely on these services. These challenges include:

- Underinvestment in three waters infrastructure in parts of the country, and substantial infrastructure deficits. For example, it is estimated that between \$300 to \$570 million is required to upgrade networked drinking water treatment plants to meet drinking water standards; and up to \$4 billion is required to upgrade wastewater plants to meet new consent requirements. These deficits are likely to be underestimates, given the variable quality of asset management data.
- Persistent funding and affordability challenges, particularly for communities with small rating bases, or high-growth areas that have reached their prudential borrowing limits.
- Additional investment required to increase public confidence in the safety of drinking water, improve freshwater outcomes, and as a critical component of a collective response to climate change and increasing resilience of local communities.

COVID-19 has made the situation even more challenging. Prior to COVID-19, territorial authorities were planning on spending \$8.3 billion in capital over the next five years on water infrastructure. However, COVID-19 is likely to cause significant decreases in revenue in the short term. As a result, borrowing will be constrained due to lower debt limits that flow from lower revenues, and opportunities to raise revenue through rates, fees and charges will be limited.

### ***State of 3 waters in Ōpōtiki***

#### Potable Water

Ōpōtiki District Council has made substantial progress with the potable water supply for the Ōpōtiki township over the last 20 years. A new treatment facility, new bores and periodic improvements to the resilience of the reticulation mean that the approximately 4,000 households connected can expect good quality and safe drinking water. Water quality and quantity problems are not likely in the Ōpōtiki township system. Likewise upgrades to both Ōhiwa and Te Kaha supplies mean that safe water can reasonably be expected though there are outstanding compliance issues which need to be addressed.

Only 50% of the district is on a water supply however and the remaining 50% of the district have unknown quality with the responsibility currently sitting with the Ministry of Health to monitor these systems. We have sought comment from various officials on how the reforms can help these supplies and to date we understand that they are not directly affected by the current reform proposals.

#### Sewerage

Likewise only half of the district are on a Council sewer. The quality of the small schemes and individual septic tanks is unknown and is the responsibility of the BOP Regional Council to monitor for environmental and consent compliance purposes.

The Waihou Bay scheme is small scale and generally effective and well operated. It has little capacity to grow however.

The Ōpōtiki sewer has had a range of problems stemming from poor installation and age. Over the last 10 years Council has invested heavily in understanding the challenges in the reticulation and has had a rehabilitation programme in place over the last few years to solve infiltration and inflow problems. The Project to investigate and rehabilitate the reticulation was used as a case study in the OAG's annual report to parliament "Case study xxx". A technical investigation is currently underway to fully understand the treatment part of the system and to upgrade it to ensure capacity for future growth. Investigations into potential extensions for growth, climate change resilience and environmental reasons are about to commence. In particular Hikutaia has the potential to open up about 70 ha of land for development.

#### Stormwater

The management of Stormwater has some significant future challenges due to the effects of climate change. These challenges interface with the wastewater system, roading and river scheme.

#### ***Progress with three waters regulatory reforms***

Good progress is already being made to address the regulatory issues that were raised by the Havelock North Inquiry and Three Waters Review. The Government is implementing a package of reforms to the three waters regulatory system, which are designed to:

- o improve national-level leadership, oversight, and support relating to the three waters – through the creation of Taumata Arowai, a new, dedicated Water Services Regulator;
- o significantly strengthen compliance, monitoring, and enforcement relating to drinking water regulation;
- o manage risks to drinking water safety and ensure sources of drinking water are protected;
- o improve the environmental performance and transparency of wastewater and stormwater networks.

Legislation to create Taumata Arowai had its third reading on 22 July 2020 and should be enacted shortly. This new Crown entity is currently being built, and will become responsible for drinking water regulation once a separate Water Services Bill is passed (anticipated mid 2021).

However, both Central and Local Government acknowledge that regulatory reforms alone will not be sufficient to address many of the persistent issues facing the three waters system. Reforms to service delivery and funding arrangements also need to be explored.

## **Proposal – Central/Local Government three waters reform programme**

### ***Overview of proposed approach to three waters investment and service delivery reform***

At the recent Central/Local Government Forum, Central and local government leadership discussed the challenges facing New Zealand’s water service delivery and infrastructure, and committed to working jointly on reform. A Joint Central/Local Government Three Waters Steering Committee has been established to provide oversight and guidance to support this work. [Further details are provided in Appendix E.]

Central and Local Government consider it is timely to apply targeted infrastructure stimulus investment to enable improvements to water service delivery, progress service delivery reform in partnership, and ensure the period of economic recovery following COVID-19 supports a transition to a productive, sustainable economy.

In July 2020, the Government announced an initial funding package of \$76 million to provide post COVID-19 stimulus, support a three-year programme of reform of local government water service delivery arrangements, and support the establishment and operation of Taumata Arowai.

The reform programme is designed to support economic recovery, and address persistent systemic issues facing the three waters sector, through a combination of:

- stimulating investment, to assist economic recovery through job creation, and maintain investment in water infrastructure renewals and maintenance; and
- reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.

While the Government’s starting intention is for publicly-owned multi-regional models for water service delivery (with a preference for local authority ownership), final decisions on a service delivery model will be informed by discussion with the local government sector and the work of the Joint Steering Committee.

Further information on the reform objectives, and the core design features of any new service delivery model, are provided in pages 3 to 4 of the MoU at Appendix A.

### ***Reform process and indicative timetable***

As noted above, this is a three-year programme to reform three waters service delivery arrangements, which is being delivered in conjunction with an economic stimulus package of Crown investment in water infrastructure. The reform programme will be undertaken in stages.



The initial stage is an opt in, non-binding approach, which involves Councils taking the actions and signing the documents described below (MoU, Funding Agreement, and Delivery Plan).

Councils that agree to opt in by the end of August 2020 will receive a share of the initial funding package. Any further tranches of funding will be at the discretion of the Government and may depend on progress against reform objectives.

An indicative timetable for the full reform programme is provided below. While this is subject to change as the reforms progress, and subject to future Government budget decisions, it provides an overview of the longer-term reform pathway.



**Allocation of the investment package**

The Government has determined a notional allocation framework based on a nationally-consistent formula.

The general approach to determining each authority's notional allocation is based on a formula that gives weight to two main factors:

- o The population in the relevant Council area, as a proxy for the number of water connections serviced by a territorial authority (75 per cent weighting)
- o The land area covered by a local authority excluding national parks, as a proxy for the higher costs per connection of providing water services in areas with low population density (25 per cent weighting).

The investment package is structured into two components:

- o A direct allocation to each territorial authority, comprising 50% of that territorial authority's notional allocation; and

- A regional allocation, comprising the sum of the remaining 50% of the notional allocations for each territorial authority in the relevant region.

The relevant allocations for Ōpōtiki District Council are:

- \$1.6m (excluding GST) direct allocation for Ōpōtiki District Council
- \$1.6m (excluding GST) regional allocation for the Bay of Plenty region.

The purpose of the Government's regional allocation is to establish collective participation by Councils in the reform programme. Each regional group of Councils has until 30 September to agree on how best to apportion the regional funds to the individual territorial authorities that make up the region. Appendix F includes a hypothetical example of how a regional allocation decision-making process could work.

The Steering Committee has recommended a preferred approach to the allocation of regional funding, being the same formula that is used to determine the direct allocations to territorial authorities.

Officers recommend delegating decisions about the allocation of regional funding to the Chief Executive of the Council, with the understanding that the minimum level of funding to the Council be based upon the formula used to calculate the direct Council allocations, and noting that participation by two-thirds of territorial authorities within the Bay of Plenty region is required to access the regional allocation.

### **What actions are the Council being asked to take at this point?**

The initial stage of the reform programme involves three core elements:

- Memorandum of Understanding (Appendix A);
- Funding Agreement (Appendix B);
- Delivery Plan (Appendix C).

Initial funding will be made available to those Councils that sign the MoU, and associated Funding Agreement, and provide a Delivery Plan.

This initial funding will be provided in two components: a direct allocation to individual Councils, and a regional allocation. The participating Councils in each region are required to agree an approach to distributing the regional allocation.

The MoU is the 'opt in' to the first stage of the reform and stimulus programme. The MoU needs to be signed and submitted by the end of August 2020. The Funding Agreement and Delivery Plan need to be submitted by the end of September 2020, to access the stimulus funding.

Councils that do not opt in by the end August 2020 deadline will not receive a share of the stimulus funding. Councils will still be able to opt in to the reform programme at a later date, but will not have access to the initial funding package, retrospectively.

### ***Memorandum of Understanding***

A MoU has been developed by the Steering Group, for each Council to enter into with the Crown. This is a standardised document, which cannot be amended or modified by either party.

Signing the MoU commits Councils to:

- engage in the first stage of the reform programme – including a willingness to accept the reform objectives and the core design features set out in the MoU;
- the principles of working together with Central government and the Steering Committee;
- work with neighbouring Councils to consider the creation of multi-regional entities;
- share information and analysis on their three waters assets and service delivery arrangements.

At this point, this is a voluntary, non-binding commitment. It **does not** require Councils to commit to future phases of the reform programme, to transfer their assets and/or liabilities, or establish new water entities.

The MoU is effective from the date of agreement until 30 June 2021, unless terminated by agreement or by replacement with another document relating to the reform programme.

A legal opinion by Simpson Grierson, commissioned by SOLGM on behalf of the Steering Committee, advises that the MoU **does not** contain any explicit triggers for consultation under the Local Government Act 2002. (refer to Appendix D).

### ***Funding Agreement***

This Council has been allocated \$1.6M by the Crown, if it opts in to the reform programme. A further \$20m (approximately) has been allocated to the Bay of Plenty Region territorial authorities to agree an appropriate distribution between participating Councils. This funding will be provided as a grant, which does not need to be repaid if the Council does not ultimately commit to reform at later stages of the process.

There are several options for how the regional funding could be allocated between Councils. The joint Central-Local Government Three Waters Steering Committee preferred approach is to apply the same formula<sup>1</sup> used to calculate the direct allocations. Under this approach, the Council would receive an additional \$1.6M, contributing to a total funding allocation of \$3.2M. This approach was discussed by the CEOs of the region at our regular meeting on 6 August and there was general support for each Council to seek a resolution to apply the formula in this way.

It is recommended that the Council delegates authority to the Chief Executive to agree an appropriate allocation with other participating Councils, with the understanding that the Council share of the regional allocation should be \$1.6M at a minimum, noting that participation by two thirds of territorial authorities within the region is to access the regional funding. The Funding Agreement is one of the mechanisms for accessing the funding package. Like the MoU, it is a standardised document, for agreement between each Council and the Crown. It cannot be amended.

The Funding Agreement guides the release and use of funding. It sets out:

- the funding amount allocated to the Council;
- funding conditions;
- public accountability requirements, including the Public Finance Act;
- reporting milestones.

While there is some local flexibility around how the funding can be applied, the Government has indicated that this investment is intended to support economic recovery, enable improvements in water service delivery, and progress the service delivery reform programme.

The Funding Agreement will be supplemented by a Delivery Plan, which is the document that sets out how the grant funding is to be applied by the Council.

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<sup>1</sup> Applying a 75% weighting for population and a 25% weighting for land area, excluding national parks.

## ***Delivery Plan***

The Delivery Plan is the other mechanism for accessing the funding package.

This Delivery Plan must show that the funding allocation is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:

- supports economic recovery through job creation; and
- maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.

The Delivery Plan is a short-form template, which sets out:

- a summary of the works to be funded, including location, estimated associated costs, and expected benefits/outcomes;
- the number of people to be employed in these works;
- an assessment of how the works support the reform objectives in the MoU;
- reporting obligations.

The Delivery Plan will be supplied to Crown Infrastructure Partners (and other organisations as agreed between the Council and Crown), for review and approval. Crown Infrastructure Partners will monitor progress against the Delivery Plan, to ensure spending has been undertaken with public sector financial management requirements.

Staff are considering how the funding may be spent, and this will be governed by our readiness and the being able to meet the conditions of the funding. Given we have a significant package of sewerage treatment investigation work just starting, it is unlikely to provide recommendations in time to commence any capital works in the timeframes required by Conditions of this funding. We are also unable to use it for anything already funded via the annual plan.

A Delivery Plan will need to be developed by staff and lodged by the end of September for review by DIA who will provide approval (or not) by the end of October. There is no Council meeting between now and the due date so it is recommended that the decision on what to include be delegated to staff. Council will of course be kept informed as we progress.

## **Risks**

In agreeing to sign the MOU Council are agreeing to work in good faith towards the reform and aggregation of Council's 3 Waters assets. It is non-binding and Council can opt out.

Little indication has been given of the resource requirements for the process ahead, despite requests to DIA. We have been advised it is a co-design process. The Bay of Plenty Regional Council CEO is prompting the Bay Councils to progress Bay of Plenty/Waikato inter-regional three water collaboration.

With our BAU, LTP, Harbour and post-Covid projects there is a risk that our ability to engage will be limited. Engagement is likely to mean data provision and participation in meetings to consider various aggregation options and likely consequences of reform.

If we are unable to be an active participant there are risks that specific local effects will not be identified in the work and without a presence in discussions, staff will have less ability to provide advice to Council about the options and consequences of entering the binding aggregation process

While DIA are offering resourcing to support Councils, it will heavily rely on our existing staff with the understanding of our assets.

## **SIGNIFICANCE ASSESSMENT**

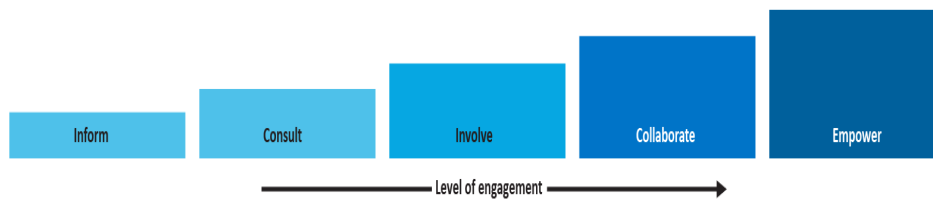
### **Assessment of significance**

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 in relation to the matters of this report are not considered to be significant 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 this report 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.

As part of the reform package DIA has sought legal support from Simpson Grierson (Appendix D) and the advice generally supports this position. The only risk would be if Council decided to fund something entirely new that had ongoing financial or level of service costs, e.g. extend the sewerage into a new area creating a need to consult on the rating impacts.



## CONCLUSION

DIA area offering Council \$3.2M for 3 Waters upgrades in return for our engagement in a non-binding reform co-design.

## RECOMMENDATIONS:

### 1. That the report titled “Water Reforms Tranche 1 Funding” be received.

- **Note** that:

- In July 2020, the Government announced an initial funding package of \$761 million to provide a post COVID-19 stimulus to maintain and improve water networks infrastructure, and to support a three-year programme of reform of local government water services delivery arrangements; and
- initial funding will be made available to those Councils that agree to participate in the initial stage of the reform programme, through a Memorandum of Understanding (MoU), Funding Agreement, and approved Delivery Plan.
- this initial funding will be provided in two parts: a direct allocation to individual territorial authorities, and a regional allocation. The participating individual authorities in each region will need to agree an approach to distributing the regional allocation
- the Steering Committee has recommended a preferred approach to the allocation of regional funding, being the same formula as was used to determine the direct allocations to territorial authorities

### 2. That Council agrees to sign the MoU at Appendix A and Funding Agreement at Appendix B.

### 3. That Council agrees to nominate the Chief Executive of the Council as the primary point of communication for the purposes of the MoU and reform programme – as referred to on page 6 of the MoU.

### 4. That Council agrees to delegate decisions about the allocation of regional funding to the Chief Executive of the Council, with the understanding that the minimum level of funding to the Council be based upon the formula used to calculate the direct Council allocations, and noting that participation by two-thirds of territorial authorities within the Bay of Plenty region is required to access the regional allocation.

- **Note** that the MoU and Funding Agreement cannot be amended or modified by either party, and doing so would void these documents.
  - **Note** that participation in this initial stage is to be undertaken in good faith, but this is a non-binding approach, and the Council can opt out of the reform process at the end of the term of the agreement (as provided for on page 5 of the MoU).
  - **Note** that the Council has been allocated \$1.6M of funding, which will be received as a grant as soon as practicable once the signed MoU and Funding Agreement are returned to the Department of Internal Affairs, and a Delivery Plan has been supplied and approved (as described on page 5 of the MoU).
  - **Note** that the Delivery Plan must show that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:
    - supports economic recovery through job creation; and
    - maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.
- 5. That Council authorises the Chief Executive to finalise the Delivery Plan to address feedback from Government and obtain the approval needed to release funding.**

Aileen Lawrie

**CHIEF EXECUTIVE OFFICER**



# Memorandum of Understanding Three Waters Services Reform

Between the Sovereign in right of New Zealand acting by and through the Department of Internal Affairs and

## PURPOSE

This Memorandum of Understanding (Memorandum) sets out the principles and objectives that the Parties agree will underpin their ongoing relationship to support the improvement in three waters service delivery for communities with the aim of realising significant public health, environmental, economic, and other benefits over the medium to long term. It describes, in general terms, the key features of the proposed reform programme and the Government funding arrangements that will support investment in three waters infrastructure as part of the COVID 19 economic recovery.

## BACKGROUND

Over the past three years central and local government have been considering solutions to challenges facing the regulation and delivery of three water services. This has seen the development of new legislation to create Taumata Arowai, the new Water Services Regulator, to oversee and enforce a new drinking water regulatory framework, with an additional oversight role for wastewater and stormwater networks.

While addressing the regulatory issues, both central and local government acknowledge that there are broader challenges facing the delivery of water services and infrastructure, and the communities that fund and rely on these services. There has been regulatory failure, underinvestment in three waters infrastructure in parts of the country, and persistent affordability challenges, and additional investment is required to increase public confidence in the safety of drinking water and to improve freshwater outcomes. Furthermore, investment in water service delivery infrastructure is a critical component of a collective response to climate change and increasing resilience of local communities.

The Parties to this Memorandum consider it is timely to apply targeted infrastructure stimulus investment to enable improvements to water service delivery, progress reform in partnership, and ensure the period of economic recovery following COVID-19 supports a transition to a productive, sustainable economy. Additional funding will be subject to Government decision-making and reliant on the Parties demonstrating substantive progress against the reform objectives. The quantum, timing, conditions, and any other information relating to future funding will be advised at the appropriate time but will likely comprise additional tranches of funding and more specific agreement to key reform milestones.

The reform process and stimulus funding, proposed by Government, is designed to support economic recovery post COVID-19 and address persistent systemic issues facing the three waters sector, through a combination of:

- stimulating investment, to assist economic recovery through job creation, and maintain investment in water infrastructure renewals and maintenance; and
- reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.

There is a shared understanding that a partnership approach will best support the wider community and ensure that the transition to any eventual new arrangements is well managed and as smooth as possible. This requires undertaking the reform in a manner that enables local government to continue and, where possible, enhance delivery of its broad “wellbeing mandates” under the Local Government Act 2002, while recognising the potential impacts that changes to three waters service delivery may have on the role and functions of territorial authorities.

## PRINCIPLES FOR WORKING TOGETHER

The Parties shall promote a relationship in their dealings with each other, and other Parties related to the three waters services reform, based on:

- mutual trust and respect; and
- openness, promptness, consistency and fairness in all dealings and communication including through adopting a no-surprises approach to any matters or dealings related to the reform programme; and
- non-adversarial dealings and constructive problem-solving approaches; and
- working co-operatively and helpfully to facilitate the other Parties perform their roles; and
- openly sharing information and analysis undertaken to date on the state of the system for delivering three waters services and the quality of the asset base.

This Memorandum is intended to be non-binding in so far as it does not give rise to legally enforceable obligations between the Parties.

## REFORM OBJECTIVES AND CORE DESIGN FEATURES

By agreeing to this Memorandum, the Parties agree to work constructively together to support the objectives of the three waters service delivery reform programme.

The Parties agree that the following objectives will underpin the reform programme and inform the development of reform options/proposals:

- significantly improving the safety and quality of drinking water services, and the environmental performance of drinking water and wastewater systems (which are crucial to good public health and wellbeing, and achieving good environmental outcomes);
- ensuring all New Zealanders have equitable access to affordable three waters services;
- improving the coordination of resources, planning, and unlocking strategic opportunities to consider New Zealand's infrastructure and environmental needs at a larger scale;
- increasing the resilience of three waters service provision to both short- and long-term risks and events, particularly climate change and natural hazards;
- moving the supply of three waters services to a more financially sustainable footing, and addressing the affordability and capability challenges faced by small suppliers and councils;
- improving transparency about, and accountability for, the delivery and costs of three waters services, including the ability to benchmark the performance of service providers; and
- undertaking the reform in a manner that enables local government to further enhance the way in which it can deliver on its broader "wellbeing mandates" as set out in the Local Government Act 2002.

In addition to these objectives, the Parties recognise that any consideration of changes to, or new models for, water service delivery arrangements must include the following fundamental requirements and safeguards:

- mechanisms that provide for continued public ownership of water service delivery infrastructure, and protect against privatisation; and
- mechanisms that provide for the exercise of ownership rights in water services entities that consider the interests and wellbeing of local communities, and which provide for local service delivery.

The Parties also recognise the reform programme will give rise to rights and interests under the Treaty of Waitangi and both Parties acknowledge the role of the Treaty partner. This includes maintaining Treaty settlement obligations and other statutory rights including under the Resource Management Act 1991 and the Local Government Act 2002. The outcome of discussions with iwi/Māori will inform design of appropriate mechanisms to reflect Treaty interests. This will include clarity of roles and responsibilities.

The Parties agree to work together to identify an approach to service delivery reform that incorporates the objectives and safeguards noted above, and considers the following design features as a minimum:

- water service delivery entities, that are:
  - of significant scale (most likely multi-regional) to enable benefits from aggregation to be achieved over the medium to long-term;
  - asset owning entities, with balance sheet separation to support improved access to capital, alternative funding instruments and improved balance sheet strength; and
  - structured as statutory entities with appropriate and relevant commercial disciplines and competency-based boards;
- delivery of drinking water and wastewater services as a priority, with the ability to extend to stormwater service provision only where effective and efficient to do so; and
- publicly owned entities, with a preference for collective council ownership;
- mechanisms for enabling communities to provide input in relation to the new entities.

The Parties acknowledge that work will also be undertaken to develop a regulatory framework, including mechanisms to protect the interests of consumers.

## FUNDING ARRANGEMENTS

The Government has indicated its intention to provide funding to stimulate investment to enable improvements in water service delivery, support economic recovery and progress Three Waters Services Reform. The quantum of funding available for the Council (and each participating Council) will be notified by Government prior to signing this Memorandum.

Funding will be provided as soon as practicable following agreement to this Memorandum and the associated Funding Agreement and Delivery Plan. The Delivery Plan will need to show that the funding is to be applied to operating or capital expenditure on three waters service delivery (with the mix to be determined by the Council) that:

- supports economic recovery through job creation; and
- maintains, increases and/or accelerates investment in core water infrastructure renewals and maintenance.<sup>1</sup>

The Delivery Plan will be based on a simple template and will include a summary of projects, relevant milestones, costs, location of physical works, number of people employed in works, reporting milestones and an assessment of how it supports the reform objectives set out in this Memorandum.

The Delivery Plan will be supplied to Crown Infrastructure Partners, and other organisations as agreed between the Parties, who will monitor progress of application of funding against the Delivery Plan to ensure spending has been undertaken consistent with public sector financial management requirements.

Agreement to this Memorandum and associated Funding Agreement and Delivery Plan are required prior to the release of Government funding. The Council will have the right to choose whether or not they wish to continue to participate in the reform programme beyond the term of the Memorandum.

## FUTURE AGREEMENTS

The Parties may choose to enter other agreements that support the reform programme. These agreements will be expected to set out the terms on which the Council will partner with other councils to deliver on the reform objectives and core design features, and will include key reform milestones and detailed plans for transition to and establishment of new three waters service delivery entities.

## PROGRAMME MANAGEMENT

The Government will establish a programme management office and the Council will be able to access funding support to participate in the reform process.

The Government will provide further guidance on the approach to programme support, central and regional support functions and activities and criteria for determining eligibility for funding support. This guidance will also include the specifics of any information required to progress the reform that may be related to asset quality, asset value, costs, and funding arrangements.

## TERM

This Memorandum is effective from the date of agreement until 30 June 2021 unless terminated by agreement or by replacement with another agreement related to the reform programme.

<sup>1</sup> Maintains previously planned investment that may have otherwise deferred as a result of COVID-19.

## INTERACTIONS, MONITORING, INFORMATION AND RECORDS

The Parties nominate the following representatives to act as the primary point of communication for the purposes of this Memorandum and any other purpose related to the reform programme.

Government's representative	Territorial Authority's representative
Allan Prangnell <a href="mailto:threewaters@dia.govt.nz">threewaters@dia.govt.nz</a> CC. Chief Legal Advisor <a href="mailto:Legal.notices@dia.govt.nz">Legal.notices@dia.govt.nz</a>	

It is the responsibility of these representatives to:

- work collaboratively to support the reform objectives;
- keep both Parties fully informed;
- act as a first point of reference between Parties and as liaison persons for external contacts; and
- communicate between Parties on matters that arise that may be of interest to either party.

If the contact person changes in either organisation, the other party's contact person must be informed of the new contact person immediately and there should be an efficient transition to ensure the momentum of the reform process is not undermined.

## **CONFIDENTIALITY**

Neither of the Parties is to disclose, directly or indirectly, any confidential information received from the other party to any third party without written consent from the other party, unless required by processes under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987 (whichever applies), or under a Parliamentary process- such as following a Parliamentary question, in which case the relevant party is to inform the other party prior to disclosure. Protocols will be established to enable exchange information between Councils where that is consistent with progressing reform objectives.

## **DISPUTE RESOLUTION**

Any dispute concerning the subject matter of this document is to be settled by full and frank discussion and negotiation between the Parties.

.....

SIGNED by The Sovereign in right of New Zealand  
acting by and through the Chief Executive of the  
Department of Internal Affairs

Date

.....

SIGNED by

on behalf of

Date

.....

SIGNED by

on behalf of

Date

Witness signature

.....

Witness name

Witness occupation

Witness address

Date



# **FUNDING AGREEMENT**

**BETWEEN**

**DEPARTMENT OF INTERNAL AFFAIRS**

**AND**

**[NAME OF RECIPIENT]**

**FOR**

**THREE WATERS SERVICES REFORMS**

**AGREEMENT**

The parties (identified below in Part 1) agree to be bound by the terms and conditions of this Agreement, as set out below in Part 1 (Key Details), Part 2 (General Terms), Part 3 (Definitions and Construction) and the Schedule (Payment Request).

**PART 1: KEY DETAILS**

**1 Parties** The Sovereign in right of New Zealand, acting by and through the Chief Executive of the Department of Internal Affairs (**DIA**)

[NAME OF RECIPIENT] (**Recipient**)

**2 Background** The New Zealand Government is undertaking a reform programme for “Three Waters” (drinking water, wastewater and stormwater) service delivery for communities (**Three Waters Reform Programme**). In conjunction with the Three Waters Reform Programme, the New Zealand Government is investing in water service delivery. The investment’s objectives are to:

- 1. improve the safety and quality of drinking water services, and the environmental performance of drinking water and wastewater systems, by maintaining, increasing or accelerating investment in core water infrastructure renewals and maintenance; and
- 2. support New Zealand’s economic recovery from the COVID-19 pandemic through job creation, by enabling investment to continue at a time when council revenues are uncertain and they face immediate cashflow challenges.

The New Zealand Government has mandated DIA to manage the provision of Government funding to local authorities to support investment in water infrastructure that supports its public health and environmental management objectives. Provision of such funding supports the objectives of the reform programme, by creating positive momentum toward reform of delivery arrangements for drinking water and wastewater services and infrastructure (with stormwater as a secondary priority).

The New Zealand Government has also mandated Crown Infrastructure Partners Limited (**CIP**) to assist in managing such funding by undertaking a monitoring role.

The Recipient is a territorial authority with statutory responsibility for delivering Three Waters services within its own district or city. The Recipient will work collaboratively with the New Zealand Government in connection with the Three Waters Reform Programme.

DIA has agreed to contribute funding to the Recipient on the terms and conditions of this Agreement (**Agreement**).

Key details of this Agreement are set out in this **Part 1**. The full terms and conditions are set out in **Part 2**. Defined terms and rules of interpretation are set out in **Part 3**.

**3 Conditions Precedent** No Funding is payable under this Agreement until DIA has confirmed to the Recipient in writing that it has received, and found, in its sole discretion, to be satisfactory to it in form and substance, the following documents and evidence:

- 1. This Agreement, duly executed by the Recipient by 30 September 2020.
- 2. The Memorandum of Understanding, duly executed by the Recipient by 31 August 2020.

3. The final Delivery Plan prepared by the Recipient, in a form approved by DIA and duly executed by the Recipient by 31 October 2020.

A draft of the Delivery Plan must be submitted by no later than 30 September 2020 to [threewaters@dia.govt.nz](mailto:threewaters@dia.govt.nz) (copied to the Monitor) for review and comment by DIA (and/or the Monitor as its nominee).

Once DIA (or the Monitor) responds to the draft Delivery Plan, the Recipient must promptly engage with DIA (or the Monitor), seek to resolve such comments, and submit a final Delivery Plan for DIA's approval.

The Recipient is responsible for the content of the Delivery Plan and approval by DIA for the purposes of this Agreement shall not impose any obligations on DIA in respect of the Delivery Plan other than as expressly set out in this Agreement.

These conditions precedent must either be satisfied (in the opinion of DIA) or waived by DIA (at its sole discretion) by 31 October 2020, unless a later date is agreed otherwise in writing with DIA. In the event that they are not satisfied or waived within that time, DIA may notify the Recipient that this Agreement has not come into effect and is null and void.

- 4 **Expenditure Programme(s)**

The Recipient may only use the Funding to complete the expenditure programme(s) described in the Delivery Plan (each an **Expenditure Programme**).
- 5 **Expenditure Programme Milestones and Completion Dates**

The Recipient is to complete the Expenditure Programme Milestones set out in the Delivery Plan to the satisfaction of DIA by the Completion Dates dates set out therein.
- 6 **End Date**

The End Date is 31 March 2022, or such later date determined by DIA in its discretion.
- 7 **Funding**

The total Funding available under this Agreement is up to **NZ\$[INSERT HERE]** plus GST (if any). This is the Total Maximum Amount Payable.

The first instalment of Funding under this Agreement is subject to satisfaction of the Conditions Precedent set out in Item 3 above and receipt of a duly completed Payment Request in accordance with clause 1 of Part 2.

The balance of the Funding under this Agreement will be paid in instalments as specified in the Delivery Plan, subject to satisfaction of the conditions set out below and the other terms and conditions of this Agreement.

Each instalment of Funding under this Agreement, following payment of the first instalment, is subject to:

  - (a) Receipt of a duly completed Payment Request in accordance with clause 1 of Part 2.
  - (b) The Expenditure Programme(s) having commenced no later than 31 March 2021.
  - (c) DIA receiving and being satisfied with the quarterly reports specified in the Key Details, together with the other information required in this Agreement.
  - (d) No Termination Event, or event entitling DIA to suspend funding under this Agreement, subsisting.
  - (e) Any further conditions relating to that instalment of Funding as specified in the Delivery Plan.

The first Payment Request may be submitted upon the Commencement Date

occurring. Each subsequent Payment Request may only be submitted at the same time as submission of a quarterly report in accordance with item 8 (Reporting) of the Key Details, and no more than one such Payment Request may be submitted in any Quarter, except (in each case) to the extent agreed by DIA in its sole discretion.

## 8 Reporting

The Recipient will provide DIA (copied to the Monitor) with quarterly reports by the 10<sup>th</sup> Business Day following the end of each Quarter, with effect from the Commencement Date. Each quarterly report must include the information set out below, in the standard reporting form specified by DIA.

The Recipient will also provide DIA (copied to the Monitor) with a final report by the 10<sup>th</sup> Business Day following the date on which the Expenditure Programme(s) are completed. The final report must include the information set out below, in the standard reporting form specified by DIA.

Each report is to be in form and substance satisfactory to DIA in its sole discretion.

**Each quarterly report** must include the following information:

- (a) Description and analysis of actual progress of the Expenditure Programme(s) against planned progress for the relevant Quarter;
- (b) A summary of expenditure, actual against budgeted (including underspend and cash float), for the relevant Quarter;
- (c) Plans for the next Quarter;
- (d) Forecast cashflows and forecast of the costs to complete the Expenditure Programme(s);
- (e) Any major risks arising or expected to arise with the Expenditure Programme(s), costs or performance of this Agreement, together with actual or proposed mitigations for those risks (including, where the actual Expenditure Programme(s) costs are forecast to exceed budgeted costs, how the shortfall is to be funded);
- (f) A summary of the number of jobs created, actual against expected, through people employed in the Expenditure Programme(s);
- (g) Any specific reporting requirements set out in the Delivery Plan; and
- (h) Any other information that is notified by DIA in writing to the Recipient.

**The final report** must include the following information:

- (a) Description and analysis of completion of the Expenditure Programme(s) against the original programme;
- (b) A summary of expenditure, actual against budgeted (including underspend), for the full Expenditure Programme(s);
- (c) Detail of the Recipient's proposed next steps;
- (d) An update on media, marketing and communication activities for the Expenditure Programme(s);
- (e) A summary of the number of jobs created, actual against expected, through people employed in the Expenditure Programme(s);
- (f) Any specific reporting requirements set out in the Delivery Plan; and
- (g) Any other information that is notified by DIA in writing to the Recipient.

## 9 Special Terms

[None] / [*Special terms to be added*]

10 **Recipient's Bank Account** [xx-xxxx-xxxxxxxx-xxx]

11 **Representative** DIA's Representative:  
Name: Allan Prangnell  
Email: [threewaters@dia.govt.nz](mailto:threewaters@dia.govt.nz)

Recipient's Representative:  
Name: [name]  
Email: [email]

12 **Address for Notices** To DIA:  
Three Waters Reform  
Level 7, 45 Pipitea Street  
Wellington 6011  
Attention: Allan Prangnell  
Email: [threewaters@dia.govt.nz](mailto:threewaters@dia.govt.nz), with  
a copy to [legalnotices@dia.govt.nz](mailto:legalnotices@dia.govt.nz)  
To the Monitor:  
Attention: Anthony Wilson  
Email:  
[3waters@crowinfrastucture.govt.nz](mailto:3waters@crowinfrastucture.govt.nz)

To the Recipient:  
[address]  
Attention: [name]  
Email: [email]

**SIGNATURES**

**SIGNED** by the **SOVEREIGN IN RIGHT OF NEW ZEALAND** acting by and through the Chief Executive of the Department of Internal Affairs or his or her authorised delegate:

**SIGNED** for and on behalf of **[RECIPIENT NAME]** by the person(s) named below, being a person(s) duly authorised to enter into obligations on behalf of the Recipient:

\_\_\_\_\_  
Name:  
Position:  
Date:

\_\_\_\_\_  
Name:  
Position:  
Date:

\_\_\_\_\_  
Name:  
Position:  
Date:

*END OF PART 1*

## PART 2: GENERAL TERMS

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### 1 FUNDING

- 1.1 DIA must pay the Funding (up to the "Total Maximum Amount Payable" specified in the Key Details) to the Recipient, subject to the terms of this Agreement. Unless stated otherwise in this Agreement, the Recipient may only claim the Funding to the extent necessary to cover Eligible Costs that have been or will be incurred by the Recipient, and the Recipient must use the Funding solely on Eligible Costs.
- 1.2 The Recipient must submit a Payment Request to [threewaters@dia.govt.nz](mailto:threewaters@dia.govt.nz) and copying in DIA's Representative and the Monitor on completion of one or more Expenditure Programme Milestones specified in the Delivery Plan. Such Payment Request must be submitted at the time specified in, and otherwise in accordance with, item 7 (Funding) in the Key Details.
- 1.3 Each Payment Request is to be signed by the Chief Executive and an authorised signatory of the Recipient and must be in the form set out in the Schedule and include the confirmations set out therein, and must include:
  - (a) the amount of Funding requested, which must not exceed the aggregate maximum Funding instalment amounts set out in the Delivery Plan for the Expenditure Programme Milestone(s) to which that Payment Request relates; and
  - (b) contain any other information required by DIA.
- 1.4 Once DIA has reviewed the Payment Request and the information enclosed with it, it will request the Recipient to provide (and the Recipient will provide) a valid GST invoice complying with the Goods and Services Tax Act 1985.
- 1.5 DIA is not required to pay any Funding in respect of a Payment Request:
  - (a) if any Expenditure Programme Milestone(s) have not been completed by the relevant "Completion Date" specified in the Delivery Plan;
  - (b) if any reports specified in the Key Details have not been provided or are not in form and substance satisfactory to DIA in its sole discretion;
  - (c) if the Conditions specified in Item 7 of the Key Details relating to that instalment have not been satisfied;
  - (d) if payment will result in the Funding exceeding the "Total Maximum Amount Payable" specified in the Key Details;
  - (e) if this Agreement has expired or been terminated; and/or
  - (f) while the Recipient is in breach of this Agreement.

For the avoidance of doubt, DIA's obligation to make Funding available under this Agreement is strictly subject to clause 6.2.
- 1.6 Subject to the terms of this Agreement, DIA must pay each valid Payment Request by the 20th day of the month after the month the GST invoice referred to in clause 1.4 is dated, and if such day is not a Business Day, on the next Business Day. DIA will pay the Funding to the Bank Account of the Recipient specified in Item 10 of the Key Details.

1.7 The Funding made available under this Agreement comprises grant funding and does not comprise an equity investment or loan. It is only repayable in the specific circumstances set out in this Agreement.

1.8 DIA may, at its discretion, notify the Recipient in writing that it wishes to enter into a GST Offset Agreement in connection with the payment of GST on any Funding. The Recipient must, where applicable, take all such steps as are reasonably required to achieve that GST offset in accordance with the Goods and Services Tax Act 1985.

## **2 RECIPIENT'S RESPONSIBILITIES**

### **Standards and compliance with laws**

2.1 The Recipient must comply with all applicable laws, regulations, rules and professional codes of conduct or practice.

### **Expenditure Programme(s) and Contractors**

2.2 The Recipient must not, without DIA's prior written consent, make any Material Variation to the Expenditure Programme(s) (including its description and scope) as set out in the Delivery Plan.

2.3 The Recipient must ensure that the Expenditure Programme(s) are carried out:

- (a) promptly with due diligence, care and skill, and in a manner that meets or exceeds Best Industry Practice;
- (b) by appropriately trained, qualified, experienced and supervised persons; and
- (c) in accordance with any directions of DIA, notified by DIA in writing from time to time.

2.4 The Recipient must use reasonable endeavours to ensure that the Expenditure Programme Milestones are completed by the relevant "Completion Date" specified in the Delivery Plan.

2.5 The Recipient is responsible for the acts and omissions of any contractors and subcontractors.

2.6 The Recipient must ensure (and will procure that the head contractor when engaging with any other contractor ensures) that all agreements it enters into with any contractors or any other party in connection with the Expenditure Programme(s) are on an "arm's length" basis, provide value-for-money and do not give rise to any Conflict of Interest. The Recipient must provide DIA with reasonable evidence of compliance with this clause 2.6 in response to any request by DIA from time to time.

### **Information Undertakings**

2.7 The Recipient must provide DIA with the reports specified in the Key Details, in accordance with the timeframes and reporting requirements set out in the Key Details.

2.8 The Recipient must provide DIA with any other information about the Expenditure Programme(s) requested by DIA within the timeframe set out in the request.

2.9 The Recipient must promptly notify DIA if:

- (a) the Recipient (or any of its personnel or contractors) becomes aware of, or subject to, a Conflict of Interest; or
- (b) the Recipient becomes aware of any matter that could reasonably be expected to have an adverse effect on an Expenditure Programme and any related programme, or result in a Termination Event or a breach of any term of this Agreement by the Recipient,

and if requested by DIA must promptly provide DIA with its plan to mitigate and manage such Conflict of Interest or such matter.

- 2.10 The Recipient must not at any time do anything that could reasonably be expected to have an adverse effect on the reputation, good standing or goodwill of DIA or the New Zealand Government. The Recipient must keep DIA informed of any matter known to the Recipient which could reasonably be expected to have such an effect.
- 2.11 The parties acknowledge and agree that CIP (or any other Monitor) may, to the extent directed by DIA, undertake a reviewing and monitoring role under this Agreement, including by:
- (a) reviewing and confirming satisfaction with the Delivery Plan and with the reports specified in the Key Details;
  - (b) seeking, reviewing and confirming satisfaction with further information from the Recipient; and
  - (c) making recommendations to DIA and the New Zealand Government in respect of the Funding and the Agreement.

The Recipient agrees that all its communications and correspondence under this Agreement may be made with DIA or, to the extent directed by DIA, the Monitor.

#### **Funding, records and auditors**

- 2.12 The Recipient must receive and manage all Funding in accordance with good financial management and accounting practices and to a high standard that demonstrates appropriate use of public funds.
- 2.13 The Recipient must keep full and accurate records (including accounting records) of the Expenditure Programme(s) and retain them for at least 7 years after the last payment of Funding under this Agreement. The Recipient must permit DIA (or any auditor nominated by DIA) to inspect all records relating to the Expenditure Programme(s) and must allow DIA and/or the auditor access to the Recipient's premises, systems and personnel for the purposes of this inspection. DIA shall bear any third party costs arising from such inspection, unless the inspection reveals a breach of this Agreement, in which case the Recipient shall bear such costs.

#### **Reform**

- 2.14 The Recipient agrees to work constructively together with DIA and the New Zealand Government to support the objectives of the Three Waters Reform Programme pursuant to the Memorandum of Understanding. The parties acknowledge that the undertaking set out in this clause 2.14 is intended to be non-binding.



### 3 INTELLECTUAL PROPERTY

- 3.1 DIA acknowledges that the Recipient and its licensors own all pre-existing intellectual property which they contribute to the Expenditure Programme(s), and all new intellectual property which they create in the course of the Expenditure Programme(s).
- 3.2 The Recipient grants an irrevocable, perpetual, royalty-free, sub-licensable licence to DIA and the Monitor to use all reports, documents, information and other materials created or provided by the Recipient to DIA or the Monitor under or in connection with the Expenditure Programme(s) and this Agreement.
- 3.3 The Recipient warrants that it has obtained (or will obtain, prior to creation of each relevant work) all rights and permissions necessary to enable the grant and exercise of the licence in clause 3.2 without infringing the intellectual property rights of any third party.

### 4 TERM AND TERMINATION

- 4.1 This Agreement will be effective on and from the Commencement Date, which will be the latest to occur of:
- (a) the date this Agreement has been signed by both parties; and
  - (b) the date on which DIA has provided written notice to the Recipient that the Conditions Precedent specified in the Key Details have either been satisfied (in the opinion of DIA) or waived by DIA (at its sole discretion).
- 4.2 This Agreement will remain in force until the End Date, unless terminated in accordance with this Agreement.
- 4.3 DIA can terminate this Agreement with immediate effect, by giving notice to the Recipient, at any time:
- (a) while DIA reasonably considers that the Recipient has become or is likely to become insolvent;
  - (b) while the Recipient is subject to the appointment of a liquidator, receiver, manager or similar person in respect of any of its assets or a Crown Manager or Commission is appointed in respect of the Recipient under Part 10 of the Local Government Act 2002;
  - (c) if the Expenditure Programme(s) have not commenced by 31 March 2021; or
  - (d) while any one or more of the follow events or circumstances remains unremedied:
    - (i) the Recipient is materially in breach of any obligation, or a condition or warranty, under this Agreement;
    - (ii) the Recipient has provided DIA with information in connection with or under this Agreement that (whether intentionally or not) is materially incorrect or misleading, and/or omits material information;
    - (iii) DIA reasonably considers that this Agreement or an Expenditure Programme has caused, or may cause, DIA and/or the New Zealand Government to breach any legal obligations (including its international trade obligations);
    - (iv) the Recipient abandons an Expenditure Programme;

- (v) the Recipient is involved in any intentional or reckless conduct which, in the opinion of DIA, has damaged or could damage the reputation, good standing or goodwill of DIA or the New Zealand Government, or is involved in any material misrepresentation or any fraud;
  - (vi) the Recipient (or any of its personnel or contractors) is subject to a Conflict of Interest which cannot be managed to DIA's satisfaction; or
  - (vii) any change in law, regulations or other circumstances materially affects DIA's ability to perform its obligations under this Agreement.
- 4.4 However, where DIA considers that a Termination Event set out in clause 4.3(d) can be remedied, DIA must give notice to the Recipient requesting a remedy, and must not exercise its right of termination unless the relevant event remains unremedied for at least 14 days (or any longer period agreed with the Recipient) after that notice has been provided by DIA.
- 4.5 On expiry or termination of this Agreement, where the aggregate of (a) the total Funding paid under this Agreement and (b) any other money received or allocated by the Recipient, in each case to carry out an Expenditure Programme, exceeds the amount required to perform the Expenditure Programme, the Recipient must upon request refund to DIA the excess amount.
- 4.6 At any time DIA may recover the amount of any Funding that has been spent or used other than in accordance with this Agreement, or not applied to Eligible Costs by the End Date, together with interest on all such amounts calculated at 10% per annum from the date of the misspending to the date the money is repaid.
- 4.7 Clauses 1.5, 2.1, 2.12, 2.13, 3, 4, 5, 6, 7, 8, 9, 10 and 11 survive expiry or termination of this Agreement, along with any other parts of this Agreement necessary to give effect to those provisions. Expiry or termination of this Agreement does not affect any accrued rights, including any rights in respect of a breach of this Agreement or Termination Event that occurred before expiry or termination.

## 5 **WARRANTIES AND UNDERTAKINGS**

- 5.1 The Recipient warrants that, in the course of its activities in connection with the Expenditure Programme(s), it will not infringe any intellectual property or other rights of any contractor or any other third party.
- 5.2 The Recipient warrants that, as at the date of this Agreement:
- (a) It has full power and authority to enter into and perform its obligations under this Agreement which, when executed, will constitute binding obligations on it in accordance with this Agreement's terms, and it has complied with the Local Government Act 2002 in entering into this Agreement;
  - (b) the Recipient is solvent and is not subject to the appointment of a liquidator, receiver, manager or similar person in respect of any of its assets or to the appointment of a Crown Manager or Commission under Part 10 of the Local Government Act 2002;
  - (c) all information and representations disclosed or made to DIA by the Recipient in connection with this Agreement are true and correct, do not omit any material matter, and are not likely to mislead or deceive DIA as to any material matter;

- (d) it has disclosed to DIA all matters known to the Recipient (relating to the Expenditure Programme(s), the Recipient or its personnel) that could reasonably be expected to have an adverse effect on the reputation, good standing or goodwill of DIA or the New Zealand Government; and
- (e) it is not aware of any material information that has not been disclosed to DIA which may, if disclosed, materially adversely affect the decision of DIA whether to provide the Funding.

5.3 The Recipient warrants that:

- (a) the Funding has been or will be applied solely to Eligible Costs; and
- (b) the Expenditure Programme(s) will take into account the parties' shared intention to:
  - (i) support economic recovery through job creation; and
  - (ii) maintain, increase and/or accelerate investment in core water infrastructure renewals and maintenance,

and such warranty will be deemed to be repeated continuously so long as this Agreement remains in effect by reference to the facts and circumstances then existing.

5.4 DIA warrants that, as at the date of this Agreement, it has full power and authority to enter into and perform its obligations under this Agreement which, when executed, will constitute binding obligations on it in accordance with this Agreement's terms.

5.5 The Recipient acknowledges that DIA has entered into this Agreement in reliance on these warranties and undertakings.

5.6 The Recipient acknowledges and agrees that DIA has made no warranty or representation that any funding or financial support is or will be available to the Recipient in respect of the Expenditure Programme(s), other than the Funding.

## 6 **LIABILITY**

6.1 The maximum liability of DIA under or in connection with this Agreement, whether arising in contract, tort (including negligence) or otherwise, is limited to the total amount of Funding paid or payable under this Agreement.

6.2 The Recipient undertakes to pay any and all cost overruns of the Expenditure Programme(s) and any funding shortfall, and DIA and the New Zealand Government have no obligations or responsibility whatsoever in respect of such cost overruns and funding shortfall and accept no financial risk in the Expenditure Programme(s).

6.3 DIA is not liable for any claim under or in connection with this Agreement or the Expenditure Programme(s), whether arising in contract, tort (including negligence) or otherwise, where such claim is or relates to any loss of profit, loss of revenue, loss of use, loss of reputation, loss of goodwill, loss of opportunity (in each case whether direct, indirect or consequential) or any other indirect, consequential or incidental loss or damages of any kind whatsoever.

## 7 CONFIDENTIALITY

- 7.1 Subject to clause 7.2 and 7.3, each party must keep the other party's Confidential Information in confidence, and must use or disclose that Confidential Information only to the extent necessary to perform its obligations, and/or take the intended benefit of its rights, under this Agreement. However, this will not prohibit:
- (a) either party from using or disclosing any information with the written prior consent of the other party;
  - (b) use or disclosure of information that has become generally known to the public other than through a breach of this Agreement;
  - (c) either party from disclosing information to its personnel, contractors or advisors with a need to know, so long as the relevant personnel, contractors and advisors use the information solely to enable that party to perform its obligations and/or take the intended benefit of its rights under this Agreement, and so long as they are informed of the confidential nature of the information and, in the case of the Recipient, the Recipient receives an acknowledgement from its personnel, contractors or advisors that they acknowledge, and must comply with, the confidentiality obligations in this Agreement as if they were party to it;
  - (d) disclosure required by any law, or any compulsory order or requirement issued pursuant to any law; or
  - (e) DIA from using or disclosing to any party any documents, reports or information received in relation to this Agreement, provided that prior to any such disclosure DIA removes all information that is commercially sensitive to the Recipient from the relevant work.
- 7.2 The Recipient acknowledges and agrees that nothing in this Agreement restricts DIA's ability to:
- (a) discuss, and provide all information in respect of, any matters concerning the Recipient, the Expenditure Programme(s) or this Agreement with any Minister of the Crown, the Monitor, any other government agency or any of their respective advisors;
  - (b) meet its obligations under any constitutional or parliamentary convention (or other obligation at law) of or in relation to the New Zealand Parliament, the New Zealand House of Representatives or any of its Committees, any Minister of the Crown, or the New Zealand Auditor-General, including any obligations under the Cabinet Manual including the "no surprises" principle; and
  - (c) publicise and report on the awarding of the Funding, including the Recipient's and any of its contractor's names, the amount and duration of the Funding and a brief description of the Expenditure Programme(s), on websites; in media releases; general announcements and annual reports.
- 7.3 The Recipient acknowledges that:
- (a) the contents of this Agreement (including the Delivery Plan); and
  - (b) information provided to DIA and the Monitor (including the reports specified in the Key Details),

may be official information in terms of the Official Information Act 1982 and, in line with the purpose and principles of the Official Information Act 1982, this Agreement and such information may be released to the public unless there is good reason under the Official Information Act 1982 to withhold it.

- 7.4 DIA acknowledges that the Recipient is subject to the Local Government Official Information and Meetings Act 1987 and that its confidentiality obligations under this clause 7 are subject to its compliance with that Act.

## 8 MEDIA AND COMMUNICATIONS

- 8.1 Before making any media statements or press releases (including social media posts) regarding this Agreement and/or DIA's involvement with the Expenditure Programme(s), the Recipient will consult with DIA, and will obtain DIA's prior approval to any such statements or releases.
- 8.2 The Recipient will refer any enquiries from the media or any other person about the terms or performance of this Agreement to DIA's Representative.
- 8.3 The Recipient will acknowledge the New Zealand Government as a source of funding in all publications (including any digital presence) and publicity regarding the Expenditure Programme(s) in accordance with funding acknowledgement guidelines agreed with DIA. The Recipient must obtain DIA's approval of the form and wording of the acknowledgement prior to including the acknowledgement in the publication or publicity (as the case may be).
- 8.4 The Recipient does not have the right to enter into any commitment, contract or agreement on behalf of DIA or any associated body, or to make any public statement or comment on behalf of DIA or the New Zealand Government.
- 8.5 All correspondence with DIA under this clause 8 must be directed to DIA's Representative and copied to [threewaters@dia.govt.nz](mailto:threewaters@dia.govt.nz) and the Monitor.

## 9 DISPUTES

- 9.1 In the event of any dispute, controversy or claim arising out of or in connection with this Agreement, or in relation to any question regarding its existence, breach, termination or invalidity (in each case, a **Dispute**), either party may give written notice to the other specifying the nature of the Dispute and requesting discussions under this clause 9 (**Dispute Notice**). As soon as reasonably practicable following receipt of a Dispute Notice, the parties must meet (in person, or by audio or video conference) and endeavour to resolve the Dispute by discussion, negotiation and agreement.
- 9.2 If the matter cannot be amicably settled within 20 Business Days after the date of the Dispute Notice then, at the request in writing of either party, the matter in respect of which the Dispute has arisen must be submitted, together with a report describing the nature of such matter, to the Representatives (or, if no such Representatives have been appointed, the respective Chief Executives of the parties) (together the **Dispute Representatives**).
- 9.3 Within 20 Business Days after the receipt of a request under clause 9.2, one individual (who does not act in his or her professional capacity as legal counsel for either party) selected by each of the Dispute Representatives, must make a presentation of no longer than 30 minutes to each of the Dispute Representatives (which may be by telephone or remotely), who will then attempt in good faith to reach a common decision within a half-day. The decision of the Dispute Representatives is binding on the parties.

- 9.4 In the case of a Dispute, if the Dispute Representatives have not met within 20 Business Days of receiving a request in accordance with clause 9.2, or if they fail to reach a common decision within the stated time period, either party may by notice in writing to the other party refer the Dispute to be referred to mediation before a single mediator appointed by the parties. Each party will bear its own costs of mediation and the costs of the mediator will be divided evenly between the parties.
- 9.5 If the parties are unable to agree on the appointment of a mediator within 5 Business Days of the notice requiring the Dispute to be referred to mediation, a mediator may be appointed at the request of any party by the Arbitrators' and Mediators' Institute of New Zealand Inc.
- 9.6 If the Dispute is not resolved within 20 Business Days of referral to mediation, the parties may commence court proceedings without further participation in any mediation.
- 9.7 Nothing in this clause 9 will prevent either party from seeking urgent interim relief from a court (or other tribunal) of competent jurisdiction.

## 10 REPRESENTATIVES

- 10.1 All matters or enquiries regarding this Agreement must be directed to each party's Representative (set out in the Key Details).
- 10.2 Each party may from time to time change the person designated as its Representative on 10 Business Days' written notice to the other Party. Any such change will also take effect as a change of the relevant Representative for the purposes of the Memorandum of Understanding.

## 11 GENERAL

- 11.1 Each notice or other communication given under this Agreement (each a **notice**) must be in writing and delivered personally or sent by post or email to the address of the relevant party set out in the Key Details or to any other address from time to time designated for that purpose by at least 10 Business Days' prior written notice to the other party. A notice under this Agreement is deemed to be received if:

- (a) **Delivery:** delivered personally, when delivered;
- (b) **Post:** posted, 5 Business Days after posting or, in the case of international post, 7 Business Days after posting; and
- (c) **Email:** sent by email:
  - (i) If sent between the hours of 9am and 5pm (local time) on a Business Day, at the time of transmission; or
  - (ii) If subclause (i) does not apply, at 9am (local time) on the Business Day most immediately after the time of sending,

provided that an email is not deemed received unless (if receipt is disputed) the party giving notice produces a printed copy of the email which evidences that the email was sent to the email address of the party given notice.

- 11.2 The Recipient agrees to execute and deliver any documents and to do all things as may be required by DIA to obtain the full benefit of this Agreement according to its true intent.

- 11.3 No legal partnership, employer-employee, principal-agent or joint venture relationship is created or evidenced by this Agreement.
- 11.4 This Agreement constitutes the sole and entire understanding with respect to the subject matter hereof and supersedes all prior discussions, representations and understandings, written or oral.
- 11.5 No amendment to this Agreement will be effective unless agreed in writing and signed by both parties.
- 11.6 The Recipient may not assign or transfer any of its contractual rights or obligations under this Agreement, except with DIA's prior written approval.
- 11.7 DIA may assign or transfer any of its contractual rights or obligations under this Agreement without the Recipient's prior approval. DIA may at any time disclose to a proposed assignee or transferee any information which relates to, or was provided in connection with, the Recipient, the Expenditure Programme(s) or this Agreement.
- 11.8 No failure, delay or indulgence by any party in exercising any power or right conferred on that party by this Agreement shall operate as a waiver. A single exercise of any of those powers or rights does not preclude further exercises of those powers or rights or the exercise of any other powers or rights.
- 11.9 The exercise by a party of any express right set out in this Agreement is without prejudice to any other rights, powers or remedies available to a party in contract, at law or in equity, including any rights, powers or remedies which would be available if the express rights were not set out in this Agreement.
- 11.10 This Agreement is not intended to confer any benefit on or create any obligation enforceable at the suit of any person not a party to this Agreement.
- 11.11 Any provision of this Agreement that is invalid or unenforceable will be deemed deleted, and will not affect the other provisions of this Agreement, all of which remain in force to the extent permitted by law, subject to any modifications made necessary by the deletion of the invalid or unenforceable provision.
- 11.12 This Agreement is to be governed by the laws of New Zealand, and the parties submit to the non-exclusive jurisdiction of the courts of New Zealand.
- 11.13 This Agreement may be executed in any number of counterparts (including duly electronically signed, scanned and emailed copies). So long as each party has received a counterpart signed by each of the other parties, the counterparts together shall constitute a binding and enforceable agreement. This Agreement is intended to constitute a binding and enforceable agreement in accordance with its terms.

*END OF PART 2*

## PART 3: DEFINITIONS AND CONSTRUCTION

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### Defined terms

In this Agreement, unless the context requires otherwise, terms defined in the Agreement have the meaning set out therein and:

*Authorisation* means:

- (a) any consent, authorisation, registration, filing, lodgement, agreement, notarisation, certificate, permission, licence, approval, authority or exemption from, by or with a governmental agency or required by any law (including any consent under the Resource Management Act 1991); or
- (b) in relation to anything which will be fully or partly prohibited or restricted by law if a governmental agency intervenes or acts in any way within a specified period after lodgement, filing, registration or notification, the expiry of that period without intervention or action.

*Best Industry Practice* means that degree of skill, care and foresight and operating practice that would reasonably and ordinarily be expected of a skilled and competent supplier of services engaged in the same type of undertaking as that of the Recipient or any contractors (as applicable) under the same or similar circumstances as those contemplated by this Agreement.

*Business Day* means any day other than a Saturday, Sunday or public holiday within the meaning of section 44 of the Holidays Act 2003.

*Commencement Date* has the meaning given in clause 4.1 of Part 2.

*Completion Date* is the date that the relevant Expenditure Programme Milestone is to be completed by the Recipient, described in the Delivery Plan, and includes any amendment to the date which may be agreed in writing (including by email but only when DIA's Representative expressly confirms in writing

that they have received approval of the change from the correct DIA delegation holder) between the parties from time to time.

*Conditions* means the conditions to the payment of a Funding instalment as specified in Item 7 of the Key Details.

*Confidential Information* of a party (Owner), means any information in the possession or control of another party (Holder) that:

- (a) was originally acquired by the Holder in connection with this Agreement through disclosures made by or at the request of the Owner; and/or
- (b) was originally acquired by the Holder in connection with this Agreement through any access to, or viewing, inspection or evaluation of, the premises, facilities, documents, systems or other assets owned or controlled by the Owner; and/or
- (c) is derived from information of a kind described in paragraph (a) or (b) above;

but excludes any information which the Holder can show:

- (d) was lawfully acquired by the Holder, entirely independently of its activities in connection with this Agreement, and is free of any other obligation of confidence owed to the Owner; and/or
- (e) has been independently developed by the Holder without reference to the Owner's Confidential Information, and without breaching any other obligation of confidence owed to the Owner.

Notwithstanding the foregoing, the terms of this Agreement (excluding the Delivery Plan) are not Confidential Information.

*Conflict of Interest* means any matter, circumstance, interest or activity of the Recipient, its personnel or contractors, or any other person with whom the Recipient has a relationship that:



- (a) conflicts with:
  - (i) the obligations of the Recipient (or its personnel or contractors) to DIA under this Agreement; or
  - (ii) the interests of the Recipient in relation to this Agreement and/or the procuring of the Expenditure Programme(s); or
- (b) otherwise impairs or might appear to impair the ability of the Recipient (or any of its personnel or contractors) to diligently and independently carry out the Expenditure Programme(s) in accordance with this Agreement.

*Delivery Plan* means the delivery plan setting out the scope of the Expenditure Programme(s) to which Funding is to be applied, based on the template provided by and in the form approved by DIA and executed by DIA and the Recipient.

*Eligible Costs* means the actual costs that have been or will be reasonably incurred by the Recipient on or after the Commencement Date and no later than the End Date to deliver an Expenditure Programme in accordance with the Delivery Plan.

*Expenditure Programme Milestone* means, in respect of an Expenditure Programme, a milestone for that Expenditure Programme, as set out in the Delivery Plan.

*Funding* means the funding or any part of the funding (as the context requires) payable by DIA to the Recipient in accordance with the terms of this Agreement, as described in the Key Details.

*GST Offset Agreement* means a deed of assignment between DIA as Assignor and the Recipient as Assignee providing for the offset of the amount of GST in accordance with the Goods and Services Tax Act 1985.

*Key Details* means Part 1 of this Agreement.

*Memorandum of Understanding* means the memorandum of understanding relating to Three Waters Services Reform between DIA

and the Recipient, in the form provided by DIA.

*Material Variation* means, in respect of an Expenditure Programme, any variation which on its own or together with any other variation or variations results in, or is likely to result in the budgeted expenditure (taking into account all variations) being exceeded or an Expenditure Programme being materially delayed, or any variation that materially amends the scope, specifications or function of an Expenditure Programme.

*Monitor* means CIP, or any other entity appointed by DIA in its sole discretion to assist in managing the Funding by undertaking a monitoring role.

*Payment Request* means a request submitted to DIA by the Recipient seeking payment of Funding substantially in the form set out in the Schedule to this Agreement.

*Quarter* means a financial quarter, being a three monthly period ending on 30 June, 30 September, 31 December or 31 March.

*Termination Event* means any one or more of the events or circumstances set out in clause 4.3.

### **Construction**

In the construction of this Agreement, unless the context requires otherwise:

*Currency:* a reference to any monetary amount is to New Zealand currency;

*Defined Terms:* words or phrases appearing in this Agreement with capitalised initial letters are defined terms and have the meanings given to them in this Agreement;

*Documents:* a reference to any document, including this Agreement, includes a reference to that document as amended or replaced from time to time;

*Inclusions:* a reference to “includes” is a reference to “includes without limitation”, and “include”, “included” and “including” have corresponding meanings;

*Joint and Several Liability:* any provision of this Agreement to be performed or observed by two or more persons binds those persons jointly and severally;

*Parties:* a reference to a party to this Agreement or any other document includes that party's personal representatives/successors and permitted assigns;

*Person:* a reference to a person includes a corporation sole and also a body of persons, whether corporate or unincorporate;

*Precedence :* if there is any conflict between the different parts of this Agreement, then unless specifically stated otherwise, the Key Details will prevail over Part 2, and Part 2 will prevail over the Delivery Plan;

*Precedence with Memorandum of Understanding:* if there is any conflict

between this Agreement and the Memorandum of Understanding, then unless specifically stated otherwise, this Agreement will prevail;

*Related Terms:* where a word or expression is defined in this Agreement, other parts of speech and grammatical forms of that word or expression have corresponding meanings;

*Statutes and Regulations:* a reference to an enactment or any regulations is a reference to that enactment or those regulations as amended, or to any enactment or regulations substituted for that enactment or those regulations;

*Writing:* a reference to "written" or "in writing" includes email and any commonly used electronic document format such as .DOC or .PDF.

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END OF PART 3

## SCHEDULE: PAYMENT REQUEST

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To: DEPARTMENT OF INTERNAL AFFAIRS

Dated: [•]

### PAYMENT REQUEST

1. We refer to the Funding Agreement dated [•] 2020 between [•] as recipient (**Recipient**) and the Department of Internal Affairs (**DIA**) (the **Agreement**). Terms defined in the Agreement have the same meaning in this Payment Request.
2. This is a Payment Request for the purpose of clauses 1.2 and 1.3 of the Agreement.
3. Each of the Expenditure Programme Milestones that have been completed are:  
  
*[insert description of each of Expenditure Programme Milestones completed, including the date of completion]*
4. The amount of Funding requested is \$[•] plus GST if any.
5. The Funding requested in this Payment Request has been or will be required to meet the Eligible Costs.
6. We enclose with this Payment Request:
  - (a) a breakdown / total transaction listing of total Eligible Costs that have been or will be incurred to deliver the completed Expenditure Programme Milestone(s);
  - (b) the conditions to the applicable Expenditure Programme Milestone(s) as set out in the Funding Agreement and the Delivery Plan;
  - (c) a quarterly report; and *\*Note: (c) is not applicable for the first Payment Request, or where DIA has agreed under item 7 of the Key Terms that a Payment Request does not need to be provided alongside a quarterly report*
  - (d) any other reasonable information or evidence requested by DIA or the Monitor in relation to Eligible Costs that have been incurred or will be incurred.
7. We confirm that:
  - (a) no Termination Event is subsisting; and
  - (b) each of the warranties set out in the Agreement are correct as at the date of this Payment Request.

By and on behalf of the Recipient by

NAME OF RECIPIENT

\_\_\_\_\_  
Chief Executive

\_\_\_\_\_  
Authorised Officer

## THREE WATERS STIMULUS GRANT DELIVERY PLAN

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**Instructions for completion:** A single Delivery Plan is to be completed for the full Expenditure Programme. Territorial Authorities may elect to provide appendices providing further detail of specific elements of the proposed expenditure programme.

The draft Delivery Plan must be submitted by the Territorial Authority as soon as possible and in any event by no later than 30 September 2020 to [threewaters@dia.govt.nz](mailto:threewaters@dia.govt.nz), with a copy to [3waters@crowinfrastructure.govt.nz](mailto:3waters@crowinfrastructure.govt.nz). The Delivery Plan will be assessed by the Department of Internal Affairs and Crown Infrastructure Partners Limited, who may elect to provide feedback and require further detail, additions or alterations. A revised version of the Delivery Plan, incorporating all agreed changes, must be submitted for approval thereafter, with the final Delivery Plan to be in an approved form by 31 October 2020.

Where the Department of Internal Affairs requires additional reporting or other assurance based on a specific Delivery Plan, this will be included in section 17 below following the Department of Internal Affairs/Crown Infrastructure Partners Limited review. Section 17 will form part of the Delivery Plan. All figures in this Delivery Plan should be GST exclusive.

Capitalised terms in this Delivery Plan have the meaning given to them in the Funding Agreement, where applicable.

### Territorial Authority information

1. Programme Title:

2. Territorial Authority:

3. Total Maximum Amount Payable (NZ\$M):

4. Organisation Lead Contact:

Name:	<input type="text"/>
Position:	<input type="text"/>
Email:	<input type="text"/>

### Expenditure Programme overview

5. Please provide a brief description of the expenditure programme to be undertaken:

6. Location/address of the programme:  
(if this is a series of investments, please identify each location where relevant)

7. What is the **total** estimated cost of the programme (NZ\$M)?

8. If the total estimated cost exceeds the Total Maximum Amount Payable, please specify the funding source(s) and amount(s):

Funding Source	Amount (NZ\$M)
	\$
	\$
<b>Total</b>	\$

9. Please provide a high-level breakdown of the expenditure programme including a cost schedule identifying estimated costs for each major component:

10. What is the expected number of people employed, and net jobs created through the expenditure programme? How has this been estimated?

#### Expenditure Programme commencement

11. Please describe the initial activity to be undertaken on expenditure programme commencement:

#### Expenditure Programme completion

12. Please outline below the high-level plan that will ensure the expenditure programme is completed by 31 March 2022 (these should largely mirror the milestones below):

#### Expenditure Programme funding status

13. Please indicate below the expenditure programme funding status:

Included in LTP	Y/N	Amounts NZ\$	Year
Included in Annual Plan 2020/21	Y/N	Amounts NZ\$	N/A
Not funded in any plan	Y/N	Amounts NZ\$	Year
Was funded but COVID-19 deferred	Y/N	Amounts NZ\$	Year
Is any Territorial Authority co-funding being contributed?	Y/N	Amounts NZ\$	Year

14. Please set out the key milestones of the expenditure programme to be undertaken, and for each milestone the planned completion date and budget:<sup>1</sup>

	<b>Expenditure Programme Milestone (including a description of how the milestone is identified)</b>	<b>Completion Date</b>	<b>Maximum Funding instalment amount (NZ\$)<sup>2</sup></b>	<b>Budgeted costs to complete the expenditure programme (NZ\$)</b>	<b>[DIA USE ONLY] Funding Conditions</b>
1.	Commencement Date occurring under the Funding Agreement	31 October 2020 (or such date agreed otherwise in writing with DIA under the Funding Agreement)	NZ\$[INSERT HERE] [Note: this is to be 50% of the Total Maximum Amount Payable]	Nil	
2.	[Commencement of expenditure programme]	[date] [To be no later than 31 March 2021]	NZ\$[INSERT HERE]	NZ\$[INSERT HERE]	
3.	[milestone]	[date]	NZ\$[INSERT HERE]	NZ\$[INSERT HERE]	
4.	[milestone]	[date]	NZ\$[INSERT HERE]	NZ\$[INSERT HERE]	
5.	[milestone]	[date]	NZ\$[INSERT HERE]	NZ\$[INSERT HERE]	
6.	[milestone]	[date]	NZ\$[INSERT HERE]	NZ\$[INSERT HERE]	
7.	[Completion of expenditure programme]	[date] [To be no later than 31 March 2022]	NZ\$[INSERT HERE]) <sup>3</sup>	NZ\$[INSERT HERE]	
	<b>TOTAL</b>		[Must be less or equal to Total Maximum Amount Payable]	[Must be equal to the total estimated cost of the expenditure programme]	

<sup>1</sup> All figures should be GST exclusive.

<sup>2</sup> You may choose to determine each maximum Funding instalment amount for a milestone on the basis of seeking funds either for application towards costs incurred for that milestone, or for application towards costs to be incurred for the following milestone.

<sup>3</sup> The final Payment Request needs to be submitted with the quarterly report for the period ending 31 December 2021.

15. Briefly outline the final expected outcomes/objectives of the expenditure programme:

16. Briefly outline an assessment of how the expenditure programme supports the reform objectives set out in the Memorandum of Understanding relating to Three Waters Services Reform between you and the Sovereign in Right of New Zealand acting by and through the Minister of Local Government:

**DIA USE ONLY**

17. Additional requirements in respect of the Funding Agreement (such as specific reporting requirements):

The parties acknowledge and agree that this is the agreed Delivery Plan.

**SIGNATURES**

**SIGNED** by the **SOVEREIGN IN RIGHT OF NEW ZEALAND** acting by and through the Chief Executive of the Department of Internal Affairs or his or her authorised delegate:

\_\_\_\_\_  
Name:  
Position:  
Date:

**SIGNED** for and on behalf of

\_\_\_\_\_  
by the person(s) named below, being a person(s) duly authorised to enter into obligations on behalf of that territorial authority:

\_\_\_\_\_  
Name:  
Position:  
Date:

\_\_\_\_\_  
Name:  
Position:  
Date:

## Our advice

**Prepared for** SOLGM  
**Prepared by** Jonathan Salter and Lizzy Wiessing  
**Date** 31 July 2020

PRIVILEGED AND CONFIDENTIAL

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### Three waters services reform MOU - no explicit triggers for consultation before territorial authorities sign

- 
- |                   |  |
|-------------------|--|
| <b>Background</b> | <ol style="list-style-type: none"><li>1. You have asked us to prepare advice to be circulated to territorial authorities with the draft memorandum of understanding for three water services reform (<b>MOU</b>).</li><li>2. Our advice proceeds on the presumption that councils will enter into the MOU after their annual plan for 2020/21 has been adopted.</li></ol>  |
| <b>Question</b>   | <ol style="list-style-type: none"><li>3. Do territorial authorities need to consult their community before entering into the MOU?</li></ol>  |
| <b>Answer</b>     | <ol style="list-style-type: none"><li>4. Generally, no. There are no explicit triggers for consultation before entering into the MOU. The decision to enter into it is of course subject to the general requirements relating to decision-making in Part 6 of the Local Government Act 2002 (<b>LGA 02</b>). If councils consider they do not have a reasonable understanding of community views in relation to the commitments arising from the MOU then they could choose to consult their communities about the decision. We expect this will be the exception not the norm.</li><li>5. Certain choices made subsequently as to what projects to advance or steps to take might trigger consultation requirements at that time.</li></ol> |



## Our reasons

	<b>Page</b>
<b>Summary</b>	<ul style="list-style-type: none"> <li>• The obligations assumed on upon entry into the MOU do not trigger any explicit requirements to consult in the LGA 02. <span style="float: right;">2</span></li> </ul>
	<ul style="list-style-type: none"> <li>• The decision is subject to the general requirements relating to decision-making in Part 6 of the LGA 02, meaning local authorities may choose to consult. <span style="float: right;">3</span></li> </ul>
	<ul style="list-style-type: none"> <li>• Subsequent decisions relating to either the reform or projects/funding aspects may trigger consultation requirements at that time. <span style="float: right;">3-4</span></li> </ul>
<b>The obligations assumed upon entry into the MOU have no explicit consultation triggers</b>	<p>6. The key commitment in the MOU is to working constructively together to support the objectives of the the three waters service delivery reform programme (page 3). The MOU contains objectives that will underpin the reform programme and inform the development of reform options/proposals and core reform design features (pages 3 and 4). We refer to this as the reform commitment.</p>
	<p>7. It is fundamental to the reform commitment that there is acknowledgement by both parties to the MOU that there are challenges facing the delivery of water services and infrastructure and the communities that fund and rely on those services, that are in need of solutions. These challenges are set out in summary form in the Background section. This section also makes it clear that the reform process and stimulus funding proposed by government is designed to support economic recovery post COVID-19 and address persistent systemic issues facing the three waters sector through a combination of:</p> <ul style="list-style-type: none"> <li>• Stimulation investment, to assist economic recovery through job creation and maintain investment in water infrastructure renewals and maintenance; and</li> <li>• Reforming current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term.</li> </ul>
	<p>8. The Background refers to a shared understanding that a partnership approach will best support the wider community and ensure that the transition to any eventual new arrangements is well managed and as smooth as possible. This partnership approach is set out more fully in the section “Principles for Working Together” as a relationship based on mutual trust and respect, openness, non-adversarial dealings and constructive problem-solving, co-operation and information sharing. As principles to underpin dealings between local authorities and the Crown, these are uncontroversial.</p>

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9. The reform objectives which “inform the development of reform options/proposals” are similarly self-evident with the possible exception of the objective of:

“Improving the co-ordination of resources, planning, and unlocking strategic opportunities to consider New Zealand’s infrastructure and environmental needs at a larger scale.”

10. This is offset to some extent by the objective of “undertaking the reform in a manner that enables local government to further enhance the way in which it can deliver on its broader “wellbeing mandates” as set out in the Local Government Act 2002.”
11. The parties to the MOU agree to consider minimum design features which include water service delivery entities of significant scale (most likely multi-regional) to enable benefits from aggregation to be achieved over the medium to long-term, structured as statutory entities.
12. Funding from central government to councils is available in three tranches. Tranche one funding will be provided following entry into the MOU and agreement to an associated funding agreement and delivery plan. The delivery plan will need to show that the funding is to be applied to opex or capex that supports economic recovery through job creation and maintains, increases or accelerates investment in core water infrastructure renewals and maintenance (page 5). The funding cannot be applied to projects already in a council’s annual plan. We refer to this as the projects commitment.
13. The MOU is effective from the date of signing until 30 June 2021, unless terminated earlier or extended.
14. Neither the reform commitment nor projects commitments bind councils to specific three waters projects. Rather, councils are committing to participate in a reform process looking at changes to three waters delivery and identify possible projects that are eligible for funding. The obligations are exploratory/investigative in nature.
15. The MOU cannot, and does not, supplant the planning, accountability and associated consultation obligations of local authorities in the LGA 02. These continue to apply when there is a relevant trigger.
16. Decisions on three waters projects are the likely outcome of the reform process and funding provided, after participation in the process, after entry into the MOU. The consultation can be undertaken at that time.

**The decision to enter the MOU is subject to the Part 6 LGA 02 decision-making obligations –**

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17. Whether or not to enter into the MOU will be at councils’ discretion. As a decision, the decision will be subject to the general decision-making obligations in Part 6 of the LGA 02.
18. The Part 6 LGA 02 obligations include the section 78 obligation to consider the views and preferences of interested and affected
-

**these do not strongly indicate that consultation is required**

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persons when making this decision, and determine whether consultation is needed or appropriate in order to identify those views and preferences.

19. This determination as to extent of compliance with section 78 will be a judgement for each council to make under section 79, and will depend in part on the particular council's significance and engagement policy (**SEP**), and its 2020/21 annual plan and current LTP.
20. The availability of Crown funding for core water infrastructure (at an amount disclosed before the MOU is entered into) is a unique opportunity to relieve local funding pressures that councils might reasonably expect their communities to support. The associated commitment to cooperate in a consideration of structural water reform is a subject on which councils may have limited understanding of community views. However, the exploratory/investigative nature of the reform commitment and the express provision in the MOU that it does not give rise to legally enforceable obligations, suggest the ready application of section 79(2) as a justification for not undertaking specific community engagement at this time.
21. Councils should check out of an abundance of caution that their SEP does not indicate a need to consult before entering the MOU. We expect it to be very unlikely that many policies will indicate consultation is required, including because of the nature of the obligations assumed upon entry into the MOU and that the decision is not irrevocable. Also potentially relevant is that the timeframes imposed by central government do not permit sufficient time to consult.
22. If councils enter into the MOU, they may want to consult subsequently on whether to continue their support of reform. LTP consultation in 2021 would be the obvious opportunity, and would provide timely information about whether to participate in tranche two.

**Consultation triggers for decisions on three waters reform (post entry into the MOU)**

- 
23. Some specific LGA 02 consultation triggers that may be relevant to decisions on three waters reform (after participation in the reform process in the MOU) are:
    - 23.1 **Section 56** – councils must consult before becoming a shareholder in a council controlled organisation (**CCO**). If the reformed service delivery approach leads to councils being shareholders in new multi-regional providers (which seem likely to be CCOs), then section 56 may be triggered.
    - 23.2 **Section 97(1)(b)** – if the reformed delivery approach amounts to a “decision to transfer the ownership or control of a strategic asset to or from the local authority”, then it would be necessary to amend the council's LTP to explicitly provide for this decision, which requires consultation under section 93E. Water network assets are almost always listed as a strategic asset in SEPs.

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23.3 **Section 137(3)(a)** – councils must consult before entering into a “joint arrangement”, which is an arrangement between a council and another party “for the purpose of providing water services or any aspect of a water service”. This trigger may be remote, particularly if central government in providing funding is not also seeking to provide any aspect of a water service.<sup>1</sup>

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**Consultation triggers for decisions on three waters projects (post entry into the MOU)**

24. One specific consultation trigger that needs to be considered is section 97(1)(a) of the LGA 02. If the projects being funded would significantly alter levels of service for three waters activities, then it would be necessary to amend the council’s LTP to explicitly provide for this decision, which requires consultation under section 93E.
25. It will depend on particular councils’ LTPs, but this trigger can likely be avoided by councils selecting appropriate projects. (This was generally achieved by councils as they responded to the impacts of COVID-19 during the annual plan process for 2020/21).
26. Leaving aside section 97(1)(a), section 78 will still be relevant. It should be reasonably safe for councils to not consult to address section 78 where projects are brought forward from future work programmes and the combined effect of these projects is not a significant or material variation from the 2020/21 annual plan or LTP.
27. As to whether the combined effect of projects brought forward is a significant or material variation from the 2020/21 annual plan or LTP will depend on the degree to which the projects are already provided for in the annual plan or LTP and what, if any, financial impact there may be on the particular council. If projects are already provided for in the infrastructure strategy (in the LTP) and they can be entirely funded from central government (meaning no negative financial impact on the council), it seems very unlikely that there will be a significant or material variation from the annual plan or LTP of any consequence to the community. On this basis, consultation is unlikely to be indicated.
28. Strictly, the provision of central government funding could create a material change to revenue commitments (even if it is downward rather than upward) that reflect in a change to financial statements included in an annual plan, that, given the degree of change, could be expected to be consulted on before being adopted. Councils encountered similar issues in preparing their annual plans to respond to COVID-19 where different funding sources (for example borrowing or reserve funds) have had to be employed from what was anticipated. These decisions tended to be made without further consultation if the council assessed that it did not affect levels of service with reference to section 97 or was within the scope of rate change consulted on. In the current circumstances, we consider that the fact that the change is not detrimental lessens the risk of not consulting and (having occurred after the annual plan has been

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<sup>1</sup> Section 17A requires periodic reviews of service delivery, but this section in itself does not contain a trigger for consultation.

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adopted) makes it something that is duly reported on in the annual report and treated as an operating surplus.

29. We note that councils are not absolutely bound by their plans or policies (under sections 96 and 80), but this does not remove the need to assess whether consultation is appropriate when departing from them. Consistency with plans and policies is often a criterion for significance in SEPs. Where consultation does not occur, relevant statutory compliance will likely include disclosure in the annual report, and perhaps resolving in accordance with section 80 (where the departure from the annual plan is significant).

**Please call or  
email to discuss  
any aspect of this  
advice**

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## REPORT

Date : 6 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Finance and Corporate Services Group Manager, Bevan Gray  
Subject : **ELECTORAL DECISIONS, REPRESENTATION REVIEW**  
File ID : A209106

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### **EXECUTIVE SUMMARY**

**This year we need to undertake a representation arrangements review. Dale Ofoske from Election Services has provided a report on what is required, and when, for this process. The first decision that needs to be made is what Electoral System we will use for the next elections. This decision needs to be made at this meeting.**

**The remaining items are for consideration, to be decided upon and resolved at a later date.**

### **PURPOSE**

The purpose of this report is to make a decision around what electoral system would be used for the next triennial election in 2022. Dale Ofoske from Election Services has been contracted again to help Council run the representation review process, and has provided a detailed introductory report on what is required, attached. Dale is prepared to run any workshops that councillors need to understand the decisions that they are making around this subject.

### **BACKGROUND**

The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in a number of electoral related matters. The principal matters requiring consideration by local authorities in 2011 for the 2013 triennial election are (i) the choice of electoral system (between FPP and STV) and (ii) whether or not there should be Māori representation.

Consideration of the electoral system is required by 12 September 2020.

Consideration of Māori wards is optional, but if these are to be introduced for the 2022 elections, a decision is required by 23 November 2020. If established, and assuming a total of six councillors remain, there would be three councillors elected from one or more Māori wards, and three councillors elected from one or more general wards.

A representation review is required to be undertaken in 2021 for the 2022 elections.

## **DISCUSSION AND OPTIONS SECTIONS**

### **Electoral System**

The options available to Council for the Electoral System are:

- Retain the First Past the Post (FPP) electoral system that has historically been used; or
- Change to the Single Transferable Voting (STV) electoral system; or
- Undertake a poll of electors on the electoral system to be used for the 2022 and 2025 elections.

First Past the Post or FPP has been used here for a long time and is very well known. Implementing a new system may create some uncertainty and confusion in the early years as electors get used to the changes. For the last election 67 of the 78 Councils used FPP as their electoral system. The remaining 11 using STV. STV has been used widely in the health sector for District Health Board elections.

A brief description of each system is outlined below;

FPP – each voter is able to cast one vote for each vacancy to be filled, they do this by placing a tick next to the candidate they wish to vote for. The candidate that receives the most votes is elected to the vacancy. Some voters may not have supported any of the candidates who get elected. A candidate may receive more votes than they need to get elected.

STV – each voter gets one vote, no matter how many vacancies. Voters rank candidates in order of preference. 1 beside their most preferred candidate and so on. Voters do not have to rank all candidates, but must use consecutive numbers. A candidate must reach a certain quota to be elected, where there is more than one vacancy the candidates that reach the quota are elected. If voters rank every candidate, they are likely to have supported at least one successful candidate. A candidate would not receive more votes than they would need to get elected, as surplus votes are transferred to the next preference.

Any resolution to change the electoral system must remain for the next two elections, i.e. 2022 and 2025 elections.

Electors do have the right to demand a poll if they disagree with Council's resolution. This can be done by gathering 5% of the electors enrolled at the previous election. This poll would be a binding poll, and the results would determine the electoral system for the next two elections.

### **Māori Wards**

Council may consider whether or not to introduce Māori Wards for the 2022 and 2025 elections. This needs to be done by 23 November 2020.

There is a formula for determining the number of Māori Wards required by determining what proportion of the district is on the Māori electoral role as opposed to the general role. At the last Census this was close to 50%. So we would have three councillors elected from one or more Māori wards, and three councillors elected from one or more general wards.

### **Representation Arrangements Review**

A review must be undertaken at least once every six years. The last review was undertaken in 2015, accordingly a review is required in 2021.

The current arrangements are:

- A mayor elected at large
- Six councillors elected from three wards
  - Coast ward (1)
  - Waioeka- Waiōtahe ward (2)
  - Ōpōtiki ward (3)
- Four community board members elected for one community board (Coast)

Over the course of the next 12 months Council needs to consider this review and determine whether there are any changes that should be made to the system. Any changes will need to go through a public consultation process and subsequent submission process, before a decision can be made. This is outlined in detail in Dale Ofoske's report.



**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 Electoral Decisions, Representation Review 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 Electoral Decisions, Representation Review 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**

Although we are not consulting on this decision, this process enables a group of electors making up 5% of the district to demand a poll if they do not like any of the decisions made through this process. Council is required to notify the public of each decision, and make a poll available should the community request it.

**CONSIDERATIONS**

**Financial/budget considerations**

The cost of running a poll can be significant, especially if it is needed for every decision outlined in the report. It is important that councillors and Council engages with key stakeholders in the community ahead of making any decisions, this will minimise the risk of an unexpected request/requirement for a poll of electors.

**Risks**

The risks through this process pertain to the makeup of the elected membership. Changes in voting systems, implementation of Māori wards, amending the representation arrangements all lead to risks around who sits at this table in just over two years’ time. We have had a very well represented and

engaged Council for a number of trienniums now. But this is likely down to luck rather than by design. Retaining the same system equally has its risks.

Ensuring that our communities are well represented is the key to ensuring that the communities are engaged.

A Council that is not well represented or on the same page can lead to poor governance of the Council operation, significant delays to projects and developments through objections, or abstention from voting, and ultimately lack of faith within the community to get things done.

### **Authority**

The authority for making these decisions rests with Council, however once a decision is made a group of electors of 5% can demand a poll from the community.

### **RECOMMENDATIONS:**

- 1. That the report titled "Electoral Decisions, Representation Review" be received.**
- 2. That the Council resolves to:**
  - **Retain the First Past the Post electoral system; or**
  - **Change to the Single Transferrable Voting system; or**
  - **Undertake a poll of electors of the electoral system.**
- 3. That the Council consider the implementation of Māori wards before 23 November 2020, and the rest of the representation arrangements review over the course of the next 12 months**

Bevan Gray

**FINANCE AND CORPORATE SERVICES GROUP MANAGER**



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**Title:** Electoral Decisions

**Report to:** Ōpōtiki District Council

**Author:** Dale Ofoske, Electoral Officer

**Date:** 27 July 2020

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## 1.0 Summary and conclusions

The Local Electoral Act 2001 provides for Council in 2020 to consider for the 2022 elections (i) the electoral system to be used, (ii) whether Māori wards should be introduced and (iii) a representation arrangements review (a review is mandatory every six years, with the next representation review due in 2021).

The review of the electoral system must be completed by 12 September 2020 and is to consider whether:

- the First Past the Post (FPP) electoral system is retained; or
- the Single Transferable Voting (STV) electoral system is introduced; or
- a poll of electors is held on which electoral system is to be used for the next two triennial elections.

Consideration of Māori wards is optional, but if these are to be introduced for the 2022 elections, a decision is required by 23 November 2020. If established, and assuming a total of six councillors remain, there would be three councillors elected from one or more Māori wards, and three councillors elected from one or more general wards.

A representation arrangements review is required to be undertaken in 2021 for the 2022 elections. The electoral system and Māori ward decisions then 'set the scene' for the representation arrangements review.

## **2.0 Recommendations**

1. That the report titled 'Electoral Decisions' be received; and
2. That pursuant to section 27 of the Local Electoral Act 2001 Council resolves for the 2022 Ōpōtiki District Council triennial elections to:  
*either*
  - (i) retain the First Past the Post electoral system;  
*or*
  - (ii) change to the Single Transferable Voting electoral system;  
*or*
  - (iii) undertake a poll of electors on the electoral system to be used for the 2022 and 2025 elections;

and that public notice be given by 19 September 2020 of the decision and of the right of electors to demand a poll on the electoral system to be used; and

3. That pursuant to section 19ZA of the Local Electoral Act 2001, Council considers whether or not to introduce Māori wards for the Ōpōtiki District Council for the 2022 and 2025 elections; and
4. That pursuant to section 19H of the Local Electoral Act 2001, Council undertakes a representation arrangements review with an initial proposal required no earlier than 1 March 2021 and no later than 31 August 2021.

## **3.0 Narrative**

### **3.1 Background**

The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in several electoral related matters. The principal matters requiring consideration by most local authorities in 2020/2021

for the 2022 elections are (i) the choice of electoral system (FPP or STV), (ii) whether or not to introduce Māori wards and for some (iii) to undertake a representation arrangements review.

Consideration of the electoral system is required by 12 September 2020; consideration of Māori wards (optional) by 23 November 2020; and the representation arrangements review is required by 31 August 2021.

The last representation arrangements review was undertaken in 2015 (for the 2016 elections) and comprised of:

- mayor elected at-large
- six councillors elected from three wards
- four community board members elected from one community board.

### **3.2 Legislative Requirements**

The LEA requires a local authority, when considering certain electoral matters, to comply with set requirements and timeframes. These are detailed in **Appendix 1**.

The dates contained in Appendix 1 are generally the last compliance dates and it is anticipated that most of the matters can be completed prior to these dates.

### **3.3 Electoral System**

Council is required under section 27 of the LEA to consider every three years the electoral system to be used for the 2022 elections, by 12 September 2020.

Council has historically used the FPP electoral system and now has the opportunity to review the electoral system to be used for the 2022 elections.


For the 2019 triennial elections, 67 of 78 local authorities used the FPP electoral system, and 11 of 78 local authorities used the STV electoral system.

It is noted that currently all district health board elections must use the STV electoral system, however if the recent Simpson report on the future of district health boards is adopted, elections for district health board members may no longer be required.


A table comparing FPP and STV (as used in a territorial authority's electoral system poll and approved by DIA) follows:

## COMPARING FPP AND STV

A typical FPP voting document could look like this

 <b>HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS</b> You can tick up to three (3) candidates	
<input checked="" type="checkbox"/>	<b>BROWN, Sandy</b>
<input checked="" type="checkbox"/>	<b>JONES, Sam</b>
<input type="checkbox"/>	<b>OWENS, Harry</b>
<input checked="" type="checkbox"/>	<b>TAWHIRI, Ngaire</b>
<input type="checkbox"/>	<b>WATSON, Alice</b>

A typical STV voting document could look like this

 <b>HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS</b> Rank candidates in order of preference ... '1' '2' '3' etc	
<b>3</b>	<b>BROWN, Sandy</b>
<b>1</b>	<b>JONES, Sam</b>
<b>5</b>	<b>OWENS, Harry</b>
<b>2</b>	<b>TAWHIRI, Ngaire</b>
<b>4</b>	<b>WATSON, Alice</b>

FPP	STV
FPP has long been widely used in New Zealand, is familiar and is generally easy to understand.	STV is currently used in Australia, United States, Ireland and Malta. Along with all the DHBs it is also being used by eleven New Zealand Councils in 2019. STV is also used by companies like Fonterra, to select board members.
Each voter is able to cast one vote for each vacancy to be filled. Voters place a tick beside the name of the candidate or candidates they wish to vote for.	Each voter gets one vote, no matter how many vacancies. Voters rank candidates in order of preference - "1" beside their most preferred candidate "2" beside the second-most preferred candidate, and so on. Voters do not have to rank all candidates, but must use consecutive numbers.
The candidate who receives the most votes is elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who receive the most votes are elected.	A candidate must reach the quota to be elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who reach the quota are elected.
FPP is not a form of proportional representation. Each tick is counted as a vote for that candidate and the candidate or candidates with the most votes are elected. A candidate may be elected by a small margin.	STV is a proportional electoral system. Proportional systems are intended to provide more effective representation for all significant points of view, although it cannot be guaranteed that STV will provide an increased diversity of representation.
A candidate may receive more votes than they need to get elected.	A candidate would not receive more votes than they would need to get elected, as surplus votes are transferred to the next preference.
Some voters may not have supported any of the candidates who get elected.	If voters rank every candidate, they are likely to have supported at least one successful candidate.
Where political parties or organised political groupings contest the elections, and there are say 3 vacancies, voters can vote for the 3 candidates representing a political party or organised political group ("block" voting). This can result in all candidates from a political party or organised political group being elected.	STV can moderate "block" voting as voters can rank every candidate therefore making it more difficult for all candidates from a political party or organised political group to be elected.

The process that Council can follow to determine its electoral system is:

- (i) Council can resolve which electoral system is to be used, with a required public notice
- (ii) five per cent of electors can demand a poll at any time
- (ii) Council can choose to hold a poll, irrespective of whether or not a poll is demanded by electors.

### **(i) COUNCIL TO RESOLVE WHICH ELECTORAL SYSTEM IS TO BE USED**

Council can resolve to retain the current electoral system (FPP) or resolve to change the electoral system to STV. Such a resolution must be made no later than 12 September 2020 (two years prior to the next triennial election) unless it decides to hold a poll of electors prior to the 2022 elections.

Any such resolution changing the electoral system would take effect for the 2022 and 2025 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.

### **(ii) ELECTORS' RIGHT TO DEMAND A POLL**

Under section 28 of the LEA, Council **must** give public notice, by 19 September 2020, of the right of electors to demand a poll on the electoral system to be used for the 2022 elections. If Council passes a resolution under section 27 of the LEA to change the electoral system from FPP to STV the public notice must include:

- (a) notice of that resolution; and
- (b) a statement that a poll is required to countermand that resolution.

Section 29 of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll be held on which electoral system is to be used for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors (287 electors) and can be made anytime, but to be effective for the 2022 elections, must be made by 21 February 2021.

If a valid demand for a poll is received after 21 February 2021, a poll must be held after 21 May 2021 (e.g. with the 2022 elections), the outcome effective for the 2025 and 2028 elections.

### **(iii) COUNCIL MAY DECIDE TO HOLD A POLL OF ELECTORS**

Council can decide to hold a poll of electors at any time (section 31 of the LEA), but to be effective for the 2022 elections, must decide no later than 21 February 2021, irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.

Public notice of the poll must be given as soon as practicable after the resolution and the poll itself must be completed by 21 May 2021 (to be effective for the 2022 elections).

The result of the poll is binding and will determine whether FPP or STV is to be used for at least the next two triennial elections (2022, 2025) and for all subsequent elections until either a further resolution takes effect or a further poll is held.

## **3.4 Māori Wards**

Council may consider (it is optional), under section 19Z of the LEA, whether or not to introduce Māori wards for the 2022 and 2025 elections, by 23 November 2020.

Should Māori wards be introduced, a formula to determine the number of Māori and general councillors is contained in Schedule 1A of the LEA and is:

$$\text{nmm} = \frac{\text{mepd}}{\text{mepd} + \text{gepd}} \times \text{nm}$$

where nmm = number Māori ward members  
mepd = Māori electoral population of district  
gepd = general electoral population of district  
nm = total number members

For the Ōpōtiki District Council, the Māori electoral population is 4,323 and the general electoral population is 4,953 (as at the 2018 Census).

Assuming a total of six councillors (plus mayor) remain, the formula when populated would require three (2.8 rounded up to three) councillors elected from one or more Māori wards and three councillors elected from one or more general wards.

The process that Council can follow to consider Māori wards for 2022 and beyond is:

- (iii) Council may make a decision to introduce Māori wards, but if it does, public notice must be given
- (ii) five per cent of electors can demand a poll at any time
- (iii) Council may choose to hold a poll, irrespective of whether or not a poll is demanded by electors.

#### **(I) COUNCIL TO RESOLVE TO ADOPT MĀORI REPRESENTATION**

Council **may** resolve to introduce Māori wards for the next two triennial elections (2022, 2025). If it decides to introduce Māori wards in time for the 2022 elections, it must do so no later than 23 November 2020 (two years prior to the next triennial election), unless it decides to hold a poll of electors.

Any such resolution would take effect for the 2022 and 2025 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.

Council may also simply choose to do nothing, in which case no public notice is required.

#### **(II) ELECTORS' RIGHT TO DEMAND A POLL**

If Council resolves to adopt Māori wards by 23 November 2020, it **must** give public notice of the right of electors to demand a poll on the matter. If Council passes a resolution under section 19Z of LEA to introduce Māori wards, the public notice must include:

- (a) notice of that resolution; and
- (b) a statement that a poll is required to countermand that resolution.



Section 19ZB of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll to be held on a proposal whether or not Māori wards is to be introduced for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors (287 electors) and can be made anytime, but to be effective for the 2022 elections, it must be made by 21 February 2021.

If a valid demand for a poll is received after 21 February 2021, a poll must be held after 21 May 2021 (e.g. with the 2022 elections), the outcome effective for the 2025 and 2028 elections.

### **(III) COUNCIL MAY DECIDE TO HOLD A POLL OF ELECTORS**

Council can also decide to hold a poll of electors at any time (but must decide no later than 21 February 2021 to be effective for the 2022 elections), irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.

Public notice of the poll must be given as soon as practicable after the resolution and the poll itself must be completed by 21 May 2021 (to be effective for the 2022 elections).

The result of the poll is binding and will determine whether Māori wards are to be introduced for at least the next two triennial elections (2022, 2025), and subsequent elections until either a further resolution under section 19Z of the LEA takes effect or a further poll is held.

Consultation with Māori on whether Māori wards is desirable should be undertaken. For some local authorities, such consultation has resulted in Māori wards not being introduced, with Māori advising there are better ways of achieving representation for their people (for example co-governance models - Māori Standing Committees or Iwi Partnership models e.g. Rotorua District Council/Te Arawa Partnership, Gisborne District Council's Joint Management Agreement/Iwi Management Plans).

## **3.5 Representation Arrangements Review**

A representation arrangements review must be undertaken at least once every six years (section 19H of the LEA). The last review was undertaken in 2015, and accordingly a review is required in 2021.

Current representation arrangements are:


- mayor elected at-large
- six councillors elected from three wards
  - Coast Ward (1)
  - Waioeka-Waiōtahe Ward (2)
  - Ōpōtiki Ward (3)
- four community board members elected from one community board (Coast)

Key criteria to follow when undertaking a representation arrangements review are:

- identify the district’s communities of interest
- ensure these communities of interest have effective representation
  - total number of elected members
  - whether to have wards/no wards/mixture
  - if wards, the number, names, boundaries and number of elected members per ward
  - whether to establish, retain, alter or dis-establish community boards
  - if community boards, the number, names, boundaries, whether subdivided and number of elected and appointed members per community board
- ensure compliance with fair representation (+/- 10% rule) of wards and subdivisions of community boards (if applicable).

Key dates for this review are:

- 1 August 2020 – 28 February 2021: informal consultation can occur to assist Council in determining their initial proposal
- 1 March 2021 – 31 August 2021:
  - consideration of review scenarios
  - making an initial proposal
- by 8 September 2021: public notice of the initial proposal made, call for submissions
- by 8 October 2021: one-month submission period
- by 19 November 2021:
  - submissions heard
  - final proposal determined
  - public notice of final proposal made, call for appeals/objections
- by 20 December 2021: one-month appeal/objection period
- by 15 January 2022: if any appeal/objection received, to Local Government Commission
- by 11 April 2022: determination from Local Government Commission (if required).

	Name and title of signatory	Signature
Author	Dale Ofoske, Electoral Officer	

## APPENDIX 1



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## 2020/2021 ELECTORAL SYSTEM, MĀORI REPRESENTATION & REPRESENTATION ARRANGEMENTS REVIEW TIMETABLE

### LEGISLATIVE REQUIREMENTS

By 12 September 2020*	A local authority <b>MAY</b> resolve to change the electoral system (from the system it used at the 2016 general election) for the next two triennial elections.	Section 27 of LEA
By 19 September 2020*	A local authority <b>MUST</b> give public notice that electors may at any time demand that a poll be held on the future electoral system to be used by the local authority for the next two triennial elections, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2021. If a resolution has been made by a local authority by 12 September 2020, this must be included in the notice.	Section 28 of LEA
By 23 November 2020*	A local authority <b>MAY</b> resolve to introduce Māori representation for the next two triennial elections.	Section 19Z of LEA
By 30 November 2020*	<b>IF</b> a resolution has been made by a local authority to introduce Māori representation, a local authority <b>MUST</b> give public notice that electors may at any time demand that a poll be held on Māori representation, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2021.	Section 19ZA of LEA
By 21 February 2021*	<b>IF</b> a demand for a poll that a specified electoral system be used for the next two triennial elections is received by 21 February 2021, a poll must be held by 21 May 2021.	Sections 29 and 30 of LEA
By 21 February 2021*	A local authority <b>MAY</b> also resolve to undertake a poll of electors that a specified electoral system be used for the next two triennial elections.	Section 31 of LEA

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By 21 February 2021*	<b>IF</b> a demand for a poll on Māori representation is received by 21 February 2021, a poll must be held by 21 May 2021.	Section 19ZC of LEA
By 21 February 2021*	A local authority <b>MAY</b> also resolve to undertake a poll on Māori representation.	Section 19ZD of LEA
From 1 March 2021	Period commences for formal consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19K (1AA) of LEA
By 21 May 2021*	If a successful demand for a poll has been received by 21 February 2021, or a resolution for a poll has been made by a local authority by 21 February 2021 (that a specified electoral system be used for the next two triennial elections), then a poll <b>MUST</b> be held within 89 days of notification.	Section 33 of LEA
By 21 May 2021*	If a successful demand for a poll has been received by 21 February 2021, or a local authority has made a resolution by 21 February 2021 (on Māori representation), then a poll <b>MUST</b> be held within 89 days of notification.	Section 19ZF of LEA
By 31 August 2021*	Period concludes for consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19H of LEA
By 8 September 2021*	A local authority <b>MUST</b> give public notice of resolution of initial proposal. One-month submission period.	Section 19M of LEA
By 8 October 2021*	Submission period closes.	Section 19M of LEA
By 19 November 2021*	Submissions heard by local authority and resolution of final proposal made by a local authority.	Section 19N of LEA
By 19 November 2021*	A local authority <b>MUST</b> give further public notice of its resolution of final proposal. One-month appeal/objection period.	Section 19N of LEA
By 20 December 2021*	Appeal/objection period closes.	Section 19O of LEA
By 15 January 2022*	Forward all Representation Arrangements Review material to LGC (if appeal/objection received).	Section 19Q of LEA
Before 11 April 2022*	Determination by LGC	Section 19R of LEA

\* may be earlier than but not later than

Dale Ofoske, November 2019

## REPORT

Date : 6 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Finance and Corporate Services Group Manager, Bevan Gray  
Subject : **2021-2031 LONG TERM PLAN – ENVIRONMENTAL SCAN**  
File ID : A209980

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### **EXECUTIVE SUMMARY**

**To provide a report and comprehensive overview of the Environmental Scan required for the Long Term Plan (LTP).**

### **PURPOSE**

There are two purposes of this report:

Firstly to present the result of Council discussions around the environment that we are currently operating in and will likely need to consider through the term of the upcoming LTP and;

Secondly, to gain Council approval to incorporate items identified in those discussions and this report into the Key Assumptions to the LTP

The objective of understanding our environment is ensuring that we have adequate measures, or have given adequate consideration to, risk posed upon the community and organisation that are outside of our control. These do not necessarily need to be adverse either. In some instances there are opportunities for our community, and understanding how to leverage these opportunities in a timely fashion is key to getting the most out of them.

### **BACKGROUND**

Council is required to prepare a 10 year Long Term Plan every three years. The preparation of such a plan and the corresponding documents is like putting together a jigsaw puzzle. Local government often refers to it in this way. It involves a number of key pieces that when pulled together give the Council and Community some surety around the next three years, while providing a longer 10 year context.

The pieces of the LTP puzzle identified below.



Activity Statements – These are the financial statements at an activity level. They combine both the operational and capital expenditure at an activity level, and the resulting rate requirement needed to fund those costs.

Significance and Engagement Policy – This policy determines what Council considers significant in terms of decision-making, and how it will consult with those affected by the decisions.

Levels of Service – This is what our community experiences from the activities we provide. Changes to levels of service, whether increases or decreases, will result in different experiences for the end user. Changes will also impact costs and associated rating requirements.

Draft Financial Statements – This is the combination of all of the activity statements, and provides Council with an overall rate requirement and any possible increase for the following year. It also entails the Profit and Loss, Balance Sheet, and Funding Impact Statement. Council staff expect to provide Councillors with a first draft by late December..

Key Assumptions – These are the significant assumptions that we base our LTP upon. Because we are planning for a period of ten years we need to make assumptions about the environment, constraints, and opportunities that we will face over that time.

Environmental Scan – This looks at the environment that we operate in and considers any outside factors that may influence or affect Council or the community over the term of the LTP. Recovery from Covid will be a significant one that we need to consider.

Infrastructure Strategy – This considers all of the key infrastructure that we own and manage, what the costs are to replace, renew or rehabilitate these assets, as well as run them operationally. The strategy means we must consider the full life cycle of infrastructure assets, and ensure the appropriate planning for renewal, as well as plan for growth and new infrastructure. This is a key underpinning document to the LTP.

Strategic Direction Setting – This piece of work ensures that the strategic direction of the Council aligns with the aspirations and needs of our community.

Stakeholder engagement in the community is usually undertaken to feed into our planning and provide additional valuable insight.

Financial Strategy – This outlines the key financial aspects of the Long Term Plan, and sets caps/limits on rating and borrowing to ensure affordability and intergenerational equity.

Capital Projects – A list of capital projects that we plan to undertake over the next ten years. These should align to those that are proposed in the Infrastructure Strategy.

Activity Strategies – These outline the key goals and objectives of each of the activities. Changes to these objectives will result in level of service changes as outlined above, and will result in the need for consultation. An example of such a strategy is “zero waste”.

Community Outcomes – The objectives or outcomes that the community want to receive from the activities that we provide.

Revenue and Financing Policy – Determines how each activity will be funded. This starts from the base principle of who receives the benefit of the activity. This important part of the LTP will have a higher focus for the 2021-2031 LTP as recent Annual Plan submissions called for a review of the policy

Borrowing and Investments – This outlines the proposed borrowing over the term of the LTP, and how that aligns with the limits we have set, and the policies that we have in place. As such it involves a review and renewal of our Borrowing and Investment Policies.

Asset Management Plans – These key documents outline how we plan on managing the assets that we own. The plans should feed into both the Infrastructure Strategy and the Capital Projects in the LTP.

Rationale and Grouping of Activities – Council provides the community with a number of activities, these are grouped for the purposes of both reporting and funding. These will need to be reviewed as part of preparing the LTP. It may no longer be appropriate to have the harbour activity where it is currently once it is built and operational for rating purposes.

## **DISCUSSION AND OPTIONS SECTIONS**

On Thursday 30 July Council had their first LTP workshop. This covered off the Environmental Scan which looks at the environment that we operate in and considers any outside factors that may influence or affect Council or the community over the term of the LTP. Recovery from Covid will be a significant one that we need to consider.

For the workshop we looked at the environment and outside influences at the following levels;

- Global

Factors such as Covid-19 and the impact of it at an international level and climate change and global warming

- National

Factors such as Three Waters reform and domestic tourism recovery

- Regional

Factors such as change in Regional Council Policy and increasing standards and compliance.

- District

Factors such as Influx of government funding and the impact on Council resourcing and impacts of growth, population assumptions

- Community

Factors such as Housing and increased demand for engagement by council



- User  
Factors such as affordability and living wage assumptions

## **Key issues**

### **Covid-19**

The need to factor in the effects of Covid features at all six of the above levels.

We expect that Covid will be around for the next few years, and it will take some time for a vaccine to become available, and even longer before enough of the population is inoculated against it.

We expect that restrictions on entry to New Zealand, border controls, and quarantine measures will remain in place for quite some time.

We expect that there will be a lot of overseas kiwis wanting to come home, this will put additional pressure on housing infrastructure. We are already aware of overcrowding issues in our communities, these issues will be made worse by returning kiwis, as most will move back and stay with family.

Further breakouts around the world could impact our businesses that are heavily reliant on export markets and there may be some supply chain changes over the term of the LTP as well

We expect that primary industry sectors will likely remain strong through outbreaks of Covid.

### **Recovery**

The recovery from Covid is going to take a long time, and will be of significant importance to the district. Government has been allocating a lot of funding across the country to help kick start the rebuild process. This has been done without consideration to resourcing however, and we will experience shortfalls in appropriate resources, capability, and capacity within the district. This will be both a constraint and an opportunity. For example the recently appointed workforce development role capitalises on this opportunity.

At some point the funding from Government for the rebuild will dry up. This could happen a lot sooner should another wave of the pandemic, and subsequent lockdown, occur within the country. The funding provided from Government has produced a once in a lifetime opportunity to do something really good for our community.

### **Three waters reform**

Central Government is adamant on reforming the three waters, Water Supplies, Wastewater, and Stormwater. This aims to move the ownership of three waters assets from Local Authorities to Central Government, to have one water authority across the country, and one water charge. Initial thoughts are that this would benefit the large metropolitan areas with significant assets and debt, not the small rural councils, and definitely not those living in rural areas without a connection. The proposed reform does seem to signal an intention to capture those small cluster and individual supplies at some stage in the future as well.

The impact on our community in relation to this is likely to be very significant, and it is uncertain yet what resourcing impact this will have on the organisation. Initially we will be provided some funding for projects to enter into a good faith agreement with Government to provide information, through a data capturing phase. From that point onwards it is uncertain what funding is likely to be available and for what.

### **Effects of Growth**

The district is poised on the edge of experiencing significant growth. We've already seen the population increase through whānau returning from overseas due to Covid. Nationally we are expecting there will be large numbers of people moving from cities to rural/provincial New Zealand. The idea of going through another lockdown in a city apartment is not a pleasant prospect for many.

The demand for growth, and the subsequent effects of growth, will provide many challenges for our communities. Understanding the growth and the timing of it will be vital in ensuring that Council is investing in the right things at the right time.

### **Housing**

There are significant housing needs across the district. We are starting to see increased homelessness, whether that be through overcrowding, couch surfing, or people living on the streets.

There is currently a shortage of developers in the district so there has been limited housing development to date and there are speculators holding on to property instead of developing on the expectation that they can get better prices later on.

There is a lot of protected land in the district as well, which limits the ability to build.

Development up the coast will be constrained, so we will see ribbon development along the coast.

Due to very high kiwifruit prices and profitability we now have competing land use models. Kiwifruit vs housing. Land is more financially valuable planted in kiwifruit than it is in houses.

Elderly housing needs – retirement housing. Changing demographics. Our affordability report outlined that we have over 500 superannuitants living in the district. Living at home for some of these ratepayers may create affordability issues.

The costs of developing and building can be very high and sometimes processes outside of Council’s control such as obtaining heritage and archaeology reports, can make the process very difficult.

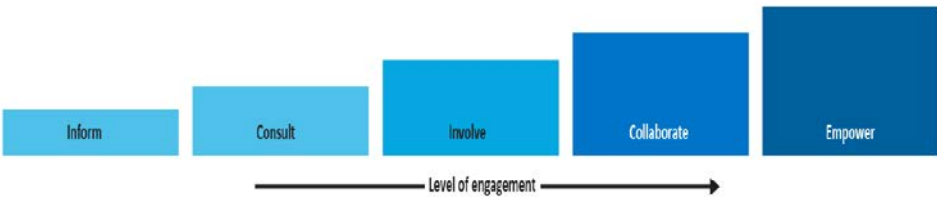
**SIGNIFICANCE ASSESSMENT**

**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 2021-2031 LTP – Environmental Scan 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 2021-2031 LTP – Environmental Scan 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.



**RECOMMENDATIONS:**

- 1. That the report titled "2021-2031 LTP – Environmental Scan" be received.
- 2. That the items identified in the report form part of the key assumptions to the LTP

Bevan Gray

**FINANCE AND CORPORATE SERVICES GROUP MANAGER**

## **REPORT**

Date : 6 August 2020

To : Ordinary Council Meeting, 25 August 2020

From : Planning and Regulatory Group Manager, Gerard McCormack

Subject : **STAFF REPORT ON SUBMISSIONS TO THE DRAFT CONSOLIDATED BYLAWS AND DOG CONTROL POLICY**

File ID : A195275

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### **EXECUTIVE SUMMARY**

**The purpose of this report is to brief Council on the submissions received during the consultation period of the Draft Consolidated Bylaw and Dog Control Policy; to provide advice on submissions received for Council's consideration, and to recommend that the Consolidated Bylaws and Dog Control Policy are adopted.**

**The staff advice on submissions, the Consolidated Bylaws and Dog Control Policy are circulated as separate documents.**

### **PURPOSE**

The purpose of this report is to brief Council on the submissions received for the Draft Consolidated Bylaws and Dog Control Policy (the 'Bylaws'), and to provide advice on the submissions received during the consultation process. Circulated as separate documents are a summary of the topics of the submissions received, and advice from staff with regard to the submissions following deliberations after the Hearing.

### **BACKGROUND**

#### **Consultation on Draft Consolidated Bylaws and Dog Control Policy 2019**

Opōtiki District Council has reviewed the district's Bylaws under sections 158 and 159 of the Local Government Act 2002. The Dog Control Policy has also been reviewed in accordance with Section 10AA of the Dog Control Act 1996. The existing Bylaws were reviewed, and two were revoked as they no

longer addressed activities that were a local issue. These were the Ōpōtiki District Council Hostels Bylaw 2008 and the Ōpōtiki District Council Trading in Public Places Bylaw 2008. Part 1 Introduction and Part 2 Amenity are new Bylaws, and they have been consolidated into one document that includes all existing Bylaws (Consolidated Bylaws, called the 'Bylaws'). Council staff presented the Draft Consolidated Bylaws and Dog Control Policy to Council for adoption to be put out for consultation at the Ordinary Council Meeting on 23 July 2019.

Consultation on the Bylaws was open from Monday, 2 December 2019 to Friday, 28 February 2020. The consultation period was advertised in the Ōpōtiki News on Tuesday, 3 December 2019; on two separate posts on the Ōpōtiki District Council Facebook page (Thursday, 5 December 2019 and Thursday 20 February 2020), and on Antenno. Two pop-up shop community open days were held at 18 King Street on Thursday, 30 and Friday, 31 January, to allow the public to speak with the Mayor, the Chief Executive and other Council staff about the Bylaws; infrastructure projects, engineering and other policies that Council was reviewing. On Friday 21 and Saturday, 22 February, two Council officers travelled to Te Kaha and Ōmaio, and Waihau Bay and Whanarua Bay respectively as part of the consultation process on the Bylaws, and the Draft Reserve Management Plan.

Feedback on the two Ōpōtiki District Council Facebook posts and the comment thread from two posts on the Ōpōtiki Community Notices page are attached to the Staff Report on Submissions. Although the Council does not administer this page at all, Council is aware that it is a source of information for people in the community, including matters such as consultation on the Bylaws. The comments relevant to the Bylaws are attached to the Staff Report on Submissions.

At 4.00pm on Friday, 28 February, Council had received 89 submissions. Since then, three more submissions were received. These submissions are considered late, but it is Council's recommendation that they are accepted as they are relevant to the Bylaws. Four submissions received were submitted on Reserve Management Plan submission forms, but were clearly intended as submissions on the Draft Consolidated Bylaw and Dog Control Policy, and have been included as part of the 92 total submissions.

The hearing for the Bylaws was originally scheduled for Tuesday, 31 March 2020. This was postponed due to the lockdown enforced during Alert Level 4 of the COVID-19 response. After the country moved into Alert Level 2, a new hearing date of Wednesday, 24 June 2020 was set. The 26 people who indicated they wished to speak to their submission were notified of the new date via email on Monday, 18 May 2020. On 19 and 20 May, speakers were sent their individual speaking times via email with the exception of two people who were contacted by telephone. Those that hadn't confirmed whether they were able

to attend the hearing were sent a reminder email on 3 June, and the two that are contactable by telephone only were contacted on 5 June. At 5 June, 14 people had confirmed that they were able to attend the hearing; five people had confirmed they were not able to attend the hearing, and seven people hadn't confirmed either way.

## **DISCUSSION AND OPTIONS SECTION**

### **Submissions to the Draft Consolidated Bylaw and Dog Control Policy 2019**

Circulated separately is staff advice on all submissions received on the Bylaws, organised by topic. This advice has been created following deliberations with Council immediately following the hearing, and at a further deliberations meeting on Wednesday, 8 July 2020.

Under the Local Government Act 2002, Bylaws must be regularly reviewed to ensure they remain relevant and are still the most appropriate way to resolve identified problems in a district. Bylaws must be reviewed within five years of being made and every 10 years thereafter. Bylaws automatically lapse two years after the date by which they were due to be reviewed. Following the deliberations, it was resolved that the Consolidated Bylaws and Dog Control Policy be reviewed in five years' time, to ensure they remain relevant for the community.

During the consultation period, people were able to submit on any part of the Draft Consolidated Bylaws and Dog Control Policy. 92 submissions were received in total. Several themes have been identified by those that have submitted. These included, but are not limited to:

- Dog control
- Vehicles on beaches
- Horses on beaches
- Council process.

No submissions were received in relation to Part 1, Introduction.

No submissions were received in relation to Part 2, Amenity.

Two submissions were received in relation to Part 3, Public Places. They related to the proposed 'Skateboard Prohibited Area'. One submission noted that it had not ever considered skateboards along Church Street to be an issue, but would support the area if there was evidence to support such an area. The other submission did not support the proposed skateboard prohibited area because it was seen to

unfairly punish young people in the community, and suggested that education about social issues is required, rather than prohibited areas.

The majority of submissions received were in relation to Part 4, Beaches. Of the 92 submissions received, 88 wrote about Part 4, and some of these submissions spoke about other parts of the Bylaw also. Each submission had specific points, but there were three broad themes that came from these submissions:

1. Submitters supported proposed vehicle prohibited areas on beaches in the district
2. Submitters supported some proposed vehicle prohibited areas on beaches, especially in relation to sand dunes; birdlife and dotterel areas
3. Submitters did not support proposed vehicle prohibited areas on beaches.

No submissions were received in relation to Part 5, Cemeteries.

No submissions were received in relation to Part 6, Control of Signs. Council staff have updated this section to reflect the Electoral Act 1993 and the Electoral (Advertisements of Specified Kind) Regulations 2003.

Two submissions were received in relation to Part 7, Alcohol Control. Council also received a preliminary response from NZ Police in relation to Part 7 of the Bylaw. The submissions that were received during the consultation period related to alcohol prohibited areas. One did not support the inclusion of residential areas in the Bylaws, and the other submitted that they would support alcohol prohibited areas on all Council reserves and parks in the district. The response received by NZ Police (specifically, the Rural Response Manager Eastern Bay of Plenty) considered each proposed alcohol prohibited area and provided feedback on them.

Several submissions were received in relation to Part 8, Animal Control. The submissions related to sub-parts 8.6, Beekeeping; 8.7, Poultry Keeping and 8.9, Control of Horse Riding in Public Places.

Several submissions were received in relation to Part 9, Dog Control. The submissions related to proposed dog prohibited areas; being able to cross Church Street perpendicularly, and the requirement for leashes and muzzles.

No submissions were received in relation to Part 10, Solid Waste.

No submissions were received in relation to Part 11, Trade Waste.

No submissions were received in relation to Part 12, Water Supply.

No submissions were received in relation to Part 13, Traffic. However, some submissions that were received in relation to Part 9 did submit that Council should consider implementing a maximum speed limit on beaches at part of the Bylaw, and noted that more enforcement of speed limits on beaches by Council.

No submissions were received specifically in relation to Part 14, Speed Limits. Again, as mentioned under part 13, Traffic, Council did receive some submissions that related to speed limits on beaches.

Submissions were also received in relation to the Dog Control Policy, and they related to dog prohibited areas and how that relates to bird nesting areas; conversation land, and definitions of “working dogs” and hunting dogs.

## **SIGNIFICANCE ASSESSMENT**

### **Assessment of significance**

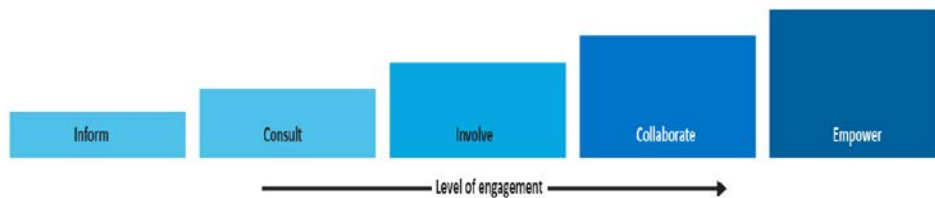
Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of significance for receiving the Staff Report on Submissions to the Draft Consolidated Bylaws and Dog Control Policy 2019 is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

The decisions or matters in this report however are the culmination of a process to arrive at a decision that is significant in accordance with Section 2 of the Significance and Engagement Policy. This states that a matter shall be determined to be significant when the decision 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 receiving the Staff Report on Submissions on the Draft Consolidated Bylaws and Dog Control Policy 2019 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**

As described earlier in the report, the consultation process with the public was a three month period, from 2 December 2019 to 28 February 2020. The Draft Consolidated Bylaws and Dog Control Policy 2019 was made available to the public on the Council’s website for review and submission. Submissions were received via the submission page on the Council website; directly to the Council’s [info@odc.govt.nz](mailto:info@odc.govt.nz) email address, and through hard copy forms delivered directly to Council.

### **CONSIDERATIONS**

#### **Policy and planning implications**

This report outlines the submissions received from the public regarding our Draft Consolidated Bylaws and Dog Control Policy 2019, and the Hearing that was held for the Bylaws on Wednesday 24 June 2020. We recommend that Council consider all submissions received, and accept that advice that staff have provided based on deliberations with councillors. We also recommend that Council agree to review the Consolidated Bylaws and Dog Control Policy in five years, to be reviewed in 2025.

## **RECOMMENDATIONS**

- 1. That the report titled "Staff Report on Submissions on the Draft Consolidated Bylaw and Dog Control Policy 2019" be received**
- 2. That Council accept the Staff Report on Submissions to the Draft Consolidated Bylaws and Dog Control Policy (Appendix 1).**
- 3. That all people who provided feedback during consultation be thanked for their participation in the process.**
- 4. That the advice from staff be received and used (as amended) for the basis of responses to submitters.**
- 5. That in accordance with sections 145 and 146 of the Local Government Act 2002, the Council adopt the Consolidated Bylaws (Appendix 2)**
- 6. That in accordance with sections 145 and 146 of the Local Government Act, and section 10 of the Dog Control Act 1996, the Council adopt the Dog Control Policy (Appendix 3).**
- 7. That the Council resolve to review the Consolidated Bylaws and Dog Control Policy in no more than five years' time (August 2025).**

Gerard McCormack

**PLANNING AND REGULATORY GROUP MANAGER**



## REPORT

Date : 6 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Planning and Regulatory Group Manager, Gerard McCormack  
Subject : **PLANNING, REGULATORY, PARKS AND RESERVES ANNUAL REVIEW**  
File ID : A209244

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### EXECUTIVE SUMMARY

**The report provides an overview of the activities carried out within the Planning, Regulatory, Parks and Reserves Group for the first six months of the 2019-20 financial year.**

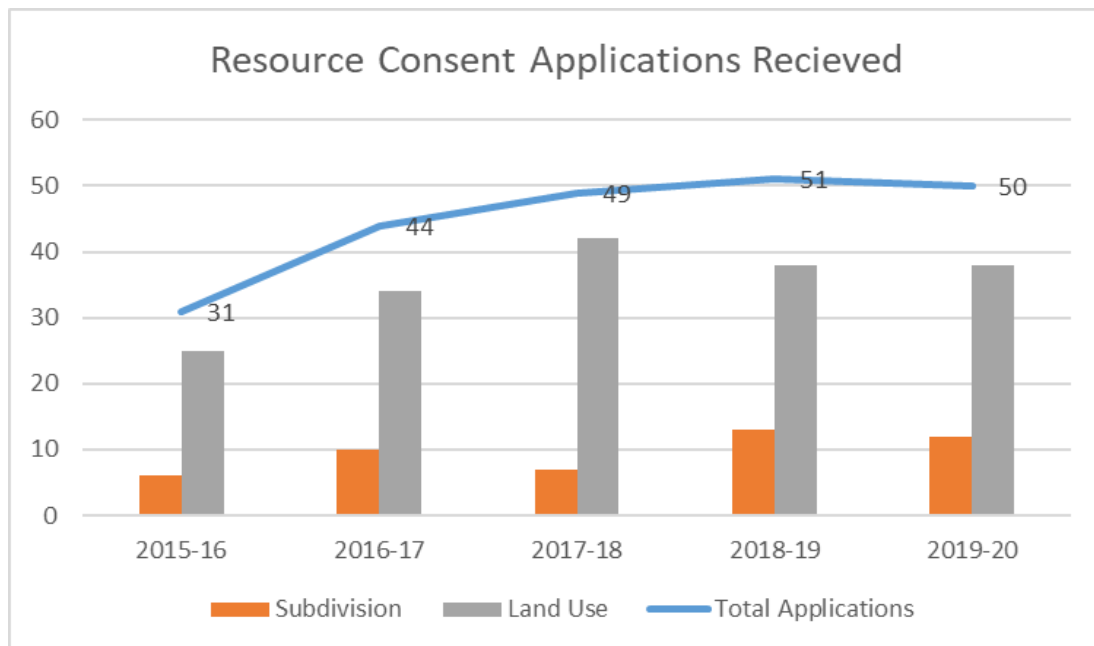
### PURPOSE

This report seeks to provide an overview of the work undertaken within the Planning, Regulatory, Parks and Reserve Group during the first half of this financial year 2019-20. This report is for information only.

### DISCUSSION

#### Resource Consents

A total of 50 resource consent applications were received, reflecting a similar number received the previous 2018-19 year. This number of applications is consistent with the trend over the past five years of around 50 applications being received, with a similar proportion of consents for land use and subdivisions.



We have received less enquiries around resource consents compared to the previous year, which is attributed to the Covid-19 lockdown. However, since the lockdown has finished we have seen a significant increase in enquiries, particularly for subdivisions, additional dwellings and potential land use changes.

We currently have one full-time Resource Consent Officer processing the majority of resource consents and dealing with all enquiries received. The larger more complicated and time-consuming consents received are being processed by a consultant. At this stage workloads are manageable with enquiries being responded to in a timely manner and all resource consent applications being processed within 20 working days.

Application numbers have noticeably increased with the same number of applications received in the first month of the new financial (2020/21) as were received in the first three months of previous years. Given the increase in consent numbers and enquiries will we be seeking to recruit another Consents Planner to assist us on a one year fixed term until the end of the financial year.

Following requests from local iwi and community groups, all resource consent applications received and the decisions made in respect of those applications from June 2017 have been made available on our website on the following link: <https://www.odc.govt.nz/our-services/planning-guidance-and-resource-consents/Pages/default.aspx>

## **District Plan**

The Ōpōtiki District Plan has had legal effect since 1 May 2018, when the Decisions Version was issued.

Briefly, if a rule in the decisions version of the proposed District Plan was subject to an appeal, whilst it still had legal effect, consideration also had to be given to the rules in the operative District Plan relating to that matter as well.

Mediation has been completed and all outstanding consent orders have been signed off by the Environment Court. We are currently inserting the consent orders and tidying up some minor formatting errors in the plan. The intention is to put the final decisions version of the Ōpōtiki District Plan to Council for formal adoption at either the September or October Council meeting.

After the District Plan has been adopted by Council, the Planning and Regulatory Team will consistently track how the District Plan rules are interpreted and applied when resource consents are processed, so that the plan remains relevant and workable for the district, and provides a smoother process in the future when the District Plan, or parts of the plan, are reviewed and renewed again.

It is important to acknowledge the Draft Consolidated Bylaws and Dog Control Policy 2019 ('Bylaws') as they are related to the proposed District Plan. There were several appellants to the proposed District Plan, including the Royal Forest and Bird Protection Society of New Zealand Inc. (Forest and Bird); Director-General of Conservation (DOC); Bay of Plenty Regional Council (BOPRC) and Horticulture New Zealand (HNZ).

The appellants proposed several changes to the District Plan. In relation to the Bylaws, Forest and Bird sought the insertion of a rule in the Coastal and Ōhiwa Harbour Zones and Coastal Environment Overlay prohibiting vehicle access to the coast, except for life saving, management, search and rescue, and emergency purposes in a list of locations set out in the appeal. During the District Plan appeals, Council rejected this appeal and provided the mediated solution that this rule be included in the Bylaws so that the community had some opportunity to provide input on the rule sought, rather than it being decided by the Environment Court.

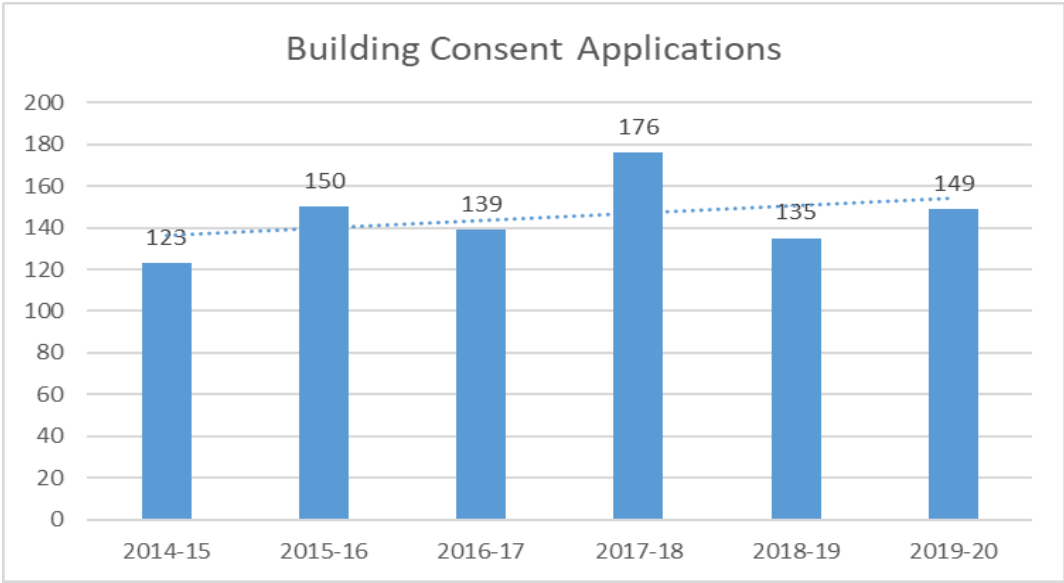
The Hearings for the Bylaws were held on Wednesday, 24 June 2020, and Council is currently deliberating on the submissions received by the public.

**Town Centre Revitalisation**

The Town Centre Structure Plan was adopted by Council at the June meeting and a masterplan is now being progressed. The intention is have the masterplan in place before December and this will assist decision-making around the revitalisation of the central business district.

**Building consents**

149 consents applications were received during the 2019-20 period, which represents a 10% increase on the previous financial year.



In relation to the estimated work value of building consent applications received this year it is just over \$51.6 million a 70% increase on last year's \$17.5million and significantly more the annual figure of around \$15million, achieved over the last five years.

*Online applications*

So far this year 77% of building consent applications have been received using the online portal, an increase of 27% since last year. The intention is to do more publicity around the availability of the online portal and increase the number of online submissions. Online applications improve efficiency as officers can begin assessing the application on day one rather than having to wait for paperwork to be scanned in and files made up. Vetting of applications is more streamlined and applicants don't have to pay a deposit as they get billed once the consent is ready to be issued. In the main the applications that are still received in paper form relate to small scale building work for wood burners etc.

### *Notices to fix*

Through the 2019-20 financial year we have served 26 Notices to Fix as identified in the table below;

Swimming Pool	4
Building Matters	22

An audit of compliance work was undertaken relating to Building Warrants of Fitness (BWOs), compliance schedules and swimming pools by officers from MBIE in August. A number of recommendations were made which are currently being worked through. The intention is to visit the majority of premises with BWOs over the coming year to increase the levels of compliance within the district. This process of improving compliance is likely to lead to more Notices to Fix and potentially Infringement Notices being issued.

### *Natural hazards*

The Bay of Plenty Regional Council has recently completed work on a coastal calculator which models inundation from the sea. The Regional Council is currently undertaking further studies on coastal erosion and flood modelling for the Ōpōtiki Township. This improved knowledge and understanding of natural hazards and the impact on land within the district will impact on the way building consent applications are processed. It is expected that a significant number of consent applications will require a notice under section 73 of the Building Act on the title of the property, before they can be approved, due to the land being subject to one or more natural hazards.

The building consents team currently has one full time administrator, two full-time and one part-time Building Consent Officers. Western Bay of Plenty District Council (WBOP) have agreed to process consents on our behalf where required and are also providing officers to assist with site inspections. We continue to work closely with WBOP to improve our resilience and ability to respond to spikes in application numbers. This relationship is also assisting us to fill the gaps in technical knowledge that arise in a small team. Whakatāne and Kawerau District Council have also provided inspectors to assist in the inspections of larger applications outside of the competency levels of our officers, such as the mussel processing factory. We will continue to monitor application numbers and if the trend continues to rise then consideration will be given to recruiting additional members of staff.

### *Earthquake prone buildings*

All territorial authorities are required to report their progress toward identifying earthquake-prone buildings to the Ministry of Business, Innovation and Employment (MBIE) every year for a five year

period, as part of the ongoing commitment to identifying and managing them. The report that Ōpōtiki District Council provides to MBIE for 2020 will cover the period from 1 July 2019 to 30 June 2020.

Ōpōtiki district is identified as having a 'High' seismic risk, with a Z factor of 0.30 (see Verification Method for Building Code Clause B1-Structure). Territorial authorities that are within a high seismic area had to identify potentially earthquake-prone buildings by 1 January 2020. Ōpōtiki District Council achieved this, and all buildings considered to be earthquake-prone were identified. The building owners were then notified of the legislative requirements, and informed that they are required to provide to Council an earthquake assessment of their building by 31 December 2020. Depending on what each building assessment provides, varying works will be required on each of the buildings. It is the building owners' responsibility to carry out an earthquake assessment, and action any points necessary to address earthquake risk.

This year, MBIE has set the reporting window from Wednesday 10 June to Thursday 13 August, to provide territorial authorities an opportunity to catch-up on their reporting workloads, acknowledging the affect that COVID-19 may have had on territorial authorities and their workloads.

At 1 July, Council had received two letters of acknowledgement of earthquake status from those building owners that had received the initial notification letter:

- 114b Church Street
- 110 Church Street

Informally, building owners in the community have been contacting Council, through the planning enquiry system, to better understand the legislative requirements.

### **Environmental Health**

The number of food premises registered within the district has decreased slightly from 64 to 62 we are on track to inspect all food premises, operating under food control plan templates, within the financial year, with 39 having already been visited. Our inspectors are reporting continued improvement in operating practices and compliance with the Food Act requirements.

<b>Premises type</b>	<b>Number registered</b>	<b>Inspection carried out (Revisits not included)</b>
Food (operating under food control plan template)	<b>43</b>	<b>39</b>
Food (Operating under national programmes)	<b>16</b>	<b>n/a*</b>



Campground	12	11
Hairdressers	4	4
Mobile Traders/Hawkers	11	n/a**

\*Visits are carried out by third party providers not the Council

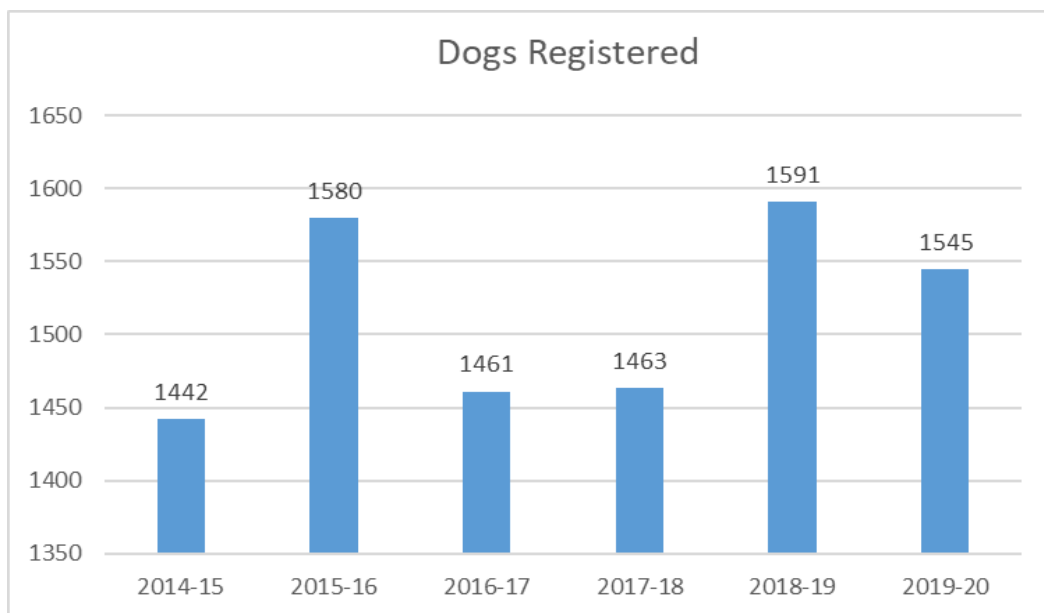
\*\*Council does not proactively visit mobile traders or hawkers operating in the district

Inspections and verification of food control plan templates for food businesses are currently carried out by consultants. The consultants carry out the work over the course of a week every 8-10 weeks.

The annual inspection of all campgrounds and hairdressers is scheduled to be completed in March 2020.

### Animal Control

This year 1545 dogs have been registered, a slight decrease from the previous year. The graph below shows the total number of dogs registered each year since 2014-15.

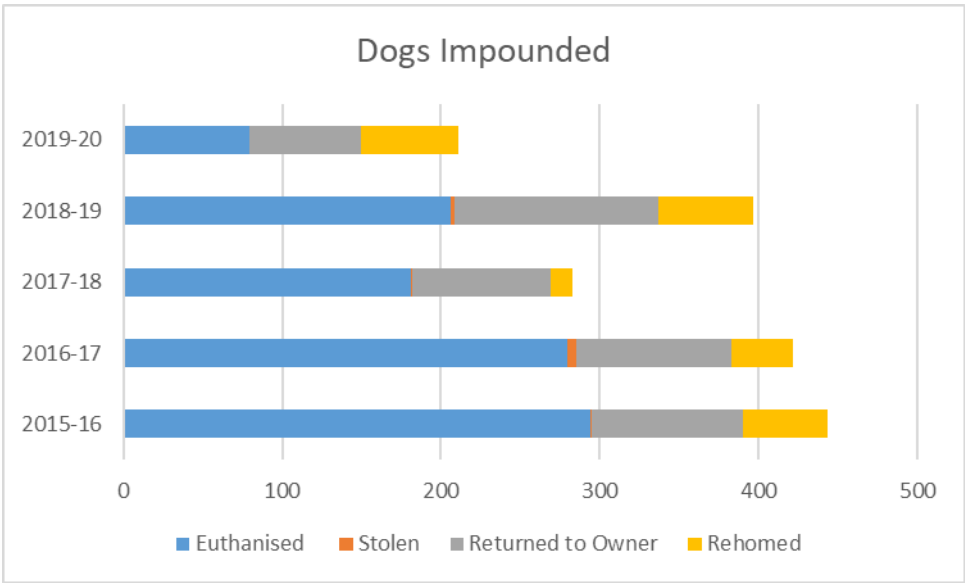


In terms of dogs impounded, this is significantly less than in the previous financial year, due to the lockdown. The de-sexing scheme over the last five years has contributed significantly to there being less unwanted puppies which in turns leads to a decrease in unregistered roaming dogs. This has resulted in significantly less dogs being euthanised and a higher degree of dogs being rehomed, due to only a few dogs impounded being of dangerous/menacing breed.

We also had no dogs stolen from the pound this year, showing success in the use of CCTV cameras to deter from break-ins and theft. Animal Control continue to work with the SPCA and other groups in rehoming impounded dogs.

The table below provides an overview of the total number of dogs impounded and reason they left the pound, since 2015.

Activity	2019-20	2018-19	2017-18	2016-17	2015-16
Dogs euthanised	79 (38%)	206 (52%)	181 (64%)	280 (66%)	294 (66%)
Dogs stolen from pound	0	3	1	5	1
Dogs returned to owner	71 (34%)	128 (32%)	87 (31%)	98 (23%)	95 (21%)
Dogs rehomed	61 (28%)	60 (15%)	14 (5%)	39 (9%)	54 (12%)
Dogs impounded	<b>211</b>	<b>397</b>	<b>283</b>	<b>422</b>	<b>444</b>



As set out in the Long Term Plan the pound facilities will be upgraded in the coming year, which will ensure that it is fully compliant with the Ministry for Primary Industries’ guidance on care of animals.

Officers have developed a dog education programme that the New Zealand Institute of Animal Management are currently peer reviewing. The programme’s main focus is on educating children

about how to safely interact with dogs to prevent bites that can ultimately lead to serious and life altering ramifications for them and their pets. Once finalised the programme will be presented to schools and community groups within the district. We will be the first Council in New Zealand to provide the option of having our dog education programme available in either te reo Māori or English.

**Liquor Licensing**

Licensing applications continue to be processed within targeted timeframes. A couple of hearings have been carried out during the reporting period. We currently have an officer working on a part time basis processing licensing applications and carrying out inspections of premises. At present the number of applications received is consistent with previous years and staffing levels are sufficient to cover the workload.

<b>Application type</b>	<b>Number received</b>	<b>Number processed</b>
Specials	21	21
Clubs	5	4
ONS	10	10
OFF	4	4
Manager Certificate	26	25
Temporary	2	2
Total	68	66

**Civil Defence**

Recently Emergency Management Bay of Plenty has had a transition of accountability and responsibility from Emergency Management Bay of Plenty to Ōpōtiki District Council. Through this, Council has retained a member from Emergency Management Bay of Plenty, for two days a week, to provide CDEM local community resilience services.

Council is developing and organising a process for engagement in schools with Emergency Management Bay of Plenty to raise awareness and educate students and families on emergency planning within the district under public education. Council also has already undertaken engagement within Marae’s in Ōpōtiki, communicating with those Marae spokespersons to ensure they are integrated in to the community response team planning.

### Other Regulatory Activities

Council has continued to enforce infringement fines under the Litter Act 1979. In the 2019-20 year seven infringements have been issued to individuals who were found to be illegally dumping rubbish.

Officers are continuing to monitor vehicles parked within the township on an ad hoc basis and in response to complaints from members of the public, who are increasingly using the Council Antenno application to report concerns. The table below provides an overview of the reasons for issuing infringement notices and number of notices issued.

Reason for infringement notice	Number of notices
Parking in disabled bay	12
No warrant of fitness	16
No registration	10
Parking on a footpath	19
Inconsiderate parking	9
Double parking	8
Wrong side of the road	5
Parked obstructing vehicle entrance	1
Parked on a broken yellow line	3
Total	83

### Rapid Numbering Project

The administration process for the rapid numbering project is now complete, with the orders for the numbers also completed. The project however, has been put on hold as recommended by the elections office until after the voting process has been completed.

The inclusion of macrons in the spelling of Ōpōtiki district has been approved by the New Zealand Geographic Board and came into effect on 17 January 2020.

## **Parks and Reserves**

### *Cemeteries*

	<b>Te Ranganui Cemetery</b>	<b>Waitangi (Ōpōtiki Lawn) Cemetery</b>
Adult Burial	10	12
Infant Burial	1	1
Lawn Ash Interment	6	4
Niche Wall Ash Interment	0	2

Over the last six months there have been two adult burials and two lawn ash lawn interments in the main Te Ranganui Cemetery with three adult burials, and two lawn ash interments at the old Waitangi Cemetery.

There has been a reduction in the number of burials normally experienced over this period due to associated impacts of the COVID-19 lockdown and subsequent alert levels that placed severe restrictions on numbers attending funeral and burial services. Decisions were made against holding the traditional type of burials in favour of cremations and conducting the memorial service once public gathering numbers and social distancing requirements were less stringent.

### *Reserve Management Plan*

Submissions on the Ōpōtiki District Council Draft Reserve Management Plan closed on 14 April 2020. 59 submissions were received with 26 requesting to be heard by the hearings panel. Hearing of submissions took place on 3 August 2020.

### *Cycle Trail*

Staff are working with the Motu Trails Trust and Department of Conservation to ensure more consistency in the maintenance standards of the DOC and ODC sections of the Motu Cycle Trail. This includes the Dunes and Otara Stop Bank Trails and the Pakahi Track with both organisations working towards engaging the Motu Trails Charitable Trust to undertake the routine maintenance works required to keep this trail to the required standards. This opens up a whole range of co-funding grant opportunities that the Trust are eligible for, which are not available to either Council or DOC.

One thing that became apparent during the COVID-19 lockdown period and subsequent level restrictions has been the extent of local engagement and responsibility that has been experienced regarding the Dunes Cycle Trail. As well as the increase in use of the trail by locals, many also actively engaged in keeping it tidy and dealing with or reporting any incidents of concern.

A grant of \$881,000, for the extension of the Motu Cycle Trail from Ōpōtiki township to the pou whenua at Waiōtahe Beach, from the “Provincial Growth Fund: COVID-19 response – redeployment and acceleration” has been approved. Contracts and specifications for this work, primarily focusing on labour intensive tasks, are being prepared. The aim is to create a number of local jobs for local people, specifically targeting those who have lost their jobs as a result of COVID-19.

#### *Te Ahiaua (Pipi Beds) Reserve*

Construction of the internal roadway extension and car/ campervan parking areas has now all been completed. Three large macrocarpa slab picnic tables and benches have been installed and are already being regularly used. This now completes the upgrade works for this reserve incorporating a new and more efficient water supply and effluent disposal system, toilet facilities upgrade and a new improved sealed internal roadway and car/ campervan parking area with associated picnic facilities. Despite a number of complications that delayed the installation of a fully compliant and effective effluent disposal system, the whole project was still completed within the original project budget of \$480,000 with \$280,000 funded from a MBIE Tourism Infrastructure grant.

#### *Church St Reserve (formerly known as the Rose Gardens Reserve)*

Stage 1 one for the revised redevelopment of Church St Reserve as approved by Council on 23 July last year has been completed. This incorporated removal and relocation of the old rose gardens, removal of old decrepit pathways and the obsolete fountain, construction of the new pathway system and establishment of new lawns. Unfortunately the impact from the COVID-19 lockdown and subsequent level restrictions has delayed the implementation of further works. Planning is well underway for the construction of a new toilet facility that was approved by Council in February this year. The relocation and upgrading of play equipment will be undertaken as soon as resources are freed up and ground conditions allow. Funding applications are to be made for the new equipment, as identified through the consultative process that has been incorporated into the final plan adopted by Council.

#### *COVID-19 and Parks and Open Spaces*

Parks and Open Spaces played a critical role in helping our residents deal with the impact of COVID-19. Local parks became one of the only privileges in a highly restricted environment and enabled them to get out of the house for some quiet reflection, breathe in some fresh air or have space to exercise freely. Our parks helped them feel normal and cope with the mental and physical challenges of COVID-19.

As a result, an influx of “locals” were seen having the confidence to get out and about in their local neighbourhoods, sometimes discovering local parks or open spaces they didn’t even know existed, or simply having the time to take advantage of the park they have always known has been there but are too busy to enjoy. Even though maintenance standards slipped considerably, our parks and open spaces provided a critical outlet for “locked up” residents and helped to build and maintain resilience, as the country dealt with the impacts of COVID-19 and they look set to continue to play a critical role in our recovery.

**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 Planning and Regulatory Six Month Review 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 Planning, Regulatory and Parks and Reserves Annual Review 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.



**CONCLUSION**

At present, the number of applications being received and general workload within the Planning, Regulatory and Parks and Reserves Group remains similar to previous years and therefore manageable within existing resourcing allowances. Improvements to systems and processes have been carried out and consultants have been brought in to respond to spikes in workload and build resilience within the team.

With recent positive announcements in relation to the harbour development and other funding for projects within the district and wider Eastern Bay, it is envisaged that there will be an increase in demand for services across the group in the coming years. This will put pressure on our small team.

However, with improved use of IT, continued development of relationships with other Councils and consultants, we should have sufficient capacity to deal with a small uplift in work demands in the short term. If work demands continue over a longer term, consideration will be given to the recruitment of additional staff.

**RECOMMENDATION:**

- 1. That the report titled "Planning, Regulatory and Parks and Reserves Annual Review" be received.**

Gerard McCormack

**PLANNING AND REGULATORY GROUP MANAGER**



## REPORT

Date : 4 August 2020

To : Ordinary Council Meeting, 25 August 2020

From : Planning and Regulatory Group Manager, Gerard McCormack

Subject : **DOG CONTROL POLICIES AND PRACTICES REPORT 2019-2020**

File ID : A203381

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### EXECUTIVE SUMMARY

**Council is required to publicly report on its dog control policies and practices each financial year under section 10A of the Dog Control Act. A copy of the annual report is to be submitted to the Secretary for Local Government. The annual report for the 2019-20 financial year is attached.**

### PURPOSE

The purpose of this report is to provide Council with the annual report setting out Council's dog control practices for the year 2019-20. Following receipt by Council, the annual report will be submitted to the Secretary for Local Government. The annual report is included in appendix 01 attached.

### BACKGROUND

The Dog Control Act requires territorial authorities to publicly report on dog control policy and practices under section 10A of the Dog Control Act.

Section 10A of the Dog Control Act 1996 states that the report "*.....must, in respect of each financial year, report on the administration of -*

- (a) its dog control policy adopted under section 10; and*
- (b) its dog control practices."*

Section 10A(3) specifies that *"the territorial authority must give public notice of the report in one (1) or more daily newspapers circulating in the territorial authority district."*

Section 10A(4) requires the Council, *"within one month after adopting the report, to send a copy of it to the Secretary for Local Government"*.

## **DISCUSSION**

The attached report summarises the key information requirements set out in the Dog Control Act in terms of reporting. Also included below are some of the key statistics for the financial year, and reasoning for any notable changes. More generally, Animal Control staff continue to be proactive within the community. They undertake daily patrols, respond to service requests and look after the pound. They also spend time with customers on a one-on-one basis talking about the responsibilities of individual dog owners.

During this financial year, Council worked with the Department of Conservation regarding the change in classification for hunting dogs, to be classified as working dogs rather than a complete dog. It required that for these dogs to be considered working dogs they must undertake avian awareness and aversion training, providing more protection for the native wildlife that is found in the Ōpōtiki bush. This initiative gave incentive for hunters to register their dogs, as well as ensuring that kiwi, weka, whio and other ground nesting birds have a higher chance of survival when coming into contact with these dogs.

### **Statistical analysis**

- 1545 dogs were registered during this financial year which is the second highest number of dogs ever registered in the district.

Animal Control Officers phoned dog owners in June-September 2019 to remind them to re-register their dogs to avoid penalties being applied. This resulted in the lowest number of people being fined for failing to register their dogs, and is an initiative we have continued during the current registration period.

- 61 dogs were rehomed during this financial year which represents 28% of all dogs impounded and is the highest number of dogs rehomed within a financial year.

This year we had the highest number of dogs rehomed in any previous financial year, providing proof that the de-sexing program has had a continual positive impact on those dogs impounded in the area as there is less dangerous and menacing dogs. We continue to work alongside the SPCA in rehoming these dogs through their website.

- 211 dogs were impounded, and 38% of these dogs were euthanised. This is the lowest percentage ever recorded during a financial year, down from 52% in 2018-19 and 64% in the 2017-18 financial year.

The de-sexing programme has reduced the amount of unwanted litters of menacing and dangerous dogs being left at the pound. Additionally, there has been an improvement in rehoming rates and increases in return of dogs to owners. Both result in a significant reduction in the number of dogs that have needed to be euthanised in this financial year.

- 71 dogs impounded were returned to their owners which is the highest percentage of dogs returned to owners following impoundment ever recorded within a financial year.

Following Council incentives to micro-chip all dogs registered prior to 1 August for free and public education campaigns about micro-chipping dogs, the number of dogs micro-chipped in the district has increased making it easier for officers to return impounded dogs to their owners.

- No dogs were broken out from the pound during this financial year.

This provides proof that the CCTV cameras installed in the previous financial year have been successful in deterring any break outs or thefts.

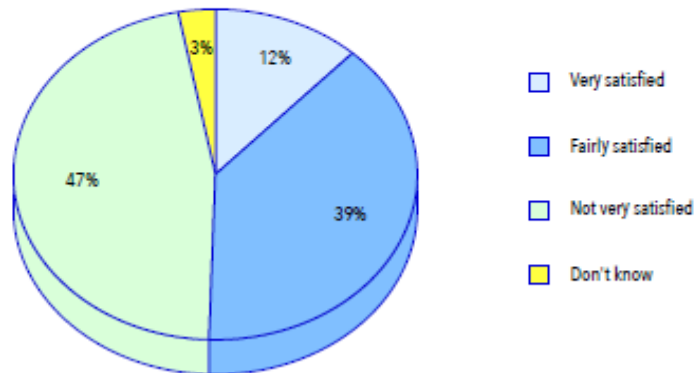
Council undertakes an annual satisfactory survey which includes a question around whether the responder was very/fairly satisfied with Animal Control. Results for the last five years are presented below:

<b>2019-20</b>	<b>2018-19</b>	<b>2017/18</b>	<b>2016/17</b>	<b>2015/16</b>
51%	59%	55%	51%	55%

This year we have 51% satisfaction (fairly to very satisfied) with the Animal Control service, highlighting that Animal Control is a significant issue within the district. Public feedback identifies there are issues with roaming and uncontrolled dogs, as well as response times.

### iii. Animal control, including roaming dogs

Overall



## SIGNIFICANCE ASSESSMENT

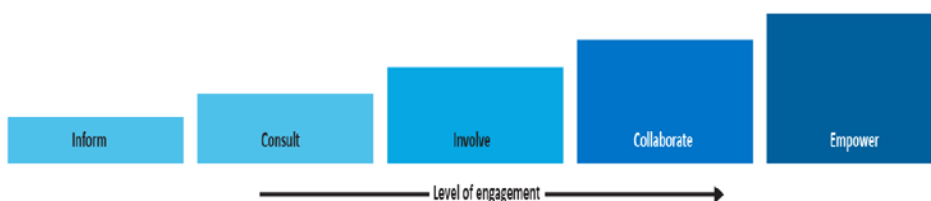
### Assessment of significance

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 Dog Control Policies and Practices Report 2019-20 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

The Dog Control Act 1996 requires Council to report on dog control policy and practices each year. Public notification of the report is required in one or more daily newspapers circulating within the district. Council must also, within one month of adopting the report, send a copy of it to the Secretary of Local Government.

As the level of significance for the Dog Control Policies and Practices Report 2019-20 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.



## **CONCLUSION**

The work of the Animal Control team has resulted in improvements in a number of our statistical reporting measures during this financial year. Dog Control is an activity of Council that will always require a proactive approach to ensure that dog owners fulfil their responsibilities under the Dog Control Act, in particular to ensure that their dogs are registered, and to ensure dogs do not wander and therefore reducing the likelihood of attacks.

## **RECOMMENDATIONS:**

- 1. That the report titled "Dog Control Policies and Practices Report 2019-20" be received.**
- 2. That the Dog Control Policies and Practices Report 2019-20 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 2019-20 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.**

Gerard McCormack

**PLANNING AND REGULATORY GROUP MANAGER**



## **Opotiki District Council Dog Control Policies and Practices Report 2019-20**

### **Section 10A report in accordance with the Dog Control Act 1996**

#### **1 Introduction**

Opotiki District Council, as a Territorial Authority, is required to manage and enforce the provisions of the Dog Control Act 1996.

This report is to meet the requirements set under Section 10A of that Act which requires Council to report on its dog control policy and practices.

This report contains information and statistics on the Council's dog control activity for financial year 2020 (1 July 2019 to 30 June 2020).

#### **2 Dog Policy, Objectives and Practices – Section 10A (1) (a)**

Opotiki District Council has a Dog Policy, dated 9 November 2004 with the objectives being:

- Minimising the danger, distress and nuisance of dogs to the community generally
- Separating children and dogs in public places
- Enabling, to the extent that is practicable, the public to use streets and public amenities without fear of attack or intimidation by dogs
- The exercise and recreational needs of dogs and their owners

High priority objectives are identified as:

- The need to reduce the number of dogs roaming the streets
- The need to decrease the amount of uncontrolled breeding that occurs

Dog registration and fees are charged annually and used to fund Council's dog control functions along with rates funding given the wider public benefit that is derived by keeping the community safe.

### **3 Summary of Practices – Section 10A (1) (b)**

The Animal control function forms part of the Planning and Regulatory Group of Council.

During the reporting period Council has had 1.5FTE officers dedicated to Dog Control, with officers' also managing horse and stock control. The number of full time employees under animal control has decreased from 2.5FTE in 2018-19 by one full time employee.

Limited afterhours support is provided by Independent Security Consultants Ltd (ISCL).

The Opotiki Town Centre is patrolled at least three times a day. The purpose of these patrols is to identify non-compliance with the Dog Control Act, the Dog Control Bylaw and Policy. In this reporting period there have also been some after-hour patrols undertaken.

The patrols are also an opportunity to get out into the community and talk to dog owners about their responsibilities on an individual basis.

Patrols are also carried out to include the wider Opotiki Township, Woodlands and East Coast settlements such as Te Kaha, Waihau Bay, Ohiwa, Bryan's Beach and Paerata Ridge. East of Te Kaha patrols are undertaken on an as needed basis often through a Service Request or via N.Z. Police.

Funding has been approved by Council for the de-sexing dogs classified as dangerous or menacing within the district and also to have all dogs micro-chipped before 1 August 2020, for free. The proven success of the de-sexing scheme has resulted in less dangerous/menacing dogs in the pound and, in turn, a higher number of dogs able to be rehomed.

#### 4 Dog Control Statistics

##### Section 10A (2) information

The following information is required under section 10A (2) clauses a –g.

	2019-20	2018-19	2017-18	2016-17	2015-16
a. Registered Dogs	1545	1591	1463	1461	1580
b. Probationary owners	0	0	0	0	0
c. Dogs classified as dangerous	8	6	5	8	6
d. Dogs classified as menacing	35	28	33	85	54
e. Number of Infringements issued	61	91	100	96	139
f. Number of service requested	256	357	328	332	393
g. Number of Prosecutions	0	0	0	0	0

##### *Pound Statistics*

The table below shows the activity at the pound over the last five years:

Activity	2019-20	2018-19	2017-18	2016-17	2015-16
Dogs euthanized	79 (38%)	206 (52%)	181 (64%)	280 (66%)	294 (66%)
Dogs stolen from pound	0	3	1	5	1
Dogs returned to owner	71 (34%)	128 (32%)	87 (31%)	98 (23%)	95 (21%)
Dogs rehomed	61 (28%)	60 (15%)	14 (5%)	39 (9%)	54 (12%)
Dogs impounded	<b>211</b>	<b>397</b>	<b>283</b>	<b>422</b>	<b>444</b>



### *Infringement notices*

There were 61 infringement notices issued by the Animal Control Officers over the 2019-20 year.

Details are as follows:

<b>Type of Infringement</b>	<b>2019-20</b>	<b>2018-19</b>	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>
Failure to register Dog	52	72	85	72	91
Failure to keep dog under control	9	13	11	23	43
Wilful Obstruction of dog control officer or ranger	Nil	Nil	Nil	Nil	Nil
Failure to comply with effects of classification of dog as dangerous dog	Nil	6	1	1	3
Failure to comply with a Bylaw	Nil	Nil	Nil	Nil	Nil
Falsely notifying death of a dog	Nil	Nil	Nil	Nil	1
Wilfully providing false information about a dog	Nil	Nil	1	Nil	1
Failure to implant microchip	Nil	Nil	2	Nil	Nil
<b>TOTAL</b>	<b>61</b>	<b>91</b>	<b>100</b>	<b>96</b>	<b>139</b>

### *Customer Service Requests*

Animal Control related service requests continue to decline as shown in the following table:

<b>Service request type</b>	<b>2019-20</b>	<b>2018-19</b>	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>
Dog Control	265	357	328	332	393

## REPORT

Date : 11 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Engineering and Services Group Manager – Ari Erickson  
Subject : **ROAD REALIGNMENT**  
File ID : A209742

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### EXECUTIVE SUMMARY

**This report has been assembled to seek Council approval to undertake a road stopping in accordance with the Public Works Act. The road stopping and corresponding land exchange is being sought by a private property owner who requires additional space in order to construct a dwelling on their property. They intend to purchase the land to be swapped, which will be of equivalent size to the road land to be stopped.**

### PURPOSE

The purpose of this report is to seek Council approval to stop a public roadway in exchange for equivalently sized private property. In effect a road realignment.

### BACKGROUND

Mr and Mrs Lodge own a 1.412 hectare property adjacent to an unformed section of Te Wakanui legal road. Council has been approached by True North Surveying as their representatives seeking a road stopping and to vest as road adjacent private land to maintain the legal road width. In effect a road realignment. (See figure 1 for map)

Mr and Mrs Lodge are seeking the portion of unformed road due to geotechnical requirements which restrict their building platform. It is intended to use the public works act to undertake the realignment.

## DISCUSSION

The Public Works Act 1981 (PWA) and the Local Government Act 1974 (LGA) set out procedures for stopping of land that has the status of road. The Crown must use the provisions of the PWA to stop roads. Local authorities may use the provisions of the LGA or request the Minister use the provisions of the PWA to stop roads.

For the purposes of this road realignment sought it is proposed that the road stopping and vesting be sought via the Minister in accordance with the PWA process as it allows a more streamlined process conducive to a land swap or road realignment, i.e. having no adverse effect on Council, the public or adjacent land owners.

The applicant has acknowledged that all costs associated with the road stopping and vesting will be at their cost and are willing to proceed. It is proposed that the applicant will assemble all the necessary documentation for submissions to the Minister and subject to Council approval sought in this report, a letter of support will be provided by Council.

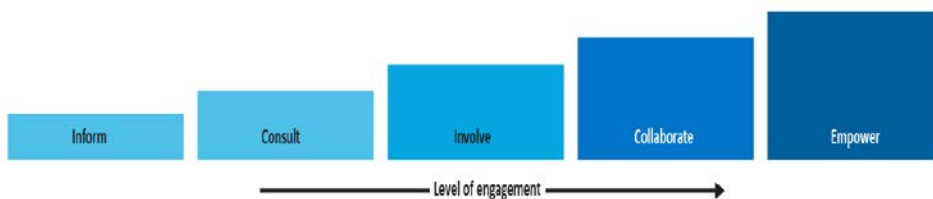
## SIGNIFICANCE ASSESSMENT

### 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 realignment of unformed section of Te Wakanui Rd 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 realignment of unformed section of Te Wakanui Rd 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**

Notification will be undertaken in accordance with the Public Works Act.

## **CONSIDERATIONS**

### **Financial/budget considerations**

All costs and PWA processes will be undertaken by the applicant. There will be minimal staff time investment in the process.

### **Policy and planning implications**

There are no policy or planning implications associated with the proposal.

### **Risks**

The proposed realignment will be suitable for any future road formation. There are no obligations or liabilities for Council in respect of the proposal.

### **Authority**

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

## **CONCLUSION**

This report recommends that Council approves the road stopping of unformed section of Te Wakanui Road and vesting of private land in Council in exchange.

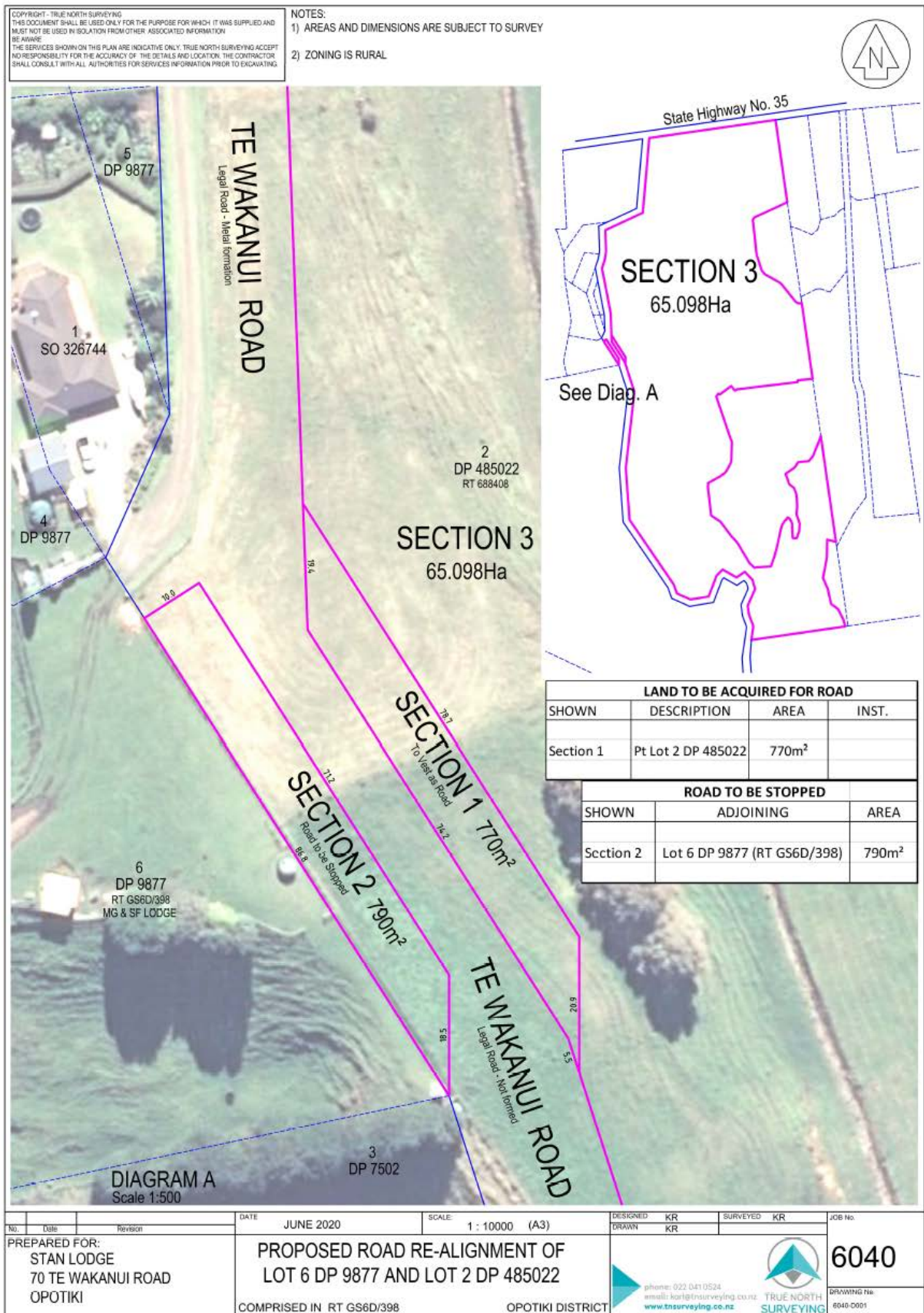
## **RECOMMENDATIONS**

- 1. The report titled "Road Realignment" be received.**
- 2. That Council approves the realignment of Te Wakanui Rd.**
- 3. That Council delegates authority to the Engineering and Services Group Manager to approve a letter of support in accordance with the Public Works Act.**

Ari Erickson

**ENGINEERING AND SERVICES GROUP MANAGER**

**Appendix 1 – Survey of proposed land swap / road realignment.**



## REPORT

Date : 6 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Community Engagement Officer, Anna-Marei Kurei  
Subject : **APPLICATION FOR ROAD TO BE NAMED**  
File ID : A209351

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### EXECUTIVE SUMMARY

**A process to have a road named Huia Pere Drive begun in late 2015 with Council resolving in principle to have the road named and begun the process for public submission in February 2016. No submissions were received in objection and a report was written. The report was excluded from Council's agenda as the Council did not have a Road Naming Policy and more information was sought. This report revisits the applicant's application with the information required to proceed forward.**

### PURPOSE

The purpose of this report is to discuss an application for a Council road located off Waiōtahe Valley Road to be named Huia Pere Drive.

### BACKGROUND

In late 2015 the applicant approached Council to have a Council road located off Waiōtahe Valley Road named Huia Pere Drive. On 26 January 2016 Council resolved to rename the road in principle and to begin the process of naming the road. Advertisements were put in to the Ōpōtiki News on 18 and 23 February 2016 asking for public submissions to be received by Friday, 29 March 2016 (see Appendix A for further details). No objections were received.

A report was written but was excluded from the agenda as Council did not have a Road Naming Policy and signed consent was required from Chev Addison, Forestry owners and Upokorehe and Whakatōhea (see appendix B). The applicant has recently approached Council requesting that the road be named, as they do not have a rapid number assigned to the property and which is causing issues for occupants of the house.

## **DISCUSSION AND OPTIONS SECTIONS**

The following options are proposed for Council's consideration.

### **Option 1 – Leave the road unnamed**

Council had already begun the process of naming this mentioned public road in 2016. The reasoning for exclusion from the previous Council meeting have been mitigated as consultation with the identified parties has been made and Council now has a Road Naming Policy to help guide road naming processes. It is for these reasons that this option is not recommended.

### **Option 2 – Name the road Huia Pere Drive**

Huia Pere is the name of the applicant's late mother. Under section 4 of Council's Road Naming Policy in order for a road to be named after a person there must be historical/significant person or be recognised as achieving prominence in a chosen field, e.g. art or sport. For these reasons the officer has concerns that the name Huia Pere does not meet the criteria of Council's Road Naming Policy. This has been explained to the applicant.

### **Option 3 – Name the road Oruamanganui Drive**

The applicant recommended the name Oruamanganui as it is the name of the stream located within the area. As part of the consultation the process the officer also spoke to the chairman of Maromahue Marae who stated during the discussion held about the application the ahi ka were not against using Oruamanganui Drive. He also stated that the name Oruamanganui was already officially recorded as a stream.

### **Option 4 – Name the road Pukehau Drive**

Pukehau was an old Pa that belonged to both Upokorehe and Tūhoe and sat at the boundary between the two. The Pa was located just above Nukuhau and the road to be named is located where the old track to the pa site used to be. The name Pukehau is not officially recorded and unique to Upokorehe and the area which is why the officer recommends this option for adoption by Council.

## **SIGNIFICANCE ASSESSMENT**

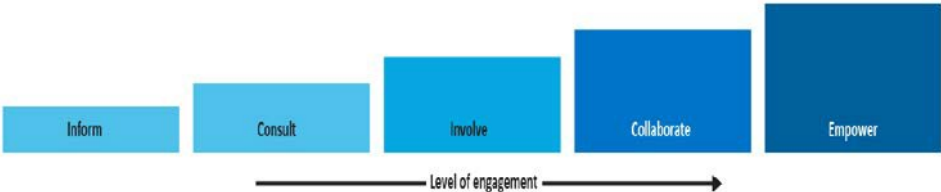
### **Assessment of significance**

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 Application For Road to be Named 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 Road to be Named 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**

As previously mentioned the Council had asked for public submission in February 2016 with submissions closing in March with no objections received. Contact was made to the Forestry owners via email and letter stating the recommended road name with no response. The officer also spoke to Mr Addison who stated that he was not against the naming of the road but expressed concerns with the changing of his address as this would affect him with a farm operating in the area and tenants living in the house on the property. Mr Addison was assured that the officer would support Mr Addison to help mitigate his issues of concern.

**Consultation with Upokorehe**

Upokorehe kaumatua spoke to the officer and stated the application was discussed by the ahi kaa of Maromahua Marae and the name Pukehau Pa Drive was a name proposed to be considered.

**CONSIDERATIONS**

The road to be named is owned by the Council and therefore the small cost associated with the signage will be met using the existing engineering group budget.

**Policy and planning implications**

The officer recommends the adoption of Pukehau Pa Road as it meets the requirements of Council’s Road Naming Policy under Section 4 as a culturally significant, traditional or appropriate name.



**Authority**

Council has the authority to make the required decision

**CONCLUSION**

The background for the naming of the public road and previous concerns have been outlined and discussed within this report. The relevant parties have been contacted and the process for naming the road against the Councils adopted road naming policy has been carried out.

**RECOMMENDATIONS**

- 1. That the report titled "Application For Road to be Named" be received.**
- 2. That Council agrees to name the proposed public road Pukehau Pa Drive.**

Anna-Marei Kurei

**COMMUNITY ENGAGEMENT OFFICER**



## STATEMENT OF PROPOSAL - ROAD RENAMING

### THE PROPOSAL

Opotiki District Council proposes to name a road that is located approximately 7.5 kilometres from the start of Waiōtahe Road (and is accessed off the western side of this road) as Huia Pere Drive. The road is approximately 140 metres in length but then extends into private land blocks beyond the legal road section. The bridge known locally as Chev Addison's bridge (also once called Jones' bridge) is at the commencement of the road and has been used generally also as a name for the road.

### BACKGROUND

A copy of a report titled "Naming/Re-Naming of District Roads and Property" which was received by the Council at their 26 January 2016 meeting is attached to this statement. This provides the details of the proposed name change.

NZ law requires that a Council can only alter the name of a road by Special Order. The process for this is:

- Council to resolve to commence the process at a public meeting of the Council
- To make available a statement of proposal to give a fair representation and outline
- To allow a minimum time of 1 month for persons interested in the proposal to provide their views if they wish
- Council to consider a report on submissions received and resolve whether or not to confirm the Special Order
- If the Special Order to rename the road is confirmed a copy is sent to the District Land Registrar and the Chief Surveyor for renaming to be completed in formal records.

At the 26 January 2016 Ordinary Meeting Council resolved to agree in principle to the road renaming so that the process could commence.

### HOW TO MAKE A SUBMISSION

Written submissions or objections to this proposal should be forwarded to:

"Road Renaming – Huia Pere Drive"  
The Chief Executive  
Ōpōtiki District Council  
PO Box 108, Ōpōtiki 3122

Opportunity will be given to any submitter to make a verbal presentation to Council at its Ordinary Meeting on 19 April 2016.

### PERIOD FOR WHICH PUBLIC SUBMISSIONS ARE OPEN

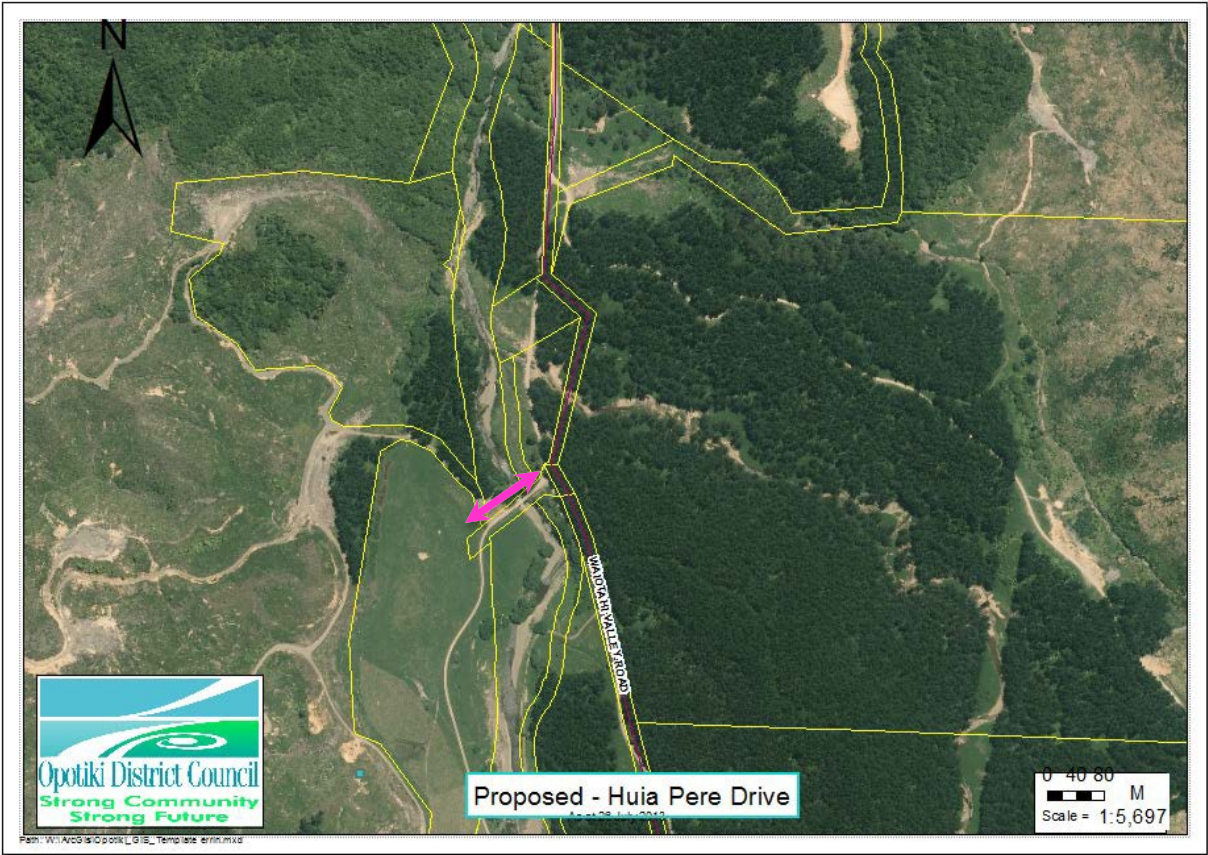
Submissions must be received by the Council no later than 4.30pm Friday 29<sup>th</sup> March 2016.

### DECISION ON WHETHER OR NOT TO CONFIRM SPECIAL ORDER TO RENAME THE ROAD

Council will resolve on this matter at the Ordinary Meeting on 19<sup>th</sup> April 2016.

Aileen Laurie  
Chief Executive Officer  
Ōpōtiki District Council

Dated: 8th February 2016





### **Proposal to Rename Roadway Of Waiōtahe Valley Road**

In accordance with section 320 of the Local Government Act 1974 the Council has resolved to initiate a Special Order to rename the road over Chey Addison's bridge, off Waiōtahe Valley Road, to Huia Pere Drive

A Statement of Proposal outlining the background to this proposal is available from the Council offices at 108 St John Street during normal office operating hours.

Submissions on the proposal may be made but must be received by the Council no later than 4.30pm on Friday 29 March 2016.

The resolution to confirm the Special Order will be submitted to Council at its Ordinary Meeting to be held at 9.00am in the Council Chambers, 108 St John Street on 19 April 2016.

A Lawrie



Our Ref A101235

27<sup>th</sup> July 2016

Te Kaha  
PO Box 529  
OPOTIKI 3162

Dear Te Kaha

**ROAD NAMING – HUIA PERE DRIVE**

Further to my previous meeting with you, I prepared a draft report on the naming of Huia Pere Drive (see attached).

Council's Chief Executive decided to exclude this from the agenda of the July meeting of Council as there was no proof of consultation and approval. This was noted in your letter dated 1/9/2015.

To progress this matter I will need a signed consent from Chev Addison, the Forestry as well as the local Upokurehe and representatives from Whakatōhea. This can be a simple statement, signature and date.

Once these have been received I can progress the matter promptly.

Yours Sincerely,

Chris Hopman  
ENGINEERING & SERVICES GROUP MANAGER  
Ōpōtiki District Council

## REPORT

Date : 6 August 2020

To : Ordinary Council Meeting, 25 August 2020

From : Community Engagement Officer, Anna-Marei Kurei

Subject : **PROPOSAL FOR NEW ROAD NAME: ATAAHUA RISE**

File ID : A209353

---

### EXECUTIVE SUMMARY

**An application has been made to Council to name a private laneway. This report recommends that the application is approved and the name Ataahua Rise be officially named.**

### PURPOSE

The purpose of this report is to propose a road name for a private lane located off Ōhiwa Beach Road (see Appendix A). The application proposes the road to be called Ataahua Rise. Ataahua is the Māori word for beautiful and the applicants believe the word is a good description of the area.

### BACKGROUND

The applicants have completed and put forward an application (see Appendix B) for Council to have their private way named. The road to be named is located off Ōhiwa Beach Road and currently has six households that use it to gain access to their properties. The applicant would also like to name the road to cater for the future development of lots off the road. Section 3 of the Council's Road Naming Policy states "All formed roads that have 6 or more lots accessing off of it or that are likely to have 6 or more in future, shall be named".

### DISCUSSION AND OPTIONS SECTIONS

The following options are proposed for Council's consideration.

**Option 1 - To leave the road unnamed**

This option is not recommended as it will not comply with Section 3 of Council's Road Naming Policy and Section 4 of the addressing standard (AS/NZS 4819:2011).

**Option 2 – Road to be called Ataahua Rise**

The applicants made contact with affected property owners and majority were supportive of the proposed name. Some suggested that the name Ōhiwa should be included in the naming of the road as they believed Ataahua was a generic term that could be used to describe any place. Upokorehe kaumatua were also in support of this name (for further detail refer to consultation with Upokorehe) and therefore the officer recommends this option for Council to adopt.

**Option 3 – Council to consider the other two proposed names**

One of the names suggested Dylan's Rise in honour of one of the owner's sons who passed in a drowning at the Mōtū River. Section 4 of Council's Road Naming Policy requires that if a road is to be named after a person they would have to be of historic significance or special service. It is for these reasons the officer believes the name Dylan's Rise would not be appropriate.

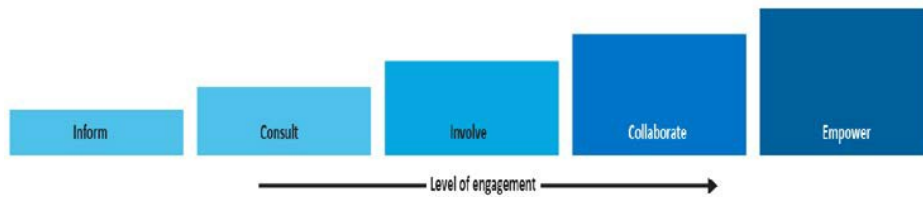
Pukehautere. Rise was another name recommended by one of the property owners. However, the name was not supported by Upokorehe. The name derives from an old Pā site within the reserve of the Bay of Plenty Regional Council above the Ōhiwa Holiday Campground which is a different site. Because of this Upokorehe kaumatua Trevor Ransfield and Wallace Aramoana advised against the use of the name.

**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 Proposal for new road name: Ataahua Rise 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 Proposal For New Road Name: Ataahua Rise 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.



## **COMMUNITY INPUT AND PUBLICITY**

As previously mentioned the applicants made contact with the affected property owners. There was general consensus among the owners with two other names proposed.

### **Consultation with Upokorehe**

The officer met with Upokorehe kaumatua to discuss the road name application. They stated that Upokorehe was in support of the name Ataahua as there is a story of a woman from Upokorehe who was of high status and well known for her beauty. The woman had an arranged marriage but was deeply in love with another man. Unable to be with the man she loved she drowned herself in a spring within the area. Upokorehe agree the name Ataahua Rise is appropriate not only for the beauty of the area but also in recognition of the story.

## **CONSIDERATIONS**

As set out in Council's Road Naming Policy the cost of signage, consultation and communication with affected properties will be the responsibility of the applicant. The only cost to Council is the officer time spent on administering the process.

### **Policy and Planning Implications**

The applicants have followed the guidelines set in Council's road naming application and the name is consistent with Council's Road Naming Policy and the AS/NZS 4819:2011.

### **Authority**

Council has the authority to make the required decision.

### **Conclusion**

The applicants have completed the road naming application for the proposal of the private road to be named Ataahua Rise. The application and road name is consistent with the Council's Road Naming Policy and the Australian/New Zealand Rural and Urban Addressing Standard (AS/NZS4819:2011).



**RECOMMENDATIONS:**

1. That the report titled "Proposal For New Road Name: Atahua Rise" be received.
2. That Council approves the naming of the private road Atahua Rise and agrees to the road becoming an official named road.

**Anna-Marei Kurei**

**COMMUNITY ENGAGEMENT OFFICER**



Appendix B: Road naming application



# Application for road name/renaming

A141529

**Address all correspondence to:**

Opotiki District Council, PO Box 44, Opotiki 3162  
 Ph 07 315 3030, Fax 07 315 7050  
 Or return to Customer Services, 108 St John Street, Opotiki

**APPLICANT DETAILS**

Full name	Colin & Barbara Lamont		
Postal address	1/239 Ohiwa Beach Road Rd.2. Opotiki		
Phone	07 3158198	Mobile	0211 707 838
Email	te and bjlamont@outlook.co.nz		

**ROAD DETAILS**

Attach a map showing the location and boundary of the road to be named.

Address	239 Ohiwa Beach Road Opotiki		
Legal description	Lot 2. Deposited Plan 585175		
Type of renaming	<input type="checkbox"/> New road created from subdivision <input type="checkbox"/> Road renaming	<input type="checkbox"/> Existing legal unnamed road <input checked="" type="checkbox"/> Private road	

**PROPOSED ROAD NAMES**

Provide three names in order of preference, along with an explanation of their background i.e. why they were chosen.

Name 1	'ATAAHUA' Rise (beautiful) We feel that it is a beautiful area.
Name 2	'Dylan's' Rise In honor of the new owners recently deceased son (Dylan)
Name 3	" "Rukehauera Rise" A suggestion from a neighbour. (its not likely)

**ROAD RENAMING**

State the current road name and your reason for requesting the name change. Attach written consent from at least 85% of affected residents.

Current road name	N/A
Reason for change	N/A

**ROAD NAMING GUIDE**

Type of Roads	Road Names
Relatively short, dead-end roads, cul-de-sacs	Place, Court, Close, Grove, Way, Rise, Courtyard
Loop road to same street	Crescent, Loop, Circle
Long cul-de-sac through road	Road, Street, Drive, Ridge, Terrace
Narrow road, service lane	Lane
Wide spacious road	Avenue, Boulevard, Parade
Streets in commercial area	Arcade, Mall, Plaza, Square, Street, Road
Short road leading to water	Landing

**APPLICANT STATEMENT**

I confirm:

- I have arranged a pre-lodgement meeting with council staff to discuss the application process and procedures.
- I have attached a map showing the location and boundary of the road to be named.
- I have consulted with the relevant parties (affected property owners, Māori etc.).
- I have documentation of all consultation (both positive and negative) taken as evidence for my application.
- The proposed names are not the same as any existing roads in the Ōpōtiki district.
- The road name and type complies with the criteria set in Ōpōtiki District Council policy and section 4 of the AS/NZS 4819:2011.
- If the road name is Māori, it is endorsed by the local whanau/hapū/iwi and spelt correctly.
- If application is for a Māori land block and only one name is being submitted, there is considerable documentation to show that all owners are in support of the proposed name.

Full name	Barbara Lamont • Thomas Colin Lamont
Signature	B G Lamont • T.C. Lamont
Date	10/9/2019

## REPORT

Date : 6 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Community Engagement Officer, Anna-Marei Kurei  
Subject : **PROPOSAL FOR NEW ROAD NAME: RON SMITH DRIVE**  
File ID : A209352

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### EXECUTIVE SUMMARY

**An application has been made to Council to name a private laneway. This report recommends that the application is approved and the name Ron Smith Drive be officially named.**

### PURPOSE

The purpose of this report is to propose a road name for a private way located off Ōhiwa Beach Road. The application proposes the road to be called Ron Smith Drive named after Ron Smith who owned Direct Transport the largest transport company in the North Island during the 1970s and 1980s.

### BACKGROUND

The applicant has completed and put forward an application (see appendix A) for Council to have their private road to be named. The road to be named is located off Ōhiwa Beach Road and the owners have applied for subdivision and are wanting to create a right of way for access. The applicant has proposed the name Ron Smith in memory of his grandfather.

### DISCUSSION AND OPTIONS SECTIONS

The following options are proposed for Council's consideration.

#### **Option 1 – To leave the road unnamed**

This option is not recommended as the Mountain Ridge subdivision has been approved and future development of housing will occur leaving the occupants without a road name.

**Option 2 – To name the road Ron Smith Drive**

Ron Smith owned the largest transport company in the North Island during the 1970s and 1980s with a book titled *The Direct Transport Story* written by Gavin Abbot and Graeme Carter published in 2003. It is therefore felt that the name meets the criteria of Council’s Road Naming Policy under Section 4 as a name of a notable person and special service due to the success of his business. It is therefore recommended that name be adopted by Council.

**Option 3 – Riverview Rise**

The applicant proposed this option as the properties are elevated with views of the Waiotahi River. The reporting officer recommends this as a second choice for Council to adopt.

**Option 4 – Ōhiwa Ridge Road**

This name was given for subdivision advertising purposes and describes the property which begins from Waiōtahi River to the skyline ridge above Ōhiwa. The officer advised against this option as there are two current roads that have the word Ōhiwa in their name within the area. Having a third could cause confusion and would be contrary to Section 4.4.7 of the AS/NZS 4819:2011 which states:

*“The element of a road name, regardless of any difference in the road type, shall not be similar in spelling or sound to an existing road name where the existing road name is in the same locality.”*

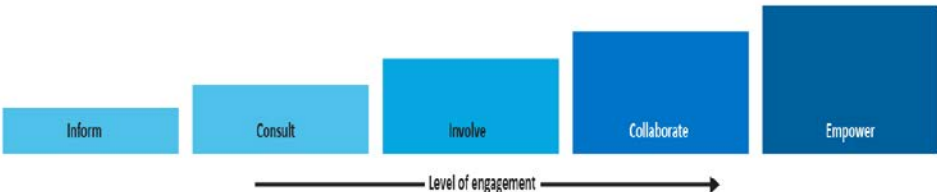
**SIGNIFICANCE ASSESSMENT**

**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 Proposal For New Road Name: Ron Smith Drive 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 Proposal For New Road Name: Ron Smith Drive 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.



## **COMMUNITY INPUT AND PUBLICITY**

In accordance with the Road Naming Policy the applicant has consulted and informed affected parties of the proposed name change. The owners of the affected properties agreed to the road being named Ron Smith Drive.

### **Consultation with Upokorehe**

On Friday, 17 August 2020, Upokorehe kaumatua met with the officer to discuss the road name application. They stated that Upokorehe are in support of the name Ron Smith Drive due to the mentioned history mentioned by the applicant. They stated they were against using the name Ōhiwa Ridge Rise for the same reasoning of confusion mentioned previously.

## **CONSIDERATIONS**

As set out in Council's Road Naming Policy the cost of signage, consultation and communication with affected properties will be the responsibility of the applicant. The only cost to Council is the officer time spent on administering the process.

## **POLICY AND PLANNING IMPLICATIONS**

Applicants have followed the guidelines set in Council's road naming application and the name is consistent with Council's Road Naming Policy and the AS/NZS 4819:2011.

### **Authority**

Council has the authority to make the required decision.

### **Conclusion**

The applicants have completed the road naming application for the proposal of the private road to be named Ron Smith Drive. The application and road name is consistent with the Council's Road Naming Policy and the Australian/New Zealand Rural and Urban Addressing Standard (AS/NZS 4819:2011).

## **RECOMMENDATIONS:**

- 1. That the report titled "Proposal For New Road Name: Ron Smith Drive" be received.**
- 2. That Council in approves the naming of the private road Ron Smith Drive and agrees to it being recognised as an official named road**

**Anna-Marei Kurei**

**COMMUNITY ENGAGEMENT OFFICER**

Appendix A: map of area





## Application for road name/renaming

A141529

**Address all correspondence to:**

Ōpōtiki District Council, PO Box 44, Ōpōtiki 3162  
Ph 07 315 3030, Fax 07 315 7050  
Or return to Customer Services, 108 St John Street, Ōpōtiki

**APPLICANT DETAILS**

Full name	MARTIN PHILIP BRYAN		
Postal address	137 OHIWA BEACH RD L02. OPOTIKI		
Phone	073154889	Mobile	027 2813553.
Email	MARTINBRYAN@XTRA.CO.NZ		

**ROAD DETAILS**

Attach a map showing the location and boundary of the road to be named.

Address	137 OHIWA BEACH ROAD		
Legal description	LOT 4 DP 339316 LOT 1 DP 460214		
Type of renaming	<input checked="" type="checkbox"/> New road created from subdivision <input type="checkbox"/> Existing legal unnamed road <input type="checkbox"/> Road renaming <input type="checkbox"/> Private road		

**PROPOSED ROAD NAMES**

Provide three names in order of preference, along with an explanation of their background i.e. why they were chosen.

Name 1	RON SMITH DRIVE.
Name 2	OHIWA RIDGE ROAD.
Name 3	RIVERVIEW RISE

**ROAD RENAMING**

State the current road name and your reason for requesting the name change. Attach written consent from at least 85% of affected residents.

Current road name	
Reason for change	


**ROAD NAMING GUIDE**

Type of Roads	Road Names
Relatively short, dead-end roads, cul-de-sacs	Place, Court, Close, Grove, Way, Rise, Courtyard
Loop road to same street	Crescent, Loop, Circle
Long cul-de-sac through road	Road, Street, Drive, Ridge, Terrace
Narrow road, service lane	Lane
Wide spacious road	Avenue, Boulevard, Parade
Streets in commercial area	Arcade, Mall, Plaza, Square, Street, Road
Short road leading to water	Landing

**APPLICANT STATEMENT**

I confirm:

- I have arranged a pre-lodgement meeting with council staff to discuss the application process and procedures.
- I have attached a map showing the location and boundary of the road to be named.
- I have consulted with the relevant parties (affected property owners, Māori etc.).
- I have documentation of all consultation (both positive and negative) taken as evidence for my application.
- The proposed names are not the same as any existing roads in the Opōtiki district.
- The road name and type complies with the criteria set in Opōtiki District Council policy and section 4 of the AS/NZS 4819:2011.
- If the road name is Māori, it is endorsed by the local whanau/hapū/iwi and spelt correctly.
- If application is for a Māori land block and only one name is being submitted, there is considerable documentation to show that owners are in support of the proposed name.

Full name	MARTIN PHILIP BRYAN
Signature	
Date	

**Road naming/Renaming Application:  
Required Information Checklist**

This checklist is intended to help applicants identify and provide information required by the Ōpōtiki District Council under the Road Naming Policy. If you do not provide the required information it may result in your proposal not being processed

	Yes	NA
1. Do you have the application to apply for a road new name/rename and is it completely filled in?	/	
2. Have you arranged a pre-lodgement meeting with the relevant Council staff to discuss the application process and procedures	/	
3. Have you attached a map showing the location and boundary of the road to be named?	/	
4. Have you consulted with the relevant parties (affected property owners, Māori etc.)?	/	
5. Do you have documentation of all consultation (both positive and negative) taken as evidence for your application?	/	
6. In the application have you proposed three names and set them in order of preference?	/	
7. Can you confirm that the proposed names do not have the same name of already existing roads within the Ōpōtiki district?	/	
8. Is the background provided for the three names proposed?	/	
9. If the road name is Māori is it endorsed by the local whanau/hapū/iwi and is it spelt correctly?		
10. Does the road name and type comply with the road name and road type criteria set in the Council policy and section 4 of the AS/NZS 4819:2011?	/	
11. If your application is for a Māori land block and only one name is being submitted is there considerable documentation to show that all owners are in support of the proposed name?		/

## REPORT

Date : 18 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Engineering and Services Group Manager, Ari Erickson  
Subject : **SNELL RD UPGRADE FUNDING**  
File ID : A210378

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### EXECUTIVE SUMMARY

The Snell Road upgrade was planned in Council's 2018 LTP to be completed in line with a favourable harbour decision. The upgrade was intended to serve a dual purpose, initially to provide access for construction traffic and upon completion of the harbour, to provide access to public facilities. The upgrade sought 75% funding from NZTA and was included in the Regional Land Transport Plan but unfortunately was not included in the National Land Transport Plan (NLTP). With a harbour decision imminent bridge financing of NZTA \$750k portion and funding of Council \$250k portion was approved by Council for the first stage of the upgrade. Since Council's resolution the business case for NZTA has progressed, receiving \$100,000 in funding for Business Case development. At this stage the Business Case is going through final iterations with NZTA toward completion and funding approval. With the harbour construction set within strict timeframes the construction of Snell Rd has proceeded ahead of approval from NZTA as was previously anticipated. The Snell Rd stage 1 design has met unanticipated additional costs. Due to several compounding factors the road needed to be built up significantly in several locations. It is expected that an additional \$350,000 will be required to complete stage 1 of the road.

### PURPOSE

The purpose of this report is to seek a Council resolution for an additional \$350k on top of the existing \$1m for the Snell Rd extension stage 1.

## **BACKGROUND**

The Snell Rd upgrade was planned in Council's 2018 LTP to be completed in line with a favourable harbour decision. The upgrade was intended to serve a dual purpose, initially to provide access for construction traffic and upon completion of the harbour, to provide access to the harbour and facilities for the public. The upgrade sought 75% funding from NZTA and was included in the Regional Land Transport Plan (RLTP) but unfortunately, due to the uncertain status of the harbour at the time, was not included in the National Land Transport Plan (NLTP). Having now received harbour funding, the first stage of the Snell Rd upgrade has begun utilising bridge financing of \$1m approved by Council.

A Business Case seeking retrospective funding is currently going through development iterations with Waka Kotahi NZ Transport Agency (NZTA). NZTA has approved \$100k in funding for the Business Case development and design inputs for the road. Staff are unsure when the Business Case will attain final approval, however it is anticipated to be in the coming months.

Due to the strict timeframes of the harbour construction, the Snell Rd extension is now underway. Unfortunately, due to several compounding factors the road will cost more than originally estimated. Officers are expecting an additional \$350k will be required to complete the road.

## **DISCUSSION**

The first stage of the Snell Rd upgrade will see a metalled road constructed capable of transporting harbour construction materials to site. The road will later be upgraded to a sealed standard upon completion of the Harbour at which time public use will be its primary purpose.

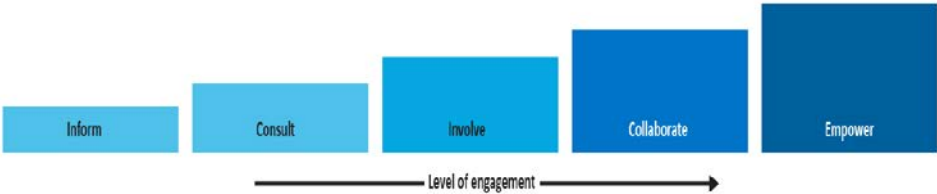
The Snell Rd extension design initially sought adjacent private land to complete the ideal cost alignment. Unfortunately, the landowners were not agreeable to a fair purchase arrangement and sought compensation (in various forms) that exceeded the alternative design option. The alternative design would see the road alignment remain within the road reserve but would require a significant amount of infill to avoid cutting into culturally sensitive ground adjacent to the urupa. As such the \$1m estimate to complete the works is expected to require an additional \$350k.

It is anticipated that the additional costs to complete the road can be included in the business case to NZTA and be claimed at a 75/25 split from NZTA. As such the additional costs will equate to \$50,000 for Council. In total Council's contribution for the \$1.2m project will be \$337,500.

**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 \$200k in funding for Snell Rd 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 resolution of additional \$200k in funding for Snell Rd 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 this decision aligns with planned works already included in Council’s LTP and Annual Plan additional consultation is not required.

**CONSIDERATIONS**

**Financial/budget considerations**

The additional \$50,000 Council contribution for completion of this portion of the Snell’s Rd works will result in a 0.05% rate rise on the basis that a \$1,000,000 capital works project will lead to a 1% rates increase. The remainder of the project is yet to be determined, it could equally go under or over budget, so ultimately in the end it may not be any different to what has been budgeted.

**Policy and planning implications**

There are no policy or planning implications associated with the recommendations.

**Risks**

There is still an outstanding risk that NZTA may not approve the business case or some part of the business case and associated funding for Snell Rd extension. This possibility is however considered of low probability given the strategic nature of the road to the regional economy. It is more likely that funding may be delayed to the adoption of the subsequent national land transport plan, however since

Covid 19 and the injection of funds from central government, NZTA has been relieved of existing funding commitments which sets this project in a good position.

### **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 Snell Rd Extension requires an additional \$350,000 to complete works. The Council portion of this additional cost will be \$50,000. In total this will bring the Snell Rd Extension cost up to \$1.35m from \$1m, of which Council's total contribution will be \$337,500k assuming NZTA funding is approved. Council will be bridge financing \$1,050,000 in anticipation of NZTA funding. Given the importance of the Snell Rd upgrade to the successful construction of the harbour it is recommended that the additional bridge financing and funding be approved.

### **RECOMMENDATIONS:**

- 1. That the report titled "Snell Rd Upgrade Funding" be received.**
- 2. That Council approves the additional \$50,000 contribution.**
- 3. That Council approves the additional \$350,000 bridge financing.**

Ari Erickson

**ENGINEERING AND SERVICES GROUP MANAGER**

## REPORT

Date : 1 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Engineering and Service Group Manager, Ari Erickson  
Subject : **RRC EFTPOS 2020**  
File ID : A209040

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### EXECUTIVE SUMMARY

**This report has been assembled to propose that cash service be permanently ceased at all of Opotiki District's Resource Recovery Centres. The use of eftpos only transactions has been in place since Covid-19 Alert Level 2 when it was put in place in response to risks surrounding Covid-19. The logic carried that RRC attendants and transaction equipment were at elevated risk due to the inherent nature of waste disposal and processing. Prior to Covid-19, cash operations had become increasingly difficult to manage at all three RRCs and moving to cashless (eftpos only) operation has been considered. There were several drivers for this move including difficulty training staff, security for the geographically isolated buildings and the cost of health and safety practices surrounding cash transport.**

### PURPOSE

The purpose of this report is to seek Council resolution to continue cashless (eftpos only) operations at all three of Council's Resource Recovery Centres.

### BACKGROUND

The Opotiki, Te Kaha and Waihau Bay RRCs have been in operation since 1999. Over the decades of operation there have been ongoing inconsistencies surrounding cash-up reconciliation. These inconsistencies have been investigated on numerous occasions for suspicion of fraud however in every instance CCTV footage as well as the nature of the inconsistencies (just as often over book as under) have indemnified staff and point at poor arithmetic and inappropriate charging practice on the part of



cash handlers. Tills and eftpos machines as well as numerous revisions and simplifications of process were introduced, seeing some improvement but still ongoing issues. Since eftpos only was implemented with Covid 19 the instances of unders and overs though not fully eliminated has reduced significantly.

In 2019 two instances of theft occurred at the Ōpōtiki RRC. Investigations eliminated fraud, determining the first case to be opportunistic and the second case was a smash and grab, of which the culprits were later caught and prosecuted. The two thefts prompted full investigation of security and health and safety at the three RRCs. The findings concluded even with improvements to cash security on site it was impossible to deter let alone prevent theft, particularly at the isolated coastal RRCs. Furthermore, Council was at risk of being seen as not undertaking all practicable steps in accordance with Health and Safety legislation in the event a staff member was robbed transporting cash from the RRCs to Council offices.

The solution to cash transport was to utilise a security company. However all quotes provided, including monthly pickups, ranged from 30-70% of return for the coastal RRCs.

The risk that the RRCs, particularly the coastal RR's could be robbed during operating hours, was also difficult to effectively mitigate simply due to their isolated locations and with police response as much as an hour away.

Consideration was given to surcharging for cash transactions. This, however, would result in an ever-increasing surcharge to cover the cost of cash transport as cash users inevitably declined. The only mechanism to recover cost would be via a rate increase.

Consideration was also given to moving away from user pays charging and recovering costs via rates only. The result of this, however, is contrary to Council's zero waste ethos, which encourages users to reduce waste production. The disincentive of charging being removed.

The legality of eftpos only charging was also investigated and determined that Council could charge via eftpos only as long as it was clearly conveyed before service was rendered.

## DISCUSSION AND OPTIONS SECTIONS

There are two options being presented for consideration in this report. As tabulated below the respective advantages and disadvantages are in direct contrast to one another.

Aside from the clear advantages and disadvantages both options do allow for the additional service of providing rate payers with "RRC Cards". RRC cards could operate like a combination of eftpos cards and community services cards, being registered against an account that can be credited at stores or Council offices as well as provide benefits for vulnerable users through a central database. This service is already being investigated further and may provide a welcome alternative to those that previously utilised cash.

Options	Advantages	Disadvantages
Option 1: Eftpos Only Service	<ul style="list-style-type: none"> <li>• High consistency on book reconciliations</li> <li>• High consistency on charging</li> <li>• Reduced risk of robbery and theft</li> <li>• Reduced processing time</li> <li>• Reduced risk during pandemic</li> </ul>	<ul style="list-style-type: none"> <li>• Decreased level of service</li> </ul>
Option 2: Cash and Eftpos Service	<ul style="list-style-type: none"> <li>• Higher level of service</li> </ul>	<ul style="list-style-type: none"> <li>• High cost for transport of cash requiring increase in rates</li> <li>• High risk of theft/robbery due to remote RRC locations</li> <li>• Inconsistent book reconciliations</li> <li>• Inconsistent charging</li> <li>• Requires service change during pandemic</li> </ul>

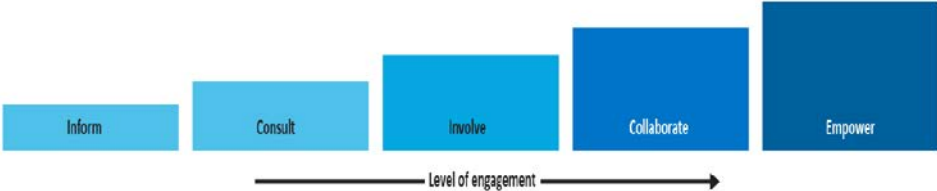
**SIGNIFICANCE ASSESSMENT**

**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 changing Council RRC operations to eftpos only 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 changing Council RRC operations to eftpos only 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**

As eftpos only charging has been in place since Covid-19 the community has already had some months to adjust to the current operation. Continued advisement by RRC staff, sign posting and media communications are considered appropriate.

**CONSIDERATIONS**

**Financial/budget considerations**

The option to return to a cash only service will increase RRC annual operational costs by \$10,000-\$20,000 per year for cash transport and could reduce revenue due to charging inconsistency by \$10,000 per year.

**Policy and planning implications**

Neither option presented in this report will result in changes with Council’s current policies nor be inconsistent with Council planning documents.

**Risks**

Option	Risks
Eftpos Only	<ul style="list-style-type: none"><li data-bbox="579 304 1166 333">• Poor public perception due to no cash service</li></ul>
Cash Service	<ul style="list-style-type: none"><li data-bbox="579 358 890 387">• Staff health and safety</li><li data-bbox="579 409 1347 439">• Significant cost from damage to buildings and stolen monies</li><li data-bbox="579 461 986 490">• High cost of security transport</li><li data-bbox="579 512 1177 542">• Potential for security transport service to cease</li></ul>

**Authority**

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

**CONCLUSION**

This report advises that Council is implementing eftpos only service at its three Resource Recovery Centres.

**RECOMMENDATIONS**

1. That the report titled "RRC Eftpos 2020" be received.
2. That Council note that staff are implementing eftpos only service permanently.

Ari Erickson

**ENGINEERING AND SERVICES GROUP MANAGER**

## **REPORT**

Date : 18 August 2020  
To : Ordinary Council Meeting, 25 August 2020  
From : Engineering and Services Group Manager, Ari Erickson  
Subject : **STORMWATER PROJECTS POSTPONEMENT**  
File ID : A210382

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### **EXECUTIVE SUMMARY**

**To seek approval to postpone Tarawa Creek Flood Water Storage Area Project and Richard Street Gravity Main project to the 2021 LTP period.**

### **PURPOSE**

Council has several stormwater projects that were planned for within this LTP period, carried over from previous years. The purpose of this report is to seek approval to postpone two projects – Tarawa Creek Flood Water Storage Area and Richard Street Gravity Main projects to the 2021 LTP period.

### **BACKGROUND**

These projects include the Richard St gravity main and the Tarawa Creek pump station upgrade.

Both of these projects were initially delayed due to a very high tender price for the gravity main.

The gravity main should be completed first to enable functional use of the other two components. Since the high tender price officers have been trying to reconcile an acceptable alternative.

This has resulted in several subsequent delays due to the complexity of stormwater modelling, a process which requires very particular expertise and expensive software. The latest model iteration is showing unacceptable results and officers are unable to quickly and effectively determine the reason. We are unfortunately reliant on consultant services. A change in approach is required.

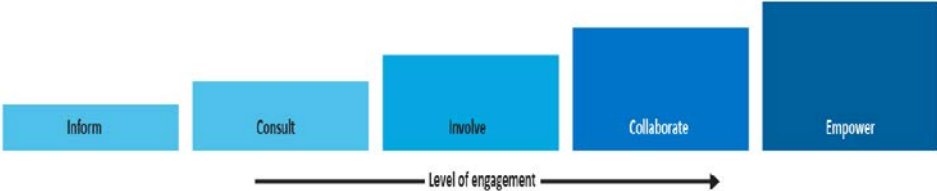
**SIGNIFICANCE ASSESSMENT**

**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 Stormwater Projects postponement 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 Stormwater Projects postponement 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.



**CONCLUSION**

We are now considering options, in particular development of a master plan in a similar manner to that undertaken for the wastewater through the I&I investigation project. At the same time we are faced with a lot of other capital works projects from the wastewater treatment, through the footpaths to the CBD. It is proposed that the stormwater projects be postponed to the subsequent LTP to ensure budgets are spent appropriately.

**RECOMMENDATIONS:**

- 1. That the report titled “Stormwater Projects Postponement” be received.
- 2. That the Council approve the postponement of the Tarawa Creek Flood Water Storage Area Project and the Richard Street Gravity Main project to the 2021 LTP period.

Ari Erickson

**ENGINEERING AND SERVICES GROUP MANAGER**

## **REPORT**

Date : 9 August 2020

To : Ordinary Council Meeting, 25 August 2020

From : Engineering and Service Group Manager, Ari Erickson

Subject : **CONTEXT FOR THE EASTERN BAY ROAD SAFETY COMMITTEE REVIEW**

File ID : A209361

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### **EXECUTIVE SUMMARY**

**This report has been assembled to provide the Council with an update on the current review of the Eastern Bay Road Safety Committee (EBRSC) and the reasons for, and implications of, the EBRSC's recommendation that the EBRSC be disestablished and a new Operations Group be established. The review began in November 2019 and included an exploration of the history of the Committee, its current relationships and accountabilities, reporting structures, meeting procedures, membership and the current Terms of Reference document. The review showed a desire to combine the governance and operations groups and strengthen its functions and for the operational group to report directly to the Regional Transport Committee.**

### **PURPOSE**

The purpose of this report is to provide the Council with an update on the current review of the Eastern Bay Road Safety Committee (EBRSC) and the reasons for, and implications of, the EBRSC's recommendation that the EBRSC be disestablished and a new Operations Group be established.

### **BACKGROUND**

The EBRSC was established to provide strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of death and serious injury. It is a joint Committee of the four Councils in the Eastern Bay of Plenty region (comprising of Whakatāne, Opotiki, Kawerau and Bay of Plenty Regional Council).

Road Safety is identified as a priority area for the Eastern Bay and ensuring an effective Road Safety Programme is essential for the wellbeing of the community. At the end of the previous triennium, the EBRSC agreed the need for a review of the Committee's Term of Reference and functions, to ensure a high level of engagement, and effective and efficient activity for the future.

The key reasons for the review were:

- High statistics of fatalities and serious injuries
- A new National Road Safety Strategy – Road to Zero
- A need to improve efficiency and effectiveness
- New Councillors in a new triennium that bring new perspective and insight.

A review process has been underway since November 2019, including an exploration of the history of the Committee, its current relationships and accountabilities, reporting structures, meeting procedures, membership and the current Terms of Reference document. The review process included a survey sent to key stakeholders including Committee members (past and present), Operations Group members and partner agency personnel. The three key findings of the review were:

1. Concern regarding the effectiveness of the Road Safety Committee

The performance of the Committee against the Committee's objective, aims and principles was rated average or below average with a low level of strategic oversight and innovation at Committee level and varied levels of engagement from the Committee membership and a sense that the Committee is an information-receiving rather than a decision-making body.

2. Concern regarding the efficiency of the Road Safety Committee

No consistency in regional governance road safety structures, co-ordination and accountability. Duplication of reporting and personnel at operational and governance levels, resulting in inefficiencies. A lack of confidence that all representative Councils and partner agencies are clearly aware of meeting outcomes and key road safety matters and therefore a strong desire and need to clarify reporting and accountability lines.

3. Confidence in the effectiveness and efficiency of the Operations Group

The Operations Group in the Eastern Bay (and others regionally) provides active oversight and is working well with good stakeholder collaboration and there is a high degree of confidence and support in the production of and management of the road safety action plan by staff.



The review showed a desire to combine the governance and operations groups and strengthen its functions and for the operational group to report directly to the Regional Transport Committee (a statutory committee of the Bay of Plenty Regional Council which consists of the Mayors of the region). This is consistent with work underway in Rotorua and Western Bay of Plenty who have recently gone through their own reviews of Road Safety Committees, which have resulted in a combined high level governance/operational group in Rotorua and the Joint Committee in Western Bay of Plenty not being re-established this triennium.

These findings were presented to the EBRSC through the Eastern Bay of Plenty Road Safety Review 2020 report at their meeting on Tuesday, 25 February 2020. This report is included as Appendix 1. At this meeting, the Committee passed the following recommendations to the Council.

**RESOLVED:**

1. THAT the Eastern Bay Road Safety Committee recommend to each of the partner Councils, an Operational Road Safety Group be established subject to:
  - i) Development of a 'Terms of Reference' to be agreed by the member Councils; and
  - ii) Terms of Reference to include the appointment of an Elected Member from each partner Council; and
2. THAT, subject to the agreed terms of reference for the Operational Road Safety Group, that the Eastern Bay Road Safety Committee be disestablished.

**Chairperson Dennis/Member Moore**

**CARRIED**

Appendix 2 contains the minutes relating to the Eastern Bay of Plenty Road Safety Review 2020 agenda item that led to the above resolutions being made.

**NEXT STEPS**

Recommendations will be presented to the remaining three joint Council meetings. If all the four joint Councils approve the recommendations:

- i) Work would commence on the development of a Terms of Reference for the new Operational Road Safety Group
- ii) Once developed, the Terms of Reference would then be presented back to the respective Chief Executives of each Council to approve.
- iii) Once the Operational Road Safety Group was established, the EBRSC would be formally disestablished.

Until a resolution can be agreed by all Councils regarding the recommendations from the EBRSC or the Terms of Reference for the Operational Group, the EBRSC will be put on hold. If no agreement can be made and the EBRSC is to continue, adjustments will be needed to the EBRSC Terms of Reference and meetings will be re-established.

**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 Eastern Bay of Plenty Road Safety Committee Review 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 Eastern Bay of Plenty Road Safety Committee Review 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**

As part of the review, previous and current members were engaged, as were the appropriate agencies both district and regionally.

**CONSIDERATIONS**

**Financial/budget considerations**

Staff time to develop draft Terms of Reference for the proposed new Operational Road Safety Group, to be met within existing budgets.

**Policy and planning implications**

The review is in line with the new national Road Safety Strategy – Road to Zero.

## **Risks**

The risk of not establishing and formalising an Operational Road Safety Group is that the Eastern Bay would not realise the benefits of an improved, effective, collaborative road safety programme. Nor would the Eastern Bay then benefit from formal links with the Regional Transport Committee<sup>1</sup>.

## **Authority**

Variation of existing agreements and terms of reference is by agreement of the four joint Councils.

## **CONCLUSION**

This report recommends that Council adopt eftpos only service at its three Resource Recovery Centres

## **RECOMMENDATIONS:**

- 1. That the report titled "Context For the Eastern Bay Road Safety Committee Review" be received.**
- 2. That the Ōpōtiki District Council approve an Operational Road Safety Group be established subject to:**
  - i) development of a 'Terms of Reference' to be agreed by the member Councils; and**
  - ii) Terms of Reference to include the appointment of an Elected Member from each partner Council; and**
- 3. That subject to the agreed terms of reference for the Operational Road Safety Group, that the Eastern Bay Road Safety Committee be disestablished.**


Ari Erickson

**ENGINEERING AND SERVICES GROUP MANAGER**

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<sup>1</sup> A statutory committee of the Bay of Plenty Regional Council which consists of the Mayors of the region.

## Appendix 1 - Eastern Bay of Plenty Road Safety Review 2020

	Subject:	<b>EASTERN BAY OF PLENTY ROAD SAFETY REVIEW 2020</b>
	To:	<b>EASTERN BAY OF PLENTY ROAD SAFETY COMMITTEE</b>
	Meeting Date:	<b>TUESDAY, 25 FEBRUARY 2020</b>
	Written by:	<b>GOVERNANCE PROJECTS ASSISTANT</b>
	File Reference:	<b>A1673106</b>

### 1. REASON FOR THE REPORT

The purpose of this report is to provide an update to the Committee on the review currently underway of the Eastern Bay of Plenty Road Safety Committee. This report follows the Committee's decision at the end of the previous Triennium to review its Terms of Reference and functions, to ensure a high level of engagement, and effective and efficient activity for the future. It outlines the process and outcomes of the review to provide background for further discussion and direction the Committee may wish to determine.

### 2. BACKGROUND

The current Terms of Reference state that 'The Eastern Bay Road Safety Committee provides an interagency response, governance, strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of fatalities and serious injury'.

This is a Joint Committee of the 4 Councils of the Eastern Bay of Plenty Region (Kawerau, Whakatāne, Ōpōtiki, Bay of Plenty Regional) and its most recent joint agreement was signed on 13 November 2015. It is comprised of 1 elected member from each Council, and 1 representative from each of the Police, ACC, NZTA, and the Road Transport Association.

The Committee meets quarterly and the Whakatāne District Council (WDC) provides support and administration services through the Road Safety Co-ordinator and Governance Support Advisors.

At the end of the previous Triennium, and in light of high road fatalities of recent months, the Eastern Bay of Plenty Road Safety Committee (EBRSC) discussed and agreed the need for a review of the EBRSC Terms of Reference and functions, to ensure a high level of engagement, and effective and efficient activity. This has been raised due to:

- high statistics of fatalities and serious injuries
- a new National Road Safety Strategy – Road to Zero
- a need to improve efficiency and effectiveness
- new Councillors in a new triennium that bring new perspective and insight

### **3. REVIEW PROCESS**

The process of review included an exploration of the history of the Committee, its current relationships and accountabilities, reporting structures, meeting procedures, membership and the current Terms of Reference document. In addition it included:

- Understanding the structure and relationships of the Operations Group (staff level) which works alongside and intersects with the Committee;
- Researching previous agendas and minutes of the governance and operational groups;
- A survey sent to key stakeholders including Committee members (past and present), Operations Group members and partner agency personnel;
- Discussions with other Councils of the region and nationally to understand their road safety committee structures (governance and operational);
- A meeting of regional operational personnel (including Roading Managers and Road Safety Co-ordinators).

### **4. OUTCOMES OF THE REVIEW**

The survey results, combined with other comments from the review process, identified a need for the review of the Eastern Bay Road Safety Committee to include wider consideration of Regional Road Safety governance. The review has identified that within the Bay of Plenty Region, the relationships and accountability lines are extensive and at times requirements are unclear (see Appendix 1).

High level results of the research, discussions and the survey clearly indicate:

- A level of discontent with the governance structures regionally has existed since 2013;
- A high degree of confidence and support in the production of and management of the road safety action plan by staff;
- The Operations Group in the Eastern Bay (and others regionally) provides active oversight and is working well with good stakeholder collaboration and should continue;
- That performance of the Committee against the Committee's objective, aims and principles is rated average or below average;
- A low level of strategic oversight and innovation at Committee level;
- A varied level of engagement from the Committee membership in general;
- A sense that the Committee is an information-receiving rather than a decision-making body;
- A lack of confidence that all representative Councils and partner agencies are clearly aware of meeting outcomes and key road safety matters;
- No consistency in regional governance road safety structures, co-ordination and accountability, therefore a strong desire and need to clarify reporting and accountability lines;
- Duplication of reporting and personnel at operational and governance levels, resulting in inefficiencies;
- A desire to combine the governance and operations groups and strengthen its functions and/or for the operational group to report directly to the Regional Transport Committee (a statutory committee of the Bay of Plenty Regional Council which consists of the Mayors of the region).

Rotorua and Western Bay of Plenty have recently gone through their own reviews of Road Safety Committees, which have resulted in a combined high level governance/operational group in Rotorua and the disestablishment of the Joint Committee in Western Bay of Plenty. A report to the Regional Transport Committee (RTC) by the Bay of Plenty Regional Council for their meeting on 21 February 2020 includes a recommendation to establish an Operational Western Bay Road Safety Group that reports to the RTC quarterly, consisting of staff from Council's and partner agencies. This approach has been recommended as a model that is currently working in other regions. Any updates on the outcome of that meeting will be provided to the Eastern Bay Road Safety Committee verbally at the meeting.

The BOP Regional Council has also very recently instigated a nationwide 'stock take' of Road Safety Governance and Operation structures. Initial results and any consequences are likely to be known toward the end of February/early March and may be useful to further inform this review.

Discussions with operational staff from different authorities in the region has identified that there is a clear agreement that the current framework, with its governance inconsistencies and updated National Road Safety Strategy is no longer fit for purpose. There is a common view that operational activities are effective, and should continue to be managed within existing Council structures. However, in terms of strategic direction and oversight, there may be some benefit in operational groups reporting quarterly to a regional body, as being proposed for the Western Bay to the RTC. Given the sub-regional road safety plans marry with the Regional Land Transport Plan (RLTP) through its road safety component, the Regional Transport Committee (which approves the RLTP) seems a sensible body for accountability.

## **5. POINTS CLARIFIED**

- No one type of governance body is required from NZTA for the funding of any action plan - their main concern is that the plan is being monitored.
- The primary concern is to ensure that collaboration is happening with stakeholders – and it is.
- The Regional Transport Committee is the primary governance body for the region due to its oversight of the Regional Land Transport Plan (RLTP) which incorporates Road Safety.

## **6. NEXT STEPS**

The Regional Transport Committee (RTC) meets on 21 February 2020 and the current issues of regional Road Safety Governance will be on its agenda. There is an expectation that the Eastern Bay Road Safety Committee can be updated verbally on this discussion and any decisions at its meeting on 25 February 2020.

The review of the Eastern Bay Road Safety Committee Terms of Reference is continuing, but the Committee may wish to discuss the findings to date and consider a Committee response to that feedback.

## **7. ASSESSMENT OF SIGNIFICANCE**

The decisions and matters of this report are assessed to be of low significance, in accordance with Council's Significance and Engagement Policy.

## **8. DETERMINING THE LEVEL OF ENGAGEMENT**

The matter is not of a nature or significance that requires public engagement. Targeted stakeholder engagement was a key component of the review process, with feedback included in this report.

## 9. CONSIDERATIONS


As Eastern Bay Road Safety Committee is a Joint Committee established under Clause 30A, Section 7 of the Local Government Act 2002, any recommendation for amendment of its Terms of Reference (including reaffirmation, disestablishment or re-scoping), will need to be presented for decision to each of the 4 Councils who are signatories to the joint agreement.

### RECOMMENDATIONS:

1. **THAT** the Eastern Bay of Plenty Road Safety Review 2020 Report be received; and
2. **THAT** the Eastern Bay Road Safety Committee discuss the outcomes of the review and updates to date.

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## Appendix 2 - Minutes Eastern Bay Road Safety Committee 25 February 2020

	Details of Meeting:	<b>EASTERN BAY ROAD SAFETY COMMITTEE MEETING HELD IN THE COUNCIL CHAMBERS, WHAKATANE DISTRICT COUNCIL, CIVIC CENTRE, COMMERCE STREET, WHAKATANE ON TUESDAY, 25 FEBRUARY 2020 COMMENCING AT 1:00 PM</b>
	Present:	Councillor G L Dennis ((Chairperson) Whakatāne District Council, Councillor D Moore (Ōpōtiki District Council), M Davison (NZ Transport Agency) and Senior Sergeant C Howard (NZ Police)
	In Attendance:	J Mack (BOPRC Road Safety coordinator), D Hyland (BOPRC Finance and Transport Operations Manager), A Erikson (Ōpōtiki District Council – Engineering and Services Group Manager), A Erasmus (Kawerau District Council – Engineering Manager), M Taylor (WDC Transportation Manager), A Reynolds (WDC Team Leader Strategy and Asset Management), L Hartley (Community Development Advisor), C Ball (Manager Strategy and Community Development), R Murray (WDC Governance Projects Assistant), Deputy Mayor A V Iles and Councillor Luca (WDC Alternate) and S M French (Governance Support Advisor)
	Apologies:	J Davis (ACC) and Councillor B Clark (BOPRC)
	Visitors:	Ms E Taylor

### 1. APOLOGIES

#### RESOLVED:

**THAT** the Eastern Bay Road Safety Committee accept the apology from J Davis and Councillor B Clark.

Councillor Moore/Member Davison

**CARRIED**

### 2. CONFLICT OF INTEREST

No conflict of interests were declared.

### 3. PUBLIC FORUM

Refer to pages 10 of the agenda and pages 10a-d of the tabled items.



### 3.1. Ms Emmeline Taylor

Ms Taylor acknowledged Member Davison and the WDC Manager Transportation for their availability and their communications to date. She thanked the Committee for the opportunity to express her concerns regarding the road corridor from State Highway 30 leaving Whakatāne travelling to Te Teko. She noted that the current 100km speed limit was unsafe and said it should be urgently reduced to 80km.

Ms Taylor made the following observations about the road corridor:

- There were a number of roads adjoining State Highway 30 and a number of these roads had no turning bays, hence vehicles were required to wait in the middle of the road before turning.
- Increased traffic, including logging trucks, travelled on Mill Road due to the growing industrial area.
- Parents, teachers and school busses had experienced issues when arriving and leaving from Paroa Road. Ms Taylor then quoted from a letter written by the Paroa School Principal, which supported the dangers of traffic exiting, and joining, State Highway 30.
- Speed of oncoming vehicles and the road camber reduced driver's visibility waiting at the Give Way sign to turn onto Thornton Road. Ms Taylor suggested this should be a Stop sign.
- The busy stretch of road to Awakeri contained a number of bridges, was a narrow, bumpy road and had a deceiving lack of distance visibility. There were numerous roads adjoining this stretch of road and Ms Taylor reported there were no slow or turning bays.

Ms Taylor said substantial financial investment was required on the road corridor to prevent further deaths and serious injury resulting from accidents. She suggested a median barrier on Western Drain Road, roundabouts, speed cameras electronic speed checks and regular police presence. She noted that an immediate speed reduction to 80km/h could be immediately effected at a minimal cost. Via a Google Maps calculation, Ms Taylor said the estimated travel time at 80km/h would increase the total travel time by only 1 minute and 15 seconds.

Soon after the 100km/h speed sign, Ms Taylor said it was ironic that there were two safety signs encouraging slower speeds.

Ms Taylor concluded saying she dreaded driving on this road corridor and requested the Committee make an urgent recommendation to NZ Transport Agency (NZTA) to look at ways to reduce vehicle speeds on this corridor, including reducing the speed limit to 80km/h.

## 4. CONFIRMATION OF MINUTES

Refer to pages 11-15 of the agenda.

All Road Safety issues that had been previously raised had been followed up.

### RESOLVED:

**THAT** the Eastern Bay Road Safety Committee meeting minutes of Monday, 25 November 2019 be accepted as a true and correct record.

Councillor Moore/Member Davison

### CARRIED

**Attendance:** Ms Hyland joined the meeting at 1:35 pm.

## **5. REPORTS**

### **5.1. Eastern Bay Road Safety Activity Report 1 October to 31 December 2019**

Refer to pages 16-21 of the agenda.

The Community Development Advisor highlighted the alarming result captured by the speed data device where high speeds were recorded for the period ending 18 October 2019, at Bridge Street, Edgecumbe.

#### **RESOLVED:**

**THAT** the Eastern Bay Road Safety Activity Report 1 October to 31 December 2019 report be received.

Member Davison/Councillor Moore

#### **CARRIED**

### **5.2. Eastern Bay of Plenty Road Safety Review 2020**

Refer to pages 22-26 of the agenda.

The Manager Strategy and Community Development gave an overview of the review process and acknowledged the Governance Projects Assistant for work completed to date. Key outcomes reiterated were that there was no consistency across the Bay of Plenty in terms of road safety governance but that the collaborations at the operations level were successful.

Ms Hyland noted the importance of strategically capturing the 'right issues' and that inter-agency groups would be the effective method for escalation directly to the Regional Transport Committee.

During the discussion, the following comments were noted:

- Good discussions occurred at the district levels however; a 'regroup' would ensure less duplication and would be more time efficient.
- There was good regional cross-pollination across the Road Safety Operational Groups and co-ordinators.
- Road safety was only one component of the focus of the Regional Transport Committee and NZTA.
- A joint approach, taking up issues collectively, would strengthen support for issues proposed to the Regional Transport Committee.
- The importance of stakeholders' attendance at operational meetings.
- Inclusion of Elected members participating at regional road safety meetings promoted strategic direction and feedback to the joint Councils.
- Western Bay had set new precedence and it would be trialled to ensure the right content was being put up to the Regional Transport Committee.
- The importance of a standardised Terms of Reference to ensure consistent messaging for the Chief Executive of each joint Council. Membership would also be reviewed as part of the Terms of Reference document.

#### **RESOLVED:**

1. **THAT** the Eastern Bay Road Safety Committee recommend to each of the partner Councils, an Operational Road Safety Group be established subject to;
  - i. development of a 'Terms of Reference' to be agreed by the member Councils; and
  - ii. Terms of Reference to include the appointment of an Elected Member from each partner Council; and
2. **THAT**, subject to the agreed terms of reference for the Operational Road Safety Group, that the Eastern Bay Road Safety Committee be disestablished.

Chairperson Dennis/Councillor Moore

**CARRIED**

**RESOLVED:**

**THAT** the Eastern Bay of Plenty Road Safety Review 2020 Report be received.

Chairperson Dennis/Senior Sergeant Howard

**CARRIED**

### **5.3. NZTA Report**

Refer to page 27-32 of the agenda.

Ms Davison acknowledged Ms Taylor for her courage to raise her concerns regarding the road corridor from State Highway 30 leaving Whakatāne travelling to Te Teko and said she would take this back to NZTA.

It was noted that the successful collaboration work that took place between the Tāneatua Community Board, the Whakatāne District Council, the NZ Police, NZTA and the community coming to fruition with the commencement of the safety improvements works.

For increased safety, it was requested the 50km/h sign be relocated to before the entrance of Eivers Park, Te Teko.

**RESOLVED:**

**THAT** the NZTA Report – February 2020 report be received.

Chairperson Dennis/Senior Sergeant Howard

**CARRIED**

**Attendance:** Ms Taylor left the meeting at 2:06 pm.

### **5.4. NZ Police Report**

Refer to page 34 of the agenda.

Senior Sergeant Howard reported that to date in this calendar year there had been one fatal crash, which was currently under investigation.

Planning for peak staffing levels and high visibility patrols over the Summer Holidays proved successful. Senior Sergeant Howard noted extra Impairment team patrols had been included for the Rhythm and Vines through traffic over New Year.

At the fatigue stop in Matatā on New Year's Day, 1551 motorists were breath tested with 5 resulting in enforcement action. Senior Sergeant Howard said there were times when the traffic had backed up and hence a number of vehicles were not stopped. He advised that the fatigue stops would be reviewed and advocated that for future fatigue stops start earlier to include those drivers who leave the Rhythm and Vine venue in the early hours of the morning. He did note that 1000 cooked sausages were distributed and this was good for public relations.

Over the previous 90 days, Police had issued 295 speeding tickets and Senior Sergeant Howard said mobile speed camera units were being utilised for high-speed areas.

In response to a question about whether the fatigue stop actually became a breathalyse stop, Senior Sergeant Howard advised the NZ Police had agreed to sponsor the fatigue stop with the understanding breathalysing of drivers would occur. He said the Police had concerns with traffic delays and these issues would be looked at as part of a review of the programme.

**Attendance:** Ms Hyland left the meeting at 2:15 pm.

**RESOLVED:**

**THAT** the NZ Police verbal update be received.

Chairperson Dennis/Councillor Moore

**CARRIED**

**5.5. Bay of Plenty Regional Council – Road Safety Plan update and delivery as at 18 February 2020**

Refer to page 33 of the agenda.

**RESOLVED:**

**THAT** the Bay of Plenty Regional Council Road Safety Plan update and delivery as at 18 February 2020 report be received.

Chairperson Dennis/Member Davison

**CARRIED**

**5.6. ACC Ride Forever Monthly Report – January 2020**

Refer to pages 35-51 of the agenda.

It was noted that the 'Shiny Side Up Bike Fest' was on Sunday, 1 March 2020 at the Classic Flyers Museum, Mount Manganui.

**RESOLVED:**

**THAT** the ACC Ride Forever Monthly Report – January 2020 be received.

Chairperson Dennis/Councillor Moore

**CARRIED**

## 6. DISCUSSION ITEMS

Refer to pages 52 of the agenda.

### 6.1. Manawahe Community – Concern

A discussion ensued regarding the safety concerns resulting from the increasing number of heavy vehicles using Manawahe and Matahi roads. The following points were noted:

- There were engineering restrictions in regards to Manawahe Road that made it challenging to widen the road.
- As part of the Quarry resource-consent, Council staff had looked at the issue of loose metal from the Quarry driveway being dragged onto the road.
- People accepted use of the road was a necessity of the businesses operating however, safety was a concern.
- Traffic counters were proposed to provide accurate data.
- It was suggested the community utilise the Long Term Plan consultation process to further raise their concerns about safety on these roads.

In the short term, it was requested that the Council look at the appropriate signage for Manawahe and Matahi Roads.



### 6.2. Courtesy Crossings

Senior Sergeant Howard spoke about the article in the local media article including police comments on the red courtesy crossings.

Members were advised that courtesy crossings were not a 'new thing'; there were a number of the crossings across the district. As a safety enhancement, a number of these crossings had been highlighted, thereby increasing the visibility of pedestrians in high foot traffic areas. It was noted that although the motorist had the right of way, highlighting of the courtesy crossings did make both parties more aware.

Senior Sergeant Howard voiced the importance of education and that acceptance would take time. It was also noted that the NZ Road Code contained information about courtesy crossings.

### 6.3. Road Corridor - SH30 leaving Whakatāne to Te Teko

Ms Davison advised she would relay the concerns raised regarding the road corridor back to NZTA. She said NZTA were currently reviewing priority areas requiring speed management improvements and would report this information back to the Committee.

Concern was raised regarding the depressed road surface (and in particular on wet days) on the straight stretch of State Highway 30, past Kope Drain Road.

Increase of traffic using Shaw Road and Mill Road had increased and it was raised a speed reduction would support the reduction of potential rear-end vehicle collisions. It was reported that only NZTA had the authority to change the speed limits on the highways.

Manager Transportation noted the Council Transportation team shared Ms Taylor's concerns and the safety issues on this road corridor could not be dismissed. The intersection designs were no longer fit for purpose and the current car refuges hindered the line of sight when there was more

than one vehicle waiting to merge with the traffic on SH30. Council staff were disappointed with the response received from NZTA that a proposal to replace the refuges with one-car hatch lines and had since spoken with the agency to raise that discussions on workable solutions were required.

The NZTA online risk assessment tool, Mega Maps, supported an appropriate lowered travel speed.

It was proposed that speed reductions on State Highway 2 and State Highway 35 approaches into the Ōpōtiki Township were required. It was noted that through the construction phase there was the opportunity for a temporary speed limit to be imposed as part of the traffic management consenting process.

The support provided from the Member Davison was acknowledged.

**RESOLVED:**

1. **THAT** the Eastern Bay Road Safety Committee recommend NZTA ‘strongly consider’ a temporary speed reduction to 80km/h on the road corridor from exiting Whakatāne to the Thornton turnoff while further investigation is completed with the intention of the limit being permanent; and
2. **THAT** the safety of all intersections connecting with the above road corridor be investigated and reviewed; and
3. **THAT** the Whakatāne District Council be engaged to participate in discussion on solutions that may include speed reductions of this same road corridor; and
4. **THAT** the Eastern Bay Road Safety Committee recommend NZTA undertake speed reviews on State Highways 2 and 35 in relation to both approaches into Ōpōtiki Township.

Senior Sergeant Howard/Chairperson Dennis

**CARRIED**

**The meeting was closed at 3:02 pm.**

Confirmed this	day of
CHAIRPERSON	

**EASTERN BAY ROAD SAFETY COMMITTEE  
JOINT COMMITTEE AGREEMENT**

 <p><b>Ōpōtiki District Council</b> STRONG COMMUNITY STRONG FUTURE</p>	 <p>Taonga o te Whenua <b>KAWERAU</b> TREASURE OF THE LAND DISTRICT COUNCIL</p>	 <p><b>Road Safety</b> EASTERN BAY OF PLENTY</p>
 <p><b>Bay of Plenty</b> REGIONAL COUNCIL</p>	 <p><b>WHAKATĀNE</b> District Council</p>	

**PURPOSE**

Clause 30A of Schedule 7 of the Local Government Act 2002 (LGA 2002) requires that an agreement be entered into by the Parties specifying the number of members each Party may appoint to the joint committee; how the chairperson and deputy chairperson are to be appointed; the terms of reference of the joint committee; what responsibilities (if any) are to be delegated to the joint committee by each Party; and how the agreement may be varied. This Agreement sets out each of these matters as required by the LGA 2002.

The Eastern Bay Road Safety Committee has been established to provide strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of death and serious injury.

**INTERPRETATION**

**Agreement** means this agreement with its Appendix including any variations entered into from time to time.

**Joint Committee** means the Eastern Bay Road Safety Committee

**Party** means the Kawerau District Council, Ōpōtiki District Council, Whakatāne District Council and Bay of Plenty Regional Council being a joint committee of each of these Councils established under the Local Government Act 2002.

**Terms of Reference** means the terms of reference for the Eastern Bay Road Safety Committee Joint Committee set out in Appendix 1.

**NUMBER OF MEMBERS**

The number of members that each Party may appoint to the Joint Committee is set out in the Terms of Reference.

**CHAIRPERSON AND DEPUTY CHAIRPERSON**

The process for the appointment of the Chairperson and Deputy Chairperson is set out in the Terms of Reference.

**TERMS OF REFERENCE**

The Terms of Reference for the Joint Committee are set out in Appendix 1.

**DELEGATIONS**

The Eastern Bay Road Safety Committee's role is essentially to provide an interagency response to local, regional and national road safety strategies, and in particular, will seek to achieve the Eastern Bay's road safety objective.



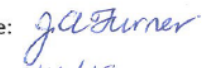

The Joint Committee's delegations are set out in the Terms of Reference.

The Joint Committee has all the powers necessary to enable it to carry out its functions.

**VARIATIONS**


This Agreement (including the Terms of Reference) may be varied by mutual agreement of the Parties at any time.

Any agreement to vary the Agreement shall be recorded in writing, signed by the parties and attached to this document.

<p>Signed on behalf of the <b>Kawerau District Council</b></p> <p>Name: Malcolm Campbell</p> <p>Signature: </p> <p>Date: 13/11/15</p>	<p>Signed on behalf of the <b>Ōpōtiki District Council</b></p> <p>Name: JOHN FORBES</p> <p>Signature: </p> <p>Date: 13-11-2015.</p>
<p>Signed on behalf of the <b>Whakatāne District Council</b></p> <p>Name: Judy Turner</p> <p>Signature: </p> <p>Date: 13/11/15</p>	<p>Signed on behalf of the <b>Bay of Plenty Regional Council</b></p> <p>Name: Douglas Keenan</p> <p>Signature: </p> <p>Date: 13/11/15</p>



## Terms of Reference

	<b>Eastern Bay Road Safety Committee</b>
Objective	To provide strategic direction, oversight and leadership to ensure Eastern Bay roads are increasingly free of death and serious injury.
Aims	<p><i>Safer Journeys</i>, the New Zealand Road Safety Strategy, highlights the need to work across all elements of the road system (roads, speeds, vehicles and road use) and advocates that everyone has a responsibility for road safety.</p> <p>The aim of the Eastern Bay Road Safety Committee (EBRSC) is to support, monitor and advocate for road safety in the Eastern Bay. It will do this through coordinating the work of all the Eastern Bay agencies that have a road safety function to ensure the <i>Safer Journey's</i> 'safe systems' approach is achieved.</p> <p>The Committee will support road safety in the Eastern Bay by:</p> <ul style="list-style-type: none"> <li>▪ Ensuring that all funders and stakeholders maintain an agreed vision and purpose;</li> <li>▪ Providing leadership in planning and development of road safety programmes, plans and initiatives;</li> <li>▪ Supporting each of the key actions within the Road Safety Implementation and Action Plans;</li> <li>▪ Contributing to the preparation of local, regional or national strategies and plans as appropriate;</li> <li>▪ Overseeing the implementation of the Road Safety Action Plan by monitoring progress, evaluating and providing feedback and direction to member agencies;</li> <li>▪ Raising the profile of road safety initiatives within member organisations and within the wider community;</li> <li>▪ Providing networking and information sharing opportunities, with regular reporting by member organisations to the Committee on projects and priorities;</li> <li>▪ Supporting community led road safety initiatives if they can be demonstrated to contribute to Eastern Bay road safety objectives;</li> </ul>

Principles	<p>The Committee will work to:</p> <ul style="list-style-type: none"> <li>▪ enhance mutual benefit and create a common purpose;</li> <li>▪ commit appropriate resources including time, skill and expertise;</li> <li>▪ encourage participation of all members;</li> <li>▪ think strategically and innovatively; and</li> <li>▪ provide leadership and oversight.</li> </ul> <p>While it is recognised that each member brings a particular perspective, members will be expected to act in the best interests of road safety and all people in the Eastern Bay of Plenty region in achieving the above aims.</p> <p>All members must agree to support the terms of reference.</p>
Chairperson	<p>The Chairperson and Deputy Chairperson of the Committee will be appointed by the EBRSC at the first meeting of the new three year planning term for a term of three years.</p>
Membership	<p>The EBRSC will be composed of no more than 10 core members. Members of the EBRSC will be selected by the individual organisations. Members will be eligible for reappointment, which will coincide with the local government election cycle. Each appointment will be for a term of approximately three years.</p> <p>Committee membership will be made up of representatives from the following organisations:</p> <ul style="list-style-type: none"> <li>• Whakatāne District Council (1 elected member)</li> <li>• Kawerau District Council (1 elected member)</li> <li>• Ōpōtiki District Council (1 elected member)</li> <li>• Bay of Plenty Regional Council (1 elected member)</li> <li>• NZTA (1 representative)</li> <li>• New Zealand Police (1 representative)</li> <li>• Road Transport Association NZ (1 representative)</li> <li>• ACC (1 representative)</li> </ul> <p>Other members can be co-opted to the group for specific periods to assist the work of the EBRSC as necessary but will not have voting rights</p> <p>The members may nominate an alternate person from their organisation to attend Committee meetings, either on a permanent or temporary basis.</p>

Parameters	<p>The EBRSC provides support, leadership and oversight for road safety in the Eastern Bay of Plenty.</p> <p>The Committee must be aware of, and monitor the progress of the objectives of the road safety programmes, plans and initiatives.</p>
Accountability	<p>The Committee and its members are accountable for the outcomes of the Eastern Bay Road Safety activity.</p>
Relationships	<p>Whakatāne District Council is responsible for the day to day management and coordination of the Eastern Bay Road Safety activity.</p> <p>Whakatāne District Council will service the working of the EBRSC, including the provision of administrative support, preparation of agendas, reports and minutes in conjunction with the Chairperson.</p>
Scope	<p>The scope of the EBRSC covers all roads in the Whakatāne, Ōpōtiki and Kawerau Districts, including State Highways. It includes all road safety activities carried out in the Eastern Bay including education and promotion, enforcement activities and engineering programmes. It coordinates these programmes and activities with regional and national road safety programmes and initiatives.</p> <p>EBRSC will seek to give effect to the New Zealand road safety strategy, <i>Safer Journeys</i>, and the Eastern Bay Road Safety Implementation Plan when determining its local focus and priorities.</p> <p>EBRSC's role is essentially to provide an interagency response to local, regional and national road safety strategies, and in particular, will seek to achieve the Eastern Bay's road safety objective.</p>

<p>Meetings and Process</p>	<p>The Committee will meet at least quarterly. Meetings will be held at times and in places set out in an agreed schedule.</p> <p>The Committee may need to hold additional workshops, information sessions involving group members or other interested parties.</p> <p>The Chief Executive, or the Chief Executive’s representative, of each partner council shall attend meetings and will act as advisors to the EBRSC. Meetings may be attended by further staff support as considered appropriate by their Chief Executive.</p> <p>The quorum at a meeting of EBRSC is half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd</p> <p>The Chairperson will have a deliberative vote. In the case of equality of votes, the Chairperson of EBRSC does not have a casting vote and the status quo is preserved.</p> <p>The EBRSC has the ability to set up sub-committees to carry out specific directions of the Committee.</p>
<p>Performance</p>	<p>These terms of reference are in force until amended in writing by the partner Councils. Consultation with all Committee member organisations will precede any amendments to the Terms of Reference.</p>

**REPORT**

Date : 6 August 2020  
 To : Ordinary Council Meeting, 25 August 2020  
 From : Chief Executive Officer, Aileen Lawrie  
 Subject : **CHIEF EXECUTIVE OFFICER'S UPDATE**  
 File ID : A209308

**LGOIMA REQUESTS**

**LGOIMA Report (02/02/2020-08/08/2020)**

Month	Submitter	Subject	Due	User
Feb. 2020	Rabson	Disposal Of Tyres	03/03/2020	Ari Erickson
April 2020	Recycle Plastics	Waste Management	20/05/2020	Ari Erickson
July 2020	Stuff News - Chloe Ranford	Media Inquiry: Art LGOIMA	Completed	
	Toni Hill	Subdivision Processing Stats	05/08/2020	Gerard McCormack
	Brooke Stanway	Pound dog rehoming	Completed	
	B Hickey	Tenure Dates	Completed	
	Michel Verhagen	Complaint about our container	21/08/2020	Gerard McCormack
	New Zealand Taxpayers	lead-up expenditure - to and during the Level 4 Lockdown	21/08/2020	Bevan Gray
	Radio NZ	Whakaari Dec 9th event	24/08/2020	Gerard McCormack
	Michel Verhagen	All submitted TMPs on Ohiwa Harbour Road, Reeves Road and Ohiwa Loop Roads	27/08/2020	Ari Erickson
	New Zealand Taxpayers	Iwi engagement costs	Completed	
	NZ Forrest & Bird	Vegetation clearance	Completed	Gerard McCormack

August 2020	VoyagersNZ	LGOIMA request - Code of conduct	Completed	
	Ivan Arnerich	Request for minutes of the Hearing for the Bylaws 24 June 2020	Completed	Gerard McCormack

### **POUND REDEVELOPMENT**

As discussed with Councillors recently \$615,000 was allocated in the Long Term Plan for the redevelopment of a new pound. The cost to complete our new pound has come in at \$880,000, leaving a budget shortfall of \$265,000. The increase in cost can be partially attributed to ensuring the new pound complies with the Ministry for Primary Industries Code of Welfare 2018 relating to the kennelling, shelter and ventilation of dog, which came into effect after the \$615,000 was allocated in the LTP.

Over the last two financial years there have been surpluses made in the Animal Control activity of about \$51k through underspends in materials and consumables, and also contractors and agency staff. We also collected on top of that almost \$26k of additional revenue. Taking the total surplus to about \$77k across the two years. This is cash we have either not spent or received in addition to what was rated. A journal through the preparation of this year's Annual Report could put that surplus to a reserve that we could utilise to fund help fund the build of the new pound building.

We also expect that this year we will be able to generate a surplus of \$30k through additional dog registration revenue and unspent building maintenance through the materials and consumables budget. This would therefore provide in total \$100k of operational budget to contribute towards the build.

It is recommended that:

- Council approves the underspend of operational budget and additional revenue to help offset the shortfall in the capex budget for the new pound build
- Council approves loan funding of up to \$165,000 to complete the new pound building project.

### **FUNDING**

Council has significant commitments from Government to fund activities in the next 12 months:

PGF (roading)	\$ 4.3m
PGF (ex CIP)	\$11.9m
Golf/Rugby Clubs	\$169,000
Workforce	up to \$700,000
3 Waters	\$3.6m

Additional activity is Harbour Construction (\$100m over the next three years) and investment in commercial entities.

All of the investment signals a need to ensure Council is appropriately resourced, both to implement funded projects and to provide appropriate services to newly funded commercial entities.

### **SUBMISSION: MINISTRY FOR THE ENVIRONMENT – NES AIR QUALITY**

On 31 July 2020 a response was sent in relation to the Ministry for the Environment consultation on the NES Air Quality and is attached for information.

### **MEETINGS / EVENTS ATTENDED BY CEO – 29 MAY 2020 – 7 AUGUST 2020**

#### **2 JUNE 2020**

Ordinary Council meeting

Ōpōtiki Harbour Project update meeting with MBIE

#### **3 JUNE 2020**

Councillor/CEO catch up meeting

Catch up meeting with CEOs of Whakatāne and Kawerau District Councils

#### **5 JUNE 2020**

Bay of Plenty CEs Forum, via Zoom

#### **8 JUNE 2020**

Meeting with Eastern Bay of Plenty Community Foundation representatives

Ōpōtiki Harbour Project update meeting with MBIE

#### **9 JUNE 2020**

Presenter – Live webinar for Inspiring communities – ‘Little Engines That Can’, with Arihia Tuoro, Barbara MacLennan and David Cunliffe

#### **10 JUNE 2020**

Councillor/CEO catch up meeting

Ōpōtiki District Council Annual Plan workshop

**12 JUNE 2020**

Ōpōtiki Harbour Development Project progress meeting with HEB  
Annual Plan feedback meeting with submitters

**15 JUNE 2020**

Meeting with Whakatōhea Mussels (Ōpōtiki) Ltd representatives  
Ōpōtiki Harbour Project update meeting with MBIE

**16 JUNE 2020**

Met with Shaneen Simpson-Almond, Senior Advisor Te Puni Kokiri  
Mayors Taskforce For Jobs Community Recovery Pilot Programme meeting, via Zoom

**19 JUNE 2020**

Attended Tangi for Kawerau District Council CEO's wife, Matatā

**22 JUNE 2020**

Visits to quarries  
BOPLASS Directors meeting, via Zoom  
Bay of Plenty CEs Forum, via Zoom  
Ōpōtiki Harbour Project update meeting with MBIE

**23 JUNE 2020**

Toi-EDA Board meeting  
Ōpōtiki Harbour Development Project – karakia for commencement of works  
ODC Tenders Sub-Committee meeting

**24 JUNE 2020**

Met with Portia McKenzie, Principal Regional Advisor (Bay of Plenty) Provincial Development Unit

**26 JUNE 2020**

Ōpōtiki Harbour Development Project progress meeting with HEB



**29 JUNE 2020**

Presenter – Live webinar for EDANZ – ‘Little Engines That Can’, with Arihia Tuoro, Barbara MacLennan and David Cunliffe

Ōpōtiki Harbour Project update meeting with MBIE

**30 JUNE 2020**

Extra Ordinary Council meeting

**1 JULY 2020**

Ōpōtiki Marine Advisory Group meeting

**3 JULY 2020**

Ōpōtiki Harbour Development Project – meeting with MBIE, via Zoom

**6 JULY 2020**

Ōpōtiki Harbour Project update meeting with MBIE

**8 JULY 2020**

Mayors Taskforce For Jobs Community Recovery Pilot Programme meeting, via Zoom

Councillor/CEO catch up meeting

**9 JULY 2020**

Progressing Ōpōtiki Workforce meeting, via Zoom

Webinar – ‘Ministerial Announcement’, Three Waters Reform

**10 JULY 2020**

Ōpōtiki Harbour Development Project progress meeting with HEB

Meeting with DIA and Te Arawhiti representatives, Caring for Communities

**13 JULY 2020**

Three Waters Reform Q&A session, via Zoom

Ōpōtiki Harbour Project update meeting with MBIE

**16-17 JULY**

*Wellington*

Met with CEO Taumata Arowai (Water Services Regulator)

Rural Provincial CEs meeting

Rural Provincial Sector meeting

**20 JULY 2020**

Ōpōtiki Harbour Project update meeting with MBIE

**20-21 JULY 2020**

Council retreat, Te Kaha

**22 JULY 2020**

Welcome for HEB and Tonkin + Taylor as contractors to the Ōpōtiki Harbour Development Project

Ōpōtiki Harbour Project meeting with MBIE

**23 JULY 2020**

Three Waters Reform Programme Workshop, Mt Maunganui

**27 JULY 2020**

Meeting with Toi-EDA General Manager Strategy and General Manager Operations

**28 JULY 2020**

Meeting with David Broome, New Zealand Infrastructure Commission

Meeting with iwi representatives re water reforms

Eastern Bay of Plenty CEs meeting with Jiangxi province representatives, via Zoom

Opening of Hamertons Lawyers Ōpōtiki office

**30 JULY 2020**

Ōpōtiki District Council Long Term Plan Workshop

ODC Tenders Sub-Committee meeting

**31 JULY 2020**

Provincial Growth Fund announcement, Ōpōtiki

**3 AUGUST 2020**

Ōpōtiki Harbour Project update meeting with MBIE

**4 AUGUST 2020**

Met with University of Waikato Coastal Science Chair, Chris Battershill, and team

**5 AUGUST 2020**

Meeting with Te Arawhiti and Whakatōhea representatives

Councillor/CEO catch up meeting

Met with Tania Tapsell, East Coast National candidate

Bay of Plenty CEs meeting, via Zoom

**6 AUGUST 2020**

SOLGM meeting with CEOs, CFOs and Chief Legal Advisors - re Water Reforms, via Zoom

Met with Area Commander Stuart Nightingale, NZ Police

**7 AUGUST 2020**

Meeting with Apanui Chairs Forum, Te Kaha

**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 approves the underspend of operational budget and additional revenue to help offset the shortfall in the capex budget for the new pound build.
3. That Council approves loan funding of up to \$165,000 to complete the new pound building project.

Aileen Lawrie

**CHIEF EXECUTIVE OFFICER**



**Our Ref:** A208022

Friday 31 July 2020

Ministry for the Environment  
Electronic letter: [AirQualityNESsubmissions@mfe.govt.nz](mailto:AirQualityNESsubmissions@mfe.govt.nz)

To whom it may concern

**OPOTIKI DISTRICT COUNCIL'S SUBMISSION ON PROPOSED AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR AIR QUALITY**

Thank you for the opportunity to provide feedback on the Ministry for the Environment's (MfE) Proposed Amendments to the National Environmental Standards for Air Quality (Particulate Matter and Mercury Emissions).

We provide some background information about the Ōpōtiki district before providing responses to the questions set out in the consultation document.

**BACKGROUND**

The district of Ōpōtiki is located in the Bay of Plenty region on the north-east of the North Island of Aotearoa New Zealand. It is made up of an area of 3105km<sup>2</sup>, accounting for approximately 24% of the land mass of the Bay of Plenty region. It is the second biggest district in the region, second only to Whakatāne (4442km<sup>2</sup>).

The population of the Ōpōtiki district is mostly rural, with just 46% of the population living in urban areas, the lowest of any district in the region and compares against a regional wide average of 84% of the population living in urban areas. Geographically, much of the region – with the exception of urban coastal areas and farmland – is covered by native and exotic forest. The nearest major town to Ōpōtiki is Whakatāne, which is around a forty-minute drive west.

Ōpōtiki district has among the highest levels of deprivation in New Zealand and features at the wrong end of many statistics: unemployment; median household income; benefit numbers; rate of home ownership and health. Of the ratepayer population in New Zealand, residents in Ōpōtiki district have the lowest ability to pay their rates.

Ōpōtiki District Council (Council) supports the overall rationale for the proposed amendments to the NES for air quality (particulate matter and mercury). This submission is structured to respond specifically to the questions asked.

## FEEDBACK

### ***Introduce PM2.5 as the primary regulatory tool to manage particulate matter pollution***

- 1. Do you agree the proposed PM2.5 standards should replace the PM10 standard as the primary standard for managing particulate matter?**

The rationale behind replacing PM10 with PM2.5 is reasonable. However, Ōpōtiki district does not have a gazetted airshed and the two gazetted airsheds are in Rotorua and Mount Maunganui. Therefore, Council does not have any comment to make with regard to what agreed standards on air monitoring should be.

- 2. Do you agreed we should include both a daily and an annual standard for PM2.5?**

As mentioned in question 1, Council does not monitor air quality in the district because this responsibility lies with the regional council, so Council does not have any comment.

- 3. Do you agree the standards should reflect the WHO guidelines?**

With regard to human health, it is reasonable that New Zealand standards should meet WHO guidelines, especially when the evidence shows the health implications for New Zealanders. Council does not monitor air quality and this responsibility lies with the regional council so they are best placed to provide comment.

- 4. Do you consider that your airshed would meet the proposed PM2.5 standards? If not, what emissions sources do you expect to be most problematic?**

As mentioned, Council does not monitor air quality in Ōpōtiki district and this responsibility lies with the regional council.

### ***Retain the PM10 standard with reduced mitigation requirements***

- 5. Do you agree councils should be required to keep monitoring PM10?**

The consultation document outlines the benefits of understanding the quantity of discharge of PM2.5 and PM10 to an airshed. However, Council's concern would be any financial implications for Ōpōtiki ratepayers and making sure these are equitably distributed. As mentioned earlier, Ōpōtiki district residents have the lowest ability to pay their rates. It needs to be ensured that regional councils recover any additional monitoring costs equitably. BOPRC monitors PM10 in Rotorua, Whakatāne and Tauranga. None of the air quality monitoring sites in the Bay of Plenty are in Ōpōtiki district, and none of the air quality monitoring reports produced by the regional council in the past four years mention Ōpōtiki district. It is important to make sure that any new costs of additional monitoring are distributed equitably.

- 6. What would be the additional costs involved in retaining PM10 monitoring alongside PM2.5 monitoring, versus the potential loss of valuable monitoring information?**

Currently, Ōpōtiki district is within the Bay of Plenty airshed and monitoring requirements sit with BOPRC. As mentioned earlier, BOPRC does not have any air quality monitoring stations within Ōpōtiki district, so it is very important for Council that the costs of any additional monitoring is distributed equitably within the region.

### ***Polluted airsheds***

- 7. Do you agree an airshed should be deemed polluted if it exceeds either the annual or the daily PM2.5 standard?**

As mentioned earlier, Ōpōtiki district does not monitor air quality and is not part of a gazetted airshed. The consequences for a deemed polluted airshed sits with the regional council to address and rectify.

8. **If all new resource consent application to discharge PM2.5 into a polluted airshed must be offset or declined, how would this affect your activities, or activities in your region?**

Council's concern would be that because regional council does not monitor air quality in Ōpōtiki district, any future resource consents that could result in the discharge of PM2.5 to the Bay of Plenty airshed within Ōpōtiki district may not be considered equitably, and are assessed against monitoring results that have not ever been gathered from Ōpōtiki district. As Ōpōtiki district grows and develops, it is important to recognise that national environmental standards need to be applied to the country equitably, and recognise the current situation of each district as the Bay of Plenty air quality numbers are not representative of Ōpōtiki district.

9. **Can you identify a more appropriate, measurable threshold for controlling consented discharges in a PM2.5 context?**

As mentioned earlier, PM2.5 is not monitored in Ōpōtiki district. Council does not consent discharges to air.

10. **Do you agree that if councils do not have adequate PM2.5 data, the airshed's classification under the PM10 standards should apply?**

No comment.

#### ***Domestic solid-fuel burner emissions standard***

11. **Do you agree with the proposal to reduce the emissions standard to no more than 1.0g/kg? If not, what do you think the standard should be?**

Council considers that this is a target for the industry to meet. The majority of fuel burners listed on the MfE's *Authorised wood burners* list meet the proposed standard of 1.0g/kg already so this does not seem to be an unreasonable standard.

12. **Are there areas where a lower (more stringent) standard could be applied?**

No comment.

#### ***All domestic solid-fuel burners covered***

13. **Do you agree the new emissions standard should apply to all new domestic, solid-fuel burners newly installed on properties less than two hectares in size?**

Yes.

14. **Do the current methods to measure emissions and thermal efficiency need updating or changing? For example, to address any trade-off between thermal efficiency and emissions, or to test other types of burners or burner modifications that seek to reduce emissions?**

No comment.

#### ***Mercury emissions***

15. **Do you support the proposed amendments to the NESAQ to support ratification of the Minamata Convention on Mercury?**

No comment.

16. **Do you agree with how these amendments will affect industry?**

No comment.

17. **What guidance do you think will be needed to support implementation of the proposed amendments? Will industry need help to interpret the best practice guidance for the New Zealand context?**

No comment.

18. **Do you use any of the manufacturing processes listed in Proposal 9? If so, does this process use mercury?**

No, none of these practices occur within Ōpōtiki district.

**19. Do you agree with the Government's proposed approach to regulate the source categories in Proposal 10? If not, why not?**

No comment.

**20. What air pollution control technologies are currently required for existing source categories listed in Proposal 10?**

No comment.

***Timing, implementation and transitional provisions***

**21. Do you agree that lead-in times are required for starting to monitor PM2.5 and for burners that will no longer be compliant? What lead-in times do you suggest and why?**

BOPRC will be the authority required to monitor PM2.5, so it is for the regional council to comment on appropriate lead-in times.

**22. Are there any matters you think would require transitional provisions? If so, what?**

As mentioned, the regional council is the authority that would comment on any transitional provisions.

***Other comments***

**23. Do you have any other comments you wish to make?**

As mentioned in the answer to Question 8, it is important to recognise that different districts within regional airsheds will have different ambient PM10 and PM2.5 levels. In the Bay of Plenty, there are two gazetted airsheds (Rotorua and Mount Maunganui), and the rest of the region is in the Bay of Plenty regional airshed.

Currently, Bay of Plenty Regional Council does not have an air quality monitoring site in Ōpōtiki district. Further, Ōpōtiki district is not mentioned in the last four annual air monitoring reports produced by the regional council. As Ōpōtiki district has recently been the recipient of several substantial Provincial Growth Fund announcements, central government must ensure that conflicting national interests does not hinder development in Ōpōtiki district. For example, assessing any new discharges to air in Ōpōtiki district against existing data wouldn't be equitable because development in other parts of the region already far outweighs that in Ōpōtiki district, and declining any resource consents based on regional data would be in conflict with the development expected and encouraged by the Provincial Growth Fund.

We reiterate that the proposed amendments to the NES needs to be applied equitably to the Bay of Plenty, and Ōpōtiki district.

Thank you for taking the time to read and consider our submission.

Yours faithfully,



Aileen Lawrie  
**CHIEF EXECUTIVE OFFICER**



**REPORT**

Date : 6 August 2020

To : Ordinary Council Meeting, 25 August 2020

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:**

- 25. Confirmation of In-Committee Minutes – Ordinary Council Meeting 2 June 2020.**
- 26. Minutes – Toi-EDA meeting 10 August 2020.**
- 27. Property Matter.**

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>25.</b>	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 2 June 2020</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>26.</b>	<b>Minutes – Toi-EDA meeting 10 August 2020</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>27.</b>	<b>Property Matter – Verbal Item</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:**

25.	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)
26.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)
27.	Protect the privacy of natural persons Protect information Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)